



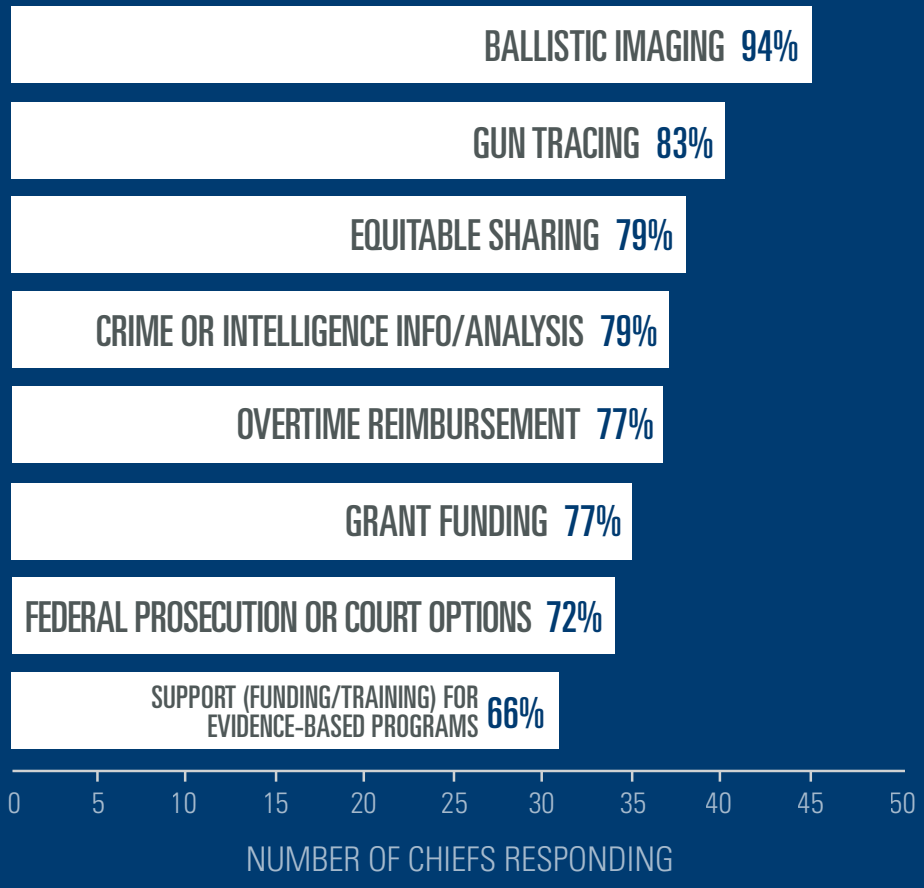
## EXECUTIVE BRIEF

# REDUCING VIOLENT CRIME IN AMERICAN CITIES: AN OPPORTUNITY TO LEAD

Evidence-Based Recommendations for Strengthening Federal-Local Partnerships while Enhancing Local Control of Violent Crime Strategies



MOST USEFUL FEDERAL RESOURCES ACCORDING TO CHIEFS OF POLICE



# EXECUTIVE BRIEF

## REDUCING VIOLENT CRIME IN AMERICAN CITIES: AN OPPORTUNITY TO LEAD

Evidence-Based Recommendations for Strengthening Federal-Local Partnerships while Enhancing Local Control of Violent Crime Strategies





Dear Administration Leaders,

While national crime rates remain historically low, major cities and counties are experiencing a disturbing trend of violent crime increases. In contrast to national crime trends over the last two years, many places have seen startling crime spikes – particularly in homicides and non-fatal shootings.

Over the course of several months in 2016, the Major Cities Chiefs Association and The Police Foundation jointly examined federal law enforcement's role in addressing violent crime in major cities. This examination is not intended to provide commentary on or evaluation of any President, Administration, or Congress, but rather to look forward to opportunities for the new Administration to lead the nation in reducing the alarming recent trend of increasing homicides and shootings in many major U.S. cities and counties.

During our examination, we reviewed violent crime data in major cities; the role that access to firearms plays in violent crime trends; federal resources and accountability (or lack thereof); and federal tools, strategies and leadership. We surveyed, interviewed and met with dozens of major city and county law enforcement leaders as well as current and former federal executives and appointed leaders. Our examination culminates in this report, which outlines more than 25 recommendations for federal policymakers in the White House and Congress to consider.

Local law enforcement executives spoke with clarity about many key issues that provide opportunities for the new Administration to make a defining impact on reducing localized violent crime. These issues include providing federal mechanisms that allow for problem-oriented and jointly-led partnerships to address violent crime, as opposed to disparate federal efforts implemented concurrently with different objectives, strategies and outcomes in mind.

Local law enforcement executives spoke unmistakably about the importance of federal tools and processes, such as the National Integrated Ballistic Information Network (NIBIN) and e-Trace - two essential technologies provided by the ATF to local law enforcement - and reducing the restrictions that prevent ATF from providing these tools to state and local law enforcement in the most effective manner. The executives highlighted the importance of an engaged U.S. Attorney and having access to federal prosecution and courts, but recognized the need to avoid a return to mass incarceration policies of the past.

Last, the law enforcement executives engaged in this project agreed that it is essential, in order to address gun violence at the national level, to put in place a federal firearms trafficking and straw purchasing law – neither of which exist today – and comprehensive and universal background checks, which most Americans support.

