

PART I:

Introduction and Methodology

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for investigating, administering, and enforcing federal laws related to alcohol, tobacco, firearms, explosives, and arson.¹ ATF's highly trained special agents (SAs) rely on a combination of tactical, analytical, and intelligence gathering skills to identify leads that will support criminal cases. While investigation of firearm trafficking has been a mission priority of ATF since the Bureau's inception, its cadre of SAs must also conduct investigations to enforce the entire range of its jurisdiction and doing so requires that SAs maintain the specific skills and expertise needed for each distinct enforcement mission.

Firearm trafficking schemes vary substantially, and traffickers frequently adapt their methods to avoid detection. Consequently, ATF SAs must utilize all available tools to successfully investigate and secure the evidence needed to prosecute and convict. Until the enactment of the Bipartisan Safer Communities Act (BSCA) in 2022, the statutory tools available to ATF SAs to pursue firearm trafficking investigations and prosecutions were essentially limited to the general federal conspiracy statute, 18 U.S.C. § 371, and the provisions of the Gun Control Act of 1968 (GCA), which prior to the BSCA did not specifically criminalize firearm trafficking or straw purchasing. The BSCA, for the first time, expanded the GCA to specifically include offenses for firearm trafficking, 18 U.S.C. § 934, and straw purchasing, 18 U.S.C. § 933. While these BSCA amendments to the GCA have provided ATF and federal prosecutors with the expanded statutory authorities needed to combat firearm trafficking more directly and effectively, they did not take effect until after the study period (January 1, 2017, through December 31, 2021). Consequently, the following analysis reflects strategies employed by ATF SAs and federal prosecutors to combat trafficking with the less-direct, then-existing statutory tools.

Through enforcement and training programs, ATF has continuously enhanced its efforts to work with state, local, territorial, and Tribal law enforcement agencies (LEAs) to expand the tracing of guns recovered by police and identifying the source of the crime gun. These expanded efforts have facilitated the criminal prosecution of illegal firearm traffickers as well as the prosecution of armed criminals and juveniles.

ATF also collaborates with academic partners and law enforcement experts on studies analyzing trends and patterns in firearm commerce, crime guns and ballistic imaging, and firearm trafficking investigations. Supported by the White House and U.S. Department of Justice (DOJ), the National Firearms Commerce and Trafficking Assessment (NFCTA) continues this important ATF tradition in improving its analytical capabilities and enhancing its gun law enforcement operations.

Research studies are critically important in identifying and understanding new gun law enforcement challenges faced by ATF and its LEA partners. Research studies also provide vital information to the White House, U.S. Congress, and the public on persistent gun crime problems, emergent threats to public safety, and ATF responses to identify, investigate, and arrest violent gun offenders and firearm traffickers. New challenges, such as the increased recovery of privately made firearms (PMFs) in crime, have caused fundamental shifts in the flow of firearms into illegal markets. For instance, ATF's 2000 *Following the Gun* report asserted that virtually every crime gun in the U.S. starts off as a legal firearm. This assertion is no longer true as significant shares of recovered crime guns in jurisdictions throughout the U.S. were privately made rather than originating from licensed domestic or foreign gun manufacturers.² New data collection and analysis, such as the research presented in this report, help ATF resolve management

challenges of creating the best investigative and strategic uses of data, sharing information with other LEAs, protecting citizen privacy, and fully informing Congress and the public.

Types of Firearm Trafficking

Many criminals acquire firearms through illegal firearm markets supplied through a variety of sources.³ Firearm trafficking can involve a diverse set of illegal activities ranging from the making of PMFs for criminal purposes, to the theft of firearms from Federal firearm licensees (FFLs)⁴, to prohibited persons acquiring firearms from unlicensed sellers at gun shows, to the high-volume movement of firearms into criminal hands by corrupt FFLs. In this study, ATF firearm trafficking investigations were defined as cases that involved “the movement of one or more firearms into the illegal market for a criminal purpose.” Throughout this report, “investigations” and “cases” are used as synonymous terms.

Firearm trafficking can involve the intrastate, interstate, and international movement of firearms and comprises:

- Trafficking in *new* firearms by large-scale straw purchasers, organized straw purchasing rings, and small-scale straw purchasers that acquire firearms from FFLs, at gun shows, or other premises; by corrupt FFLs; or by unlicensed makers.
- Trafficking in *secondhand* (or “used”) firearms by large-scale straw purchasers, organized straw purchasing rings, and small-scale straw purchasers that acquire firearms from FFLs, at gun shows, or other premises; by unlicensed sellers through flea markets, newspaper ads, gun publications, the internet, personal associations, or bartering and trading within criminal networks; or by corrupt FFLs.
- Trafficking in new and secondhand *stolen* firearms involving guns stolen from FFLs, or thefts from common carriers, private residences, and vehicles.

