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Updated Evidence and Policy Developments on Reducing Gun Violence in America

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Comprehensive Background Checks

New Evidence and Rethinking “Comprehensive”

Garen J. Wintemute

Comprehensive background checks for firearm transfers are feasible and warranted.^{1,2} In this update, I summarize new evidence on the need for comprehensive background checks, particularly as regards the sources of firearms used in crime and those sold on the Internet. I also suggest that we should rethink the meaning of “comprehensive” in light of new developments in California. Just as we take measures to prevent prohibited persons from acquiring firearms, we should act when people who have legally acquired firearms subsequently become prohibited persons.

The best available evidence is that approximately 40% of all firearm transfers occur between private parties—without background checks except in states that require them.^{1,3} Data from a nationally representative survey of state prisoners indicate that this percentage approximately doubles for firearm acquisitions made with criminal intent.^{4,5} These data come from the 2004 Bureau of Justice Statistics nationwide inmate survey and are for 13 states with lax regulation of firearms sales. Felons who were incarcerated for firearm-related crimes were asked how they had acquired the firearms they used in committing those crimes. Of those who responded, only 15.4% purchased their firearms from a

gun store or pawnshop. Of those who were already prohibited persons when they acquired their firearms, only 4.8% bought them from a licensed retailer. Clearly, unlicensed sources predominate in acquisition of firearms for criminal use.

Two new studies (neither published in a peer-reviewed source) provide a clearer sense of the Internet's role in facilitating direct private-party firearm sales. Both focus on Armslist.com, a well-known Web-based broker for firearm sales of all types. Mayors Against Illegal Guns examined the characteristics of private parties seeking to purchase firearms on Armslist.com during February–May 2013.⁶ They were able to identify and examine criminal records for 607 individuals who placed “want to buy” notices and found that 3.3% of those individuals were prohibited persons. This is double the percentage of persons who are found to be prohibited persons on the background checks that must be conducted for firearm purchases from licensed retailers.⁷ Those purchases, of course, are denied; purchases by prohibited persons via Armslist.com simply proceed undetected.

Third Way and Americans for Responsible Solutions examined all offers by private parties to sell firearms and requests to purchase firearms from private parties listed on Armslist.com for a single day in August.⁸ They found that both types of postings were less common in states where some or all private-party sales must be routed through licensed retailers so that background checks can be conducted, suggesting that such policies do prevent undocumented, anonymous, and illegal firearm sales.

This update closes with a look ahead at a broader approach to preventing access to firearms by prohibited persons. Since 2006, California's Armed and Prohibited Persons System (APPS), operated by the state's Department of Justice (CalDOJ), has identified individuals who have recently become prohibited persons and who have records of firearm ownership in the state's archive of handgun purchases, assault weapon registrations, and concealed carry weapon (CCW) permit applications. These new prohibitions might arise from criminal convictions, domestic violence restraining orders, or emergency mental illness hospitalizations related to dangerousness to self or others. On a pilot basis, CalDOJ personnel have contacted selected armed and prohibited persons to recover their firearms, handling about 2,000 cases and recovering approximately 2,000 firearms per year, without incident. In 2013, CalDOJ was authorized and funded to expand the program to full statewide coverage, eliminating a backlog of 20,000 cases and addressing incident cases in a timely manner.

APPS's effectiveness in preventing firearm violence is not known, but a formal evaluation of the expanded program is being planned.

Private-party firearm transfers are common. Their anonymity and the lack of background checks facilitate access to firearms by prohibited persons and criminal firearm trafficking. The Internet may make such transfers easier than ever to accomplish. Comprehensive background check requirements would be very helpful, and new efforts to disarm prohibited persons show promise.

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