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A number of these issues, including access to firearms, comprehensive background checks, improved enforcement tools and approaches, and prioritization of federal gun law enforcement, were directly or indirectly addressed in President Obama's Executive Orders, issued in January of 2016.

To effectively reverse the trends we are seeing today, it is imperative that the new Administration and new Congress provide effective and reasoned leadership on this issue and avoid partisan positions that have allowed gun violence to continue to take innocent lives. Chicago's and other major cities' breath-taking number of lives lost to gun violence in 2016, and the alarming increase in law enforcement officers shot and killed, especially ambush attacks, highlight the urgent need for incoming federal leaders to set partisan views aside and address this problem head-on.

We appreciate your interest in this important issue, and look forward to working with the new Administration and Congress on the findings and views expressed in this report, and to making all of America safer than it is today.

Sincerely,



Chief James Bueermann (Ret.)  
President  
Police Foundation



Chief Thomas Manger  
President  
Major Cities Chiefs Association

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## Foreword

This Executive Brief provides a summary of *Reducing Violent Crime in American Cities: An Opportunity to Lead*, an examination of the federal role in responding to violent crime in major cities. It provides a high-level overview of the analysis and recommendations described with significantly more supporting detail and data in the Full *Reducing Violent Crime in American Cities: An Opportunity to Lead* Report. Review of the Full Report is considered essential for those in the new Administration and Congress, as well as for other policymakers, researchers, and those wanting to understand the origins and basis for the recommendations included.

## Introduction

While national violent crime rates remain historically low in America<sup>1</sup>, many major cities and large counties have experienced significant increases in violent crime in recent years. National violent crime statistics, therefore, do not reflect the realities endured by those living in communities plagued by violence, nor the frustration of local law enforcement leaders confronted with the responsibility to respond to the violence.

Because national crime rates have decreased steadily over the last two decades, other national concerns have replaced crime and public safety as a top national priority. While some federal government agencies provide important assistance through grant funding, training, personnel surges, new programs, and other support to local law enforcement in the affected cities, these efforts have not significantly impacted the upticks in crime. The need for federal resources responsive to local crime conditions is critical, and the federal government must develop and implement effective and relevant initiatives to help local law enforcement combat violent crime.

*Reducing Violent Crime in American Cities: An Opportunity to Lead* (“the Full Report”) reviews detailed data; interview and survey information; and literature regarding violent crime and its drivers. In Chapter 1, the Full Report outlines the increase in localized violent crime in recent years, and provides an overview of the contrast between this increase and the overall decrease of crime nationwide. The Full Report then discusses federal priorities and budgets in Chapter 2; and in Chapter 3, it outlines federal tools brought to bear to assist in the fight against violent crime. Chapter 4 provides a detailed look at the unique position of the U.S. Attorney to convene resources to assist local law enforcement in fighting violent crime. Finally, Chapter 5 reviews ways to address access to firearms by those committing violent crime. Most importantly, each chapter concludes with recommendations to the new Administration and the United States Congress on ways the federal government can best address violent crime in local jurisdictions. The recommendations, extensively driven by the input of the Major Cities Chiefs Association (MCCA) members, include prioritization of violent crime and non-traditional approaches, openness and sharing of data, expansion of available technologies, and calls for immediate action in the new Administration and new Congress.

## Violent Crime in Major Cities<sup>2</sup>

**While national-level crime rates remain at historically low levels, many major cities have seen significant increases in homicides and shootings in 2016.** There was also an increase in all types of violent crime between 2014 and 2015<sup>3</sup>, according to the FBI. Violent crime data collected by the MCCA

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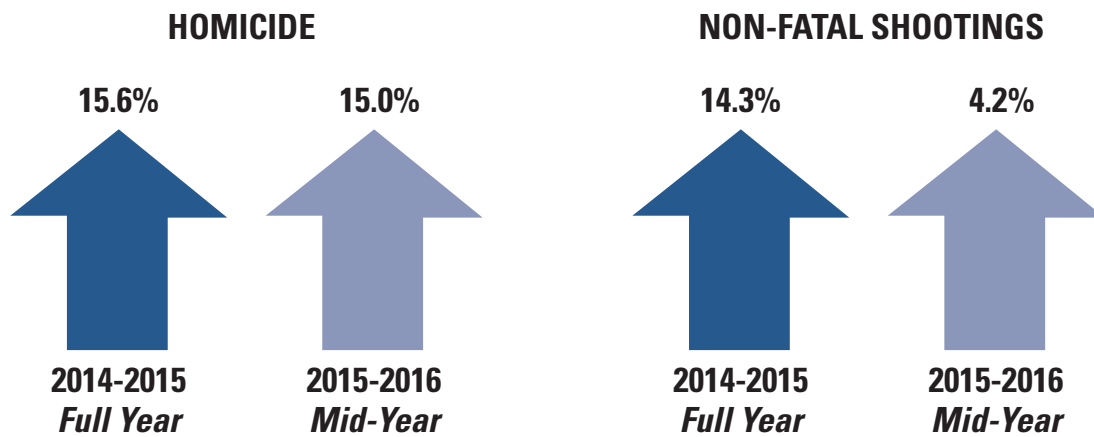
<sup>1</sup> FBI, *2015 Crime in the United States*.

