



BJA Bureau of Justice Assistance Bulletin

Nancy E. Gist, Director

The BJA Firearms Trafficking Program: Demonstrating Effective Strategies To Control Violent Crime

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There is consensus throughout the United States that violence involving firearms has reached epidemic proportions. According to the 1994 Uniform Crime Reports (UCR) compiled by the Federal Bureau of Investigation (FBI), nearly one-third of violent crimes in the United States are firearms related. In 1994, 69.6 percent of UCR-reported murders were firearms related.

In 1994, the Chicago Police Department recovered more than 22,300 firearms used in crimes. That same year, the New York City Police Department (NYPD) recovered more than 13,000 firearms, including 6 automatic weapons, and the Washington, D.C., Metropolitan Police Department recovered 5,886 firearms, of which 2,596 (or 44.1 percent) were used in crimes.

Each year, thousands of firearms are stolen from private citizens, firearms dealers, firearms manufacturers, and interstate shipments. As of July 1994, the National Crime Information Center database has listed more than 2,234,000 stolen firearms. Stolen and illegally obtained firearms are recovered from a wide variety of sources—violent crime scenes, narcotics traffickers, and even from children at schools.

Traffickers play a significant role in making illegal firearms available to those with criminal intent. Firearms trafficking has become a very profitable venture for individuals willing to assume the risk of criminal prosecution in exchange for monetary (or some other) reward. While firearms are most frequently trafficked

within State borders, interstate trafficking is also common along certain corridors. In these cases, firearms traffickers travel to States with lax firearms laws and purchase weapons. They then return to their State of residence and sell, trade, or distribute the firearms to criminal associates for as much as five to six times their original price. Trafficking is also practiced by unscrupulous firearms dealers who knowingly sell firearms to prohibited purchasers, drug dealers, nonresidents, and straw purchasers (individuals who purchase firearms for other individuals who cannot legally possess them).

Although it is difficult to develop a definition of firearms trafficking that encompasses all possible circumstances, firearms trafficking is broadly defined as the acquisition of firearms for the purpose of making them available to criminals or to other people who reside in areas where State and local laws limit the availability of firearms.

Why BJA Created This Program

The Firearms Trafficking Program was created by the Bureau of Justice Assistance (BJA) in fiscal year 1993 to address the firearms trafficking problem in the United States. The program is designed to help State and local governments reduce incidents of violent crime by reducing the availability and illegal trafficking of firearms.

The program currently provides funding support for nine demonstration projects and the Interstate Firearms Trafficking Compact, which are described in this BJA Bulletin.

Program Components

The Firearms Trafficking Program contains four components found by BJA to be effective or promising:

- ❑ Firearms Licensee Compliance Program.
- ❑ Firearms Investigative Task Force Program.
- ❑ Innovative Firearms Program.
- ❑ Interstate Firearms Trafficking Compact.

Program Goals

The goals of the Firearms Trafficking Program are to:

- ❑ Enhance the ability of State and local law enforcement agencies to conduct more comprehensive background investigations of applicants for new or renewal Federal Firearms Licenses (FFLs) and ensure that individuals who obtain FFLs have a legitimate reason for doing so.
- ❑ Identify, target, investigate, and prosecute individuals and dismantle organizations involved in the unlawful use, sale, or acquisition of firearms in violation of State and Federal laws.
- ❑ Reduce the level of firearms-related violent crime in the demonstration sites.

Firearms Licensee Compliance Programs in Oakland and New York City

Firearms licensee compliance programs enhance the ability of State and local law enforcement agencies to conduct more comprehensive background investigations of applicants for new or renewal FFLs. Initiatives in Oakland, California, and New York City are discussed below.

Oakland Police Department, Oakland, California.

The use of firearms in violent crime has increased steadily in Oakland since the early 1990s. For example, the number of firearms used in aggravated assaults increased from 39.8 percent in 1992 to 44.3 percent in 1993, and the number of firearms used in homicides increased from 60 percent in 1982 to 80 percent by 1992. In response, the Oakland Police Department (OPD) joined with the Bureau of Alcohol, Tobacco and Firearms (ATF) to enhance the ability of OPD to conduct more complete and comprehensive background investigations on applicants for new or renewal FFLs and to ensure dealer compliance with local, State, and Federal law. In addition, OPD initiated a firearms trafficking program to reduce the number of illegally purchased firearms and to track and reduce the number of illicit dealers.

