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# National Integrated Firearms Violence Reduction Strategy



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## EXECUTIVE SUMMARY

We have begun to stem the tide of gun violence that afflicts this country. Between 1992 and 1998, violent crime with firearms fell 35 percent and gun-related homicides declined 36 percent. According to national crime victimization surveys, the number of crimes committed with handguns fell over 50 percent between 1993 and 1998—more than twice the drop in other violent crimes. Firearms deaths of children declined 10 percent between 1997 and 1998 alone. Nevertheless, we are a long way from ridding America of the scourge of firearms violence. As a nation, we can and must do much more.

### **President Clinton's Directive of March 20, 1999**

In response to the continuing problem of gun violence, on March 20, 1999, President Clinton called for the development of a National Integrated Firearms Violence Reduction Strategy (the National Strategy). The President directed the Secretary of the Treasury and the Attorney General to build upon the proven tactics and innovative approaches that have been working to reduce gun violence all across this country in recent years. Because gun violence issues differ in each community and no single program or approach will be right for every community, the President asked that the Attorney General and the Treasury Secretary consult closely with U.S. Attorneys and Bureau of Alcohol, Tobacco, and Firearms (ATF) Field Division Directors, as well as other federal, state, and local law enforcement, elected officials, and other leaders in formulating the National Strategy. This document presents what we have done, and what more we must do, to combat firearms crime and violence.

### **Gun Violence: A National Tragedy**

Despite significant progress, gun violence remains a national tragedy. In 1998, the most recent year for which statistics are available, 30,708 people died from gun-related injuries in this country, and over one-third of a million violent crimes were committed with firearms. Every day, on average, 84 people—including 10 children—are shot and killed in the United States. In the last two years alone, more American civilians died from gunfire than all of the American soldiers killed during the nine years of the Vietnam War. And for each fatal firearms injury, there were nearly three non-fatal injuries.

The carnage caused by guns in the United States is unique among developed nations. Children under age 15 are murdered with guns in our country at a rate *16 times higher* than in the 25 other wealthiest industrialized countries *combined*. Firearms injuries are the eighth leading cause of death in the United States, and a leading cause of injury-related death. The economic impact of this violence is staggering. The medical costs of gun injuries have been estimated to exceed \$2 billion each year, and work loss costs have been estimated at \$20 billion or more per year.

In the last few years, a succession of widely-reported shootings scared the national consciousness. Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon—these names became part of a litany of public grief and outrage that grew to unprecedented proportions after the shootings at Columbine High School in Littleton, Colorado, in April of 1999. America has recently witnessed multiple shootings at schools in Conyers, Georgia, and Muskogee County, Oklahoma; at a Jewish Community Center Day Camp in Los Angeles, California; at workplaces in Atlanta, Georgia, Seattle, Washington, and Honolulu, Hawaii; at an apartment complex in Lincoln Park, Michigan; at a recreation center in Peoria, Arizona; at a Baptist Church in Fort Worth, Texas; outside two fast-food restaurants in Pittsburgh, Pennsylvania, and in a suburb of Memphis, Tennessee. A one man shooting rampage, apparently motivated by racial hatred, occurred in Illinois and Indiana, and a series of gun murders precipitated by domestic violence terrorized communities in Maryland. In February of last year, a 6-year-old boy brought a handgun to school and shot and killed his classmate, a 6-year-old girl. Last April, a 16-year-old shot seven other children at the National Zoo in Washington, D.C. And in last June, a 13-year-old honor student shot and killed a Florida middle school teacher. Clearly, despite the overall decrease in gun crime and violence in recent years, the level of gun violence in our society remains unacceptably high.

#### **Aggressively Attacking Gun Violence**

Since 1993, the Clinton Administration has used a comprehensive approach to stop violent crime that addresses both the causes and consequences of crime. We have:

- funded more than 100,000 new community police officers;
- increased assistance to state and local law enforcement by nearly 300 percent;
- imposed tough punishment for violent offenses;
- developed strategic collaborations among federal, state, local, and tribal law enforcement;
- created new programs to reduce domestic violence and drug-related violent crimes;
- developed, promoted and instituted promising prevention and intervention strategies to reduce the occurrence of crime, including a wide variety of community-based crime prevention programs for youth; and
- supported state and local services and programs for victims of violent crime.

This comprehensive approach has contributed significantly to reducing overall crime rates to their lowest levels in a generation.

Applying this approach specifically to gun violence, we have actively promoted federal, state, and local efforts to address each link in the chain of gun violence—illegal sale, acquisition, possession, and use of firearms. And we have sought to address both the underlying causes of gun violence, and its consequences. We have recognized that to reduce gun violence, we must not only effectively punish the armed offender, but we must do more to prevent gun crimes in the first place by addressing the ease with which criminals and unauthorized juveniles get guns.

- Using the landmark Brady Act, we have prevented more than 611,000 felons and other prohibited persons from acquiring firearms from federally licensed gun dealers.
- Under the 1994 Violent Crime Control and Law Enforcement Act, we have prevented the sale of some weapons, including semi-automatic assault weapons, that have no legitimate civilian use.
- We have developed new enforcement techniques to target the illegal market in firearms, including introducing comprehensive crime gun tracing in 38 cities around the country through the Youth Crime Gun Interdiction Initiative (YCGII).
- We have targeted the most serious, violent, and chronic gun offenders, increasing the number of firearms offenders sentenced to more than five years in federal prison by more than 40 percent between 1992 and 1999, and increasing the average sentence length for federal firearms offenders by nearly two years.
- By enhancing our collaboration with state, local, and tribal law enforcement to leverage federal resources and ensure that gun criminals are vigorously prosecuted, we have increased the number of combined federal and state weapons convictions 22 percent.

Our National Strategy builds on these efforts and identifies the actions we should, and must, now take to further reduce gun violence.

### **Fundamentals of the National Strategy**

To help develop the National Strategy, the Attorney General and the Treasury Secretary asked the U.S. Attorneys and ATF Field Division Directors jointly to create coordinated local gun violence reduction strategies in each of the federal judicial districts across the United States. These district plans, summarized in Appendix A, embody ongoing efforts, innovative initiatives, and best practices, and represent a cornerstone of our National Strategy. They have been developed to respond to the particular gun violence problems facing local communities, and are critical to our efforts to further reduce gun crime.

Each of the district plans, like the overarching National Strategy of which they are a part, involves extensive collaboration between federal, state and local criminal justice agencies to combat and prevent gun crime and violence. Each uses information and technology to identify and understand particular gun violence problems and target resources for greatest impact. And each relies on a comprehensive approach that attacks all the components of gun violence—illegal sale, acquisition, possession, and use of firearms—and addresses the needs of gun violence victims.

Vigorous law enforcement is an essential part of every district plan. Each of the districts has worked to identify the specific gun violence problems in its community, and has developed a strategy to apply the available legal tools most effectively to reduce those problems. Gun violence in many American communities is intimately tied to drug trafficking or gang activity. In other communities, gun violence is primarily connected to domestic violence. The districts have developed customized approaches to tackle these pervasive problems, including interventions designed to punish and deter gang members who illegally possess firearms or use them in criminal activities, shut down drug traffickers, and use tough federal laws prohibiting gun possession by those convicted of domestic violence or subject to domestic violence restraining orders to prevent gun violence by domestic abusers.

Through strategic collaboration between law enforcement authorities, the districts use the most appropriate law--federal, state or local--to assure that gun criminals are effectively punished and that gun crime is reduced. Jurisdictions with tough state laws and an aggressive approach to prosecutions allow federal prosecutions to focus on firearms crimes that are uniquely federal, or to fill gaps in state law to ensure that violent criminals face the toughest prosecutions and sentences available. In other jurisdictions, where state law is inadequate or state enforcement is weak, federal prosecutions of offenses for which there is overlapping federal and state jurisdiction may be necessary to target violent individuals, at least until state laws or enforcement efforts become more rigorous. In many jurisdictions, intensive federal prosecution is being used to galvanize the community's efforts to address violent gun crime. Each district is committed to continuing its focus on gun crime and violence and will continually adjust its strategy in light of the impact of its enforcement and prevention efforts and the changing nature of firearms-related violence in its communities.

### **The National Strategy**

Guided by the practices and principles embodied in the district plans, and by our experience in fighting crime and reducing gun violence over the last eight years, our National Strategy lays out an aggressive and integrated six-part approach to continue and expand our fight against firearms violence. The Strategy builds on the many anti-crime initiatives that we have developed and supported throughout this Administration, and continues our commitment to vigorously enforce existing federal firearms laws. It includes vigorous enforcement against armed criminals, and against the criminal behind the armed criminal--the firearms trafficker--and identifies important measures to enhance enforcement. It acknowledges the central role that state

and local law enforcement play in the fight against violent crime in America, and combines effective enforcement with potent intervention and prevention.

Many of the elements of our National Strategy rely heavily upon the efforts of law enforcement, but as the Strategy makes clear, all parts of our society must help reduce gun crime and violence. Gun owners, gun makers, parents, concerned citizens, and the Congress all have important roles to play, and our Strategy identifies specific ways in which their participation is critical to the final success of this endeavor.

Specifically, the National Strategy calls for us to work together to:

- (1) vigorously investigate and prosecute those who illegally possess or misuse guns to commit crimes;
- (2) break the cycle of violence that grips many in our communities through innovative, data-driven initiatives that enforce all available laws to deter and punish violent offenders, and provide chronic violent offenders and at-risk individuals and their families with social services, treatment, education and employment programs, and incentives and opportunities to live nonviolent, law-abiding lives;
- (3) enforce all available regulatory and criminal laws to combat illegal trafficking of firearms and keep guns out of the wrong hands;
- (4) invest in information systems and technology that make firearms-related law enforcement significantly more productive;
- (5) prevent gun accidents and suicides, including through support for national and local media and public education campaigns to inform parents, and gun owners about safe gun handling and storage and the federal gun laws; and
- (6) enact new laws to keep guns out of the wrong hands, crack down on illegal trafficking in guns, and prevent gun accidents and suicides, and impose tougher penalties on those who violate federal firearms laws.

A few of the most significant measures called for in our National Strategy are described below, along with the increased federal funding that will be required to achieve these goals. To support the National Strategy, the President's gun enforcement budget sought \$280 million for FY 2001--the largest national gun enforcement initiative in U.S. history.

***Intensive Prosecution of Armed Criminals.*** The district plans all involve intensive investigation and prosecution efforts to combat firearms crime. Where appropriate, the National Strategy calls for heightened federal-state collaborative enforcement of gun laws through

programs such as Richmond, Virginia's *Project Exile*, which used vigorous enforcement of the federal firearms laws and a public education campaign to deter violent felons from possessing guns on the streets of Richmond, contributing to a 30 percent reduction in homicides between 1997 and 1998.

To enhance and support our efforts to strictly enforce our firearms laws, the Administration's FY 2001 budget sought \$15 million to hire 100 additional federal prosecutors and support staff, and \$150 million to provide grants to state and local authorities to hire 1,000 local prosecutors to prosecute gun-related crime. It also sought funding for 300 new ATF agents.

**Targeted Deterrence.** One of the most promising and innovative new enforcement strategies in recent years is "targeted deterrence," developed in Boston as part of *Operation Ceasefire*. This approach led to a 73 percent decline in murders in Boston between 1995 and 1999, and has produced similar reductions in several other communities.

Targeted deterrence is a data-driven, problem-solving, collaborative approach that intervenes with chronic violent offenders and at-risk individuals to deter further violence. It ensures swift, certain, and severe punishment of perpetrators of gun or other serious violence. By "pulling" a wide variety of "levers" available to different law enforcement agencies, targeted deterrence provides incentives and opportunities for chronic offenders and at-risk individuals to live law-abiding, nonviolent lives.

Our National Strategy calls for expanding targeted deterrence and other problem-solving approaches as an efficient and effective means to reduce gun violence. To accomplish this, the Administration's FY 2001 budget sought funding to hire 20 strategic enforcement teams for U.S. Attorney's Offices. These teams will lead community efforts to collect and analyze gun crime data; target offenders and offending groups for intervention; and develop and implement targeted deterrence strategies.

**Anti-Trafficking Enforcement.** Targeting the illegal supply of firearms under current law has two critical components: (1) ensuring that felons, fugitives, domestic violence offenders and others prohibited by law from possessing guns cannot buy them on the regulated legal market, and (2) preventing and prosecuting illegal gun trafficking that diverts guns from the legal market to the illegal market.

To keep prohibited persons from acquiring guns from licensed gun dealers, we will continue vigorously to enforce the Brady Act. Over 70 percent of Brady Act background checks conducted by the FBI under the National Instant Criminal Background Check System (NICS) are completed within seconds, and approximately 95 percent are completed within two hours. To assure that Brady background checks are as thorough and quick as possible, we are working to improve the entry of relevant information into law enforcement databases accessible during a NICS background check. To this end, the President's FY 2001 budget sought \$70 million—

double the current funding level—to improve state criminal history records and therefore enhance the speed and accuracy of Brady background checks.

We will also continue to develop and implement enforcement efforts to prevent the diversion of guns to the illegal market. In particular, we will continue to develop our ability to use crime gun tracing, ballistics imaging, and traditional law enforcement methods to focus systematic law enforcement attention on firearms trafficking to criminals and juveniles. In addition to enhanced funding for firearms prosecutors and agents, the President's FY 2001 budget sought funding to hire 200 new ATF inspectors, who are essential to advance these efforts.

To enhance national enforcement coordination and oversight, the Departments of Justice and Treasury formed a joint firearms enforcement coordination working group, composed of representatives from each agency. This team helps to: monitor and address cross-district, interstate and regional firearms violence and trafficking problems; identify particular high risk firearms trafficking and/or firearms violence areas and trends nationwide and help target resources to these areas for coordinated enforcement and prevention efforts; promote innovative law enforcement strategies and best practices; and support the development and deployment of advanced crime fighting technologies, such as ballistics identification, crime gun tracing, and information systems.

*Crime Gun Mapping, Ballistics, and Other Law Enforcement Technology.* Rapid advances in technology and computer-based information systems have begun to revolutionize our efforts to reduce firearms violence. Crime gun tracing and analysis and crime mapping provide powerful new tools that help us investigate and prosecute firearms traffickers and violent offenders, and target law enforcement to violent crime "hot spots" where firearms violence and trafficking disproportionately take place. Computerized ballistics imaging can help law enforcement identify a shooter and trace a crime gun, even where the gun itself is not recovered. Our enforcement strategy calls for supporting and implementing the widespread use of evolving technologies and data systems by federal, state and local law enforcement authorities. To help us accomplish these goals, we sought \$26.3 million in FY 2001 to develop and deploy the National Integrated Ballistics Information Network (NIBIN), and \$9 million to expand the firearms tracing system.

*Gun Safety Measures.* Guns are inherently dangerous consumer products, and we must treat them as such at every step in the distribution chain, from manufacturer to dealer to consumer. Gun owners, the firearms industry, parents, schools, the public health community and community leaders all must work to make firearms safety a top priority. In 1998 alone, firearms accidents killed 866 people—nearly one third of them age 19 or under. Suicide is responsible for more than half of all firearms-related deaths; in 1998, 17,424 people committed suicide with guns.

To reduce gun violence and improve gun safety in homes and communities, the Departments of Justice and the Treasury are working, and will continue to work, with state and local governments and other partners to help develop local and national enforcement and public safety media campaigns. We are also working to enhance our communities' understanding of the causes of suicide, as well as to reduce the incidence of domestic violence.

The firearms industry must do much more to help solve our country's firearms violence problem. Each gun manufacturer and distributor must do a better job of policing its own distribution chain to reduce the illegal supply of guns and keep them from falling into the hands of criminals, unauthorized juveniles, and other prohibited persons. And the industry must do much more to ensure that firearms are transferred only to persons who have the knowledge and experience to handle them safely. The firearms industry also must do everything it can to design its products to be as safe as reasonably possible. We are actively encouraging firearms manufacturers to voluntarily improve their distribution controls, incorporate existing safety devices on their firearms, and devote significant resources to developing new safety devices and technologies to prevent accidental shootings. For example, we are seeking to put "smart" or "personalized" gun technologies—technologies that prevent guns from being fired by anyone other than the authorized users—on the fast track for development, and asked for \$10 million in FY 2001 to help accomplish this goal.

#### **Closing the Loopholes in the Federal Firearms Laws**

Even with adequate resources and aggressive use of all the tools currently available to us, however, major gaps and deficiencies in the federal firearms laws prevent us from achieving all that we must. The effectiveness of any National Strategy will be needlessly limited unless and until Congress acts: (i) to close the loopholes in the federal firearms laws that allow criminals and other prohibited persons to purchase thousands of guns each year; (ii) to reduce illegal trafficking in firearms; (iii) to create a system that treats firearms as lethal weapons by requiring that purchasers have a certain level of maturity and competence; and (iv) to provide tougher penalties for those who misuse or traffic guns. Our Strategy sets forth crucial legislative proposals in each area. Key measures would:

- ***Begin to address the secondary market by closing the gun show loophole*** and requiring that all firearms transactions at guns shows go through federally licensed gun dealers and are subject to Brady Act background checks and gun dealer recordkeeping requirements, thereby bolstering our ability to keep guns out of the wrong hands and trace guns used in crimes.
- ***Limit individual firearms purchases to one handgun a month***, thereby preventing traffickers from acquiring large quantities of firearms to resell to criminals, unauthorized juveniles, and other prohibited persons.

- *License handgun purchasers* to assure that they have adequate gun safety training before being permitted to buy a handgun, and have passed a Brady background check at the time of licensing.
- *Strengthen criminal penalties* for armed career criminals; major traffickers; serious FFL recordkeeping violations that facilitate gun trafficking; transferring handguns to unauthorized juveniles; and for juveniles who unlawfully possess handguns.

\* \* \* \* \*

America's gun violence problem has many dimensions. The problem will not be solved through any one approach, by any one branch of government or by any one segment of society. Gun violence is a complex criminal justice and public health problem, and can only be addressed through a coordinated, multi-faceted approach like that set forth in this National Strategy. Together, we can move much closer toward eliminating the scourge of gun violence from this country, but it will take commitment, cooperation, resources, and political will.

## INTRODUCTION

America is at a critical point in its effort to reduce crime and gun violence. In the last eight years, the Clinton Administration's crime fighting efforts have begun to stem the tide of gun violence in this country. Between 1992 and 1998, violent crime with firearms fell 35 percent and gun-related homicides declined 36 percent. Robbery with firearms and aggravated assaults with firearms also dropped 37 percent and 34 percent, respectively.

Despite this significant progress, the number of firearms-related deaths and injuries in America remains intolerably high. In 1998, the most recent year for which statistics are available, 30,708 people died from gun-related injuries. Indeed, on average, 84 people—including ten children—are shot and killed *every day* in this country. In the past two years alone, more American civilians died from gunfire than all of the American soldiers killed during the nine years of the Vietnam War. And for each fatal firearms injury, there were nearly three non-fatal injuries.

The carnage caused by guns in the United States is unique among developed nations. The rate at which children under 15 years of age are murdered with guns in our country is 16 times higher than in the 25 other wealthiest industrialized countries *combined*.<sup>1</sup> In 1998, over one-third of a million violent crimes were committed with firearms. Firearms injuries are the eighth leading cause of death in the United States, and a leading cause of injury-related death. The economic impact of this violence is staggering. The medical costs of gun-related fatalities and injuries are estimated to exceed \$2 billion each year. In addition, work loss costs are estimated at \$20 billion or more per year.

The terrible reality behind these statistics was brought home to the Nation by a succession of widely-reported shootings between 1998 and 2000. Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon—these names became part of a litany of public grief and outrage that grew to unprecedented proportions after the shooting at Columbine High School in Littleton Colorado, in April 1999. Americans have recently witnessed multiple shootings at schools in Conyers, Georgia, and Muskogee County, Oklahoma; at a Jewish Community Center Day Camp in Los Angeles, California; at workplaces in Atlanta, Georgia, Seattle, Washington, and Honolulu, Hawaii; at an apartment complex in Lincoln Park, Michigan; at a recreation center in Peoria, Arizona; at a Baptist Church in Fort Worth, Texas; outside two fast-food restaurants in Pittsburgh, Pennsylvania, and in a suburb of Memphis, Tennessee. In addition to these horrific events, a one-man shooting rampage, apparently motivated by race-hatred, occurred in Illinois and Indiana, a series of gun murders apparently precipitated by domestic violence occurred in Maryland and several planned "Columbine-copycat" school shootings were detected and prevented. In February of last year, a 6-year-old boy brought a handgun to school and shot and killed his classmate, a 6-year-old girl. Last April, a 16-year-old shot seven others at the National

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<sup>1</sup> Centers for Disease Control and Prevention, 46 MORTALITY & MORBIDITY WKLY. REP. 101 (Feb. 1997).

Zoo in Washington, D.C. And last June, a 13-year-old honor student shot and killed a Florida Middle School teacher. This almost unfathomable chain of shootings makes clear that much more needs to be done to reduce gun crime and violence in America.

