Part V.

FIREARMS TRAFFICKING

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Illegal firearms trafficking is commonly defined as the movement of firearms from the legal to the illegal marketplace. These movements can occur in a number ways including thefts, illicit purchases and sales, and by having the serial numbers obliterated. The study identified 45 firearms reported stolen and 63 that had the serial numbers obliterated. Further analysis of the trace results is being conducted to determine if any of the recovered firearms are associated with current or previously investigated firearms trafficking operations.

Although the firearms recovered in this study originated from a legal source, it cannot be generalized that they all were trafficked into the District. As stated in the preceding chapter, many may have already been in the District when by change of law, their possession became illegal.

The definition of firearms trafficking points to the purposeful acquisition of firearms through an illicit method and/or for an unlawful purpose. Although the purposes for trafficking firearms may vary, they can generally be placed into one of two categories: (1) to obtain profit, power, or prestige; or, (2) to supply firearms to criminals or juveniles.

Of great benefit to law enforcement is the fact that virtually all illegally trafficked firearms originate from a legitimate source, in the form of a Federal firearms licensee (FFL). FFLs are required to keep accurate records of acquisition and disposition of firearms. They provide a place for the investigator to start the search for the criminal source of firearms recovered in crimes.

Firearms traffickers must also contend with a number of laws that were designed to thwart their illegal activities. For example, Federal law prohibits individuals from purchasing handguns in a state where they do not reside. Some states, cities and localities have stringent laws governing the purchase of firearms. They are often intended to make it more difficult for firearms traffickers, criminals, and persons otherwise prohibited to obtain firearms.

However, the contrasts between state and local laws regarding firearms sales and laws prohibiting certain persons from possessing firearms combine to create markets for firearms in which they may sell for three, four and five times the cost to a lawful purchaser at a gun store. The "street" value to a criminal of the firearms recovered under the buy-back program will generally far exceed their retail value.

Many criminals and firearms traffickers often cannot or will not attempt to purchase firearms through a legal transaction because of restrictive laws in the place where they live. They are also deterred from purchasing firearms in states with less restrictive laws because they lack the identification needed to establish residency and to complete the forms required by ATF that document information regarding the purchaser and the sale.

Localities with limited restrictions on sales and limited oversight of those sales easily become "market" areas *(also often described as "source" areas)* for firearms. Conversely, localities with restrictive laws and some oversight can become market areas because of the profit from inflated "street" prices and because of the extent of criminal misconduct that some individuals will take to either acquire or distribute firearms illegally in those areas.

Unlawful acquisition and possession of firearms occur in a number of ways. Gun(s) can be stolen *(burglaries, interstate cargo thefts, etc.)*, purchased illegally *(straw purchase, false identification, etc.)* or sold illegally *(corrupt FFL, unlicensed dealing, traded for drugs, etc.)*.

A pivotal figure in firearms trafficking is the person who, with criminal intent, uses the "straw purchaser" to acquire firearms. The true purchaser *(buyer)* uses another person, the straw purchaser often someone with no criminal record, to execute the forms required for the purchase. One these forms, the ATF F 4473, requires the true purchaser *(actual buyer)* to accurately complete and sign the form.

The straw purchaser lies on the form by stating that he/she is the buyer. They are usually facilitating acquisition of the firearm by a felon, a person subject to one of the other categories of prohibited persons, a resident of another state, or a person who for some other reason, seeks to disguise their purchase and deceive the dealer. The straw purchaser may be motivated by factors including money, drugs, power or intimidation. Both participants are guilty of felony violations of Federal laws.