<sup>2</sup> For more detailed information on this section, see Chapter 1 of the Full Report.

<sup>3</sup> FBI, *2015 Crime in the United States*.

from 2014 through the third quarter of 2016<sup>4</sup> demonstrates crime increases, specifically homicides and nonfatal shootings.

**Figure 1: Percentage increases in homicide and non-fatal shootings from MCCA data collections (comparisons to the same time the previous year)**



The *Reducing Violent Crime in American Cities: An Opportunity to Lead* Full Report provides a deeper analysis of the significant changes in violent crime across the major cities. It examines multiple measures and timeframes and focuses on homicides and non-fatal shootings, which, despite a continued national crime rate among the lowest in decades, present an alarming picture of life in many American cities and neighborhoods. **For people living in these neighborhoods, and those responsible for delivering public safety services in these neighborhoods, celebrations of low national crime rates do not reflect their reality.**

Nationwide, crime rates have decreased steadily over the last two decades. As a result, other national concerns have replaced crime and public safety as a top national priority. With attention focused elsewhere, localized violent crime has increased. **The new Administration and Congress must help local law enforcement in addressing violent crime spikes in order to prevent a return to the historically high crime rates of the past.** Timely and focused provision of key federal tools must be made available to local departments. This calls for a locally-focused and strategic response versus a national focus where all are expected to benefit from substantially subdivided resources.

<sup>4</sup> Major Cities Chiefs Association. (2016). *Violent Crime Survey- Totals, Midyear Comparison between 2016 and 2015* [Data file]. Retrieved from [https://www.majorcitieschiefs.com/pdf/news/mcca\\_violent\\_crime\\_data\\_midyear\\_20162015.pdf](https://www.majorcitieschiefs.com/pdf/news/mcca_violent_crime_data_midyear_20162015.pdf).

MCCA, 2015-2014, *Violent Crime Survey Comparison* [https://www.majorcitieschiefs.com/pdf/news/vc\\_data\\_20152014.pdf](https://www.majorcitieschiefs.com/pdf/news/vc_data_20152014.pdf)

Third quarter 2016-2015 totals report forthcoming.

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## Federal Law Enforcement Priorities, Roles, Resources, and Accountability<sup>5</sup>

### Recommendations Regarding Federal Law Enforcement Priorities, Roles, Resources, and Accountability

- 2-A.** Establish violent crime as an ongoing enforcement priority.
- 2-B.** Develop innovative and more timely crime data systems and programs at the federal level.
- 2-C.** Require federal law enforcement agencies to collaborate with local law enforcement regarding shared decision-making and co-production of public safety strategies.
- 2-D.** Allow state and local law enforcement to leverage the network of fusion centers and the Information Sharing Environment (ISE) to address violent crime.
- 2-E.** Strengthen the current system of budget planning and performance measurement across the federal law enforcement agencies by measuring performance and allocating resources based on the consistent use of evidence-based approaches.
- 2-F.** Ensure that federal law enforcement and other components responsible for addressing violent crime are appropriately funded and supported and able to focus on developing effective, meaningful responses to localized and significant violent crime problems.
- 2-G.** Designate one federal law enforcement agency with primary (but not exclusive) and lead responsibility for confronting and reducing violent crime through a coordinated approach with other agencies.
- 2-H.** Realign federal law enforcement and public safety responsibilities to maximize staffing and resource usage across agencies.
- 2-I.** Increase the availability of new, flexible funding resources for state and local law enforcement agencies and criminal justice systems.
- 2-J.** Work collaboratively, in bi-partisan fashion, to increase federal funding for scientific gun violence research.

Violent crime spikes and sustained increases cannot be viewed as isolated local problems unworthy of a coordinated federal response. While the primary responsibility for preventing and reducing violent crime rests with state and local entities, a clear federal interest does exist. **Police chiefs unanimously agreed with this notion<sup>6</sup> and expressed a strong desire for federal enforcement agencies to forge problem-oriented partnerships with local law enforcement.** Such partnerships should be centered on shared prioritization of problems to be confronted, and shared decision-making regarding tactics and strategies.

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<sup>5</sup> For more detailed information on this section, see Chapter 2 of the Full Report.

<sup>6</sup> Police Foundation and MCCA Survey, available in Appendix B of the Full Report.

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## Federal Government Contributions to Violence Reduction Efforts

The federal government has historically assisted local law enforcement efforts through notable tools such as the Omnibus Crime Control and Safe Streets Act of 1968 and the Violent Crime Control and Law Enforcement Act of 1994<sup>7</sup> for example. **Federal grant and assistance programs emanating from these tools, including Project Safe Neighborhoods (PSN), Weed and Seed, the more recently launched Violence Reduction Network (VRN), the Smart Policing Initiative, and the Edward Byrne Memorial Justice Assistance Grants Program are important and valued.**

However, the funding and prioritization of these programs, with some exception for recently launched programs, has diminished over time, as the priorities of the Administration and Congress have shifted. Priorities of federal law enforcement agencies within DOJ, crafted through executive action and Congressional mandates or limitations also shift or receive lower priority, as evidenced by the following:

- The Federal Bureau of Investigation (FBI), the largest and most powerful federal law enforcement agency lists violent crime as its eighth priority among its top ten.<sup>8</sup>
- The Drug Enforcement Administration's (DEA) priority is narcotics trafficking and diversion.
- The United States Marshals Service's (USMS) mission centers on tracking and apprehending fugitives from justice and dangerous sex offenders.
- The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), one of, if not the smallest federal law enforcement agency within DOJ, has a mission that is focused on violent crime through enforcement as well as regulation of multiple commodities.