#### **President Clinton's Directive of March 20, 1999**

In March 1999, President Clinton issued a directive to the Attorney General and the Secretary of the Treasury to build upon the reductions in crime achieved over the last eight years by developing an "integrated national firearms violence reduction strategy." This strategy depends on collaboration, vigorous enforcement, innovation, and prevention, and draws upon the proven measures and innovative approaches being demonstrated by communities throughout the country.<sup>2</sup> The President asked that the strategy specifically include elements to:

- (1) Commit even greater resources to investigating and prosecuting firearms violations, including illegal possession, use, and trafficking of guns, through innovative programs such as Richmond, Virginia's "Project Exile" and Boston, Massachusetts' "Operation Ceasefire;"
- (2) Implement targeted deterrence of violent offenders through improved coordination with probation and parole officials supervising such offenders, and swift and certain punishment for those found to have violated the conditions of their parole or probation;
- (3) Promote problem-solving analysis and innovative strategies by working closely with community members to identify gun criminals, remove weapons in the hands of juveniles, search for and seize crime guns, and increase the public's knowledge of their community's gun-related crime and violence problem;
- (4) Expand comprehensive "crime gun" tracing, analysis, and mapping; increase use of ballistics identification technology; and coordinate use of crime gun information to identify illegal gun markets, gun "hot spots," and illegal gun traffickers;
- (5) Strengthen the coordination of law enforcement and regulatory enforcement efforts to ensure compliance with all applicable laws by federally licensed gun dealers and prospective gun purchasers; and

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<sup>2</sup> The President also released a publication highlighting a number of promising local programs to reduce gun violence. That document, OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION, U.S. DEPARTMENT OF JUSTICE, PROMISING STRATEGIES TO REDUCE GUN VIOLENCE (1999), is available through the Office's website, [www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org).

- (6) Recommend how best to allocate federal resources to support this strategy and strike an appropriate balance between federal and state law enforcement.

Recognizing that gun violence issues differ in each community, and that no single program or strategy will be right for every community, the President directed the Attorney General and the Secretary to consult closely with U.S. Attorneys and Bureau of Alcohol, Tobacco and Firearms (ATF) Field Division Directors, as well as other federal, state, and local law enforcement, elected officials, and other leaders in developing the "Integrated National Strategy to Reduce Gun Violence" (the National Strategy) presented in this report.

In response to the President's directive, the Secretary of the Treasury and the Attorney General directed all U.S. Attorneys and ATF Field Division Directors jointly to develop locally coordinated gun violence reduction strategies in each of the 94 federal judicial districts across the United States. The U.S. Attorneys and ATF Field Division Directors invited the participation of other law enforcement agencies that play a significant role in responding to violent crime, such as the Federal Bureau of Investigation, the Drug Enforcement Administration, the Secret Service, the Customs Service, the Immigration and Naturalization Service, and state and local police and prosecutors. They also included elected leaders and, as appropriate, private businesses, researchers, educators, social services providers, community organizations, and members of the faith community.

Each jurisdiction assessed the nature and scope of its gun violence problem by analyzing available local crime data, including statistics and maps showing the location of crime incidents. The U.S. Attorneys and ATF Field Division Directors then examined the legal tools available in their jurisdictions to address firearms violence, including federal and state firearms laws and sentencing provisions. They also inventoried the jurisdiction's existing law enforcement strategies to combat gun violence and considered other local prevention or intervention initiatives related to firearms, such as federally-supported crime prevention programs, non-profit activities, and faith- or school-based initiatives.

Using this information, the U.S. Attorneys' Offices and ATF Field Divisions developed strategies that respond to the particular gun violence problems facing their local communities. These individualized, evolving local strategies include enforcement, intervention, and prevention, and have been critical to our formulation and implementation of the National Strategy. The local strategies have been put into effect, and we believe they will significantly help in reducing gun-related crime and violence. The district strategies are summarized in Appendix A, and are referred to throughout this document.

### **An Historic Reduction in Crime, 1992-1999**

The gun violence reduction strategies developed by the U.S. Attorneys and ATF Field Division Directors build upon the many anti-crime initiatives that the Clinton Administration has developed and supported over the last eight years. The Clinton Administration has been working

to stop violent crime through a comprehensive approach that addresses both the causes and consequences of crime. We have:

- funded more than 100,000 new community police officers;
- increased assistance to state and local law enforcement by nearly 300 percent;
- imposed tough punishment for violent offenses;
- developed strategic collaborations among federal, state, local, and tribal law enforcement;
- created new programs to reduce domestic violence and drug-related violent crimes;
- worked to promote and develop promising prevention and intervention strategies to reduce crime;
- instituted a wide variety of community-based crime prevention programs for youth; and
- supported victims of violent crime by strengthening services and programs available at the state and local level.

This comprehensive approach has contributed significantly to reducing overall crime rates, which are now at their lowest levels in a generation.

We have dealt with gun violence, in particular, by promoting efforts at the federal, state, and local levels to address each link in the chain of gun violence—illegal selling, acquisition, possession, and use of firearms—and also by addressing the underlying causes and consequences of gun violence. Under the landmark 1993 Brady Law, we have prevented more than 611,000 felons and other prohibited persons from acquiring firearms from federally licensed firearms dealers. (Such dealers are known as “Federal Firearms Licensees” or “FFLs.”) Through the 1994 Crime Act, we have prevented the sale of some weapons, including semi-automatic assault weapons, that have no legitimate civilian use. We have also introduced comprehensive crime gun tracing in 38 cities around the country to enable us to work with state and local law enforcement agencies to identify gun traffickers and understand the illegal firearms market. And we have continued to collaborate with state and local law enforcement to ensure that gun criminals are vigorously prosecuted.

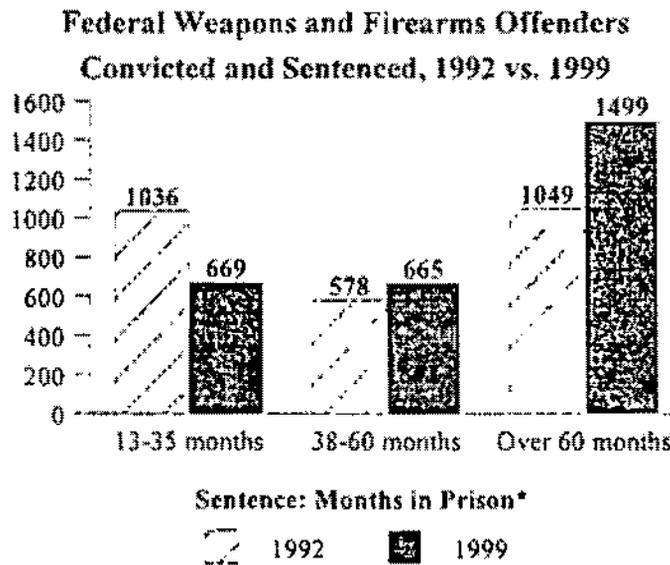
Tough and effective law enforcement has always played an essential role in the Clinton Administration’s efforts to stem the tide of gun violence in America. We have recognized that any successful approach to curbing gun violence must address both the ease with which

criminals, unauthorized juveniles, and other prohibited persons can acquire guns, and the need to punish people who violate our nation's firearms laws.

Last year, federal prosecutors brought charges under the two main provisions of the federal Gun Control Act<sup>3</sup> against more defendants than in any year since 1992, despite the historic drop in crime during that period. The 5,500 cases brought by federal prosecutors in 1999 under the primary provisions of the Gun Control Act represented a 16 percent increase over the 4,754 such cases brought in 1992.

It has been critical to our National Strategy to use our limited federal resources to target the most serious, violent, and chronic gun offenders. This effort has been successful, as reflected by the increasing length of sentences our federal prosecutions have achieved. The number of firearms offenders who were convicted and sentenced to more than five years in federal prison increased by more than 40 percent from 1992 to 1999. See Figure 1, "Federal Weapons and Firearms Offenders Convicted and Sentenced, 1992 vs. 1999." In general, from 1992 to 1999, the average sentence length for firearms offenders in federal court increased from 73.9 months (about six years) to 98.3 months (about eight years).

Figure 1



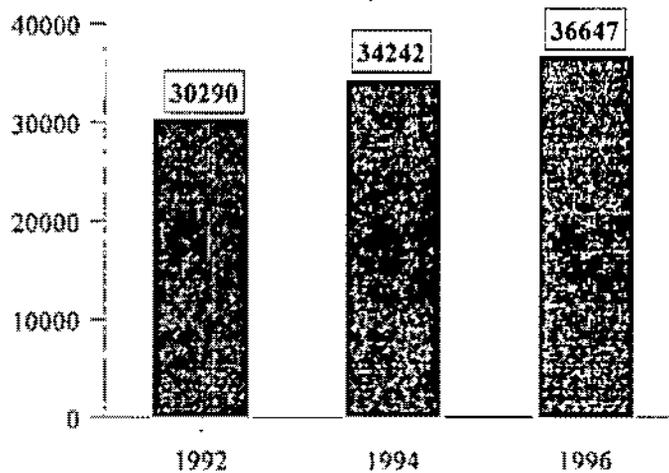
Source: Administrative Office of U.S. Courts. Table D-5. 1992 and 1999

Notwithstanding our federal prosecutorial successes, the strength of firearms enforcement must not be measured solely by counting the number of federal prosecutions. Federal prosecutions represent an important—but necessarily very small—part of the overall total of violent

<sup>3</sup> These provisions are 18 U.S.C. §§ 922 and 924.

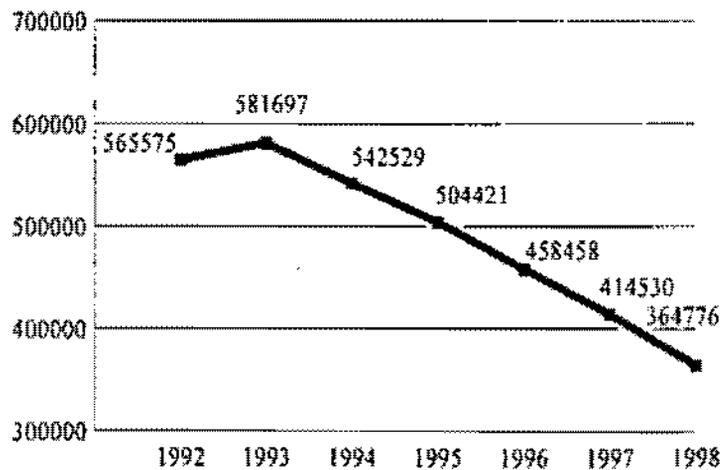
crime prosecutions brought in America. The vast majority of violent crime cases are most appropriately brought by the states, and since 1992 combined federal and state gun convictions have risen by 22 percent. See Figure 2, "State and Federal Weapons Offenders Convicted in 1992, 1994 and 1996."

**Figure 2**  
**State and Federal Weapons Offenders**  
**Convicted in 1992, 1994 and 1996**



Our crime reduction strategies have been working. The Nation's overall crime rate has fallen for seven consecutive years and is at its lowest point in the last 25 years. Nationally, homicide rates have declined to levels last seen in the 1960s. Since 1992, the Nation's violent crime rate has dropped by more than 20 percent; violent crime with firearms has dropped by 35 percent; and gun-related homicides have dropped by 36 percent, according to the FBI Uniform Crime reports. See Figure 3, "Violent Crimes With Firearms." And according to national

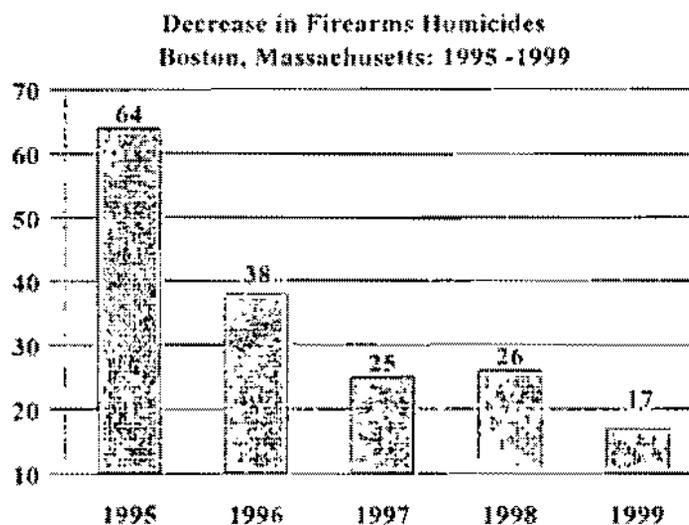
**Figure 3**  
**Violent Crimes with Firearms**  
**(excluding rape)**



crime victimization surveys, the number of crimes committed with handguns fell over 50 percent between 1993 and 1998—more than twice the drop in the number of other violent crimes committed.

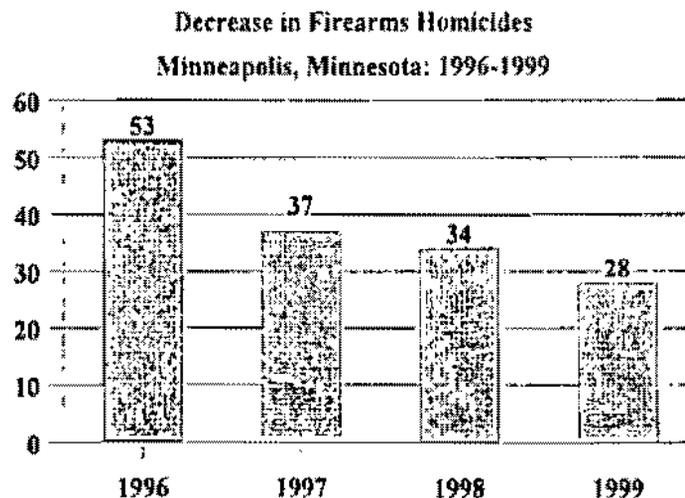
In certain communities, the integrated efforts by, and coordination among, federal, state, and local law enforcement and other community leaders—efforts supported by the Clinton Administration—have produced drops in the violent crime rate even more dramatic than the national rate. In Boston, Massachusetts, for example, collaboration among law enforcement and community leaders through Operation Ceasefire has reduced violence by youth gangs and brought down the number of firearms homicides from 64 in 1995 to 17 in 1999—a decline of 73 percent. See Figure 4, “Decrease in Firearms Homicides, Boston, Massachusetts: 1995-1999.”

Figure 4



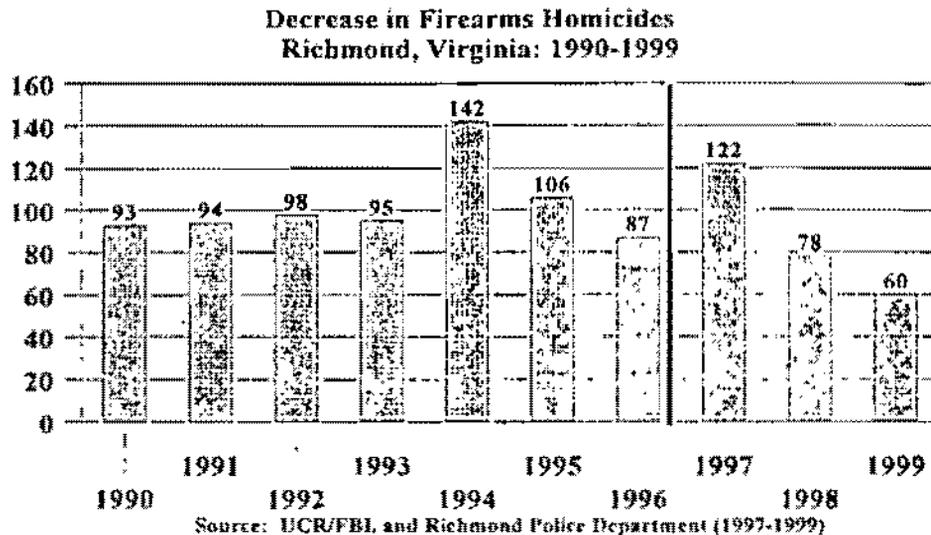
In Minneapolis, Minnesota, effective law enforcement and prevention efforts conducted by public-private partnerships have reduced firearms homicides by 48 percent. See Figure 5, “Firearms Homicides, Minneapolis, Minnesota: 1996-1999.” And in Richmond, Virginia,

Figure 5



effective and coordinated law enforcement, including heightened enforcement of gun laws through the program known as "Project Exile," reduced homicides by more than 30 percent in 1998 over 1997. See Figure 6, "Decrease in Firearms Homicides, Richmond, Virginia: 1990-1999."

Figure 6



(Project Exile began on February 1, 1997.)

We have also worked to respond to the needs and concerns of the victims of gun violence. Victims of gun crime experience serious trauma and often need specialized services to help them move forward with their lives. The "hard costs" of gun crime to victims are tremendous. Medical bills for injured victims and funerals for homicide victims account for the largest expenditures by victim compensation programs. The Justice Department, under the Victims of Crime Act, has actively supported state crime victims' compensation programs and local assistance programs across the country to provide emergency and ongoing services for gun violence victims.

#### **Looking Ahead: An Integrated National Strategy to Reduce Gun Violence**

The President directed the Attorney General and the Secretary of the Treasury to build on the Administration's successful anti-crime strategies in formulating the National Strategy. In so doing, we drew upon the expertise and experience of the U.S. Attorneys and ATF Field Division Directors as reflected in their individualized, local gun violence reduction strategies.

From these strategies, and from our efforts to fight crime and reduce gun violence over the years, we identified three basic principles that form the foundation of our National Strategy. First, our enforcement strategy to combat and prevent gun violence involves *extensive collaboration between federal, state and local criminal justice agencies*. Second, it relies on the

*use of data, information and technology* to greatly advance the ability of law enforcement to understand particular gun violence problems and use their resources strategically to have the greatest impact on gun crime and violence. Third, our National Strategy embraces a *comprehensive approach* that attacks all phases of the chain of gun violence—illegal selling, acquisition, possession, and use—and addresses the needs and concerns of gun violence victims. The National Strategy, presented below, incorporates and is based upon these principles.

### ***Federal and State Coordination***

Continuing our tough and effective federal prosecution of gun criminals is a critical part of our National Strategy. By vigorously prosecuting the most serious federal gun offenders, federal law enforcement has helped reduce gun violence nationally.

As noted above, however, the vast majority of the violent crime committed in our country, including gun crime, falls within the jurisdiction of state and local agencies. Likewise, the vast majority of resources to fight such crime are provided by state and local governments. Moreover, many gun offenses can be addressed by more than one level of government. Accordingly, to assure maximum efficiency and effectiveness, our National Strategy calls for all federal agencies with jurisdiction in the area of violent crime to continue to coordinate operationally and strategically not only with each other, but also with state and local authorities to investigate, prosecute, and prevent gun crime.

Providing federal assistance and support to the state and local law enforcement officers on the front lines in the fight against violent crime is a critical component of our federal role. Through programs that support and equip law enforcement, break the cycle of substance abuse and crime, combat family violence and youth crime, hold offenders accountable, and protect and support crime victims, the Justice Department works closely with its state and local partners to prevent and combat crime and violence. The Department spent almost \$4 billion in Fiscal Year (FY) 2000 to support its state and local partners in this effort. In addition, ATF works closely with state and local law enforcement on a daily basis, sharing information, training, and expertise, and cooperating on a variety of joint enforcement initiatives.

### ***Using Data and Information Technology to Strategically Enhance Law Enforcement***

Our National Strategy relies heavily on rapid advances in technology and computer-based information systems that have begun to revolutionize our efforts to reduce firearms violence. We have developed powerful new tools that enable us to:

- identify, investigate, and prosecute illegal trafficking of firearms;
- better understand the illegal firearms market in particular communities and regions of the country;

- identify, locate, arrest, and prosecute violent offenders, including armed career criminals and armed drug traffickers; and
- focus law enforcement efforts on violent crime “hot spots,” where firearms violence and trafficking disproportionately take place.

### *Attacking Gun Violence with a Comprehensive Strategy*

Gun violence has devastating consequences for individuals, families, and communities. Law enforcement alone cannot solve this problem. Our entire society must work together to combat gun violence at every phase in the chain of causation, and to respond to the needs and concerns of gun violence victims. As a nation, we must do all we can to keep guns out of the wrong hands. We must implement programs to intervene and prevent the misuse of firearms. We must effectively punish those who misuse guns. And we must take actions to better understand and prevent gun accidents and suicides.

## **THE INTEGRATED NATIONAL STRATEGY TO REDUCE GUN VIOLENCE**

### **I Fundamentals of the National Strategy**

Our National Strategy sets forth an aggressive, six-part plan to reduce gun violence. It incorporates comprehensive, coordinated efforts at the federal, state and local levels to address each link in the chain of gun violence—illegal selling, acquisition, possession, and use of firearms—and to respond to the underlying causes and consequences of gun violence. The National Strategy calls for:

- (1) aggressively investigating and prosecuting those who illegally possess or use guns;
- (2) breaking the cycle of violence by deterring chronic, violent offenders and others from illegally using guns and by integrating effective prevention programs with law enforcement activities, as well as assisting victims;
- (3) enforcing criminal laws and regulations to combat illegal trafficking of firearms and to keep guns out of the wrong hands in the first place;
- (4) investing in information technology to help law enforcement identify criminals and understand crime trends;
- (5) preventing gun accidents and suicides; and
- (6) enacting legislation to impose tougher penalties on those who violate federal firearms laws, keep guns out of the wrong hands, crack down on illegal trafficking in guns, and help prevent gun accidents and suicides.