The program is operated by the weapons unit and is staffed by one sergeant, two officers, and one clerk.

After a joint review of all local, State, and Federal laws and rules pertaining to the operations of firearms dealers, the city of Oakland began requiring all holders of FFLs to apply for a local police permit. As part of this application process, the firearms dealer is screened to ensure that all proper permits and licenses have been obtained.

In addition, OPD completes a background check of applicants to rule out prior criminal record, ethical breaches, or history of mental illness. Onsite inspections are also conducted in conjunction with a representative from ATF to ensure that the building in which the dealer operates meets the security requirements.

Moreover, OPD created and maintains a database to identify purchasers in multiple firearms sales. This database contains information on dealer reports of sales, purchaser information, data from the BulletProof ballistics computer program, and tracing information. The database is analyzed to determine if individuals are operating as independent dealers and highlights dealers who may be conducting questionable sales.

OPD's licensee compliance program has achieved success in several areas. The unit has reduced the number of firearms licensees from 57 to 7 in the past 2 years. In addition, the unit completed more than 3,000 firearms traces and developed informants and leads that have resulted in the investigation of more than 28 straw purchasers and the arrest and prosecution of 5 straw sales and purchasers.

New York City Police Department, New York City, New York. Under the Federal Firearms License Compliance Program, compliance inspectors from ATF work closely with two officers from the New York City Police Department, forming a task force that investigates and ensures that new and renewal FFL applications comply with local licensing laws.

Prior to this initiative, only 29 of 950 FFLs in New York City were in compliance with local laws. Because many firearms in circulation in the city are supplied by dealers not in compliance with local laws, this project was designed to provide information about the requirement to comply with local laws and to discourage applicants from pursuing FFLs.

New York City's firearms compliance investigations are initiated when ATF receives an application for a new or renewal FFL. A copy of the application is forwarded to NYPD. After a background check of the applicant's criminal history, mental health, and whether he or she

has been issued or has applied for local licenses, the applicant is contacted and informed of local requirements for firearms dealers.

If an applicant does not meet the local licensing requirements and refuses to withdraw the application, the task force meets with the individual to further explain the city's licensing requirements. If the applicant still wishes to proceed, the compliance inspector closes out the case based on noncompliance with local law. Renewal applicants are given 30 days to comply with local licensing requirements before applications are denied. In certain cases, unannounced inspections are conducted by the task force to determine whether licenses should be renewed.

The task force has been effective in discouraging unqualified applicants and reducing the total number of FFLs in New York City. In 1991, there were 952 FFLs. By 1996, that number had been reduced to 259.

Firearms Investigative Task Force Programs in Indiana, North Carolina, Virginia, and West Virginia

Firearms investigative task force programs are 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 or State firearms laws. Programs in Gary, Indiana; Raleigh, North Carolina; Richmond, Virginia; and South Charleston, West Virginia, are discussed below.

Indiana Criminal Justice Institute, Indianapolis, Indiana. Violent crime in Gary, Indiana, is increasing at an alarming rate. In 1995, Gary had one of the highest per capita murder rates 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 further progress. The city's Violent Crime Task Force (VCTF) was funded in June 1994 through a grant to the Indiana Criminal Justice Institute. VCTF combines the resources of local and Federal law enforcement agencies to target, investigate, and prosecute individuals committing violent crimes with firearms in and around Gary. The task force comprises police officers from the Gary, Hammond, Portage, and Lake County police departments in northwest Indiana and ATF special agents assigned to the Merrillville, Indiana, field office.

VCTF has two main objectives. The first is to cut off the flow of firearms to individuals and organizations with criminal intent by targeting the multiple purchas-

ers who supply them. VCTF investigators use data from ATF's Project Lead to identify these potential traffickers and suppliers. The second objective is to identify the five highest crime areas in Gary and target for investigation and prosecution the individuals responsible for a disproportionate amount of violent crime in those neighborhoods.