**These agencies do their best to provide, and often succeed in providing valuable assistance to state and local law enforcement, particularly in the major cities and counties.** However, our research found that through this patchwork of agencies and resources, critical gaps remain that must be addressed to effectively reduce violent crime.

### Federal Priorities

In the years since 9/11, salaries and expenses budgets for the DEA, ATF, and USMS have essentially seen no growth, considering inflation, while agencies with broader missions including homeland security, such as the Immigration and Customs Enforcement (ICE), have grown considerably.<sup>9</sup> Understandably, federal budgets in recent years have focused on detecting and preventing terrorism, which has resulted in less money to fight violent crime for the federal law enforcement agencies. **Federal law enforcement agencies have had to deal with multiple rescissions and generally stagnant overall funding levels, resulting in general declines of federal agents and tools. This point was duly noted by local chiefs in our study, and fully detailed in our research and in the Full Report.**

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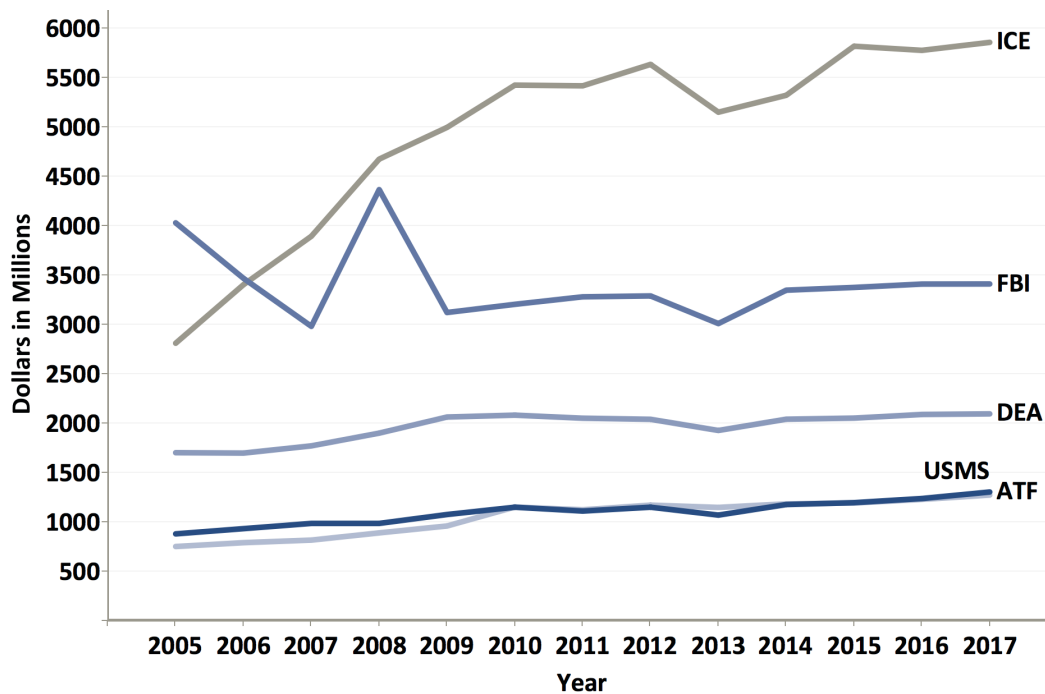
7 O'Bryant, J. (2003). *Crime Control: The Federal Response*. Washington, DC: Congressional Research Service. Retrieved from <http://www.au.af.mil/au/awc/awcgate/crs/ib10095.pdf>.

8 Federal Bureau of Investigation. (2016). *Mission and Priorities*. Retrieved from <https://www.fbi.gov/about/mission>.

9 Office of Management and Budget. (2016). Public Budget Database. [Data File]. Retrieved from <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2017/assets/budauth.xls>. Note that FY 2017 data is proposed in the President's Budget and not enacted.



Figure 2: Federal law enforcement agency salaries and expenses funding by fiscal year (excluding defense)<sup>10</sup>



## Federal Tools and Strategies<sup>11</sup>

### Recommendations Regarding Federal Tools & Strategies

- 3-A.** Develop a strategy that facilitates the design, planning, and implementation of evidence-based approaches by federal law enforcement agencies working with local counterparts to address violent crime.
- 3-B.** Focus on sustainable crime reduction approaches, particularly those that offer an appropriate role for federal law enforcement, such as focused deterrence.
- 3-C.** Federal law enforcement agencies must assist in the production and sharing of data, analytics, and intelligence with state and local partners.
- 3-D.** Expand the accessibility of ballistics imaging, crime gun tracing, and related technologies to all major cities and counties and to law enforcement outside of these areas.

Because federal law enforcement agencies were created for and specialize in investigative functions, they possess extraordinary investigative tools, resources, and capabilities that many local agencies do not.