## National Coordination and Leadership

Because law enforcement and prevention efforts relating to firearms crime and violence are largely a local responsibility and the specific problems vary among communities, the goals of our National Strategy will be attained primarily through the activities of our federal law enforcement officers at the local level—our U.S. Attorney’s Offices and ATF Field Division Offices—working closely with their state and local counterparts. However, certain aspects of the gun violence problem are national or regional in nature, with substantial effects on interstate commerce, and therefore require coordination and response at a national, regional and district level. For example, guns sold to straw purchasers<sup>4</sup> by a federally licensed firearms dealer (FFL) in one state may be illegally trafficked in other states; investigation and prosecution of such offenses will be most effective if there is national, regional and district coordination. Federal authorities at the national level are uniquely placed to develop strategic and tactical information about the illegal gun market in particular communities and regions of the country and to help coordinate enforcement efforts to shut down the flow of guns to criminals and others whose possession is prohibited by law.

Similarly, effective law enforcement strategies developed in one jurisdiction may be appropriate for adoption by other jurisdictions. National leadership can help identify, evaluate and promote adoption of such innovative locally-grown strategies. National leadership can also help local authorities anticipate national crime trends and coordinate local responses, provide grants, technical assistance and training for state and local law enforcement, and develop federal legislation and regulations as needed. Moreover, federal law enforcement authorities can play a pivotal role in developing advanced crime fighting technologies, such as ballistics, crime gun tracing, and information systems, and getting them to communities to combat gun crime nationwide.

Accordingly, national, regional and local coordination of federal law enforcement efforts to reduce gun violence is an important component of our National Strategy. To enhance such coordination, the Departments of Justice and the Treasury formed a joint firearms enforcement coordination working group, which is charged with monitoring and addressing cross-district, interstate and regional effects of particular enforcement strategies; improving information exchange between federal law enforcement and regulatory officials of gun violence enforcement issues; promoting joint federal, state and local enforcement efforts and specialized training; tracking investigative, prosecutorial and regulatory activity in all districts; identifying high risk firearms trafficking and firearms violence areas and trends nationwide; and advising the Attorney General and Secretary of the Treasury on appropriate allocation of resources to target these areas

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<sup>4</sup> A “straw purchase” occurs when the actual buyer of a firearm uses another person, the “straw purchaser,” to execute the paperwork necessary to purchase a firearm from a federally licensed firearms dealer (FFL). Prohibited persons and violent gang members often use straw purchasers to acquire guns from FFLs.

for coordinated enforcement and prevention efforts.

### **Enhanced Funding for Firearms Enforcement Initiatives**

Effective implementation of our National Strategy will require increased funding for federal, state, and local law enforcement. Pursuant to the President's FY 2001 request and after lengthy negotiations, Congress passed a budget that provides funding for the following firearms initiatives:

- \$15 million to hire 100 additional federal prosecutors and support staff;
- \$75 million to provide grants to state and local authorities to hire local prosecutors to prosecute gun-related crime in high gun violence areas;
- \$93 million for 200 new ATF inspectors, 300 new ATF agents, and approximately 150 technical support positions (the largest-ever increase in ATF for firearms enforcement);
- Just over \$30 million for National Integrated Ballistics Information Network (NIBIN);
- \$8 million to research smart gun technology; and
- \$35 million to improve state criminal history records and enhance the speed and accuracy of Brady background checks.

The President's 2001 budget request represented the largest gun enforcement initiative in the history of the United States. The funding provided by Congress will help build on current efforts to combat gun crime and implement our National Strategy to attack the problem of gun violence on a number of fronts. If future sessions of Congress are serious about this problem, they must provide the tools and resources necessary for law enforcement to eliminate the scourge of gun violence from our nation.

## **II Punishing Those Who Illegally Possess or Use Guns**

When guns fall into the wrong hands or are used in crime, the full force of the law must be brought to bear. All types of crime in which the perpetrator carries a gun must be met with swift, sure, and severe punishment. Felons and other prohibited persons must know that the illegal transfer, possession, or use of a firearm will be prosecuted vigorously. In the Clinton Administration, federal law enforcement has worked closely with state and local law enforcement to make this a reality, but we can and must do more.

## Vigorous and Coordinated Firearms Prosecutions

Our multi-tiered government in the United States requires close coordination between federal, state and local law enforcement authorities. While some areas, such as multi-district trafficking in guns, are most effectively attacked primarily at the federal level, most gun offenses can be addressed at more than one level of government. For example, dealing in stolen firearms may be attacked through federal prosecutions for unlicensed dealing or receipt of stolen firearms, and by robbery or burglary prosecutions under state law. Illegally acquiring firearms from federally licensed dealers (FFLs) may be prosecuted under federal or state laws against false statements or fraud. A person with an unauthorized firearm may be violating state or local gun permit laws, may be prohibited from possession under federal or state law, or may be violating the conditions of federal or state parole or probation.

To assure maximum efficiency and effectiveness, our National Strategy emphasizes that all federal agencies with jurisdiction in the area of violent crime must continue and expand their ongoing collaboration, not only with each other, but also with state and local authorities. This collaboration takes many forms. In jurisdictions with tough state laws and an aggressive approach to prosecutions, federal prosecutions may be able to focus on firearms crimes that are uniquely federal, or to fill gaps in state law to ensure that violent criminals face the toughest prosecutions and sentences available. In other jurisdictions, where state law is inadequate or state enforcement is weak, federal prosecutions of offenses for which there is overlapping federal and state jurisdiction may be necessary to target violent individuals, at least until state laws or enforcement efforts become more rigorous.

In some cases, intensive federal prosecution can galvanize a community's efforts to address violent gun crime. For example, in Richmond, Virginia, in response to an exceptionally high homicide rate, the U.S. Attorney's Office for the Eastern District of Virginia collaborated with the Commonwealth's Attorney's Office, the Richmond Police Department, and ATF to use the federal firearms laws to deter violent felons from possessing guns on the streets of Richmond. Called "Project Exile," the federal initiative began in February 1997 and was advertised extensively to the community at large. These efforts contributed to a remarkable decline in gun homicides in Richmond. See Figure 6 above. That success prompted the Commonwealth of Virginia to implement its own program, "Virginia Exile," based on new state legislation imposing mandatory sentences on felons in possession of firearms. Thus, the original collaboration not only helped reduce gun violence, but paved the way for the state to become more active in firearms enforcement efforts.

To assure that prosecutorial responsibilities are directed to the most effective venue, federal, state and local authorities must have screening and referral processes to "capture" cases appropriate for federal prosecution, based on their determination of the types of cases and offenders that are best suited for prosecution in the federal, versus the state, system. Effective collaboration requires that law enforcement officials be aware of the available state and federal laws and the basic intake requirements and procedures for federal prosecution. In connection

with the development of this National Strategy, many federal judicial districts devised new methods to assure that state and local law enforcement officers on the front lines in the fight against violent crime are aware of federal firearms laws and consider referring appropriate cases to federal authorities.

For example, at the suggestion of local officials, federal authorities in the Northern and Southern Districts of Iowa created a laminated card detailing federal gun laws. This "Quick Reference Guide to Federal Firearms Laws," sized to fit in a patrol officer's ticket book or vehicle sun visor for ready reference, was distributed in December 1999 to every law enforcement officer, probation agent, and local prosecutor in the state of Iowa. See Appendix E.

- To continue and enhance the vigorous, collaborative gun prosecution programs of the districts, the Clinton Administration's FY 2001 budget sought additional funds for federal, state and local prosecutors, as well as ATF agents. The budget passed by Congress provides \$15 million to hire 100 additional federal prosecutors and support staff, \$75 million to provide grants to state and local authorities to hire 500 local prosecutors to prosecute gun-related crimes in high gun violence areas, and \$93 million to hire 500 new ATF agents, inspectors, and technical support staff.

In the following sections, we describe several of the types of cases that federal prosecutors handle, and some of the collaborative programs undertaken by federal, state and local law enforcement authorities to remove gun criminals from the streets. We also provide a few examples of prosecutions that demonstrate the important work of federal law enforcement in apprehending and punishing those who misuse firearms.

### *Violent Crimes Committed with Firearms*

We have prosecuted and will continue to prosecute to the fullest extent of the law those individuals who use firearms to commit violent crimes. Although most violent crimes committed with firearms fall within the exclusive jurisdiction of state and local authorities,<sup>5</sup> federal law enforcement agencies work with their local counterparts, including in task forces, to help investigate and prosecute violent offenders. Moreover, when there is an appropriate basis to do so, federal agents and prosecutors work to bring federal cases against those who illegally use or possess firearms. Violent crimes that are frequently prosecuted in federal court include bank robbery, carjacking, murder for hire, and kidnaping. Frequently, the use of a firearm in connection with these crimes, other federal crimes of violence, and drug trafficking offenses can be the basis for a separate firearms charge, or sentence enhancement, under federal law.

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<sup>5</sup> The jurisdiction of the federal government over violent crime is limited to categories of crime that have a relationship to federal governmental functions, interstate commerce, or other recognized areas of federal responsibility. Under the Constitution of the United States, powers not specifically granted to the federal government are reserved for the states, including general police power and jurisdiction over criminal justice matters. U.S. CONST. AMEND. X.

The local gun violence reduction strategies developed by the U.S. Attorneys and ATF Field Division Directors have identified the particular violent gun crime problems facing their communities, and have brought together broad coalitions of law enforcement agencies and community stakeholders to address the problems. In Detroit, Michigan, for example, the U.S. Attorney's Office and ATF Field Division Director collaborated with state and local law enforcement to develop a gun violence reduction strategy focused on reducing the city's homicide problem. The number of violent crimes in most categories were down—consistent with national trends—but the number of homicides was increasing. A working group was formed to develop an integrated firearms violence reduction strategy focused on homicides. The strategy contains a range of initiatives and programs, including a task force to address drug-related homicides, referrals of firearms cases that meet specified criteria for federal prosecution, apprehension of violent fugitives, forensics enhancement, and expanded data collection efforts, including a more extensive use of ballistics information.

In August 1999, a defendant in Ohio was sentenced to seven and a half years for a federal robbery, to be followed by a mandatory five years in prison for using a firearm in connection with a crime of violence. The sentence was based on the defendant's conviction for robbing an armored car guard carrying receipts from a J.C. Penney store at a shopping mall. The defendant had fired three shots into the guard's back; the guard's life was saved by his bullet-proof vest.

### *Gang-Related Gun Crime*

One of the most pervasive gun violence problems identified by the law enforcement authorities in the federal judicial districts is gang-related gun violence. Consistent with our long-standing policy of fighting gang-related violence with all available federal resources, many of the firearms violence reduction strategies developed in communities across the country have designed customized approaches for prosecuting and deterring gang members who possess firearms or use them in criminal activities.

For example, to address its gang problem, as well as problems involving juvenile and chronic violent offenders—many of whom appear to be getting firearms through straw purchases—the U.S. Attorney's Office in Minnesota joined forces with ATF and state and local law enforcement to develop the Minnesota State Gang Strike Force. In the last three years, this strike force has investigated and prosecuted a number of violent gangs throughout the district. In addition, ATF and the U.S. Attorney's Office worked closely with the Weapons Unit of the Minneapolis Police Department to investigate and refer for state or federal prosecution all cases involving the use of firearms in Minneapolis, the state's largest city. From 1996 to 1999, the number of firearms homicides in Minneapolis declined from 53, nearly half of which were gang-related, to 28, eight of which were gang-related. See Figure 5, above.

In the District of Columbia, the U.S. Attorney's Office created a new Gang Prosecution and Intelligence Section, where experienced prosecutors specialize in identifying and targeting for investigation and prosecution the most significant violent gangs in D.C. Through aggressive enforcement of conspiracy, continuing criminal enterprise and racketeer influenced and corrupt organizations (RICO) statutes—some of the most powerful legal tools available to federal prosecutors—the gang prosecution section is targeting and expects to dismantle D.C.'s most violent gangs.

A lengthy investigation by the Gang Task Force in the Eastern District of Louisiana targeted a violent drug gang that operated in a housing project. In June 1999, the gang leader was sentenced to life in prison for operating a "continuing criminal enterprise," and to 20 years to be served concurrently for solicitation to commit murder. At the same time, a co-defendant was sentenced to 40 years in prison for conspiracy to possess with intent to distribute heroin. Nine other defendants in this case had previously been convicted and sentenced to terms ranging from three to ten years. Two of the defendants will be deported to the Dominican Republic after serving their terms. Through intelligence received during the investigation, the Gang Task Force prevented six homicides, and seized heroin, weapons, and other property. Six months after the gang was dismantled, the New Orleans Police Department reported a 78 percent reduction in the number of murders and a 67 percent reduction in shootings in the housing project.

### *Drug-Related Gun Violence*

Guns are prevalent among those engaged in the illegal drug market. Not only do drug traffickers use guns to protect their "merchandise," territory, and profits, but guns frequently become the currency of drug transactions, as guns are traded for drugs. Drug dealers are among those most likely to carry weapons,<sup>6</sup> and therefore the drug market is a major contributor to the Nation's homicide rate. Guns dramatically increase the level of violence associated with drug crime and greatly exacerbate the threat to public safety posed by illegal drug activities.

In October 1999, in the Western District of Oklahoma, a federal defendant was sentenced to 30 years in prison after being convicted of conspiracy to distribute crack cocaine, being a felon in possession of a firearm, and numerous specific crack cocaine transactions. The defendant had used two minor boys to hold his drugs or guns when he was driving to make crack deliveries. In payment, the boys received meals, clothes, and Michael Jordan basketball shoes. At the sentencing, the court found the defendant responsible for more than ten kilograms of crack cocaine, and increased his sentence for using minors in the enterprise. The defendant is also subject to the forfeiture of up to \$4.25 million in assets.

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<sup>6</sup> S. H. DECKER ET AL., *ILLEGAL FIREARMS: ACCESS AND USE BY ARRESTEES* (NIJ 1997).

Not surprisingly, a number of districts identify drug-related gun violence as the most serious crime problem facing their district. In many communities, gangs trafficking in crack cocaine or methamphetamine also carry and use firearms, and search warrants executed in drug cases also result in the seizure of firearms. In the Southern District of California, for example, a recent survey of San Diego arrestees revealed that over 60 percent of arrestees who reported having sold illegal drugs or admitted gang membership also claimed gun ownership. Almost half of San Diego gang members (46 percent) stated they had used a gun to commit a crime. Similarly, the Idaho Department of Law Enforcement reports that the majority of its violent and property crimes are connected with the illicit drug trade, and drug houses have become virtual pawn shops for buyers and sellers of guns. Debriefings of convicted drug traffickers indicate that they often take stolen guns in trade for drugs, and it is not uncommon for agents to find twenty or more firearms during a drug raid.

In cities across the country, the drug trade has spawned a number of neighborhood groups—often referred to by law enforcement and the groups themselves as “crews”—that typically control the distribution of controlled substances in a block or group of blocks within a relatively small and usually well-defined geographic area, and frequently in public housing. These groups often use extreme violence to protect their drug trafficking activities, and disputes between crews spill over into other areas of the community—clubs, shopping areas, schools, parks and playgrounds—where innocent bystanders fall victim to the resulting gun violence. Accordingly, a priority in many districts is to identify and prosecute violent drug trafficking groups.

In Washington, D.C., the “L Street Crew” was a particularly violent drug trafficking organization, responsible for five murders, numerous assaults, and a brutal retaliatory kidnaping, gang rape, and shooting of a young woman. Local law enforcement estimated that the organization sold over 3000 kilograms of marijuana and dozens of kilograms of crack cocaine. After a lengthy investigation by the FBI’s Safe Streets Task Force and a twelve-week trial, more than 20 crew members were convicted on RICO conspiracy, drug conspiracy, violent crime in aid of racketeering, homicide, assault with intent to kill, and related firearms charges. In October 1999, the crew’s leader and his cousin were each sentenced to life imprisonment plus a consecutive 120 years and 25 years, respectively.

### *Domestic Violence Involving Firearms*

When domestic disputes arise, firearms all too often bring about fatal consequences. Between 1976 and 1996, of the total number of murders by intimate partners, more than 33,500 involved the use of a firearm, accounting for 65 percent of all “intimate” murders.<sup>7</sup> In 1998, about 1,830 murders involved domestic violence—almost 11 percent of the murders committed nationwide. Sixty-one percent of these murders (just over 1,100) were committed with a firearm.

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<sup>7</sup> U.S. DEPARTMENT OF JUSTICE, VIOLENCE BY INTIMATES (Bureau of Justice Statistics 1998). As used here, intimate relationships include current or former spouses, boyfriends or girlfriends.

Recognizing the risk posed by allowing domestic violence offenders to have guns, in 1994 and 1996, respectively, Congress amended the Gun Control Act (GCA) to prohibit persons subject to a qualified domestic violence restraining order or convicted of misdemeanor crimes of domestic violence from purchasing or possessing firearms. The GCA provisions supplement existing state and local remedies that address domestic violence, and enable federal, state and local law enforcement authorities to better protect domestic violence victims and obtain maximum punishment for domestic abusers.

Based on their analysis of data from their community, many federal judicial districts identify domestic violence as a significant source of firearms violence, and are vigorously engaged in addressing this problem. For example, in the largely rural Northern District of Iowa, firearms homicides rose by 40 percent from 1994 to 1998, primarily related to domestic violence. Because federal law provides tougher penalties than current state law for domestic violence involving guns, two attorneys in the state Attorney General's office have been assigned to prosecute domestic violence cases in federal court. Similarly, in the District of Maine, where the U.S. Attorney's Office identified domestic violence as the top crime problem in the state—responsible for over 50 percent of Maine's homicides each year—the district has reached out to local law enforcement and prosecutors to ensure that the federal domestic violence laws are used to full advantage. And in the Middle District of Alabama, ATF has offered assistance to a battered women's shelter to enforce the domestic violence provisions of the GCA and provide other assistance when an abusive domestic partner possesses firearms.

In February 1999, a man broke into his estranged wife's home in Huntington, West Virginia, and waited until his wife, his two children, and his mother-in-law returned home. The man then shot his wife in the chest and head while the children and stopped motorists watched in horror. After pistol-whipping the victim's mother and shooting his wife's uncle in the face, the defendant led West Virginia State Police on a high speed chase that ended with an exchange of gunfire with a trooper, who arrested the defendant. The defendant, who had been convicted previously of second degree murder, malicious wounding, and drug distribution, was charged under the federal "armed career criminal" provisions and sentenced to life imprisonment in November 1999.

Our National Strategy calls for continued vigorous enforcement of federal firearms laws to keep guns out of the hands of domestic violence abusers and reduce firearms violence between domestic partners. In all districts where firearms-related domestic violence is a significant source of gun violence, the Department of Justice and the Treasury Department will continue and expand our efforts to aggressively investigate and prosecute illegal acquisition and possession of firearms by prohibited domestic violence offenders, including, as appropriate, by working with state and local law enforcement officials, the courts, social service providers, and battered women's shelters, to ensure that the public is aware of federal firearms laws that address domestic violence and to make sure that these laws are vigorously enforced.

Additionally, ATF has appointed a Domestic Violence Coordinator to help oversee its efforts to address firearms-related domestic violence nationwide. The Domestic Violence Coordinator reviews ATF's policies, practices, and authority with respect to firearms-related domestic violence, develops recommendations for future action, serves as a contact person to work with the Justice Department's Violence Against Women Office, and works closely with ATF's representative to the Joint Firearms Enforcement Working Group to make sure that firearms-related domestic violence is appropriately addressed. ATF will also ensure that it has a mechanism in place in each Field Division to refer firearms-related domestic violence cases to the most appropriate jurisdiction for prosecution.

The Brady Law requirement of a background check before a gun purchase has greatly improved our ability to prevent domestic violence abusers from obtaining guns from federally licensed firearms dealers (FFLs). Under the Brady Law's National Instant Criminal Background Check System (NICS), 18 percent of the FBI's denials of gun transfers are based on misdemeanor crimes of domestic violence and domestic violence restraining orders. When an individual under a qualified domestic violence restraining order attempts to purchase a gun from an FFL and is prevented from doing so by a NICS background check, the FBI contacts state and local law enforcement in the jurisdiction that issued the order. The FBI also refers these cases, as well as cases involving persons convicted of misdemeanor domestic violence offenses who attempt to purchase firearms, to ATF for investigative consideration. Many Brady denial cases referred by ATF to its field offices for investigation involve domestic violence. Cases appropriate for prosecution are then referred to federal, state or local prosecutors. It is ATF's policy to retrieve firearms from all prohibited persons, including individuals subject to qualifying domestic violence restraining orders or convicted of misdemeanor crimes of domestic violence who have obtained guns from dealers after the three business days allowed for NICS checks have elapsed. Where appropriate, ATF will retrieve these firearms or seize them for forfeiture and refer cases to the U.S. Attorney's offices for prosecution.