Firearm theft is often associated with trafficking. ATF investigates thefts from FFLs who are required to report thefts or losses to ATF. ATF also investigates thefts from common carriers. State, local, territorial, and Tribal LEA officials may involve ATF when there is a wave of residential burglaries involving firearms that may be subsequently trafficked. Federal law does not require individual firearm owners to report the theft or loss of a firearm, though owners may report losses to local authorities and/or the FBI to assist law enforcement and facilitate the return of the stolen property should it be recovered. Investigations involving firearm theft are included in this report only when they also involve subsequent trafficking in stolen firearms.

While hobbyists and other unlicensed persons can legally make their own firearms, there has been a notable increase in private making of firearms in the U.S. in recent years. At least three factors have combined and converged to propel the substantial growth in self-making of firearms: (1) the emergence of the internet as both an instantly accessible source of information about how to make a gun and as an always-available marketplace to obtain virtually any product needed to make a gun; (2) the emergence of alternatives to metal casting and forging, such as high-strength polymers, for making many core firearm parts; and (3) the technological and design advancements, many of which are computer software-based, that allow for “modular” firearm design and manufacture while also steadily reducing the cost and size of tools needed to make and assemble a firearm (as illustrated by advancements in 3-D printing technology).⁵ As documented in recent ATF reports⁶ and academic studies,⁷ the increase in private firearm making has been associated with a surge in the recovery of privately made firearms (PMFs) in crimes by LEAs. PMF trafficking represents a new challenge for ATF and its LEA partners.

For law enforcement agencies in any community, a key challenge is identifying the sources of illegal firearms, the types of traffickers, and the predominant types of trafficking channels. For instance, if criminals in a particular community are obtaining firearms through theft from lawful firearm owners, law enforcement and community public safety strategies must focus on reducing theft.⁸ Alternatively, when illegal markets are primarily supplied by FFLs dealing in new and secondhand firearms, whether pawnbrokers, other retail dealers, or residential licensees, an ATF-coordinated enforcement response to these sources is required. The research presented in this report identifies the key components of how firearms flow into illegal markets, described herein as “trafficking channels.”

Legal Framework

One of the primary purposes of the Gun Control Act of 1968 (GCA) was to provide support to state and local law enforcement officials in their fight against violent crime and to assist them in enforcing their own firearms laws. Prior to enactment of the GCA, differences among state laws made it difficult for state and local officials to enforce their laws. Unrestricted mail-order sales of firearms and the ability of persons to acquire firearms in other less restrictive states prevented many states from effectively enforcing state laws. The GCA remedied this situation by providing a federal requirement that channels interstate commerce in firearms through Federally licensed dealers. The interstate controls of the GCA also generally require FFLs to transfer firearms only to residents of the state where their licensed premises are located and restrict unlicensed persons to acquiring out-of-state firearms from within their State of residence. The GCA also imposes several restrictions on persons who acquire or attempt to acquire firearms, such as previously convicted felons and other prohibited persons. Additionally, the GCA places restrictions on persons who dispose of firearms, such as requiring persons who are engaged in the business of dealing in firearms to obtain an FFL.

As noted, the 2022 BSCA amended the GCA, adding two new criminal provisions focused on firearm trafficking. Additionally, the BSCA strengthened the unlawful transfer and possession prohibitions of the GCA by expanding the definition of “misdemeanor crime of domestic violence” to include dating relationships. The BSCA also added enhanced background checks for individuals under 21 years of age and expanded the provisions of 18 U.S.C. § 922(d) to include incidents that occurred “as a juvenile” as predicates making the transfer of a firearm unlawful. The BSCA also added significant forfeiture or fine provisions for firearm trafficking, enhanced the sentencing provisions for most GCA offenses, and broadened the definition of “engaged in the business” as applied to a wholesale or retailer dealer in firearms.

Prohibitions on Firearms Acquisition

The GCA makes it unlawful for certain “prohibited persons” such as convicted felons, fugitives, persons adjudicated mentally ill, and certain domestic violence offenders to possess firearms. With limited exceptions, it is unlawful for anyone under the age of 18 to possess a handgun. Additionally, it is unlawful for an FFL to dispose of a firearm to a person under 18 years of age; and a handgun to a person under 21 years of age. Persons who acquire firearms from FFLs must certify their eligibility to purchase firearms, and it is illegal to provide false information in purchasing a firearm. A person purchasing a firearm from an FFL may only acquire a firearm for themselves unless they are purchasing a firearm for someone else as a gift.