**Federal law enforcement agencies and their partners in the United States Attorneys Offices, have unique tools to bring to the table.**

<sup>10</sup> Bureau of Economic Analysis, U.S. Department of Commerce. (2016). *Implicit Price Deflators for Gross Domestic Product (Table 1.1.9), National Income and Product Account Tables*. [Data file]. Retrieved from <http://www.bea.gov/iTable/iTable.cfm?reqid=9&step=3&isuri=1&903=13#reqid=9&step=3&isuri=1&904=2005&903=13&906=q&905=1000&910=x&911=0>.

<sup>11</sup> For more detailed information on this section, see Chapter 3 of the Full Report.

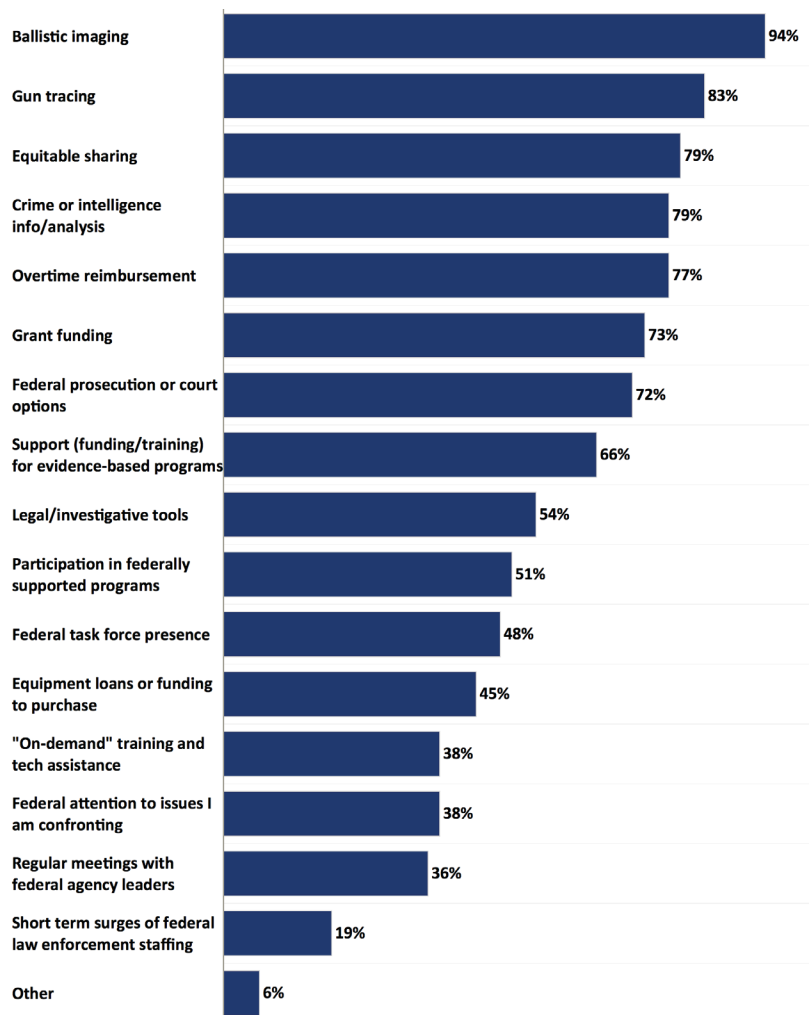
## Federal Perspectives

Interviews with former federal law enforcement executives and U.S. Attorneys articulated barriers and challenges to federal agency responses to violent crime, including: (1) resources and staffing; (2) lack of collaboration and coordination among federal agencies; (3) Congress and “the gun lobby”; (4) statutory limitations and restrictions; and (5) the need for better regulation of Federal Firearms Licensees (FFLs) and universal background checks, among others. Former ATF, DEA and FBI executives noted that the missions of federal law enforcement agencies are sometimes unclear and problematic, in terms of determining who must respond to, and be accountable for, what problems.

## Views on the Most and Least Useful Federal Resources

According to local law enforcement executives, many federal agency tools and resources (including staffing and key programs) are allocated to geographic areas that are not always the most in need; are not sufficiently funded; or require the problem to have a specific nexus to a specialized federal mission in order to be used (e.g., the DEA requires a drug nexus, the USMS requires a fugitive or sex offender nexus, the ATF requires a firearm or commodity nexus). Despite these challenges, MCCA executives were clear about which federal resources were the most useful to their agencies in preventing and reducing violent crime, as depicted in Figure 3 below.

**Figure 3: Major city and county law enforcement executive views on what federal responses, tools, or resources are very useful to their agency in preventing and reducing violent crime (specifically gun violence) in their jurisdictions**