State and local authorities, including court personnel, are essential to the Brady Law's ability to keep guns out of the hands of domestic violence offenders. *First*, restraining orders intended to protect domestic violence victims must be written so that they are enforceable under the Brady Law. Only certain restraining orders meet the statutory criteria and qualify to prohibit an individual from obtaining a gun. Our National Strategy calls for an enhancement of state and local understanding of these requirements.

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ATF has joined in the Justice Department's continued efforts to work with state judges, law enforcement and others to make sure that domestic violence restraining orders are enforceable under federal law and to provide training and support for state court officials to encourage them to make qualifying domestic violence restraining orders and misdemeanor domestic violence conviction records accessible during a NICS background check.

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*Second*, domestic violence restraining orders and misdemeanor convictions can only protect domestic violence victims from firearms purchases via FFLs by abusers if these records

are accessible for background checks under the Brady Law. It is critical that state and local court systems improve the entry of this information into the relevant law enforcement databases. Federal authorities will intensify and expand our efforts to help accomplish this.

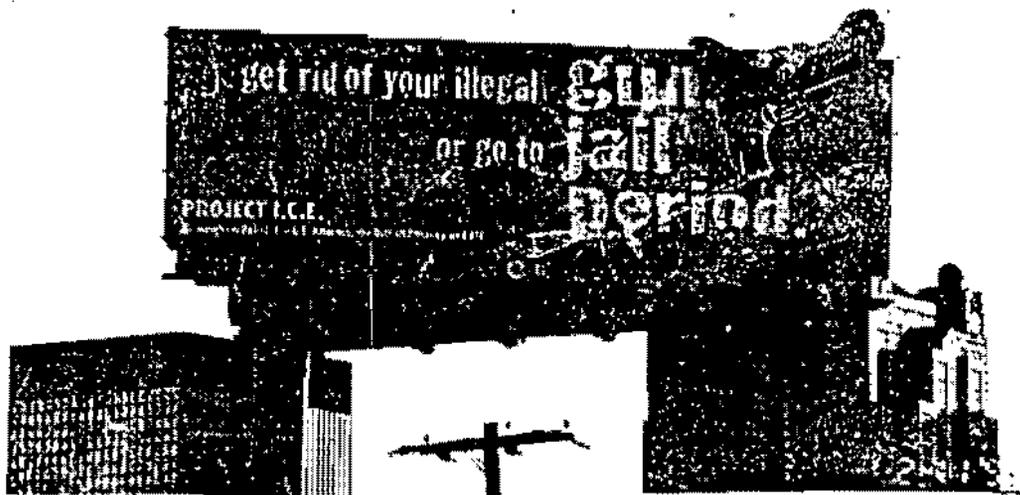
Our National Strategy also calls for us to continue to make strategic use of our authority to retrieve guns from domestic violence offenders who are prohibited by federal law from possessing firearms. State and local law enforcement authorities have primary jurisdiction over domestic violence offenses and may have authority to seize firearms from such offenders. In some jurisdictions, local law enforcement may lack authority to take temporary or permanent custody of firearms from domestic violence offenders. ATF and the Department of Justice are working together to make sure that federal law enforcement tools are appropriately brought to bear to address firearms possession by domestic violence offenders prohibited by federal law from owning firearms, especially in districts where local law is weak in this regard.

### *Unlawful Gun Possession*

Under federal law and under the laws of many states, convicted felons are included in the categories of persons barred by law from possessing firearms and these persons are subject to prosecution. Federal law provides significant sanctions for violent or repeat criminal offenders who illegally possess firearms, and the apprehension, investigation, and prosecution of such "felons in possession" are important parts of our National Strategy to reduce gun violence.

Removing violent offenders from a community based on illegal gun possession charges can prevent future gun crimes by that individual. Raising public awareness of the sanction can also reduce the illegal carrying of weapons. In connection with the National Strategy, many districts are implementing community campaigns that publicize the penalties for illegal gun possession as a strategy to reduce gun crime. One example of such advertising is in the Northern District of Alabama's "Project Ice," in which billboards and other media are used to spread the word that persons caught with illegal guns will be sent to jail. See Figure 7 "Photograph of Project Ice Billboard."

Figure 7



In September 1999, in the Eastern District of Wisconsin, a federal defendant was sentenced to 15 years in prison for being a felon in possession of a firearm. The defendant had originally been stopped for jaywalking, was arrested on an outstanding warrant, and was found to be in possession of a handgun. He was sentenced as a career criminal because of several previous convictions for burglaries, robberies, and an attempted sexual assault.

### III Breaking the Cycle of Violence

To stop the misuse of guns effectively and permanently, we must break the cycle of violence that grips many in our communities. Much of the gun violence that we continue to experience in this country—particularly that involving our young people—is closely tied to the underlying social and environmental conditions that contribute to violence in general. For this reason, prevention and intervention programs that address both the causes and consequences of violence, and that are backed by appropriate enforcement, are critically important to any effort to reduce gun violence.

The President's directive asked us to consider innovative enforcement methods, and specifically cited Boston's "Operation Ceasefire," a program with a new law enforcement strategy known as "targeted deterrence," which intervenes with chronic, violent offenders to deter further violence. This method has been implemented in several communities across the country with extremely promising results. It arose out of an intensive, collaborative, problem-solving process in which the U.S. Attorney's Office, ATF, local authorities, criminal justice experts, and community leaders analyzed Boston's violence problems, identified youth gun homicide as the city's principal crime issue, and developed a program to reduce youth violence.

Our National Strategy calls for expanding the targeted deterrence, problem-solving approaches, and effective intervention and prevention programs that the Clinton Administration has supported and created at the federal, state and local levels. Although a description of all of these efforts is beyond the scope of this document, this section describes a few of these initiatives specifically designed to deter or prevent gun violence.

#### Targeted Deterrence

The law enforcement strategy that has come to be known as "targeted deterrence" strategically *targets* chronic, repeat offenders or offending groups, like gangs, violence-prone youth, or drug organizations and *deters* violent behavior by clearly and directly communicating to this group that such behavior will not be tolerated. All tools available to law enforcement are then brought to bear on anyone who offends in spite of this warning. At the same time, these

individuals are provided with positive opportunities to change their lives, such as job training, employment programs, and other social services.

The targeted deterrence strategy has achieved compelling results. In 1990, Boston experienced 152 murders. By 1995, that figure had dropped to 64, and by 1999, the number of murders was down to 17, with the reduction in youth firearms homicides leading the way. See Figure 4 above.

The premise of targeted deterrence is that violent behavior by youth or groups of chronic offenders can be deterred by reaching out directly to these offenders, setting clear standards for their behavior, and backing up that message by "pulling every lever" available when those standards are violated.<sup>8</sup> The targeted deterrence approach involves the following six steps:

1. **Problem solving process.** *First*, federal, state and local law enforcement draw on their existing knowledge to identify the sources of gun violence. In many urban areas, repeat offenders and offending groups are responsible for the majority of gun violence, and they are known to law enforcement and community members. These are the individuals identified for targeted enforcement.
2. **"Call-ins" and warnings.** *Second*, for the targeted enforcement policy to have a deterrent effect, offenders and would-be offenders need to know about the policy. Law enforcement and community members therefore reach out directly to these offenders and at-risk individuals and set clear standards for their behavior, conveying the forceful message that violence will not be tolerated. The communication with targeted offenders usually can occur directly by virtue of the gang members' or repeat offenders' prior relationship with the criminal justice system, which provides opportunities for face-to-face communication. Targeted deterrence programs often use meetings, sometimes dubbed "call-ins," to advise offenders of the community's intolerance of violence and explain the new collaboration among community members and law enforcement that will be used to enforce the community's will. By establishing simple and clear guidelines for behavior that will invoke the "new" sanctions, and by enhancing the credibility of the program through the consistency, frequency, and speed with which sanctions are meted out for violations of those guidelines, authorities are able to deter violence, and thus focus more intensely on those who commit violent acts despite the warning. Law enforcement and other participants may also use posters and leaflets to communicate their zero tolerance message.
3. **Services and moral suasion.** *Third*, in the sessions with targeted offenders, law enforcement and their community partners—such as, the clergy, youth advocates and job counselors—use moral suasion and offer access to such things as social and medical services, jobs, and educational opportunities that provide alternatives to violence. The authorities make clear that offenders have a choice: they can continue to break the law and face severe sanctions, or they can turn their lives around, with the help of service providers from their community. Among the alternatives

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<sup>8</sup> See DAVID KENNEDY, PULLING LEVERS: GETTING DETERRENCE RIGHT (NIJ 1998).

available in Boston are jobs and higher education slots made possible under the "Boston Jobs Project," an initiative begun by the U.S. Attorney, the Boston Police Commissioner, the District Attorney, and others, and funded by the U.S. Departments of Labor and Justice. Boston law enforcement leaders have become prime advocates of alternatives for offenders, as part of their overall strategy for reducing violence.

**4. Sanctions: pulling all levers.** *Fourth*, if the targeted offenders or groups ignore the zero tolerance message, law enforcement authorities have a variety of levers to pull that can impose costs on both individual offenders and on the gang or group as a whole. Targeted deterrence is distinct from other firearms enforcement strategies in the variety of enforcement tactics it employs in a coordinated manner. In addition to firearms prosecutions, federal, state and local law enforcement coordinate a varied mix of operations to:

- disrupt street drug activity;
- focus police attention on low-level street crimes, such as trespassing and public drinking;
- serve outstanding warrants;
- cultivate confidential informants for medium- and long-term investigations;
- strictly enforce probation and parole conditions;
- seize drug proceeds and other assets;
- ensure stiffer plea bargains and sterner prosecutorial attention;
- request and enforce tougher bail terms; and
- initiate federal investigations into activities such as gang-related drug sales.

By pulling all available levers, law enforcement authorities can increase the costs of violent activity, especially by gangs and drug organizations, and thus increase the deterrent effect. Not only are individuals prosecuted under the firearms laws, but the gang faces cash-flow problems caused by street market disruption as other members of the gang are arrested under outstanding warrants or are subjected to strict probation enforcement. The gang is susceptible to federal investigation into its activities.

**5. Communicating enforcement consequences to the group.** *Fifth*, federal, state, and local authorities then publicize the specific enforcement actions undertaken to further increase their deterrence impact. Targeted deterrence is distinct from other enforcement strategies because when a member of the group commits violence, law enforcement authorities impose costs and punishment not just on the individual gun criminal, but on the whole gang or other group, creating a powerful deterrent effect.

**6. Preventing a chain reaction.** *Sixth*, throughout the process, law enforcement carefully maps patterns of gun violence and gang activity so that it can intervene to prevent the spread of

violence from one gang or group to another, or the increase of violence by one gang or group in response to another's weakening due to an enforcement action.

The collaborative and coordinated approach of this strategy allows law enforcement and the community to pool their enforcement resources and engage in an active strategy that will deter crime. By punishing violent acts through the exercise of a "pulling levers" strategy, the community exposes offenders not only to the original risk of prosecution, but also to numerous other unpleasant risks—many of which are far more swift and certain. When law enforcement is able to focus intense attention and sanctions on specific would-be offenders, and when the community communicates the new approach to the targeted gangs, a fundamentally different balance of power is established between the authorities and the streets.

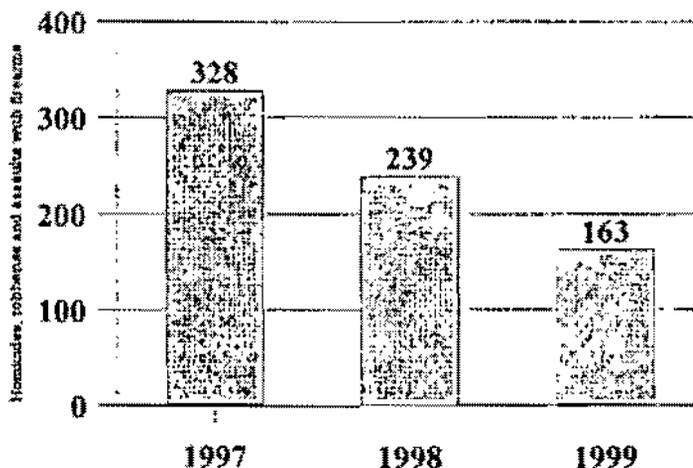
### *Expansion to Other Communities*

Based on Boston's success, the targeted deterrence approach has been replicated in other cities through the collaborative efforts of the Justice Department, ATF, and local authorities. For example, in 1998 the Middle District of North Carolina introduced a targeted deterrence strategy in High Point, North Carolina, that resulted in a 49 percent reduction in the total number of homicides, robberies and assaults with firearms between 1997 and 1999. See Figure 8, "Gun Crime Reduction, High Point, North Carolina: 1997-1999." During the same period, firearms homicides fell by 82 percent, and gang- or drug-related firearms homicides dropped 100 percent. In addition to reducing gun violence, the district believes that the project has enhanced the level of trust between the law enforcement agencies in High Point and the minority communities most affected by the violence. This effect seems to be measurable, as the number of citizen complaints about police conduct dropped 50 percent between 1997 and 1999. Minneapolis, Minnesota, and Stockton, California, likewise have achieved great success by using targeted deterrence.

**Figure 8**

### **Gun Crime Reduction**

#### **High Point, North Carolina: 1997-1999**



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In light of its promise as an efficient and effective means to reduce gun violence and offer offenders—particularly at-risk youth—an opportunity to break the cycle of violence, we recommend widespread adoption of the “pulling levers” and similar data-driven collaborative, problem-solving approaches wherever appropriate.

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### *Integrating Prevention and Intervention Programs with Law Enforcement Activities*

Gun violence affects not only individual victims, but entire families and communities. When streets, schools or neighborhoods are unsafe or perceived to be unsafe, the quality of life and viability of the whole community are compromised. Therefore, programs that address the root causes of violent behavior, stop individual and group retaliation, alleviate public fear, rebuild social infrastructure, and help citizens “take back” their neighborhoods are essential to reduce gun violence and restore community well-being.

Our National Strategy employs prevention and intervention programs, implemented strategically and in coordination with law enforcement activities, to accomplish these goals. Prevention involves providing opportunities for individuals—youth and adults alike—to lead responsible, productive, safe and healthy lives, and thus avoid committing crimes. Intervention, on the other hand, addresses the cycle of violence once it has begun by targeting those individuals who are most at risk for violence, particularly youths who have themselves been victims of violence or who have already been involved with the criminal justice system. The goal of intervention programs is to prevent retaliatory violence or recidivism among these groups. When backed up by swift and certain legal enforcement, intervention programs can have a significant deterrent effect.

Juveniles report that they carry guns for protection and respect. In a 1998 study of 750 10<sup>th</sup> and 11<sup>th</sup> graders in 53 high schools nationwide, 43 percent of the students who carried a firearm cited the perceived need for protection as the primary reason for carrying a firearm.<sup>9</sup> This finding is consistent with a 1993 study that surveyed youth in juvenile detention facilities. Our National Strategy calls for us to support community programs and policies that seek to make our young people feel that they do not need to carry guns to be safe or socially accepted. For example, in Richmond, California, 72 percent of the residents living in an area targeted for the city’s gun violence reduction efforts reported that they, or someone they knew, had been a victim of violent crime. In response, the city increased the police presence in these neighborhoods and created the “Safe Passages” program, which established safe houses to which children could go if they felt threatened or afraid on their way to or from school.

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<sup>9</sup> NATIONAL INSTITUTE OF JUSTICE, HIGH SCHOOL YOUTHS: WEAPONS AND VIOLENCE: A NATIONAL SURVEY (1998).

In recent years, a number of communities around the country have developed innovative intervention programs that provide increased services such as counseling and coordination of health, education and employment services for chronic youthful offenders and their families. In some cases, services include extended contact with a counselor who serves as an advocate for the youth to ensure the seamless provision of services. Such programs can break the cycle of violence by providing chronic offenders with incentives and opportunities for success.

For example, Highland Hospital in Oakland, California, developed an intervention program known as "Caught in the Crossfire." This program sends counselors to the bedsides of youths injured by gunfire within 24 hours of their admission. Its goal is to intervene with these youths to prevent retaliatory violence. The program trains urban youth as counselors to provide peer support to recovering adolescent gunshot survivors, and to work with these victims and their families over the next 12 months to interview, counsel, and refer them to appropriate health, education, legal, employment and other services. In the year-and-a-half the program has been in operation, over 40 young people have received this service. Although there are no hard data yet confirming the program's efficacy, many young people have commented that the peer support helped them to change their lifestyle, including returning to school, obtaining a job, and making new friends.

The Clinton Administration has consistently emphasized helping communities develop and implement innovative prevention and intervention strategies in coordination with law enforcement. The Justice Department's Partnerships to Reduce Juvenile Gun Violence program is one of the most noteworthy federal efforts to promote a comprehensive response to gun violence. Since 1997, this initiative has provided grant funds to Baton Rouge, Louisiana, Oakland, California, and Syracuse, New York, to implement partnerships to enhance and coordinate local gun violence prevention, intervention, and suppression strategies and strengthen collaboration among law enforcement, the juvenile justice system, and the community.

Baton Rouge's experience illustrates the effectiveness of this program in promoting strategic problem-solving at the local level. From 1992 to 1996, Baton Rouge, Louisiana experienced a dramatic increase in the number of violent youth crimes. In comparison to 1992, the number of juveniles arrested in 1996 who were under 16 rose by 61 percent. In 1996, juveniles were responsible for 14 homicides, as well as numerous armed robberies, aggravated assaults, and other weapons violations. In response, law enforcement, city officials, community organizations, and others joined to form the Baton Rouge Partnership for the Prevention of Juvenile Gun Violence. The partnership targeted repeat offender youth up to age 21 from two high-crime areas of Baton Rouge for participation in "Operation Eiger," a high-intensity probation and parole initiative. (Eiger refers to a mountain that is one of the most difficult in the world to climb). Police and probation teams have regular, intensive contacts with over 200 youths and their parents. The youth receive psychological and substance abuse evaluations and treatment, job skills training, employment placement, and mentoring, and also attend chemical awareness and anger management clinics.

The initiative has helped reduce re-offending among the youth involved in Operation Eiger. In September 1997, 44 percent of the police and probation contacts with the youth resulted in probation violations. By June 1999, probation violations involving the youth were down to 25 percent. In addition, these youth have fewer re-arrests for new crimes. Only 38 percent of the youths in the program one year or longer have been rearrested for any offense, compared with a re-arrest rate of over 65 percent of youth not involved in Operation Eiger.

The partnership has also helped reduce violent crime in Baton Rouge, particularly gun crime in the target area. From 1996 to 1999, the number of homicides dropped from 71 to 48 in Baton Rouge—a decline of 28 percent. In the partnership's target area (two zip codes with the highest violent crime levels), the number of homicides dropped from 48 in 1996 to 30 in 1999—a decline of nearly 40 percent. The number of gun-related homicides in the target area declined even more dramatically, from 43 in 1996 to 19 in 1999—a reduction of more than 55 percent.

In addition, the Clinton Administration has continually sought to integrate prevention and law enforcement in a more comprehensive manner at the federal, state, and local levels. By combining traditional law enforcement efforts with other types of gun violence reduction efforts being implemented at the local level, communities throughout the Nation are developing a deeper understanding of their particular gun violence problems and what works to reduce that violence.

Our National Strategy calls for us to continue and expand our support of these efforts. Although a description of all of these prevention and intervention programs is beyond the scope of this document, two such initiatives, aimed at reducing violence in general, are briefly described here to illustrate their important role in our comprehensive strategy to reduce gun violence: the Strategic Approaches to Community Safety Initiative (SACSI), and the Weed and Seed Initiative. The Justice Department's SACSI is a community-based program which is now in Memphis, Tennessee, New Haven, Connecticut, Indianapolis, Indiana, Portland, Oregon, and Winston-Salem, North Carolina. This path-breaking program features diverse partnerships that have identified the most serious crime problems in their cities and designed and implemented data-driven, collaborative strategies to address those problems.

The Justice Department's Weed and Seed program similarly promotes federal, state, and local collaboration to vigorously combat violent crime and gun violence in targeted areas (weeding) and rebuild these communities through crime prevention and neighborhood restoration activities (seeding). Led by the U.S. Attorneys, federal, state, and local-level resources come together to prevent and control violent crime, drug abuse, and gang activity in target areas. Today, over 200 communities participate in the Weed and Seed approach—many of which focus on preventing and combating gun crime.

- To continue and expand the Weed and Seed initiative, the Clinton Administration requested \$42 million in FY 2001 to help reduce crime and gun violence in Weed and Seed sites, and Congress passed a budget providing \$34 million for the Executive Office

for Weed and Seed and indicated an expectation that the Department of Justice would move \$6.5 million from other programs to Weed and Seed.