To measure its success, VCTF monitors the number of weapons seized, investigations opened, and targets arrested on an ongoing basis. Since the grant began, 130 firearms have been seized, 98 investigations have been initiated, and 44 arrests have been made. At the end of the grant, the task force will also track the number of targets convicted and their length of incarceration.

North Carolina State Bureau of Investigation, Raleigh, North Carolina. The goal of the North Carolina Violent Career Criminal Task Force (VCCTF) is to develop a model program targeting violent, predatory criminals and weapons traffickers for arrest and prosecution that can be duplicated in other States. The task force targets groups of violent offenders as well as individual criminals and uses a proactive strategy that brings together intelligence from Federal and local law enforcement authorities to identify active offenders. As often as possible, these targets are charged under Federal statutes and incarcerated in Federal prisons.

The program marshals the resources of six separate task forces operating within North Carolina's three Federal judicial districts. Ten North Carolina State Bureau of Investigation agents, including four criminal analysts, are assigned to VCCTF. These agents rely upon the joint efforts of State and local law enforcement agencies and ATF, as well as prosecutorial authorities in all three U.S. Attorney's offices in North Carolina to conduct investigations and take violent offenders off the streets.

The main objectives of the program are to improve the targeting, investigating, arresting, and convicting of violent felons; improve the ability of law enforcement agencies to engage in proactive investigations; develop better methods of gathering and using investigative information; develop better methods of targeting those supplying weapons to criminals; develop ways of targeting the worst offenders in areas where local police departments are starting community policing; disseminate information and invite other agencies to observe the VCCTF program; and continue to update the VCCTF best practices manual so that other agencies have a guide for replicating the program.

The VCCTF has investigated 905 targets since 1994. Of those targets, 23 are under review to determine if they meet the qualifications for serious violent criminals, 192 are under investigation, 22 are pending arrest, 74 are awaiting prosecution, 368 have been arrested and prosecuted, 26 are pending sentencing, 134 have had their cases closed, and 66 have been rejected.

Virginia Department of State Police, Richmond, Virginia. A Firearms Investigative Task Force (FITF) was created in Richmond in response to evidence that Virginia had become the primary source of guns used in crimes committed in New York City and Washington, D.C., and in response to the growing concern about violent and drug-related crime in Virginia. Composed of five Virginia State Police officers, a support services specialist, and two ATF agents, FITF focuses on individuals involved in interstate firearms trafficking, individuals prohibited by law from purchasing and possessing firearms, and individuals involved in the straw purchase of firearms.

FITF's goal is to identify, investigate, and prosecute members of firearms trafficking enterprises and to stop those operations by improving Federal and State inter-agency coordination. The objectives of the task force are to identify individuals, organizations, and other sources of licensed and unlicensed firearms who facilitate the unlawful use of firearms; target, investigate, and prosecute individuals engaged in interstate firearms trafficking activities and related crimes; and develop and exchange information relating to the unlawful acquisition, interstate trafficking, and use of firearms in violent or criminal activity.

Since the program's creation in 1993, FITF has investigated 1,215 firearms violations, made 431 arrests, obtained 129 convictions (with many still pending in Federal court), seized 397 firearms, coordinated 333 firearms traces, provided assistance to the Virginia Department of State Police and to other State and local agencies, and gathered valuable intelligence on interstate and intrastate illegal firearms violations.

West Virginia State Police, South Charleston, West Virginia. In South Charleston, the West Virginia State Police formed the Firearms Violations Task Force (FVTF) in response to a significant rise in violent crime and illegal firearms trafficking in West Virginia. FVTF comprises personnel from ATF teamed with full-time investigators from the Bureau of Criminal Investigations (BCI), which is the investigation division of the West Virginia State Police. The mission of the task force is to eliminate firearms trafficking and firearms-

related violent crime to the greatest extent possible, given the resources available.

FVTF collects, analyzes, and disseminates criminal intelligence information relating to firearms violations in West Virginia and other jurisdictions and investigates, prosecutes, and incarcerates individuals who traffic illegally in firearms and who commit violent crimes with firearms. In addition, the task force scrutinizes Federal firearms licenses for illegal activity and educates licensees regarding the illegal sale or purchase of firearms.