\*Police Foundation survey of MCCA Executives

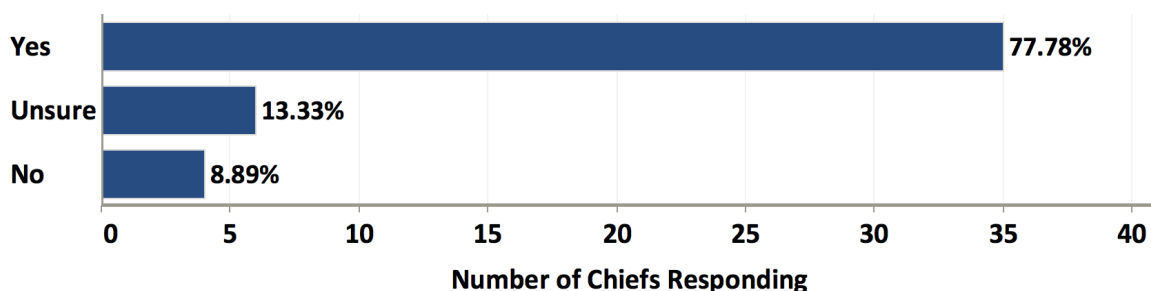
**Our survey of local law enforcement leaders found that the most useful violent crime tools and assistance are the National Integrated Ballistic Information Network (NIBIN) and crime gun tracing technologies that can be provided to local law enforcement agencies by the ATF to connect ballistic evidence with crimes and shooters.** Police executives spoke highly of the FBI’s investigative capabilities, and also made clear the importance of the FBI Safe Streets task force and funding program as a critical resource. The Safe Streets Violent Crime Initiative is, “designed to allow each field office to address violent street gangs and drug-related violence through the establishment of FBI sponsored, long-term, proactive task forces focusing on violent gangs, crime of violence, and the apprehension of violent fugitives.”<sup>12</sup> Police executives also found the intelligence information and fugitive location capabilities of the DEA and USMS extremely helpful in their efforts to reduce violent crime.

Other resources reported as “very useful” by the agencies included crime or intelligence information and analysis, equitable sharing (asset forfeiture) funding, overtime reimbursement, federal prosecution or court options, grant funding, support for evidence-based programs and strategies, and participation in federally supported programs such as PSN and the ATF’s Violent Crime Reduction Partnerships, a key tenet of the ATF’s Frontline strategy. Importantly, local law enforcement leaders felt that temporary surges of federal enforcement personnel and long term investigations – two traditional federal resources often touted by federal agencies – are among the least useful to local leaders in addressing violent crime problems in the major cities.

### Federal Prosecution

More than 72% of MCCA executives listed federal prosecution as a “very useful” tool in responding to violent crime. A majority of respondents indicated that the U.S. Attorneys were engaged in their jurisdictions.

**Figure 4: Major city and county law enforcement executive views on whether or not the U.S. Attorney in their jurisdiction is engaged or actively working with them on reducing violent crime, specifically gun violence**



\*Police Foundation survey of MCCA Executives

**Less than half of local law enforcement leaders we surveyed indicated that the U.S. Attorney’s Office in their jurisdiction had made violent crime a priority.** They were evenly split, however, on whether the U.S. Attorneys’ Offices were sufficiently staffed in their jurisdictions. Some former federal executives on the other hand, named the U.S. Attorneys as one of the top barriers faced by their former agencies.

### Grant Funding, Training and Technical Assistance, and Federal Programs

In our executive session, local law enforcement leaders repeatedly mentioned the value of PSN and “flexible” funding streams, and indicated that there is value in federal efforts to provide rapid, customized training and technical assistance to assist in identifying best or effective practices in reducing gun violence. The VRN Program that leverages existing DOJ resources to address violent crime in cities with demonstrated

12 Safe Streets Violent Crimes Initiative. (2003). Testimony of Grant D. Ashley, Assistant Director, FBI Criminal Division. Retrieved from <https://archives.fbi.gov/archives/news/testimony/the-safe-streets-violent-crimes-initiative>.

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violent crime problems is, according to program evaluators, an example of one federal program proving very helpful in providing these types of resources to the places most in need.

### **Unexpected Challenges Associated with Federal Tools and Resources**

While the law enforcement executives were grateful for the federal tools and resources brought to bear in their communities, many said that the level of cooperation often depends on the personalities of the local federal leaders. They also noted that direction and priorities from headquarters limited the amount and type of resources available.

Overall, federal tools, while highly regarded, are sometimes challenging to leverage. A major factor in having the right tools at the right time seems to be the relationship with locally-based federal officials, including the U.S. Attorney, and their relationships with each other and with decision-makers in Washington. Accountability for addressing major local problems that become national concerns is essential for all decision-makers, whether local or in Washington. **Because of the political nature of the appointment process, accountability for local and national impacts must be much better incorporated into the budget and performance processes.**

### **Federal Leadership and the Power to Convene<sup>13</sup>**

#### **Recommendations Regarding Federal Leadership and the Power to Convene**

- 4-A.** Ensure that United States Attorneys use their convening authorities as the chief federal law enforcement officers to encourage federal law enforcement agencies to jointly address emerging and chronic violent crime problems.
- 4-B.** Ensure that criminal justice reform and offender accountability are espoused as a unified concept.

### **The Unique Position of United States Attorneys in the Fight Against Violent Crime**

U.S. Attorneys are uniquely positioned in the fight against violent crime. The U.S. Attorney determines what cases will be tried, bringing to bear access to numerous federal resources, as well as a strong deterrent. To build solid cases, the U.S. Attorney must collaborate with federal, state, and local law enforcement in addition to other system partners.

One of the more effective ways U.S. Attorneys and federal agencies become involved in the targeting of local violent crime is through focused deterrence strategies. Using these strategies, the U.S. Attorney assists in publicly messaging and following through on rapid and effective federal prosecution for those committing violence in the community. We've witnessed the power of deterrence-based approaches through local success stories and national programs over the years, and continue to see this today through programs such as DOJ's VRN and Smart Policing initiatives.