ATF also supports and participates in prevention strategies to reduce gun violence and strengthen relations among law enforcement, schools, and the community. In partnership with the Phoenix Police Department, ATF developed the Gang Resistance Education and Training (GREAT) Program, which trains police officers to instruct grade school and middle school children in gang prevention and anti-violence techniques. GREAT draws on the skills of ATF, federal, state, and local law enforcement personnel, as well as individuals from the community and civic groups. Since its inception, GREAT has expanded to almost 1,500 cities and has enabled thousands of law enforcement officers from all over the Nation to teach more than one-and-a-half million schoolchildren.

### **Assisting Victims**

We have worked diligently to respond to the needs and concerns of gun violence victims. Victims of gun crime experience serious trauma and often need specialized services to help them move forward with their lives. The "hard costs" of gun crime to victims are tremendous. Medical bills for injured victims and funerals for homicide victims account for the largest expenditures by victims' compensation programs. The Justice Department, under the Victims of Crime Act, has actively supported state crime victims' compensation programs and local assistance programs across the country to provide emergency and ongoing services for gun violence victims. These services may include medical care, temporary shelter, mental health counseling, child care services, compensation, referrals to support groups, transportation, and other related victim services and support. To expand efforts of this kind, the Justice Department recently convened a focus group with representatives from victims' assistance and advocacy organizations to discuss the effects of gun violence on victims and communities, and to propose strategies for increasing community involvement in combating and responding to gun violence victimization.

### **IV Enforcing Laws That Keep Guns Out of the Wrong Hands**

Keeping guns out of the hands of criminals, domestic violence offenders, unauthorized juveniles, and other persons prohibited by law from possessing firearms is an essential component of our National Strategy to reduce firearms violence. Firearms trafficking—the diversion of guns from the legal market to the illegal market and the transfer of firearms within the illegal market—poses a serious law enforcement issue throughout the Nation. Trafficking takes a variety of forms, and can involve illegal dealing by licensed and unlicensed sellers at stores, gun shows and flea markets, on the streets, and through other channels, such as straw purchasing and trafficking in stolen guns obtained by incidental or systematic theft. Interstate firearms trafficking is so prevalent along the eastern seaboard that Interstate 95 has been dubbed "The Iron Highway," as gun traffickers buy guns in southern states with few firearms purchase restrictions and transport them north into states with greater restrictions, where they can be sold at a substantial profit.

On April 9, 2000, the *New York Times* reported the history of one particular gun to show how weapons can easily land in the hands of criminals. The gun, a 12 shot 9mm Jennings semi-automatic, was manufactured in 1995 at the Bryco Arms plant in Costa Mesa, California. When it left the factory, the gun was shipped to a distributor in Carson City, Nevada. It was bought by a federally licensed wholesaler in Bellefontaine, Ohio. The wholesaler, in turn, sold it for \$90 to a pawnshop in Chickamauga, Georgia. In 1998, the pawnshop sold the gun to a Georgia woman at a gun show. Police believe the woman was a straw purchaser, buying the gun for a convicted felon who was banned by federal law from owning a gun. The convicted felon sold the gun in New York to a member of the Bloods gang. It eventually landed in the hands of a gang member. According to police, the gang member then used the gun in 13 crimes, including the murders of a 16 year-old boy and a 48 year-old storekeeper.

Reducing the illegal supply and acquisition of firearms requires ensuring both that criminals and other prohibited persons cannot buy guns on the legal market and that the diversion of guns from the legal market to the illegal market is eliminated. We have developed powerful tools to accomplish both of these goals, but much more must be done.

#### *Preventing Illegal Purchases on the Legal Market through the Brady Law*

To keep guns out of the wrong hands, we must ensure that firearms sellers check whether individuals seeking to purchase guns are criminals or are otherwise prohibited from possessing guns. Although the Gun Control Act of 1968 made it illegal for felons and other prohibited persons to possess or acquire firearms, until 1993, gun sellers had no way to know whether a customer was lying about his background to get a gun. The Brady Handgun Violence Prevention Act of 1993 changed this by requiring that FFLs (federally licensed firearms dealers) check with law enforcement officials before selling a firearm. In this way, the Brady Law eliminated the "honor system" for firearms purchases in the regulated primary market, requiring verification of statements made by prospective purchasers that they are not prohibited from obtaining a firearm. The Brady Law has stopped over 600,000 criminals and other prohibited people from purchasing firearms from federally licensed dealers.

During the Brady Law's first five years, the "interim period" before the permanent provisions went into effect, state and local law enforcement officials performed background checks and stopped an estimated 312,000 criminals, fugitives, and other prohibited persons from getting handguns from federally licensed gun dealers. Of those stopped, approximately 63 percent had a prior felony conviction or a current felony indictment, and 13 percent had either a domestic violence conviction or were subject to a domestic violence restraining order.<sup>10</sup>

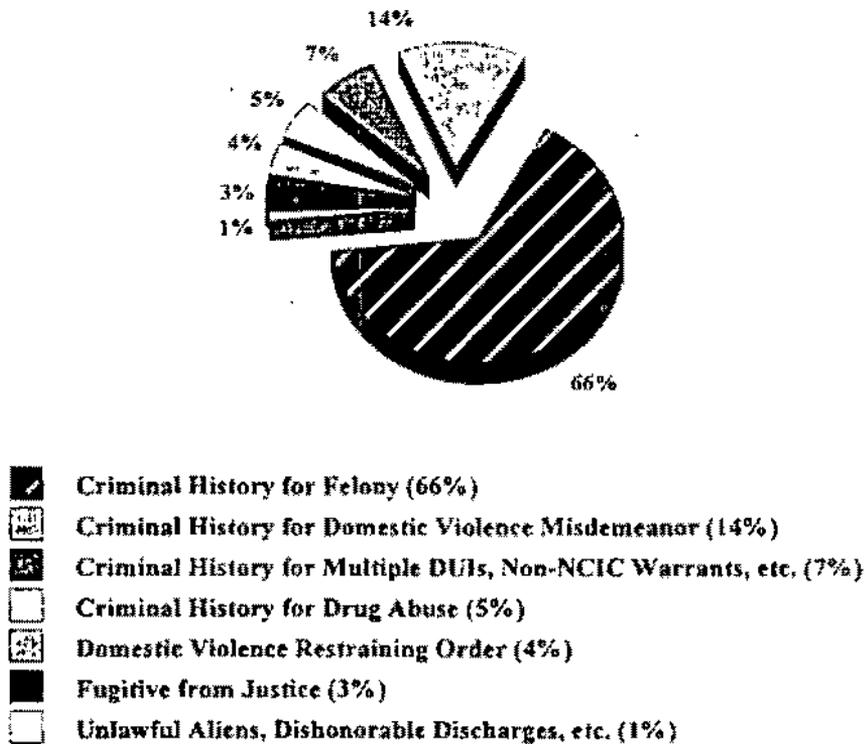
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<sup>10</sup> See BUREAU OF JUSTICE STATISTICS, PRESALE HANDGUN CHECKS, THE BRADY INTERIM PERIOD, 1994-98 (1999).

Under the permanent Brady Law provisions, on November 30, 1998, the FBI launched NICS, the National Instant Criminal History Background Check System, to conduct automated background checks on sales of all firearms by licensed gun dealers. Under NICS, a prospective gun buyer may not take possession of a firearm until the FFL requests a NICS background check, and either the NICS reports that there is no record in the system indicating that the prospective purchaser is prohibited, or three business days have elapsed.<sup>11</sup> NICS conducts electronic searches of almost 35 million criminal records, as well as records pertaining to other persons prohibited by law from possessing a gun.

NICS has been highly effective in stopping the illegal flow of firearms from federally licensed gun dealers to prohibited persons. During its first 24 months of operation (from November 30, 1998 through November 30, 2000), the system processed over seventeen million inquiries and prevented over 300,000 felons, fugitives, and other prohibited persons from receiving firearms from federally licensed dealers. Of those stopped by the FBI's NICS background check, approximately 66 percent had a prior felony conviction or a current felony indictment, and 18 percent had either been convicted of a domestic violence misdemeanor or were subject to a domestic violence restraining order. See Figure 9, "FBI Percentage of Denials by Category."

**Figure 9**  
**FBI Percentage of Denials by Category**



<sup>11</sup> CRIMINAL JUSTICE INFORMATION SYSTEMS DIVISION, FEDERAL BUREAU OF INVESTIGATION, NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM OPERATIONS REPORT (2000).

The centralization of Brady Law denial information by NICS expanded the potential for federal and state prosecutions of prohibited persons who illegally attempt to purchase firearms. U.S. Attorneys and ATF Division Directors are using and will continue to use Brady Law denial information to identify, investigate, apprehend, and prosecute violent offenders, including armed career criminals, dangerous felons, and domestic violence offenders. Federal authorities also are collaborating with state and local prosecutors and enforcement agencies to use Brady Law denial information to bring cases under applicable state law.

On April 7, 2000, a federally licensed firearms dealer in Colorado was convicted of 16 federal felony counts for recording false background checks on gun sales made at gun shows, selling a handgun to an underage person, and selling guns to 11 convicted felons, including one who had been convicted of assault and domestic violence, and others convicted of felony theft, burglary, and trafficking in human beings. Because the dealer believed he was losing sales to unlicensed gun sellers at gun shows—unlicensed sellers do not have to run background checks—the dealer had falsified forms to indicate that he had obtained approval from the Colorado Bureau of Investigation on criminal history background checks.

Currently, NICS immediately notifies state and local authorities of all fugitives who seek to acquire firearms, and numerous fugitives have been apprehended by law enforcement as a result of Brady checks. Although fugitive denial information is materially different from denial information about other categories of prohibited persons (inasmuch as it reflects outstanding legal process on the prospective buyer), our National Strategy calls for expanding the law enforcement use of denial information about other categories of prohibited persons.

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To assure that state and local authorities have access to information about all persons in their jurisdiction who illegally attempt to buy firearms, federal authorities are developing a means to notify state authorities quickly of all NICS denials.

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### **Delayed Denials**

Approximately 95 percent of all NICS background checks are completed within two hours, and 70 percent are completed within seconds. However, if necessary, NICS may take *up to* three business days to determine whether a prospective purchaser is prohibited from receiving a firearm. If a federally licensed gun dealer does not receive a NICS denial within three business days after contacting the system, the Brady Law does not prohibit the transfer. These transactions are referred to as "default proceeds." If NICS thereafter determines that the purchaser was in fact prohibited, and the firearm has already been transferred, the FBI immediately refers the matter to ATF to verify the purchaser's prohibited status and take prompt action to retrieve the firearm. Because of public safety considerations, the Treasury Department and ATF give these "delayed denials" top priority. Some treasury agents in Customs, Secret

Service, and the Internal Revenue Service have been reassigned to help ATF agents retrieve these weapons.

Gun retrievals after investigation of delayed denials pose significant risks and create resource demands for law enforcement. Delayed denials occur when the records accessed by NICS are incomplete. This can occur, for example, when state criminal history records show that an individual was arrested, but do not show whether he was convicted. We are taking steps to improve the completeness and automation of states' criminal history records in order to make NICS checks quicker, more thorough, and to reduce the number of delayed denials. From 1993 to 1999, the total number of state criminal history records increased by approximately 23 percent, but the number of records available to NICS increased by approximately 45 percent. Available records with dispositions have increased even more dramatically, by approximately 78 percent. Through the National Criminal History Improvement Program (NCHIP), the Justice Department has provided over \$270 million in grants to help states update and automate their criminal history records. Since NCHIP funding began in 1995, the number of records available to the NICS has increased by over ten percent, and records with dispositions have jumped by more than 14 percent. NCHIP grants are clearly helping the states make substantial advances in record automation and completeness, and our National Strategy calls for enhancing this successful program. Although Congress was not able to provide all of the funding sought by the Administration for the enhancement of this program, the FY 2001 budget passed by Congress does provide \$35 million—the level of funding in FY 2000—to improve state criminal history records and enhance the speed and accuracy of Brady background checks.

### *Secondary Market*

Because the Brady Law does not currently apply to gun transfers in the secondary market (that is, gun transfers by persons other than federally licensed gun dealers), its effectiveness is limited to stopping the flow of guns from federally licensed dealers to prohibited persons. Crime gun tracing indicates that about 89 percent of crime guns traced in 1999 changed hands at least once in the secondary market before recovery by law enforcement as crime guns. Only about 11 percent of traced guns were purchased by the possessor directly from FFLs.<sup>12</sup> Similarly, nationally representative sample surveys of state prisoners show that gun offenders are becoming less likely to have acquired their firearms from a federally licensed dealer than was the case before the Brady Law. So long as criminals and other prohibited persons can get firearms in the secondary market, our ability to keep guns out of the wrong hands will be limited, and until law enforcement can readily trace crime guns sold in the secondary market, enforcement of the laws will be unnecessarily difficult. A legislative proposal to begin to address the secondary market by extending Brady background checks to transactions at gun shows is described in the Legislative Proposals section of this document.

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<sup>12</sup> ATF, CRIME GUN TRACE REPORTS (1999).

## Stopping Traffickers on the Illegal Market

Nearly all firearms originate in the legal market, but every day thousands of guns cross into the illegal market through various forms of firearms trafficking.<sup>13</sup> To address firearms trafficking effectively, we are obtaining information that helps us understand illegal firearms markets, take preventive measures, and investigate and prosecute traffickers. We are rapidly expanding our capacity to obtain this information through a variety of sources, from advances in crime gun tracing and ballistics to traditional criminal investigatory and intelligence methods. These are described in more detail in below. In this section, we discuss some of the means by which trafficking occurs, and our current approaches to preventing it.

ATF is uniquely placed to interdict illegal trafficking in firearms by virtue of its regulatory and enforcement authority over the firearms industry. Although relatively few federal firearms licensees engage in illegal trafficking, their access to a large number of firearms makes corrupt licensed dealers a serious threat to public safety. When appropriate, inspectors refer FFLs to ATF special agents for investigation. We will continue and increase our enforcement and regulatory efforts to prevent illegal buying and selling of firearms, especially transfers involving prohibited persons, wherever illegal trafficking and acquisition of firearms are a significant aspect of firearms violence.

### *Ensuring Dealer Compliance with Firearms Laws*

Effective regulation of the gun industry is our first line of defense against illegal firearms trafficking. Under the Gun Control Act, persons engaged in the business of manufacturing, importing, or dealing in firearms must obtain a license from ATF. Holders of these licenses, known as "FFLs," must maintain records of all acquisitions and dispositions of firearms and comply with federal, state, and local law governing firearms transfers. The record keeping requirements allow us to trace some crime guns and provide a basis for investigating illegal firearms trafficking.

**Crime gun sources.** Our National Strategy relies heavily on ATF's regulatory oversight of FFLs as a means to keep guns out of the wrong hands. Significantly, recent tracing analysis has shown that a small proportion of dealers account for a large proportion of the firearms traced from crimes.<sup>14</sup> Just 1.2 percent of dealers—1,020 of the approximately 83,200 federally licensed retail

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<sup>13</sup> This includes guns imported from foreign manufacturers. From 1990 to 1999, the number of net imports of rifles, shotguns and handguns from foreign manufacturers averaged as many as one million per year, with handguns accounting for about half of that number. Data from ATF's National Tracing Center show that for fiscal years 1998 and 1999, 12.9 percent of traced crime guns were manufactured abroad.

<sup>14</sup> See U.S. DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, COMMERCE IN FIREARMS IN THE UNITED STATES (2000) (providing recent analysis of tracing and regulatory information, including steps to counter the illegal market in guns).

dealers and pawnbrokers—accounted for over 57 percent of the crime guns traced to FFLs in 1998. To reduce illegal trafficking, ATF is making crime gun trace analysis available to criminal investigators, and is targeting regulatory enforcement and inspection resources at these dealers.

- To support these inspections and the other intensified regulatory enforcement activity called for in the National Strategy, the Clinton Administration's FY 2001 budget sought, and Congress provided, funding for 200 new ATF inspectors, as well as 300 ATF agents and 150 technical support positions.

In addition, ATF is taking steps to determine whether guns bought into inventory and resold by these high-risk dealers also fall disproportionately into criminal hands. Some FFLs acquire substantial numbers of used guns from unlicensed sellers for resale. Used guns are generally not traceable because tracing records lead no further than the first retail purchaser. Between February and September 2000, ATF conducted intensive inspections of the 1.2 percent of dealers that accounted for the majority of crime gun traces—those whose guns fall especially quickly into criminal hands, signaling a high possibility of direct diversion—and required almost half of those FFLs to submit information to ATF about the used guns they acquire, allowing ATF for the first time to be able effectively to trace used guns sold by these dealers. ATF also initiated license revocations for 20 FFLs and made 691 referrals to ATF special agents for criminal investigation, including more than 400 potential traffickers and nearly 300 potentially prohibited purchasers. ATF also uncovered 13,271 missing guns, which were associated with 202 FFLs, that might have found their way into trafficking channels.

In St. Louis, Missouri, ATF investigated the city's largest firearms dealer after approximately 300 crime guns were traced back to it between 1989 and 1996. The U.S. Attorney's Office for the Eastern District of Missouri successfully prosecuted the gun shop owner and employees for willfully aiding and abetting straw purchasers in knowingly and willfully falsifying a material fact when acquiring firearms. One of the guns "straw purchased" from the gun shop was used in an attempted bank robbery in which a security guard was killed.

**Uncooperative dealers.** ATF's ability to trace crime guns depends entirely on the records kept by FFLs. While most FFLs are diligent about maintaining accurate records and respond quickly to trace requests, a small number consistently fail to cooperate with crime gun trace requests.

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ATF requires dealers who fail to cooperate with crime gun trace requests to produce all of their firearms transaction records for the past three years and on an ongoing basis. This approach will enable ATF to make sure that these uncooperative dealers follow the law and to revoke their licenses if appropriate.

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**Inactive dealers.** From 1975 to 1992, the FFL population grew from over 160,000 to over 280,000. The growing licensee population strained enforcement resources, and many inactive licensees were holding licenses meant only for those engaged in the firearms business. In 1993 and 1994, Congress added several safeguards to ensure that only legitimate gun dealers obtain federal licenses, including increased fees and certification requirements. Following ATF's implementation of those provisions, the number of FFLs dropped by more than half, to approximately 104,000 in 1999. Despite the decline, a recent ATF survey indicated that 31 percent of the surveyed retail licensees in 1998 had not sold a gun in the previous year.

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ATF is taking additional steps to ensure that only licensees who are "engaged in the business" hold licenses. As part of the license renewal process, ATF will require an FFL to certify the number of firearms that the FFL bought and sold during the previous three years.

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**Dealer to Dealer Transfers.** Prior to shipping a firearm to another licensee, FFLs are currently required to verify that the transferee has a valid license. While regulations require the transferor to obtain a copy of the transferee's license, in some cases, persons whose licenses have been revoked, as well as unlicensed individuals with fraudulent licenses, have been able to obtain firearms from FFLs. Our National Strategy includes steps to prevent individuals with fraudulent or revoked licenses from misleading FFLs about their status.

ATF has established an "eZ Check" website, which FFLs may use on a voluntary basis to verify the status of other licensees with whom they contemplate doing business. ATF also plans to require FFLs to verify the legitimacy of licensees with whom they propose to do business before shipping firearms to such licensees, either by using eZ Check or calling ATF's National Licensing Center.

#### *Targeting Straw Purchasers and Straw Purchasing Rings*

One common method used by illegal traffickers who attempt to circumvent the federal firearms laws and create an illegal market in firearms is the "straw purchase." A straw purchase occurs when the actual buyer of a firearm uses another person, the "straw purchaser," to execute the paperwork necessary to purchase a firearm from an FFL. Often, a straw purchaser is used because the actual purchaser is prohibited from acquiring the firearm due to a felony conviction, age restriction, or another prohibition. Disqualified persons, including violent gang members, often use straw purchasers to acquire guns from FFLs at gun stores and at gun shows.

Federal authorities in communities that identify straw purchases as a significant problem in their jurisdictions are working to expand existing coordination with state and local law enforcement to identify and prosecute straw purchasers and corrupt FFLs who assist straw purchases. For example, Pittsburgh, Pennsylvania's "Operation TARGET" (Taking Aim to Reduce Gun Violence and End Trafficking) includes a focus on straw purchasers. In cooperation with ATF, the U.S. Attorney's Office in the Western District of Pennsylvania uses trace data and other statistical information to identify FFLs who have a pattern of selling to straw purchasers

and individuals whose gun purchasing record suggested that they may have made straw purchases on behalf of felons. These data, as well as other investigative information, are being used to identify and prosecute straw purchasers. Recently, the U.S. Attorney's Office separately indicted five individuals for trafficking a total of 40 illegal guns. One of the guns was used to commit a murder, two were used in shootings, and one was seized during a drug probe.

