

CRIME GUN TRACING IN THE EAST BAY: DEFINITION, PROBLEMS & RECOMMENDATIONS

Research has shown that in California, the illegal firearms market tends to be a local problem of undocumented street level transfers. Guns tend to move from the legal market to the illegal market within the same region. A survey of tracing practices of 36 local law enforcement agencies in Alameda and Contra Costa counties conducted in 2001 revealed barriers to their becoming more involved in shutting down the flow of guns into their communities. However, analysis of current state law and federal guidelines reveals that current policy does not address the manner in which gun trace information is to flow back to local agencies, nor does existing policy provide direction or resources for how tracing information could be utilized to step up gun trafficking enforcement. This information was presented to the Alameda County Police Chief's Association November 13, 2003.

GOAL:

Improve tracing efforts to reduce illegal gun trafficking and prevent the increase of gun-related violence:

- ◆ increase communication among local, state and federal officials;
- ◆ increase coordination within agencies and between agencies; and
- ◆ implement recommendations to address systems' gaps.

DEFINITION:

Gun tracing is an efficient crime-fighting tool, which allows local law enforcement to make more efficient use of limited resources. A **successful trace** on a recovered crime gun identifies the manufacturer, the Federal Firearm Licensed (FFL) dealer(s) involved in its sale(s), and initial and subsequent purchaser information. Crime gun tracing aides law enforcement officials in identifying suspects involved in criminal violations, establishing stolen status, and proving ownership¹, and overall interrupting the illegal gun market. Positive Examples of Tracing Programs: Richmond, CA Stockton, CA Tampa, Fla Richmond, VA Patterson, NJ

PROCESS AND PROBLEMS:

Local law enforcement is able to initiate a trace through the state and federal government:

1. The State of California Department of Justice manages the automated firearm system (AFS). This is an electronic database which compiles information from Dealer Record of Sale (DROS) forms. It provides information on legal sales that take place within the state. Local law enforcement must enter the manufacturer, model, caliber, and serial number into the system, which may then display information on the city, state and local jurisdiction of where the firearm sale took place (not the dealer's name and address) the date of the firearm sale and the purchaser's information. AFS provides a link to the FBI's National Crime Information Center, (NCIC) which catalogs guns that have been voluntarily reported as lost or stolen. (There are very few guns listed in this database.)

State law requires the tracing of all crime guns recovered in California. Assembly Bill 2011 (Hertzberg, 1998, Chapter 911) mandates that local law enforcement report "crime" guns to the State Department of Justice with all available information necessary to identify and trace the history of that firearm. As of 1/1/02, per AB 2011, an electronic connection is

supposed to send firearm information entered into AFS by local law enforcement agencies directly to the Bureau of Alcohol, Tobacco, and Firearms (ATF) to initiate a federal trace, so that local law enforcement only has to enter information once, into the state system only.

Problems with state AFS system identified by local law enforcement agencies:

- *DOJ software has not been updated to make entry more efficient.*
- *The connection (between AFS and ATF) has not yet been established (ch.911), necessitating local law enforcement to continue to enter information multiple times.*
- *Nothing was written in AB 2011 regarding allowing local law enforcement to access information revealed by traces or how this information would flow back to local law enforcement, thus providing less incentive to initiate traces.*
- *If the telecommunication system which AFS is a part of (CLETS) were modified to be like other programs (Megan's Law) then local law enforcement could manage the data themselves and initiate free-form queries.*
- *Data collection division of DOJ and firearms division do not communicate effectively.*
- *Legislative report mandated by AB2011 regarding California's current crime gun tracing capacity (PC 11108) not completed.*

2. The Federal Bureau of Alcohol, Tobacco, and Firearms

Local law enforcement agency may request that the Bureau of Alcohol, Tobacco, and Firearms (ATF) initiate a federal (investigative) trace on a firearmⁱⁱ using their National Tracing Center, which relies on information from Federal Firearms License (FFL) records. ATF requires that local law enforcement provide the firearm, correct manufacturer, model, caliber, serial number, and importer, where relevant. ***Currently, the federal trace is still initiated separately from the state's tracing process.***

