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Updated Evidence and Policy Developments on Reducing Gun Violence in America

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Enforcing Federal Laws against Firearms Traffickers

Policy and Legislative Progress in 2013

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The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), often working with state and local law enforcement, investigates criminal firearms trafficking, arrests perpetrators, and makes referrals to U.S. Attorneys for prosecution. Unfortunately, there are some major obstacles that hinder law enforcement efforts to hold gun traffickers accountable for their crimes. To help address these persistent problems, we made six policy and legislative recommendations in *Reducing Gun Violence in America* to improve the capacity of the U.S. Department of Justice to enforce federal laws against gun traffickers. Over the course of 2013, some noteworthy progress has been made in two key areas: (1) creating a strong and effective ATF; and (2) developing and implementing regional crime gun-processing protocols.

ATF had been an underfunded agency led by an acting director between 2004 and 2012. President Barack Obama addressed ATF's unstable leadership problem by nominating B. Todd Jones, then the acting ATF director and U.S. Attorney for Minnesota, as the next director on January 24, 2013. Mr. Jones was confirmed by the U.S. Senate on July 31 and sworn in as the ATF director on August 29, 2013. The Obama administration has also requested, and the

U.S. Senate's Appropriations Committee has approved, a \$1.3 billion budget for ATF, representing a nearly \$100 million increase over fiscal year 2013. The increased funds include mandates to update and expand the National Integrated Ballistics Information Network (NIBIN) by replacing outdated equipment and supporting the comprehensive submission of crime gun evidence by state and local crime laboratories, hiring 160 additional ATF agents for criminal enforcement efforts, and hiring 60 additional industry operations inspectors to further support ATF's regulatory oversight responsibilities. If the U.S. House of Representatives agrees with the higher ATF funding levels identified by the Senate during the finalization of the FY2014 budget, the operational capacity of ATF will be strengthened.

Regional crime gun-processing protocols support gun crime investigations in local jurisdictions by ensuring that participating federal, state, and local law enforcement agencies comprehensively process all recovered crime guns and related evidence. In October 2012, the International Association of Chiefs of Police adopted a resolution (Regional Crime Gun Processing Protocols, number FC.028.a12) that views regionally applied crime gun and evidence processing protocols as a best practice for the investigation of firearm-related crimes. A growing number of state and local law enforcement leaders have recognized the importance of having mutually agreed upon protocols in place. For instance, on September 20, 2013, New Jersey Governor Chris Christie signed a new law (PL 2013 chapter 162) that requires New Jersey law enforcement agencies to use the National Crime Information Center to determine whether a firearm has been reported stolen, the ATF eTrace system to establish the identity of a firearm's first purchaser, and NIBIN to ascertain whether a particular firearm is related to any other criminal event or person. In a letter that he sent to the New Jersey legislature, Governor Christie stated that codifying existing law enforcement regulations is sensible and ensures that all state and local officials follow a single set of practices.

These are encouraging developments, but there has been no substantive progress made in our four other focal areas: (1) requiring the execution of private sales through federal firearms licensees; (2) enacting effective firearms trafficking statutes; (3) revisiting sentencing guidelines for firearms trafficking crimes; and (4) publishing national crime gun trace reports. Although not an exhaustive list, these policy and legislative changes are necessary to ensure that the legal firearms supply chain is secure from criminals.