In February 1999, in the Northern District of Indiana, the organizer and leader of a group that included his brother and sister, and another woman who served as a straw purchaser of firearms, was sentenced to five years and three months in prison upon convictions for being a felon in possession of a firearm and conspiracy to violate federal firearms laws. The other three co-conspirators were also convicted. The defendant had four separate previous felony convictions for unauthorized use of a motor vehicle, aggravated perjury, unlawful use of a weapon, and attempted murder, and was currently under indictment in Illinois state court in two additional unrelated cases for murder and for unlawful use of a firearm by a felon.

### *Cracking Down on Unlicensed Dealers*

Unlicensed individuals sell about two million guns each year at gun shows, flea markets, and in individual private transactions.<sup>15</sup> More than 4,000 gun shows are held each year in this country, and between 25-50 percent of sellers at gun shows are unlicensed, as are almost all firearms vendors at flea markets. Sellers that are not FFLs cannot initiate a NICS check and have no obligation to find out whether a purchaser is a felon, fugitive, or other prohibited person. They also are not required to keep any record of their firearms transactions. As a result, large numbers of guns are sold anonymously, creating a ready supply of firearms for criminals and firearms traffickers. Research has suggested a link between gun shows and crime guns. Moreover, used guns sold at gun shows cannot be traced if they are later recovered from a crime scene.

Under current law, persons who are "engaged in the business" of dealing in firearms are required to have a federal license and maintain appropriate records. *See History of Federal Firearms Law, Appendix C.* However, the law presently excludes those who buy and sell firearms "to enhance a personal collection" or for a "hobby" or who "sell all or part of a personal collection." Those who abuse these exceptions to the license requirement with respect to the sale of firearms create a significant risk to the public by creating ready avenues for criminals' access to firearms.

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<sup>15</sup> *See id.* at 5; PHILIP J. COOK & JENS LUDWIG, GUNS IN AMERICA: RESULTS OF A COMPREHENSIVE NATIONAL SURVEY ON FIREARMS OWNERSHIP AND USE (1996).

In the Northern District of Ohio, a man who sold large quantities of firearms at weekend gun shows after ATF revoked his federal firearms license was sentenced to two years and nine months in prison following his conviction for dealing in firearms without a license. For four years, the defendant was a regular vendor at various Ohio gun shows, displaying an inventory of 60 to 90 handguns, rifles, and shotguns. To induce customers to buy from him instead of from licensed dealers subject to the Brady Law, the defendant did not require the purchaser to complete paperwork or undergo a criminal background check. After purchasing a number of handguns from the defendant in undercover transactions, agents seized his inventory of some 95 firearms and his sales records, which showed that he had sold nearly 500 firearms over 15 months at an average profit of \$82 per gun, and a total profit of more than \$40,000. The jury rejected the defendant's defense that his firearms activity was not profit-driven and that he was merely engaging in "occasional sales" to enhance his personal gun collection. The firearms confiscated from the defendant, with an estimated value of \$34,000, were forfeited.

As best they can under current law, ATF and U.S. Attorneys target illegal sales of firearms at gun shows and in other venues to prevent large numbers of guns from being sold anonymously to criminals and firearms traffickers. Our ability to keep guns out of the hands of prohibited persons is tremendously undermined by current law, however, because individuals who cannot lawfully buy guns from FFLs can in fact readily obtain them from unlicensed sellers. At a minimum, legislation to begin to address this problem by making sellers at gun shows—a venue attractive to criminals—follow the same simple but effective rules that federally licensed dealers currently follow is critical to enable us to keep guns out of the wrong hands. In the alternative, legislation that would apply Brady background check and record keeping requirements to all handgun transactions in the secondary market would help keep guns away from criminals and other prohibited persons.

**Internet Transactions.** The rapidly growing Internet presents another area in which the federal government must take steps to ensure that existing federal laws governing firearms sales are followed. The Internet provides convenient fora for the advertisement and sale of guns by unlicensed individuals who, unlike PFLs, are not required to conduct background checks on prospective purchasers or maintain records of sales. Convicted felons, other prohibited persons, and juveniles may seek to obtain firearms through the Internet. Current estimates indicate that there are approximately 80 online firearm auction sites that advertise the sale of firearms, and approximately 4000 firearm sale-related sites associated with non-specialized auction sites, classified ads, personal ads, and retail-wholesale firearms dealers doing business on the Internet.

In addition to creating avenues for the acquisition of firearms by prohibited individuals, Internet transactions may facilitate illegal dealing in firearms by private individuals who engage in the business of selling firearms without obtaining the requisite license. Furthermore, some Internet transactions may violate federal restrictions on interstate sales of firearms. It is also

possible that some FFLs will violate federal law to take advantage of the commercial opportunities presented by the Internet. For example, FFLs are required to examine identifying documents of the purchaser and may not sell guns to persons who are prohibited, underage or, in the case of handguns, do not reside in the state in which the FFL is licensed. The Internet may create a temptation on the part of FFLs to circumvent these rules, as well as record keeping requirements, because of the potential profits that can be earned from online sales. Enforcement mechanisms must be established to prevent prohibited individuals from obtaining firearms through the Internet and to make sure that both FFLs and unlicensed sellers follow existing law when conducting sales through the Internet.

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To address the problem of illegal sales of firearms through the Internet, ATF is establishing a "Cybercrime Branch" to identify and respond to criminal violations involving the Internet and other new computer technology. Funding permitting, ATF plans to staff each field division with a cybercrime investigator to coordinate all such investigations. ATF is working with other federal law enforcement agencies to establish enforcement mechanisms to prevent prohibited individuals from obtaining firearms through the Internet and to make sure both FFLs and unlicensed sellers follow existing law when conducting sales through the Internet.

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#### *Preventing Illegal Access to Firearms by Juveniles and Youth*

Unauthorized access to guns by juveniles (under age 18) and youth (ages 18-24) presents distinctive problems. When guns replace fists and knives to settle disputes or commit crimes, the chance of a fatality increases exponentially. While overall and violent crime rates have dropped in recent years, juvenile homicides increased in the seven-year period from 1987 to 1993. And although there was a significant decline in juvenile homicides between 1993 and 1997, the rate of juvenile violence remains unacceptably high.

According to a recent Justice Department report, between 1980 and 1997, nearly three out of four homicides committed by a juvenile age twelve and older were committed with a firearm. One out of four murders of juveniles involves a juvenile offender.<sup>16</sup> Despite legal restrictions on acquisition and possession, juveniles are getting and using handguns. ATF tracing data reveals that one out of ten traced crime guns is recovered from a person under 18-years old. More crime guns were recovered from 14-year olds as from all individuals older than 50; 15-year olds had as many crime guns recovered from them than from all individuals older than 31. Many of these recovered juvenile crime guns are new (bought from an FFL less than three years before

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<sup>16</sup> OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, 1999 NATIONAL REPORT: JUVENILE OFFENDERS AND VICTIMS (2000).

recovery), signaling direct diversion from the legal market by illegal street corner sales, straw purchasers, theft from FFLs, or some combination of these avenues.<sup>17</sup>

Under current federal law, individuals between the ages of 18 to 20 legally may possess handguns and may buy them from unlicensed sellers. The ease with which 18- to 20-year olds can get guns is very troubling. Youth aged 18-, 19- and 20-years old ranked first, second and third in the number of gun homicides committed in 1997. For non-lethal violent crimes, 18- to 20- year old offenders were more likely to use a firearm than offenders in other age group. There were more recovered crime guns traced to 19-year olds than to any other age group; crime guns possessed by 18-year olds ranked second.<sup>18</sup>

We are giving special priority to addressing juvenile and youth firearms crime and violence through programs that specifically target these age groups. Through comprehensive crime gun tracing, the Youth Crime Gun Interdiction Initiative (YCGII) brings together law enforcement agencies at all levels of government to improve information about illegal sources of guns and use that information to identify, arrest and prosecute firearms traffickers, and to reduce firearms trafficking to juveniles and youth, as well as illegal use of firearms.

#### *Reducing Gun Theft From Businesses and Homes*

Theft is a significant source of illegally trafficked guns. Guns may be stolen from commercial sources, such as during "smash and grab" thefts from gun stores, by employee theft from federally licensed dealers, or from homes. An estimated half million gun thefts occur annually. While thefts from homes are usually prosecuted under state and local law, under a local firearms enforcement strategy, a series of residential break-ins to acquire firearms for illegal trafficking may be prosecuted in federal court, or the local prosecutor might choose to give special attention to thefts involving firearms.

In the Central District of California, a federal defendant was sentenced to more than seven years in prison for conspiracy and trafficking in an arsenal of weapons—including a sniper rifle—that had been stolen from a sporting goods store. The defendant admitted that some of the weapons were sold to members of a street gang. The defendant's father had previously been sentenced to more than four years in prison in connection with the same trafficking scheme.

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<sup>17</sup> DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, YOUTH CRIME GUN INTERDICTION INITIATIVE: CRIME GUN TRACE ANALYSIS REPORTS, 27 COMMUNITIES (1999).

<sup>18</sup> DEPARTMENT OF THE TREASURY AND DEPARTMENT OF JUSTICE, GUN CRIME IN THE 18-20 AGE GROUP (1999).

Firearms theft from licensed dealers is a significant problem and potential source of illegally trafficked guns. In 1998 and 1999 federal firearms licensees (FFLs) filed reports on over 5,000 losses or thefts involving 27,287 firearms. Existing law requires FFLs to report the theft or loss of a firearm within 48 hours of discovery. However, current regulations do not explicitly require federal licensees to conduct an inventory of firearms on an annual (or more frequent) basis, so that they can learn when a firearm is missing from inventory. The regulations also currently do not specify who—licensee, shipper or receiver—must report a theft in transit between them. ATF has proposed requiring federally licensed importers, manufacturers and dealers to conduct at least one physical inventory of firearms each year and report to ATF any missing firearms and clarifying that, for reporting purposes, when a firearm is stolen or lost in transit between licensees, it is considered stolen or lost from the transferor's or sender's inventory.

### *Investigating Prohibited Persons Who Unsuccessfully Attempt to Purchase Firearms*

The centralization of Brady Law denial information by NICS expanded the potential for federal and state prosecutions of prohibited persons who illegally attempt to purchase firearms. U.S. Attorneys and ATF Division Directors are using and will continue to use Brady Law denial information to identify, investigate, apprehend, and prosecute violent offenders, including armed career criminals, dangerous felons, and domestic violence offenders. Federal authorities also are collaborating with state and local prosecutors and enforcement agencies to use Brady Law denial information to bring cases under applicable state law.

In the Southern District of Texas, an individual who had previously been convicted of threatening to kill former President George Bush tried to buy a rifle from a pawnshop. He was denied by a NICS check. He was charged with the federal crime of making a false statement in the attempted acquisition of a firearm, and in February 1999, was sentenced to three years and ten months in prison.

### *Industry Self-Policing*

The firearms industry can make a significant contribution to public safety by adopting measures to police its own distribution chain. In many industries, such as the fertilizer and explosives industries, manufacturers impose extensive controls on their dealers and distributors. Gun manufacturers and importers could substantially reduce the illegal supply of guns by taking similar steps to control the chain of distribution for firearms. To properly control the distribution of firearms, gun manufacturers and importers should: identify and refuse to supply dealers and distributors that have a pattern of selling guns to criminals and straw purchasers; develop a continual training program for dealers and distributors covering compliance with firearms laws, identifying straw purchase scenarios and securing inventory; and develop a code of conduct for

dealers and distributors, requiring them to implement inventory, store security, policy and record keeping measures to keep guns out of the wrong hands, including policies to postpone all gun transfers until NICS checks are completed.

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To assist industry efforts to keep guns from falling into the wrong hands, ATF will supply manufacturers and importers that request it with information about crime gun traces of the manufacturer's or importer's firearms. The Department of Treasury and the Department of Justice are continuing to work with responsible members of the firearms industry to encourage voluntary measures, such as a code of conduct and comprehensive training for dealers, to ensure that guns are not stolen or sold to criminals or straw purchasers.

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On March 17, 2000, an unprecedented agreement was signed between several governmental entities and a gun manufacturer. Smith and Wesson, the largest handgun manufacturer in the Nation, agreed to take measures with regard to its design, manufacturing, distribution and marketing practices that will help reduce criminals' access to guns and prevent gun accidents, and will potentially affect the way the entire gun industry does business. The agreement illustrates that common sense distribution and safety measures are practical and can be embraced by the gun industry as a matter of responsible business practice. Key provisions of the agreement include: (1) new design standards to make guns safer and prevent accidental shootings and gun deaths, with required locking devices and smart gun technology; (2) new sales and distribution controls to help keep guns out of the hands of criminals, help law enforcement solve gun crimes, and reduce firearms accidents—including assured background checks on all sales at gun shows, required ballistics testing for new firearms, and gun safety training requirements for purchasers—and (3) a new oversight commission that will work with ATF to help oversee implementation of the agreement. The Smith and Wesson agreement is attached in Appendix D.

#### **V Investing in Information Technology to Identify Criminals and Support Strategic Law Enforcement**

Our National Strategy calls for expanding the development and deployment of enforcement technologies and information systems to support federal, state and local investigations, and for developing new investigative strategies to respond to increasingly sophisticated criminal behavior. Advances in technology and computer-based information systems have begun to revolutionize our efforts to reduce firearms violence. Technological advances and improved analytical capacities have enabled us to develop powerful new tools to identify, investigate, and prosecute illegal trafficking of firearms; better understand the illegal firearms market in particular communities and regions of the country; identify, locate, and prosecute violent offenders, including armed career criminals and armed drug traffickers; and target law enforcement efforts to violent crime "hot spots," where firearms violence and trafficking disproportionately take place.

Electronic advances in gathering, analyzing and disseminating data are critical to enforcement efforts directed against firearms crime and violence. Electronic databases contain

everything from fingerprints lifted from recovered crime guns or crime scenes to criminal history records to ballistics information. Despite advances, however, too much information remains in paper files or on incompatible computer systems. Many of the crime fighting tools to combat firearms violence and trafficking in the 21<sup>st</sup> Century are still being developed or refined. Effective enforcement requires us to support and implement the widespread use of evolving technologies and data systems by federal, state and local law enforcement authorities, and continually to update and refine data-driven approaches to gun crime.

### **Traditional Investigation and Intelligence**

Traditional criminal investigatory and intelligence methods remain the primary mechanisms by which law enforcement obtains useful information about the unlawful acquisition, possession, use, sale and trafficking of firearms. These traditional methods include undercover operations and the use of confidential informants; debriefing of arrestees and cooperating witnesses; and conditioned plea bargains, which require a defendant arrested with a firearm to provide information about the source of the weapon as a condition of law enforcement authorities agreeing to accept a plea bargain.

Federal law enforcement officials are working to enhance and expand the use of these methods. Toward that end, in a number of federal judicial districts, ATF has prepared debriefing forms to be used by local law enforcement authorities to determine the suspect's gun source, and is taking steps to encourage systematic debriefing by local and state law enforcement agencies.

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ATF is designating agents in each field division to debrief armed career criminals, armed drug traffickers, and persons identified as particularly violent offenders, whenever they are arrested with a gun, in an effort to determine the source of illegally supplied firearms. Leads obtained in this manner are referred to ATF special agents, as well as to state and local law enforcement authorities for further investigation.

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The Department of Justice is taking steps to gather information about the acquisition of guns by criminals. The Department supports the Arrestee Drug Abuse Monitoring Program (ADAM), which tracks trends in the prevalence and types of drug use among booked arrestees in 35 urban areas around the country. ADAM data play an important role in assembling the national picture of drug use in the arrestee population. The ADAM questionnaire will gather additional information about how this population uses and acquires firearms through a new gun addendum. A regular, timely reporting of findings about firearms from the ADAM questionnaire to ATF field divisions, local law enforcement agencies, and other public safety agencies will make a significant contribution to understanding the criminal use of firearms and developing strategic responses to illegal firearms markets.

## Tracing Crime Guns

Firearms tracing provides invaluable information about the sources of illegally supplied crime guns. When a firearm is recovered from a crime scene or from a prohibited person, tracing enables us to determine that gun's history from its manufacturer or importer through the distribution chain (wholesaler/retailer) to the first retail purchase. ATF's National Tracing Center (NTC) is the only facility in the world that can trace recovered crime guns for federal, state, local or international law enforcement agencies. Tracing is possible because manufacturers and importers are required to maintain records of the dealers and distributors to which they sell their guns, and federally-licensed dealers are required to maintain records of firearms purchasers.

Traditionally, law enforcement agencies in the United States have made crime gun tracing requests to help solve specific crimes by tying a recovered gun to a suspect. In recent years, however, we have come to realize that comprehensive tracing, which involves tracing all recovered crime guns in a particular area, is key to understanding and attacking firearms trafficking. Comprehensive tracing maximizes the number of investigative leads and gives a more accurate picture of the illegal firearms market in particular areas than does tracing of isolated crime guns. In 1996, ATF introduced comprehensive tracing in a number of communities as part of the Youth Crime Gun Interdiction Initiative (YCGII). The program expanded from 17 communities in its first year to 27 cities in the second year. Eleven more YCGII communities began comprehensive tracing in FY 2000. In addition, a growing number of local police departments have expressed interest in implementing comprehensive tracing, independent of YCGII. Our National Strategy calls for taking steps to encourage expansion of comprehensive tracing to every state and local law enforcement agency as rapidly as resources permit.

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To further comprehensive tracing, the Attorney General and the Secretary of the Treasury will issue a directive requiring comprehensive crime gun tracing by all federal agencies under their authority, and will recommend that similar directives be issued by all other cabinet officers having jurisdiction over federal agencies that recover crime guns.

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The number of crime gun tracing requests has risen significantly since ATF began its comprehensive tracing effort, from 79,777 in FY 1995 to 209,127 in FY 1999. Through "Online Lead," the NTC's automated firearms trafficking information system, the NTC compiles and analyzes tracing information to identify recurring trends and patterns, including patterns involving particular FFLs or first retail purchasers, which may indicate illegal trafficking. Trafficking indicators include: short time between retail purchase and recovery at a crime scene ("time-to-crime"); large numbers of crime guns traced to a particular FFL or first purchaser; unsuccessful trace results; frequently reported firearms thefts; frequent multiple sales or multiple purchases of firearms; and recovery of firearms with obliterated serial numbers. ATF provides the resulting investigative leads to its field offices, local trafficking task forces, and state and local law enforcement authorities. This information assists those authorities in targeting firearms traffickers.

- The Clinton Administration's FY 2001 budget includes funds to provide tracing equipment and training to 250 state and local law enforcement agencies. This expansion is another step toward comprehensive crime gun tracing by every state and local law enforcement agency.

We are also beginning to use computerized mapping programs and other analyses of national, regional and local trace data to develop valuable strategic information about the illegal market in firearms. This information includes: what kind of guns are being used by what kind of criminals in a particular community; who is selling guns on the street; which FFLs are involved; where crime gun recovery locations are (indicating violent crime hot spots); and whether the primary source of the illegal firearms market is a particular city, in-state or out-of-state. Repeat sources of crime guns to certain age groups or locations can be pinpointed, thus illuminating the relationship of local trafficking problems and enforcement strategies to those in other communities.

In the Middle District of Tennessee, every gun taken off the street by the Metro Nashville Police Department is traced through ATF's gun trace system, allowing law enforcement to identify and prosecute traffickers. When a Nashville police officer was killed in 1996, the firearm was traced to a dealer who had surrendered his license to deal guns in 1994. Subsequent investigation showed that, after surrendering his license, the former dealer had purchased hundreds of cheap street guns and then resold them to convicted felons for ten times their street price. In November 1999, the dealer was convicted of dealing in firearms without a license and sentenced to five years in prison.

ATF, in conjunction with state and local law enforcement authorities, recently established the New York Regional Crime Gun Center, the first of its kind in the country. This Center aggressively collects and analyzes comprehensive local crime gun traces to target the illegal firearms supply in high-crime neighborhoods in the New York Metropolitan area. It records daily firearms tracing data from area crime incident reports; transfers firearms tracing data to the NTC; responds to regional tracing requests; physically examines guns, including conducting ballistics tests; and analyzes a broad range of firearms crime and tracing data to identify gun traffickers, trafficking patterns, violent crime hot-spots and trends. To date, the New York Regional Crime Gun Center has identified 180 suspected firearms traffickers. Additionally, ATF is currently establishing two more gun centers, in Washington, D.C. and Chicago, Illinois, modeled on the New York Regional Crime Gun Center. Funding permitting, ATF plans to expand the number of regional crime gun centers until there is one in every ATF division.

#### **National Integrated Ballistics Information Network (NIBIN)**

Ballistics technology connects bullets or bullet casings to the guns from which they were fired. This technology can help law enforcement identify criminal shooters, even if the gun itself is not recovered. As with fingerprints, every firearm has unique characteristics. The barrel,

breech face, extractor, and ejector each leave distinctive markings on the cartridge casing or projectile. Images of the markings can be captured, stored, and compared to other captured images. If a firearm's "gunprint" is recorded in a central system, forensics firearms examiners can electronically compare thousands of specimens in a fraction of the time it would take to compare them manually. An electronic ballistics system provides law enforcement agencies with the ability to link one or more seemingly unrelated shooting incidents to a single firearm. When bullets or casings from another crime are recovered, forensics firearms examiners can electronically compare the new specimens to those in the central system. If there is a match, we can tie the two crimes together and gain important investigative leads. Ballistics testing programs at the FBI and ATF have already helped advance over 16,000 criminal investigations of gun crimes in over 40 states.