From April 1994 through June 1996, FVTF made 44 arrests for firearms-related offenses and obtained the conviction of 23 individuals, 10 of whom were sentenced for their crimes. In many cases, prior to the creation of the task force, these offenders likely would not have been prosecuted due to staffing shortages, ignorance of the Federal statutes, and a variety of other factors.

Innovative Firearms Programs in Santa Ana, Chicago, and New Orleans

Innovative firearms programs are designed to help State and local jurisdictions develop and implement innovative strategies to control illicit firearms trafficking. Promising programs in Santa Ana, California, Chicago, Illinois, and New Orleans, Louisiana, are described in this section.

City of Santa Ana Police Department, Santa Ana, California. The Santa Ana Police Department (SAPD) initiated the city's firearms trafficking program to reduce the number of illegitimate FFLs in Santa Ana, ensure that those who do obtain or retain licenses have a legitimate reason for doing so, and reduce the level of firearms-related violent crime in the city. Four personnel, two from SAPD and two from ATF, were assigned to the program.

The objectives of the program are to decrease the availability of firearms to criminals, trace the source of firearms taken from criminals, interdict firearms traffickers both within and outside the city and county limits, reduce the number of illegal FFLs, inspect FFL locations, and revoke FFLs not in compliance with the law.

To achieve these objectives, program staff analyze data on firearms used in felony assaults, investigate multiple handgun purchasers, and contact noncompliant FFLs to examine records and demand compliance with city, State, and Federal regulations. In addition, to assist in these activities, project staff have developed a computer program to store and retrieve firearms data gathered during firearms investigations. The investigations of

suspected firearms traffickers involve contacting and working with agencies outside the county and State where trafficking to or from Santa Ana is known, identifying straw purchasers, and developing contacts with informants.

From January through September 1996, the program resulted in 18 arrests for trafficking, 10 convictions, 25 weapons seized, and 23 weapons covertly purchased from illegal traffickers. The team is also responsible for disposing of firearms seized by the police department. Of the 1,285 weapons seized, 66 were held as evidence, 91 were returned to their owners, 284 were traced to determine their source, 451 were destroyed, and 393 were referred to the Drugfire program, a firearms identification program operated by the FBI.

Illinois State Police, Chicago, Illinois. In 1996, the Illinois State Police developed a multijurisdictional firearms trafficking task force to address the illegal sale, possession, and use of firearms and the homicides, random shootings, and violence that offenders perpetrate through the use of these weapons. Members of the task force were selected from the ATF Chicago field office and include an officer and an analyst from the Illinois State Police, two officers from the Cook County Sheriff's Department, and a prosecutor from the Illinois Attorney General's office.

The goals of the program are to reduce the number of illegitimate FFLs and the amount of firearms-related violent crime in northeast Illinois. The program involves monitoring the number of FFLs and FFL applications to ensure that those obtaining licenses meet the legal requirements, conducting background investigations on both initial FFL applications and renewals, targeting 50 offenders who have violated local firearms programs regulations, seeking Federal prosecution when Federal violations are identified, identifying individuals making straw purchases, and targeting suppliers who illegally transport firearms both into and among counties in northeast Illinois.

The following strategies are being employed by the task force: undercover purchases of firearms from street-level offenders and dealers to identify violators; investigations of individuals who either bypass the checks built into the Firearm Owners Identification (FOID) screening process or illegally obtain an FOID card or a revoked FOID card; and review of gun store and dealer records to uncover individuals who appear to be making straw purchases.

The program's results are not yet available. It is anticipated that task force efforts will reduce the number of

FFLs and illegal firearms dealers, reduce the flow of firearms into and out of the area, seize more firearms, and reduce the level of firearm-related crime in targeted communities of northeast Illinois.

New Orleans Police Department, New Orleans, Louisiana. The New Orleans Gun Trafficking Task Force was created to reduce the incidence of firearms-related crime in the New Orleans metropolitan area. The project is designed to reduce the availability of guns used in violent crimes, implement strategies to better scrutinize and ensure compliance with FFL regulations, develop an illegal-firearms-source tracking capability, and coordinate with ATF to investigate sources of illicit guns used in crimes. The task force is composed of two detectives from the New Orleans Police Department who work with two ATF agents.