Like many other justice system components however, U.S. Attorneys also have limited resources to address all of their mandates and responsibilities, including national security cases. This was confirmed in the recent U.S. Attorney General's Summit on Violent Crime report, where police chiefs and mayors asked federal prosecutors to take on more gun cases, especially those involving repeat offenders. U.S. Attorneys noted

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<sup>13</sup> For more detailed information on this section, see Chapter 4 of the Full Report.

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that their resources are limited, allowing them to take only a small fraction of gun cases.<sup>14</sup> **Throughout our research, we also heard from former and current U.S. Attorneys about resource limitations and significant staffing gaps, but also the discretion available to U.S. Attorneys to prioritize efforts.**

## Addressing Availability and Access to Firearms<sup>15</sup>

### Recommendations to Address Availability and Access to Firearms

- 5-A.** Ensure that federal law enforcement agencies prioritize underground gun market enforcement to reduce the supply of guns to criminals.
- 5-B.** The FBI should provide timely notice via NCIC of failed background checks of prohibited individuals to state and local law enforcement to promote officer safety and support investigations.
- 5-C.** Strengthen the background check system by making checks mandatory for all firearm sales.
- 5-D.** Expand the background check waiting period from three to ten days to allow the FBI sufficient time to complete investigations.
- 5-E.** Strengthen the background check system by ensuring that state-level data on disqualifying conditions are added to the National Instant Criminal Background Check System (NICS) and that the categories of prohibited possessors are made whole by including individuals convicted or otherwise found to be a threat to public safety.
- 5-F.** Enact an immediate ban on large-capacity magazines.
- 5-G.** Enact a federal firearms trafficking statute that includes penalties for straw purchasing.
- 5-H.** Eliminate the restrictions or appropriations riders that prohibit DOJ and the ATF from effectively enforcing the nation's firearms laws.
- 5-I.** Sufficiently fund the ATF to support the agency's unique enforcement responsibilities in addressing gun traffickers and trigger-pullers and to enable true industry regulation.

**The Major City Chiefs identified access to firearms as one of the primary drivers of violent crime today.** Easy access for those who are prohibited by state and federal law from possessing them; a weak system of laws to address issues such as straw purchasing and gun trafficking; gaps in laws requiring background checks for gun purchases made outside of federally-licensed dealers; and a lack of resources to address the issue at the local and federal levels all contribute to the supply of crime guns. These deficiencies not only allow easy access to firearms, but also provide confidence among shooters and gun traffickers that they will likely not be caught or held accountable for gun violence.

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14 Police Executive Research Forum. (2016). U.S. Attorney General's Summit on Violent Crime: Summary of Key Factors, Promising Strategies, and Additional Steps. Retrieved from <http://ric-zai-inc.com/Publications/cops-p355-pub.pdf>.

15 For more detailed information on this section, see Chapter 5 of the Full Report.

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## Illegal Access to Firearms

Alarming, some major city gun offenders have commented that they would rather be caught with a firearm and face possible prosecution than be caught on the streets without a firearm.<sup>16</sup> A lack of resources, insufficient research on effective strategies, the absence of strong federal statutes to address key problems such as gun trafficking and straw purchasing, and other problems have allowed illegal access to firearms to become commonplace.

## Inter and Intra-State Trafficking

States and municipalities with stringent gun purchasing and possession laws have found that many crime guns are purchased from jurisdictions with more relaxed gun laws.<sup>17</sup> Within regions and even within states, differing local gun laws can provide the key ingredients for gun trafficking to flourish. While preemptive laws may be tempting, a federal trafficking statute could address the problem without infringing on local determinations and preferences. **It is vitally important to recognize that the U.S. has no federal firearms trafficking or straw purchasing laws, and rarely, other than the ATF's efforts, does law enforcement have the resources or clarity of mission to address illegal gun markets.**

## Limited Background Checks

**While federal firearms licensees (FFLs) or gun dealers are required to facilitate background checks on prospective firearm purchasers, private sellers that chose to sell a firearm in-person, via the Internet, or at a gun show are not required to conduct a background check of any kind in many states.** A nationally representative survey of police officers conducted in 2016 found that almost 90% of them favor making private gun sales and sales at gun shows subject to background checks.<sup>18</sup> While strong public support for universal background checks exists, only “19 states and D.C. have extended the background check requirement beyond federal law to at least some private sales.”<sup>19</sup>

While FFLs are required to use the National Instant Criminal Background Check System (NICS) to check the background of potential purchasers, in almost ten percent of the cases in which additional background investigation work is required due to missing, conflicting, or inaccessible records, etc., the “default proceed” requirement is triggered after 3 days, allowing the sale to proceed before the FBI has completed its background investigation.<sup>20</sup> As a result of such limits, thousands of prohibited individuals are able to gain access to firearms. In the case of background check denials, there is often insufficient resources to investigate and no notice via NCIC or other mechanism— for officer safety or investigative purposes - is provided to officers who may encounter an individual who attempted to purchase a firearm but was denied.