Recently, ATF and the FBI agreed to create a single, unified ballistics imaging system, the National Integrated Ballistics Information Network (NIBIN) that will unify the existing federal ballistics systems, ATF's "IBIS," and FBI's "DRUGFIRE." The Clinton Administration's FY 2001 budget request included \$33 million to develop and expand NIBIN, and Congress authorized approximately the amount requested.

To help realize the full potential of ballistics and greatly enhance law enforcement's ability to solve gun crimes and trace crime guns, we are taking steps to encourage gun manufacturers to voluntarily enter "gunprints" for *all* new firearms into a ballistics database before they are sold. Currently, Glock, Inc., one of the largest manufacturers of handguns, is participating in a pilot program to determine the feasibility of capturing and entering gun prints at the point of manufacture, and Smith & Wesson has agreed to do likewise. Such industry cooperation has the potential to provide substantial law enforcement benefits and should be fostered. We will continue to work with gun manufacturers and importers to develop a voluntary system to enter gunprints of each firearm into NIBIN before the firearm is sold.

### **Restoration of Obliterated Serial Numbers**

The intentional obliteration of firearms serial numbers poses a serious and growing threat to illegal supply interdiction measures based on tracing. Because serial numbers are the principal means by which firearms are identified, the obliteration of serial numbers makes it difficult to trace recovered crime guns. Knowing possession of a firearm with obliterated serial numbers violates federal firearms laws.

ATF restores obliterated serial numbers at its three national firearms laboratories. Over the past two years, ATF has also increased its efforts to train other law enforcement laboratories to restore obliterated serial numbers on crime guns. Between 1997 and 1999, ATF trained 456 state and local officers in raising obliterated serial numbers. In addition, because obliteration is often a trafficking indicator, ATF has begun to trace guns with restored serial numbers to generate investigative leads into trafficking. While ATF's response to obliteration has been powerful, the problem can be handled more efficiently by designing guns with serial numbers

that cannot be obliterated. ATF has proposed requiring serial numbers to meet minimum height and depth requirements that will make them more resistant to obliteration, and will continue to work to make serial numbers more resistant to obliteration.<sup>19</sup>

## **VI Preventing Gun Accidents and Suicides**

In 1998 alone, firearms accidents killed 866 people—nearly one-third of them age 19 or under—and 17,424 people committed suicide with guns.<sup>20</sup> Indeed, suicide accounts for over half of all firearms-related deaths. Reducing the number of gun-related accidents and suicides is therefore a crucial part of reducing firearms violence. Unlike virtually all other consumer products, however, firearms are exempt from most forms of safety regulation. Despite the fact that guns are designed to be lethal, neither domestically-made guns nor imported firearms are subject to federal safety standards. In most states, anyone not prohibited by age or background may purchase any number, and nearly any type, of firearm with no safety training whatsoever. This lack of legislative authority greatly limits what we can do to combat the tragedy of gun suicides or accidents. In this section, we set forth several steps that we are taking under current law. Legislative proposals that will help address these problems are addressed in Section VII of this report.

Guns are inherently dangerous consumer products, and we must treat them as such at every step in the distribution chain, from manufacturer to dealer to consumer. Gun owners, the firearms industry, parents, schools, the public health community and community leaders all must shoulder responsibility for making firearms safety a top priority.

### **Supporting Smart Gun Research**

Several handgun manufacturers have begun experimenting with “smart” or “personalized” gun technologies intended to prevent anyone other than an authorized individual or individuals from firing a gun. Some technologies use a confirmation system, such as a ring that transmits a security code to the gun, activation of a personal ID number, or a fingerprint recognition system, to permit the gun to fire. Simple key and locking pin systems are also being developed. Originally intended for law enforcement to keep criminals from seizing and using police officers’ guns, these technologies show promise in preventing unauthorized misuse. As part of our National Strategy, we are seeking to put smart guns on the fast track for development.

- The FY 2001 budget passed includes \$8 million for developing smart gun technology to prevent unauthorized misuse.

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<sup>19</sup> See Identification Marking Placed on Firearms, 64 Fed. Reg. 33,450-01 (1999) (to be codified at 27 CFR pts. 178, 179) (proposed Jun. 23, 1999).

<sup>20</sup> NATIONAL CENTER FOR HEALTH STATISTICS, VITAL STATISTICS REPORTS (1998).

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The Treasury Department and the Department of Justice will also continue to encourage firearms manufacturers to commit significant resources for research and development of this and other gun safety technology for the mass market, and voluntarily to incorporate these safety devices on their firearms as soon as possible.

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### **Greater Care by the Industry in Designing and Selling Firearms**

The firearms industry must do much more to design and distribute its products to be as safe as reasonably possible, so as to reduce the level of accidental gun injuries and suicides in our society. The recent agreement with Smith and Wesson includes provisions to improve the design of firearms to make the company's products safer.

Other gun manufacturers should be encouraged to voluntarily incorporate existing safety devices on their firearms as soon as possible, and to devote significant resources to developing a variety of new safety devices and technologies to prevent accidental shootings. We will also encourage the firearms industry to institute voluntary measures, such as a code of conduct for retail dealers, to ensure that firearms are transferred only to persons who have the knowledge and experience to handle them safely. Such distribution controls can help significantly in the effort to reduce gun accidents and suicides.

### **Public Education and Media Campaigns**

It is critical that communities and individual gun owners fully understand the dangers of unsafe firearms handling and storage, particularly the risks posed for children by irresponsible firearms storage. There are an estimated 200 million guns in America today; 64 million are believed to be handguns. Many of these weapons are easily accessible to our children. More than one-third of American children live in homes that contain at least one gun. Forty-three percent of these homes have guns that are neither stored in a locked place nor protected by a trigger lock, and 13 percent—about 1.4 million households with about 2.6 million children—have unlocked firearms that are either loaded or stored with ammunition. In the last ten years, more than 2,300 American children age fourteen and younger died from unintentional shootings, and thousands more were injured.

To help reduce gun accidents and suicides, the Department of Justice has funded a \$2 million public education campaign to encourage gun owners to store their guns safely and secured—unloaded and locked—so that children and other unauthorized persons cannot access them. The first ad was released in June 2000. The Department of Treasury is working with non-governmental organizations to promote a "parents asking parents" safety message program that encourages parents to ask each other about the accessibility of guns in homes their children visit.

The Department of Justice and ATF will also provide training and technical assistance to communities to implement safe firearms handling and storage programs. In 1998, ATF's Miami Field Division, in cooperation with the Broward County Hospital District and Board of

Education and with the endorsement of the local U.S. Attorney's Office, developed an innovative firearms safety program, CARGO (Communities Addressing Responsible Gun Ownership). The program involves collaboration among personnel from schools, hospitals and ATF and other law enforcement agencies to provide firearms safety education to students, parents and teachers in the schools. ATF is also expanding its firearms safety outreach activities through its Field Divisions.

### **Firearms-Related Suicide**

In recent years, more than half of all suicides in America were committed with a firearm, and strong evidence suggests that access to guns greatly increases the risk of suicide. Among persons aged 15-24 years, suicide was the third leading cause of death in 1997. From 1980-1997, the rate of suicide among persons aged 15-19 years increased by 11 percent; firearms-related suicide accounted for 62 percent of that increase. Between 1980-1995, the suicide rate for African-Americans aged 10-19 increased 114 percent; firearm-related suicides accounted for 96 percent of that increase.

We must take steps to develop effective firearms-related suicide prevention strategies. To do this, it is important to develop a greater understanding of the problem of gun suicide. This can be done by combining the methods used to study firearms-related violence in general with those used by public health professionals to study suicide prevention. In particular, we need to develop our capacity to learn about the frequency and characteristics of suicides committed with firearms, including suicide risk factors, such as a history of domestic violence, child abuse, depression, alcohol or drug abuse, arrests, and traumatic loss, as well as the kinds of guns involved, their storage and history of ownership. We also must learn a great deal more about how firearms purchase or access is related to suicidal behavior, so that we can develop effective intervention and prevention strategies. The Departments of Justice and the Treasury will work with the Department of Health and Human Services to help develop a comprehensive understanding of firearms-related suicide and effective prevention strategies.

### **LEGISLATIVE PROPOSALS**

Even with enhanced collaboration between federal, state and local law enforcement, implementation of the innovative strategies presented in this report, and increased funding to combat gun violence, the effectiveness of any national strategy to reduce gun violence will be limited unless and until legislation is enacted that corrects major deficiencies in our federal firearms laws. Accordingly, the final section of this report sets out legislative measures that would support the efforts we are taking on every front to reduce gun crime and violence.

Common sense federal legislation such as the Brady Law has contributed significantly to keeping guns out of the wrong hands. The success of this and other measures has led to a broader recognition by law enforcement, the American public, gun manufacturers, and gun owners that sensible measures to regulate firearms can and will make a difference in reducing gun crime and violence and saving lives.

Our federal gun laws, the development of which is described in Appendix C, are still inadequate to address gun crime and violence fully. There are critical gaps that must be filled, and additional measures that will greatly assist our communities in reducing gun violence and keeping guns out of the wrong hands. Last year, the Clinton Administration proposed a comprehensive gun bill, the Youth Crime Gun Enforcement Act. Many of its provisions were included in the legislation that passed the Senate in May 1999, including a provision to close the dangerous loophole in our laws that permits felons and other prohibited persons to buy guns at gun shows with no background checks or records to permit crime gun tracing. The House of Representatives did not adopt the gun show legislation; however, the juvenile justice bill that passed in the House included some other important firearms provisions. In August 1999, the House and Senate conferees for this legislation met for the first and only time and failed to produce a final bill throughout the 106<sup>th</sup> Congress. Congress should immediately resume work to pass common sense gun legislation. The status of legislative proposals discussed in this document is listed in Appendix B.

### **Enact Tougher Criminal Penalties For Those Who Violate the Federal Firearms Laws**

Existing law does not always provide adequate penalties for violations of the current federal gun laws. In this section we describe legislative proposals that would assist law enforcement by providing tougher federal penalties.

- **Strengthen the criminal penalties for gun kingpins.** Existing criminal penalties for illegal firearms trafficking are inadequate. Gun kingpins may traffic in hundreds of firearms, yet the penalty for engaging in the business of dealing in firearms without a license carries a maximum penalty of five years imprisonment. Given the seriousness of the offense, the maximum penalty should be increased to ten years imprisonment. The United States Sentencing Commission should also be directed to review and amend the Federal Sentencing Guidelines to provide an appropriate enhancement for trafficking violations that involve more than 50 firearms. Under current guidelines, someone who traffics 50 guns would receive the same sentencing enhancement, absent an upward departure, as someone who traffics 500.
- **Expand criminal penalties for armed career criminals.** The Armed Career Criminal Act (ACCA) imposes a minimum 15-year prison term for felons found in unlawful possession of a firearm who have three prior convictions for violent felonies or serious drug trafficking offenses. Congress should amend the ACCA to allow up to two violations of the felon-in-possession law to be included as predicate offenses for sentence enhancement under the ACCA. Persons who have been convicted of a single violent felony or serious drug offense, and twice convicted of violating the felon-in-possession statute, have demonstrated a propensity for violence that justifies enhanced sentencing under the ACCA. The ACCA should also be amended to include, as predicates, acts of

juvenile delinquency that, if committed by an adult, would constitute serious drug trafficking offenses.

- **Increase penalties for firearms conspiracies.** Because criminals working together generally do more harm than criminals working alone, persons who conspire to violate the firearms laws should be punished by the same maximum term that applies to the substantive offense that was the object of the conspiracy. Congress should enact legislation to increase the penalties for firearms conspiracies.
- **Include certain gang-related offenses as RICO predicates.** The Racketeer Influenced and Corrupt Organizations (RICO) statute provides an important tool for combating criminal enterprises. Congress should enact legislation including certain gang-related firearms offenses as RICO predicates.
- **Impose tougher criminal penalties for serious FFL record keeping violations that aid gun trafficking.** Under existing law, record keeping violations by FFLs are generally punished as misdemeanors, with a maximum penalty of one year in prison. This penalty is woefully inadequate when the FFL's record keeping violations aid and abet the unlawful transfer of a firearm. The GCA should be amended to make the most serious record keeping violations committed by FFLs punishable by up to ten years imprisonment. Similarly, the current penalty for FFLs who knowingly fail to run a NICS check as required by the Brady Law is a misdemeanor, with a maximum penalty of one year in prison. This penalty is grossly inadequate.
- **Increase existing penalties for those who transfer handguns to juveniles, and those juveniles who unlawfully possess handguns.** The penalties for juveniles who unlawfully possess handguns, and persons who unlawfully transfer handguns to juveniles, should be increased. Under current federal law, a juvenile who unlawfully possesses a handgun is subject only to probation for a first offense, and a person who unlawfully transfers a handgun to a juvenile is punished only by a misdemeanor penalty. The law should be amended to increase these penalties. First-time juvenile offenders should be subject to a misdemeanor penalty for possessing a handgun. Adults who unlawfully transfer handguns to unauthorized juveniles should be subject to five years imprisonment.
- **Provide a criminal penalty for structuring transactions to avoid reporting multiple handgun sales.** In some cases, federally licensed firearms dealers assist illegal traffickers by advising them how to structure firearms sales to avoid the multiple sales reporting requirement. Structuring handgun transactions to avoid the multiple sales report requirement impedes ATF's ability to combat illegal trafficking of handguns, and should be made unlawful.

- **Penalize individuals who transfer firearms when they have reasonable cause to believe the guns will be used to commit a crime of violence or drug trafficking crime.** Current law makes it illegal to transfer a firearm “knowing” that the firearm will be used to commit a crime of violence or drug trafficking crime. This crime should not be limited to instances in which the transferor has actual knowledge that a crime of violence or drug trafficking crime will be committed, but should also apply to individuals who have “reasonable cause to believe” that this gun will be used in such a crime. Congress should amend the GCA to make clear that it is a felony to transfer a firearm if the transferor has reasonable cause to believe that the firearm will be used in a crime of violence or drug trafficking crime.
- **Extend the statute of limitations for National Firearms Act (NFA) prosecutions.** Because the National Firearms Act (NFA) is included within the Internal Revenue Code of 1986, the statute of limitations for prosecutions of criminal violations of the NFA is three years. This period is much shorter than the general statute of limitations applicable to federal criminal violations, which is five years. Congress should enact legislation extending the statute of limitations for NFA violations (such as the unlawful transfer of explosive bombs or short-barreled shotguns) from three to five years.

### **Keep Guns Out of the Wrong Hands**

In this section, we describe several legislative proposals, many of which have already been passed by either the House or Senate but not both, that would assist law enforcement in fighting gun violence by keeping guns out of the wrong hands.

#### *Address the Secondary Market*

Under current law, the two key tools that keep guns out of the wrong hands—the Brady Law background check and the tracing of crime guns—apply only to the “primary market” of sales by federally licensed dealers. The secondary market in guns, which involves sales by non-licensed individuals, evades these controls entirely.

Although the size of the secondary market in firearms is difficult to quantify, it is estimated that about two million guns are sold each year at gun shows, trade shows, flea markets, and in individual private transactions by unlicensed individuals. Indeed, more than 4,000 gun shows are held each year in this country, and between 25 and 50 percent of sellers at gun shows are unlicensed, as are almost all firearms vendors at flea markets. Nonlicensees cannot initiate a NICS check and have no obligation to find out whether a purchaser is a felon, fugitive, or other prohibited person. They also are not required to keep any record of their firearms transactions. As a result, huge numbers of guns are sold anonymously, creating a ready supply of firearms for criminals and firearms traffickers. Moreover, guns entering this unregulated market cannot be traced if they later are recovered at a crime scene. We must take steps to close the legislative

loopholes that allow the secondary market in firearms to serve as a source of guns to criminals and other prohibited persons. At a minimum, Congress should:

- **Close the gun show loophole.** Congress should enact the legislation the Senate passed last year requiring all firearms transactions at gun shows to go through FFLs and be subject to Brady Law background checks and FFL record keeping requirements. This legislation would not shut down gun shows; it would merely prevent felons, stalkers, prohibited gang members, and other persons not allowed by law to possess guns from anonymously acquiring firearms at gun shows with “no questions asked.”

### *Close Loopholes in the Brady Law*

Although the Brady Law has been remarkably successful in stopping the flow of firearms from FFLs to prohibited persons, some limitations in the current law—including those that create “default proceed” transactions—need to be fixed so that it can achieve its full promise of preventing criminals from obtaining guns from federally licensed dealers.

- **Provide law enforcement with adequate time to conduct background checks.** The current Brady Law provides that if NICS cannot complete a background check within three business days, the FFL may transfer the firearm despite the incomplete check. This is true even where NICS has information, such as a felony arrest record, that suggests that the purchaser may in fact be prohibited.

In the vast majority of cases, NICS checks are completed in a matter of seconds. However, approximately three percent of background checks remain unresolved after ten calendar days. Currently, the delay usually occurs because the system locates a felony arrest, but cannot determine—because of unautomated or incomplete state files—whether the individual was actually convicted. If state or local law enforcement officials do not provide information about the disposition of an arrest to the FBI within three business days, the firearm may be transferred. If NICS thereafter determines that the purchaser was in fact prohibited, and the firearm has already been transferred, the FBI immediately refers the matter to ATF to verify the purchaser’s prohibited status and take prompt action to retrieve the firearm. Because of public safety considerations, ATF gives these “delayed denials” top priority. Obviously, reliance on the retrieval mechanism is a poor substitute for preventing a prohibited person from acquiring a firearm in the first place. Congress should amend the Brady Law to give law enforcement adequate time to complete Brady background checks. In the Youth Gun Crime Enforcement Act, which President Clinton submitted to Congress in 1999, the Administration proposed restoring the five business day period that was in effect during the interim period of the Brady Law. Data from the NICS which is now available suggests that this additional time would be of substantial benefit in preventing illegal gun possession.

- **Close the state permit loophole.** The Brady Law contains a loophole allowing an FFL to transfer a firearm to anyone holding certain types of state firearms permits, without initiating a NICS check at the time of sale. Since the holder of a state permit may qualify for an exemption for up to five years, firearms may be transferred to individuals who have become prohibited—for example, by committing a felony—between the time the permit was issued and the time of sale. Under existing law, the dealer is not required to ensure that the state permit holder is not a disqualified person. State permits that are not immediately and effectively revoked when a person becomes prohibited should not substitute for a Brady Law check. Congress should enact legislation to close the state permit loophole in the Brady Law.

### *Reduce Illegal Trafficking in Firearms*

- **Limit handgun purchases to one a month.** Current federal law does not prevent an individual from purchasing an unlimited number of firearms, including handguns, from a federally licensed dealer, making it easy for a trafficker to purchase large quantities of firearms and resell them to criminals, unauthorized juveniles and other prohibited persons. Handguns are a favorite weapon of gun traffickers and criminals. The most recent analysis of crime gun traces shows that handguns comprised over three-quarters (78 percent) of all traced crime guns for 1999. Moreover, handguns acquired from FFLs through multiple sales accounted for 22 percent of all handguns sold and traced as crime guns in 1999.<sup>21</sup> When the citizens of South Carolina and Virginia recognized that traffickers stocked up on handguns in their states and sold them elsewhere, the state legislatures moved to limit handgun purchases to one per month. Virginia has reported success with its one-handgun-a-month law. Since this law, Virginia has dropped from first to eighth in the ranking of states that serve as a source of guns seized at crime scenes in the northeast. According to a 1996 study published by the American Medical Association, the percentage of guns that were used in crime and that traveled from Virginia to the northeast fell from approximately 35 percent to approximately 15 percent.

A federal one-gun-a-month law would eliminate the need for a piecemeal approach to stopping gun trafficking by imposing a uniform rule. Congress should enact legislation limiting each individual to one handgun purchase a month, with reasonable exceptions for those with a legitimate reason to acquire multiple handguns in a short period of time.

- **Address the problem of unlicensed dealers.** Given the critical role that federally licensed dealers play in combating gun trafficking, it is important that dealers not evade the requirement that they obtain a federal license. Current law is needlessly complex and often makes it difficult to prosecute dealers who operate without a federal license. A firearms dealer is required to have a federal firearms license only if he or she is “engaged in the business” of dealing in firearms, which requires a showing that the dealer

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<sup>21</sup> ATF, CRIME GUN TRACE REPORTS (1999).

"devote[s] time, attention and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms."<sup>22</sup> The term "principal objective of livelihood and profit" requires proof that the dealer's intent in selling or disposing of firearms is predominantly to obtain livelihood and pecuniary gain, and not to improve or liquidate a personal firearms collection or sell firearms as a hobby.