To accomplish these goals, several strategies have been implemented. They include developing a technology-based intelligence system to model the availability of guns in New Orleans; targeting high-probability noncompliant licensees and illegal gun source targets; responding to trafficking and firearms-related violence using the SARA (survey, analyze, respond, and assess) problem-oriented policing approach; and assessing, using a baseline survey, a model to track changes in gun availability within the region that will help the task force more effectively target its initiatives. Specific activities carried out by the task force include tracing firearms, scrutinizing licensees, educating the community, initiating undercover and stop-and-frisk activities, and analyzing Project Lead data.

From April through September 1996, the task force confiscated 1,277 weapons and submitted documentation to the ATF National Tracing Center. For those weapons, 583 trace forms were returned to task force detectives for followup—355 cases were investigated and 228 are still under investigation. As a result of the investigations, 22 subjects have been charged with Federal firearms offenses and 9 have been charged with State offenses.

Interstate Firearms Trafficking Compact

The Interstate Firearms Trafficking Compact (Compact) is a BJA-funded "train-the-trainers" program to provide training in 14 States and the District of Columbia. The program curriculum was developed jointly by Police Executive Research Forum (PERF) staff, ATF Training Division and ATF National Tracing Center staff, Compact representatives, and BJA program staff.

Coordinated by PERF in concert with Compact representatives, the U.S. Attorney's office(s), and the ATF field offices in each participating State, the program provides police trainers with a curriculum to train local law enforcement officers about the benefits and techniques involved in conducting firearms traces. It also helps officers better understand and use Federal and

State firearms laws and local ordinances as well as firearms investigative procedures. By implementing these approaches, local law enforcement officers will be better equipped to investigate and trace firearms used in crimes and reduce and eliminate sources of illegal firearms.

Related Publications and Videotapes

PUBLICATIONS

Illegal Firearms: Access and Use by Arrestee. 1997. National Institute of Justice, Research in Brief. Available from the National Criminal Justice Reference Service (1-800-851-3420).

Ask for NCJ 163496.

Presale Firearm Checks: A National Estimate. 1996. Bureau of Justice Statistics. Available from the National Criminal Justice Reference Service (1-800-851-3420). Ask for NCJ 162787.

Reducing Gun Violence—What Communities Can Do. 1996. Available from the National Crime Prevention Council, 1700 K Street NW., Second Floor, Washington, DC 20006 (202-466-6272).

Under Fire: Gun Buy-Backs, Exchanges and Amnesty Programs. 1996. Edited by Martha R. Plotkin. Available from the Police Executive Research Forum (202-466-7820). Product #805.

Gun Control: A Reference Handbook. 1995. Earl R. Kruschke. Available from ABC-CLIO, Inc., P.O. Box 1911, Santa Barbara, CA 93116-1911 (805-968-1911).

Firearms and Violence. 1994. National Institute of Justice, Research in Brief. Available from the National Criminal Justice Reference Service (1-800-851-3420). Ask for NCJ 145533.

VIDEOTAPES

Juvenile Gun Violence and Gun Markets in Boston. 1996. Presentation by David Kennedy. National Institute of Justice, Research in Progress. Available from the National Criminal Justice Reference Service (1-800-851-3420). Ask for NCJ 160766.

Monitoring the Illegal Firearms Market. 1995. Presentation by Scott H. Decker and Susan Pennell. National Institute of Justice, Research in Progress. Available from the National Criminal Justice Reference Service (1-800-851-3420). Ask for NCJ 153850.

Reducing Gun Violence: Community Policing Against Gun Crime. 1995. Presentation by Lawrence W. Sherman. National Institute of Justice, Research in Progress. Available from the National Criminal Justice Reference Service (1-800-851-3420). Ask for NCJ 153730.

Youth Violence, Guns, and Illicit Drug Markets. 1994. Presentation by Alfred Blumstein. National Institute of Justice, Research in Progress. Available from the National Criminal Justice Reference Service (1-800-851-3420). Ask for NCJ 152235.

For More Information

A variety of publications and materials on Federal, State, and local programs to prevent and stop illegal firearms trafficking are available from the Bureau of Justice Assistance and the Police Executive Research Forum. For more information, contact these offices:

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