ATF utilizes an automated firearms trafficking information system called Project LEAD. LEAD assembles data gathered from crime gun traces and multiple purchase information. Project LEAD is useful in analyzing recurring patterns of illegal firearm suppliers. The International Association of Chiefs of Police recommends that local law enforcement agencies trace all recovered crime guns through ATF and utilize Project LEAD, although survey results indicated that few local law enforcement agencies utilize Project LEAD.ⁱⁱⁱ

Problems with ATF system identified by local law enforcement:

- *Trace information goes back to the individual requestor and generally is not stored locally in one central database, hindering the effort to identify patterns and trends.*
- *Local Law Enforcement cannot get information back directly from LEAD (it cannot run free-form queries). If there is no close partnership with ATF there is often a time lag in the response from ATF; data often has to be submitted twice.*
- *Information has to be entered separately from DOJ.*

Local problems with tracing identified by local law enforcement:

- *Lack of ability to track, store, and analyze crime gun information*
- *Lack of local record management systems*
- *Lack of staff familiarity with computer based systems and internal protocols regarding reporting information about crime guns which can result in improper entry of crime gun information*

Recommendations for Local Law Enforcement

Set up a task force with time line to:

- ◆ Streamline ATF & DOJ to process for local law enforcement.
- ◆ Designate key personnel who are responsible for examining all recovered firearms and entering data in line with the descriptive information requirements of local, state and federal firearm tracing processes, ideally through in-house records management system. (Use in-house property section for coordinate tracing efforts.)
- ◆ Maintain in-house firearm information databases and produce regular reports, which analyze patterns in juvenile firearm acquisition and other trends useful in planning strategic resource deployment and intervention efforts.
- ◆ Monitor implementation of solutions to problems identified by survey results in this report.

To accomplish the above, convene a working group composed of police overseeing gun tracing efforts in selected cities (e.g. Oakland, Richmond, Stockton, San Leandro, Hayward, Alameda, Berkeley), representatives of ATF and CA DOJ, representatives of the offices of Sen. Perata, Torlakson, Assemblymembers Hancock, Chan, and Corbett, Mayor Brown and Councilmember Henry Chang, Oakland; and representatives of the Million Mom March, Physicians for a Violence Free Society, Youth ALIVE!, the Educational Fund to Stop Gun Violence, Americans for Gun Safety Foundation, and the Khadafy Foundation to improve effectiveness of tracing efforts.

Material for this memo was compiled from (in addition to footnotes below) “The Supply and Demand for Juvenile Guns in Oakland: Results of Oakland Gun Tracing Study” (1999) and the results of the 2001 Youth ALIVE! East Bay Public Safety Corridor Partnership Gun Tracing Survey.

Footnotes

¹ Bentsen, L. (1994) The National Tracing Center, Washington, DC: U.S. Department of the Treasury. Originally cited in OJJDP report (1999). Promising strategies to reduce gun violence. Washington, DC: U.S. Department of Justice.

² Bureau of Alcohol, Tobacco, and Firearms (2000). Youth Crime Gun Interdiction Initiative Report. The National Tracing Center, Washington, DC: U.S. Department of the Treasury. www.atf.treas.gov

³ In addition, all records relating to firearm sales that occurred prior to 1980 are kept off line at the Bureau of Criminal Information and Analysis.

⁴ The Oakland Gun Tracing Committee found that only 18% of firearms recovered from juvenile-related crimes and incidences in 1998 and 1999 were immediately traceable by the Oakland Police Department through AFS; an additional 38% were traced through ATF.

⁵ The International Association of Chiefs of Police. Crime gun interdiction: As simple as 1-2-3. www.theiacp.org/proffassist/guns.html