It is often difficult to establish conclusively that an unlicensed dealer is not selling guns to liquidate or improve a personal collection or as a hobby. This fact has forced law enforcement to resort to other firearms charges to attack firearms trafficking by unlicensed vendors. Congress should amend the GCA to provide a more straightforward and realistic definition of when an individual is engaged in the business of dealing in firearms.

- **Create a new straw purchase violation for FFLs.** A "straw purchase" occurs when the actual buyer of a firearm uses another person, the "straw purchaser," to execute the paperwork necessary to purchase a firearm from an FFL. Prohibited persons and violent gang members often use straw purchasers to acquire guns from FFLs. It is a felony for an individual to certify that he is the actual purchaser of a firearm when in fact he is buying the firearm as a "straw purchaser" for the actual purchaser. However, it is not a violation of the GCA for the FFL to knowingly transfer a firearm to a straw purchaser. Instead, law enforcement authorities must rely on charges of aiding and abetting a false statement, or record keeping violations. Congress should enact legislation making it unlawful for any FFL to transfer a firearm knowing that the person completing the required paperwork is not the actual purchaser of the firearm.
- **Require common and contract carriers to report stolen or lost guns.** Federal firearms laws currently do not require common carriers to report firearms thefts to ATF. Nonetheless, a few carriers report thefts voluntarily, and between 1996 and October 1999, these carriers reported over 10,000 firearms lost or stolen. Because only a few carriers currently report losses, actual losses were likely far greater.

Congress should enact legislation requiring common and contract carriers to report to law enforcement authorities the theft or loss of any firearm within 48 hours of discovery. This requirement would be consistent with the current reporting obligation placed on FFLs, and would assist law enforcement authorities in solving thefts and in tracing stolen guns.

- **Require licensees to submit a multiple sales report to ATF whenever a person buys two or more handguns from a single licensee within a 30-day period.** Current law requires a licensee to submit a multiple sales report to ATF whenever a person buys two

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<sup>22</sup> 18 U.S.C. § 921(a)(21)(C).

or more handguns from a single licensee within a five day period. This data provides useful intelligence in the fight against illegal gun trafficking. Traffickers can easily circumvent this requirement, however, by buying one handgun from a given dealer in six day intervals. Until the passage of federal one-handgun-a-month legislation, the GCA should be amended to more accurately capture multiple purchase information.

- **Allow law enforcement authorities to use the forfeiture laws to combat gun trafficking.** Current forfeiture laws offer only limited assistance in combating gun trafficking. Congress should enact legislation that would provide for forfeiture of vehicles used to commit gun trafficking crimes and of the proceeds of such offenses. The law should also be amended to authorize civil forfeiture of firearms used to commit or facilitate any crime of violence or felony under federal law.

#### *Reduce Illegal Access to Firearms by Juveniles and Youth*

Keeping guns out of the hands of juveniles has been one of the Clinton Administration's top priorities. However, our current laws are still inadequate to keep guns from unauthorized juveniles. The number of children who are shot each day and the number of juvenile gun murderers confirm this tragic reality. The legislative proposals described in this section would help law enforcement authorities prevent access to guns by juveniles and youth.

- **Raise the minimum age for handgun possession.** The Youth Handgun Safety Act should be amended to raise the minimum age for handgun possession to 21. The same exceptions that currently apply to juveniles would apply to persons between the ages of 18 and 21. They could temporarily possess a handgun if they needed it to hunt or farm or in connection with a job, so long as they were authorized to have the handgun by responsible individuals (such as parents, employers, or the owners of the premises where the temporary possession occurs).
- **Prevent youth access to semiautomatic assault rifles and large capacity ammunition feeding devices.** Current law prohibits juveniles from possessing assault pistols, but allows them to possess assault rifles and large capacity ammunition feeding devices manufactured before the effective date of the Assault Weapons Ban in 1994. This dangerous loophole should be closed by prohibiting the possession of all semiautomatic assault weapons and large capacity magazines by persons under age 21.
- **Congress should reinstate controls on the sale of ammunition.** The GCA should be amended to reinstate the controls on ammunition sales that were repealed in 1986. Persons engaged in dealing in ammunition should be required to get a federal license, keep transfer records, and check a purchaser's identification to ensure that he or she is of legal age. Children should not be allowed to purchase ammunition.

### *Deny Convicted Criminals Access to Guns*

It is a matter of common sense that persons convicted of certain violent crimes should not be allowed to possess or receive firearms. The GCA has always made it unlawful for convicted felons to get or possess guns. However, current law does not go far enough in denying access to firearms to those convicted of violent crimes. The following proposals would assist us in preventing criminals from obtaining guns in the legal market.

- **Keeping guns from convicted felons.** The GCA prohibits convicted felons from receiving or possessing firearms, but a loophole in existing law allows potentially dangerous individuals who have been convicted of felonies to possess firearms if their civil rights have been restored under state law. Several states have laws that automatically restore firearms privileges immediately upon completion of a felon's sentence, or within a fixed time period thereafter. Federal law should not allow dangerous individuals to possess firearms. Instead, the GCA should be amended to recognize a state restoration of firearms privileges only where the restoration is based on an individualized determination that possession of a firearm by the felon does not present a threat to public safety.
- **Congress should enact legislation to prohibit anyone under indictment on felony charges from possessing a firearm.** Under current law, it is unlawful for any person under felony indictment to ship, transport or receive a firearm, but it is not unlawful for such a person to continue to possess firearms that he or she received prior to being indicted. This is true even if the person has been indicted for committing a violent felony, including murder. Individuals who are under indictment on any felony charge should not be allowed to continue to possess firearms.
- **Prohibit possession by individuals adjudicated as delinquent, as juveniles, for certain violence crimes ("Juvenile Brady").** As the number of juvenile homicide victims has increased, so too has the number of juveniles adjudicated delinquent for violent crimes such as murder, rape, and robbery. Today, those adjudications do not prevent juveniles from acquiring guns once they become adults. The Brady Law should be amended to treat violent juveniles and violent adults the same for purposes of determining whether they can buy a gun. Individuals who have been adjudicated delinquent for an act that would have been a violent felony if committed by an adult should be permanently prohibited from possessing or acquiring firearms, regardless of their age when they committed the crime.

### *Enhance ATF's Ability to Trace Crime Guns and Use Ballistics Technology*

Gun tracing has helped us make great strides in solving crimes and attacking gun trafficking. There are, however, numerous gaps and areas for improvement in the current tracing system. Filling these gaps and making these improvements are crucial to our anti-trafficking

enforcement efforts. For example, as part of its recent intensive firearms regulatory initiative, ATF received records about used guns from FFLs who did not cooperate with ATF crime gun traces in 1999 or who had 10 or more "short-time-to-crime" traces in 1999. These records produced at least 523 crime gun trace hits in less than six months. Accordingly, Congress should enact legislation to assist law enforcement in tracing crime guns and using ballistics technology to its fullest extent.

- **Require FFLs to report limited information about used guns to help with tracing secondhand guns used in crime.** When FFLs sell secondhand firearms, these guns are often not traceable because they have passed through several unlicensed purchasers before the FFL acquires and resells them. This situation creates a significant gap in ATF's ability to trace secondhand guns that are used in crime. Congress should enact legislation requiring licensees to report limited information to ATF about secondhand guns that they acquire from nonlicensees. This information would include the make, model, manufacturer or importer and serial number of the firearm; however, it would *not* include identifying information about the unlicensed sellers or purchasers of the guns. Such legislation would enable ATF to complete a significant number of crime gun traces that cannot be completed today, thus assisting state and local law enforcement officials in solving crimes.
- **Require manufacturers and importers to test fire cartridges and enter the gunprints into NIBIN.** When a gun is fired, an identifiable "gunprint" is left upon the fired cartridge. If a firearm's "gunprint" is recorded in a central system, forensics firearms examiners can electronically compare thousands of specimens in a fraction of the time it would take to compare them manually. In effect, the system provides law enforcement agencies with the ability to link one or more seemingly unrelated shooting incidents to a single firearm.

The current federal ballistics system contains only 500,000 images out of an estimated 200 million guns. If gunprints were routinely entered into the system before a gun is sold, our ability to trace guns that are used in crimes would be greatly enhanced. Indeed, this ballistics information could provide law enforcement leads even when only a bullet casing—and not a gun—is recovered at a crime scene. Two gun manufacturers have already agreed to examine the feasibility of test firing new cartridges and entering the gunprints into NIBIN; all manufacturers and importers should be required by law to do so.

- **Increase criminal penalties for transactions involving firearms with obliterated serial numbers.** The current maximum penalty for knowingly transporting, shipping, possessing or receiving a firearm with an obliterated or altered serial number is five years imprisonment. Like stolen guns, firearms with obliterated or altered serial numbers indicate an intent to use the weapon for a criminal purpose. Congress should enact legislation strengthening the criminal penalties for transactions involving firearms with obliterated serial numbers, and increase the maximum penalty for such offenses to ten

years imprisonment, the same as the current penalty for transactions involving stolen guns.

- **Require a second, "hidden" serial number on all firearms.** ATF recently proposed a regulation that would prescribe minimum height (3/32 inch) and depth (.005 inch) requirements for serial numbers. These new requirements would make it more difficult to obliterate serial numbers. Further legislation is needed, however, to require manufacturers to include a second "hidden" serial number on all firearms in order to prevent obliteration of the gun's serial number.
- **Allow FFLs voluntarily to submit old records to ATF's National Tracing Center.** Under current law, once a federal firearm licensee's records are more than 20 years old, the licensee can either retain the records or destroy them. However, the law does not allow the licensee to transfer these old records to ATF. Some licensees would prefer not to destroy old records—which would make the guns identified in them untraceable if the guns were later used in a crime—and would prefer to transfer them to ATF. The law should be amended to allow FFLs voluntarily to submit old business records to ATF.

#### *Enforce Dealer Compliance with Tracing and Firearms Laws*

Combating trafficking depends critically on dealer cooperation: FFLs must check for appropriate identification, initiate the check on a purchaser's background required by the Brady Law and maintain the records that enable crime gun tracing. FFLs are required to report multiple sales of handguns, respond to ATF trace requests within 24 hours, keep detailed acquisition and disposition records, and follow all applicable state and local regulations and laws, including zoning ordinances. In addition, FFLs may not knowingly transfer firearms to prohibited or underage persons, or knowingly transfer handguns to persons who do not reside in the state where the FFL is licensed.

The great majority of dealers abide by these requirements and contribute to our attack on illegal trafficking. For a small number of dealers, however, this may not be true. ATF investigative and crime gun trace information shows that the firearms used in crimes can be traced to a relatively small number of dealers. ATF has already taken steps, consistent with its current authority, to increase regulatory oversight of these dealers. However, there are significant legislative constraints on ATF's ability to regulate FFLs. Legislation to lift these constraints would allow ATF to better ensure compliance by federally licensed firearms dealers.

- **Allow ATF to inspect licensees more than once a year.** Current law significantly impedes ATF's ability to regulate FFLs by limiting ATF to one warrantless record keeping inspection within a 12 month period. Multiple compliance inspections of an FFL within a one year period are often necessary for adequate ATF supervision, particularly if a licensee has a poor compliance record. Congress should enact legislation allowing ATF to conduct up to three compliance inspections of an FFL in the course of a year.

- **Permit the termination of licenses of FFLs who have been convicted of felonies.** Under current law, a licensee convicted of a felony may continue to conduct business under his or her license until appeal rights are exhausted. This loophole jeopardizes public safety by allowing convicted felons to continue buying and selling large quantities of firearms in interstate commerce pending the resolution of their appeals. Congress should amend the GCA to provide for the automatic termination of a federal firearms license upon the licensee's felony conviction.
- **Provide additional administrative remedies for licensee violations.** Under current law, the only administrative remedies available to deal with FFL violations are revocation or denial of licenses, the issuance of a warning letter, or holding a warning conference. Certain violations of the GCA, such as the failure to timely record information in required records, may not warrant license revocation or denial, but may merit stronger action than a mere warning. The law should be amended to provide new administrative sanctions to allow ATF to impose sanctions on all violations by FFLs and deter licensees from further violations. These new administrative remedies should include license suspension and civil monetary penalties.
- **Allow ATF to establish FFL security standards.** The theft of firearms from federally licensed dealers is a growing problem that contributes to the number of firearms available to juveniles, youth gangs and criminals. In 1998 and 1999, FFLs filed reports on over 5,000 losses or thefts, involving 27,287 firearms. ATF currently lacks authority to establish security standards for licensed dealers to cut down on opportunities for these thefts. Congress should enact legislation requiring FFLs to store their inventories securely.
- **Create a separate license for gunsmiths.** As the federal firearms licensing provisions are presently structured, there is no distinction between licenses issued to those who repair firearms (gunsmiths) and those issued to firearms dealers. The establishment of separate licenses for firearms dealers and gunsmiths will allow an assignment of inspection priorities that will promote regulatory efficiency and significantly reduce inspection costs. Congress should enact legislation establishing a separate federal firearms license for gunsmiths.

#### **Prevent Gun Accidents and Suicides**

Except for the sporting purposes requirement for imported firearms, federal firearms law has paid scant attention to safety in firearms ownership or design. We must do much more to ensure that those who buy guns will use and store them safely, and that new guns are equipped with safety devices to prevent accidental shootings.

### *Improve Safety Training and Safe Access*

- **Licensing handgun purchasers.** We must do everything possible to make sure that those who buy guns know how to handle and store them safely. Every gun owner throughout the Nation should have gun safety training before being permitted to buy a gun. To further this goal, individuals seeking to buy a handgun should be required to obtain a photo license establishing that the individual has successfully passed a certified safety course or exam and passed a background check at the time the license is issued.

Congress should pass legislation establishing a system of state-based licenses for handgun purchases. State participation would be optional, not mandatory, and could be supported by federal funding. For states that choose not to participate in the licensing scheme, a federal mechanism would be established to issue licenses. In addition to assuring that only those who have demonstrated knowledge of the safe and responsible handling, use and storage of a firearm can buy a handgun—thereby reducing the number of gun accidents—licensing will help prevent felons and other prohibited persons from acquiring firearms in the secondary firearms market. Licensing also provides an ideal avenue for owners to learn the law and regulations regarding firearms and enhance cooperation with law enforcement.

- **Enact child access prevention legislation.** There are an estimated 200 million guns in America today; 65 million are believed to be handguns. Many of these weapons are easily accessible to our children. Forty percent of American households contain at least one gun. Children are present in at least one-quarter of these homes. Half of all guns kept in the home are kept loaded; one third are kept loaded and unlocked. In the last ten years, more than 2,300 American children fourteen and younger died from unintentional shootings, and thousands more were injured.

Enactment and enforcement of Child Access Prevention (CAP) laws can reduce accidental deaths and injuries from firearms misuse by children, as well as juvenile firearms suicide rates. Often referred to as “safe storage laws,” CAP laws are designed to prevent children from obtaining unsupervised access to guns. They require adults either to store loaded guns in a place reasonably inaccessible to children, or use a lock or other device to render the gun inoperable. The laws hold gun owners criminally responsible if a child obtains an improperly stored gun and uses it in an act of violence.

CAP laws save lives. A recent study reported in the *Journal of the American Medical Association* demonstrated that state CAP laws have reduced the number of unintentional shooting deaths of children by an average of 23 percent. In 1989, Florida became the first state to pass a CAP law. Since then, 14 additional states and five cities have enacted

similar legislation.<sup>23</sup> The federal government should do the same. Congress should enact federal child access prevention legislation.

- **Require a 72 hour waiting period for handgun purchases.** Contrary to popular belief, the Brady Law does not require a waiting period before transferring a firearm. Such a "cooling off" period would help prevent crimes of passion and rash suicides by ensuring that individuals who desire to purchase a handgun must wait at least a reasonable period before obtaining possession of the gun. Such a waiting period will reduce the incidence of gun purchases made in emotional states of extreme anger or depression. Congress should amend the Brady Law to provide a mandatory 72 hour waiting period for the sale of a handgun.

### *Regulate Firearms Design and Marketing*

Despite the deadly impact of firearms in our society, no federal agency, including ATF or the Consumer Product Safety Commission (CPSC), has authority to ensure that domestically manufactured firearms meet product safety or design standards and that guns are reasonably safe for their intended use. When the CPSC was established in 1972, it was specifically denied regulatory authority over firearms and ammunition.<sup>24</sup> And as noted above, ATF has no authority to impose safety standards on domestically manufactured firearms. An important step in preventing firearms violence, however, is to ensure that guns are designed to be as safe as reasonably possible. The fact that guns do *intentional* harm does not mean that they cannot be designed to avoid *accidental* harm.

The federal government should take the lead in protecting Americans from the risks posed by the prevalence of firearms by encouraging the collection of data about the causes of firearms accidents, such as the number of non-intentional shootings caused by the shooter being unaware that the gun was loaded, the number of firearms accidents that occur because a gun fired when dropped, and the number of accidental deaths or injuries that result from low trigger resistance, which can cause a gun to fire unintentionally or allow a small child to pull the trigger. The systematic collection of this information would assist the effort to study the causes and possible solutions of accidental shootings. This data could also inform legislative responses to defective firearms that present a serious safety hazard or to other firearms design issues that affect public safety.

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<sup>23</sup> California, Connecticut, Delaware, Hawaii, Iowa, Maryland, Minnesota, Nevada, New Jersey, North Carolina, Rhode Island, Texas, Virginia, and Wisconsin have also enacted state CAP laws. Elgin and Aurora, Illinois; Houston, Texas; Wichita, Kansas; and Baltimore, Maryland, have also passed laws that make it a crime for an adult to leave a loaded firearm where it is accessible to children.

<sup>24</sup> The CPSC does have jurisdiction over air and pellet guns, which are not considered "firearms" under the Gun Control Act.

Additionally, firearms manufacturers frequently redesign their products to suit perceived consumer preferences. Guns are often re-engineered to increase firepower or ammunition capacity, or to decrease gun size or weight to render them more concealable. Manufacturers even change the "look" of a gun to make it appear more threatening. Yet manufacturers have not been quick to take advantage of existing safety features, nor have they made major strides in developing new safety devices. For example, not all handguns have firing pin locks that prevent them from firing if dropped. Nor are most guns designed with magazine disconnectors, which reliably (but only temporarily) disable the weapon to help prevent accidental discharge. Loaded chamber indicators, which could prevent accidents by indicating when a gun is loaded, are not included in most gun designs. Handguns are not ordinarily designed to make it difficult for small children to activate the trigger, although such devices first appeared in firearms in the 1880s. None of these features is currently required before these products can be sent into the stream of commerce.

- **Require safety locks.** Reducing firearms violence requires that guns be safely stored. Under current law, FFLs are required to have gun storage or safety devices *available* for sale at their premises, but are not required to *provide* them with each firearm. These devices should not be optional. Congress should enact legislation requiring federal licensees to provide a secure gun storage or safety device, such as a triggerlock, or gun lockbox, with every firearm sold to an individual. Use of these devices would help prevent misuse of guns by children and other unauthorized persons.
- **Ban the importation of large capacity ammunition feeding devices.** Since 1994, federal law has banned the manufacture of large capacity ammunition feeding devices. However, current law contains a significant loophole, which allows such devices manufactured on or before September 13, 1994, to be imported. Given the vast, worldwide supply of large capacity ammunition feeding devices, this loophole creates a major enforcement problem and should be closed. Congress should enact legislation banning the importation of all large capacity ammunition feeding devices.
- **Require domestically manufactured guns to meet at least the same standards as imported guns.** Because federal law does not require domestically manufactured guns to meet the "sporting purposes" test applied to imported firearms, some domestic manufacturers continue to make poorly constructed "Saturday night specials" that are not suitable for target shooting or other sporting purposes. These relatively inexpensive handguns are often the weapon of choice for youths and criminals, and are often used in crimes. The Secretary of the Treasury should be granted the authority to apply factoring criteria, including safety standards, to domestically made handguns.
- **Ban .50 caliber sniper rifles.** Some .50 caliber sniper rifles can kill a person a mile and a half away and do not appear to be generally suited for sporting purposes. ATF will review whether .50 caliber sniper rifles meet the sporting purposes test for imported

firearms. In addition, Congress should pass legislation banning domestically manufactured .50 caliber sniper rifles.

## CONCLUSION

Firearms violence continues to exact a terrible toll on our Nation. There are far too many firearms-related deaths and injuries, due in significant part to the ease with which criminals and other prohibited persons can acquire guns. The problem cannot be solved through any one approach, by any one government agency, or by any one segment of society. We must work together to eliminate the scourge of gun violence from our national life.

Gun violence is reduced when it is attacked simultaneously on all fronts. The Clinton Administration has made significant progress in reducing firearms violence through its successful implementation of the Brady Law, its close collaboration with state and local law enforcement in investigating and prosecuting gun criminals, and its focused effort to keep guns away from unauthorized juveniles and other prohibited persons. Reductions in gun violence have been achieved where communities have adopted focused, comprehensive, and innovative strategies to attack their gun violence problems. Given appropriate resources, and common sense legislation to close the loopholes that hinder our efforts, the National Strategy will enable us to help end the tragedy of gun violence in America.