In addition, there is no federal straw purchasing law, allowing those who have illicit intent or are prohibited from purchasing a firearm, to enlist another person who is not prohibited to make the firearm purchase through the background check process in their stead, without substantial concern for violating any serious federal law. Theft of firearms and the prevalence of large-capacity magazines for guns also are concerns for local law enforcement officials trying to get a handle on gun violence in addition to gang members, their affiliates, and youth who are increasingly resorting to gun use to resolve conflicts.

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16 Dumke, M., Main, F., & Seidel, J. (2016, October 21). The Watchdogs: Despite promises, feds' fight against guns lagging. *Chicago Sun Times*. Retrieved from <http://chicago.suntimes.com/politics/the-watchdogs-despite-promises-feds-fight-against-guns-lagging/>.

17 O'Brien, J. (2016, January 15). NY's strict gun laws make it a magnet for gun traffickers, says federal prosecutor. *Syracuse.com*. Retrieved from [http://www.syracuse.com/crime/index.ssf/2016/01/federal\\_prosecutor\\_nys\\_strict\\_gun\\_laws\\_make\\_it\\_a\\_magnet\\_for\\_gun\\_traffickers.html](http://www.syracuse.com/crime/index.ssf/2016/01/federal_prosecutor_nys_strict_gun_laws_make_it_a_magnet_for_gun_traffickers.html).

18 Pew Research Center. (2017). “Behind the Badge: Amid protests and calls for reform, how police view their jobs, key issues and recent fatal encounters between blacks and police.”

19 Law Center to Prevent Gun Violence. (2016). *Statistics*. Retrieved from <http://smartgunlaws.org/facts/statistics/>.

20 Law Center to Prevent Gun Violence. (2016). *Background Check Procedures*. Retrieved from <http://smartgunlaws.org/gun-laws/policy-areas/gun-dealer-sales/background-check-procedures/>.

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## Fixing the Problem

In order to impact violent crime, addressing the proliferation of illegal firearms and the gaps that allow for prohibited individuals to obtain firearms, is essential.

As ATF's Deputy Director recently shared in the IACP's Police Chief Magazine,<sup>21</sup> to address firearm-related violent crime, it is essential to identify, target, and prosecute "trigger pullers" and determine the sources of crime guns. Resources such as the ATF's National [Firearm] Tracing Center (NTC) and its National Integrated Ballistic Information Network (NIBIN) are essential, as evidenced by the views of the law enforcement leaders we surveyed, who said that these were the top two most important federal tools available to them.<sup>22</sup> **These technologies and processes, and the people required to provide support to implement and leverage them - often referred to as the "three-legged stool"<sup>23</sup> have been brought together with gunshot detection and other technologies in ATF's Crime Gun Intelligence Center (CGIC) initiative, now being implemented in many major cities, including Denver, with support from DOJ's Bureau of Justice Assistance.**

While the ATF provides excellent tools to law enforcement that can be used to respond to gun violence, it has struggled against resource and political limitations to adequately regulate the firearms industry in order to prevent the same. Federal firearms licensees are, in reality, subject to very little actual federal oversight. Making eTrace and NIBIN more readily available to local law enforcement, along with gunshot detection technology and the personnel, processes, and other support needed to leverage these tools appropriately, could lead to a more targeted regulatory approach by the ATF. Such an approach would involve a more substantial focus on the very small number of FFLs that are determined to be high-frequency crime gun sources or at risk for such, and allow a more proactive focus on shooters before they become homicide offenders.

## Conclusion

Violent crime remains a serious problem in many jurisdictions throughout our nation. The new Administration and Congress must make violent crime, and the federal government's interest in it, a priority, and be willing to dedicate the resources necessary to assist in places where public safety is jeopardized. The new Administration and Congress should review the resources of each of the federal law enforcement agencies, streamline and consolidate resources within the existing federal law enforcement agencies, and revise the budget and performance process to correspond more closely to the unique regional and local needs across the nation.

Federal government tools (*e.g.*, focused deterrence) and resources (*e.g.*, gun tracing) exist to assist local law enforcement in its crime reduction efforts. They should be easily accessible to state and local police agencies that could benefit from such tools and resources. Additionally, the support of the U.S. Attorney is critical to a jurisdiction in fighting local crime. Building strong, federal cases can not only hold offenders accountable but send a message to others that all available resources will be used against those who violate the law. Lastly, the new Administration and Congress must confront the impact that firearms have on violent crime in America. Trafficking, illegal markets, theft, and diversion of guns has not been addressed sufficiently. Legislation and federal initiatives must be developed and used to keep firearms out of the hands of criminals.

A new strategy to understand, address, and combat violence that is plaguing the United States is within reach. Through traditional approaches and innovative criminal justice reforms, the new Administration and Congress can spearhead positive change for the future of this country.

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21 Brandon, T.E. (2016, November). From the Deputy Director: ATF's Intelligence-Driven Approach to Help Law Enforcement Reduce Violent Crime. Police Chief Magazine. Retrieved from <http://www.policchiefmagazine.org/from-the-deputy-director-atfs-intelligence-driven-approach-to-help-law-enforcement-reduce-violent-crime/#sthash.VzD4jYR8.dpuf>

22 For more information on NTC and NIBIN, see Chapter 3 of the Full Report.

23 Gagliardi, P. (2014). *The 13 Critical Tasks: An Inside-Out Approach to Solving More Gun Crime*. Quebec, Canada: Forensic Technology WAI Inc.



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