Regulation of Firearm Disposition

The GCA requires individuals who are engaged in the business of dealing in firearms to obtain an FFL. FFLs must also comply with state and local requirements governing gun sales. The GCA's "interstate controls" make it unlawful for unlicensed individuals to sell any firearms across state lines, or for FFLs to deliver handguns to residents of another state. The GCA's regulation of interstate firearm sales by FFLs (referred to in the GCA as the "disposition" of a firearm) serves two functions: First, it reflects a recognition by Congress that the states also regulate firearm commerce within their borders. Second, it helps prevent persons prohibited by federal law or the law of their state of residency from obtaining firearms from a state in which they do not reside, where state laws may differ from the state of residency. An FFL may not sell a handgun to anyone under the age of 21, or a long gun to anyone under the age of 18. Since 1994, the Brady Act has required FFLs to contact the National Instant Criminal Background Check System (NICS), or an authorized state-level equivalent background check process, to conduct background checks to determine whether a purchaser is prohibited. The GCA requires FFLs to maintain records of the acquisition and disposition of firearms, report multiple handgun sales, report lost or stolen firearms to ATF, and provide transaction records for firearms traces initiated by law enforcement.

Regulatory and Criminal Enforcement

ATF's firearm trafficking efforts include both regulatory and criminal enforcement of these requirements. The Attorney General delegated to ATF the authority to enforce the provisions of the GCA, including the regulation of FFLs. Regulatory enforcement aims to ensure FFL compliance with the GCA regulations governing the conduct of the firearms business. FFLs that violate the regulations may be subject to revocation of their license, as well as to criminal prosecution.

Trafficking Charges and Penalties

In 2022, the BSCA added the only sections of the GCA specifically devoted to straw purchasing and trafficking in firearms. First, pursuant to the straw purchasing prohibition under 18 U.S.C. § 932(b), it is unlawful for any person to purchase or conspire to purchase a firearm on behalf of another person having reasonable cause to believe that person (1) is prohibited from receiving a firearm from a licensed dealer under 18 U.S.C. 922(d); or (2) intends to possess or dispose of the firearm in furtherance of a felony, Federal crime of terrorism, or drug trafficking crime; or (3) intends to sell or dispose of the firearm to a person described in (1) or (2).

Second, pursuant to the trafficking prohibition under 18 U.S.C. § 933(a), it is unlawful for any person to (1) ship, transfer, cause to be transported, or otherwise dispose of a firearm to another person knowing that the use or possession of the firearm by the recipient would constitute a felony; or (2) receive a firearm from another person with reasonable cause to know the receipt would constitute a felony; or (3) attempt or conspire to commit the conduct in (1) and (2).

Both sections seek to limit the flow of firearms to prohibited persons as, prior to 2022, no section of the GCA was specifically devoted to punishing the diversion of firearms from lawful to unlawful channels. In addition, there are other GCA violations that may be charged in a case involving trafficking. For example, it is unlawful to: (i) engage in the business of dealing in firearms without a license (see 18 U.S.C. § 922(a)(1)(A)), or (ii) travel into another State to acquire a firearm in furtherance of an intent to violate section 922(a)(1)(A) (see 18 U.S.C. § 924(n)). Depending on the facts of the case, a defendant who was engaged in trafficking may be charged with one or more violations.

The serial numbers on firearms are often obliterated to make it impossible to trace the firearm. This obliteration often happens in conjunction with stolen firearms, and it is also an indicator of firearms trafficking. If it can be established that the defendant knowingly possessed firearms with obliterated importer or manufacturer's serial numbers, and the firearm has at any time been shipped or transported in interstate commerce, then the defendant may be charged with violating 18 U.S.C. § 922(k).

Firearm traffickers may present false identification documents to FFLs when obtaining firearms, which may circumvent the traceability of the firearm and the required Brady background check. In addition, traffickers may use "straw purchasers" to falsely represent to the licensee that they are the actual purchasers of the firearm. Prior to the passage of the BSCA and the addition of §932, if it was established that the trafficker or "straw purchaser" lied to the licensee about a material fact or presented a false identification document in connection with the purchase of the firearm, the trafficker or "straw purchaser" may be charged with violating 18 U.S.C. § 922(a)(6) or aiding and abetting such a violation.

Criminals often steal firearms for the purpose of trafficking them. If it can be established that the firearms were stolen, and that the defendant transported the firearms in interstate commerce knowing or having reasonable cause to believe that they were stolen, the defendant may be charged with violating 18 U.S.C. § 922(i). If it can be established that the defendant stole the firearm from a licensee and the firearm has been shipped in interstate or foreign commerce, the defendant may be charged with violating 18 U.S.C. § 922(u).

Traffickers sometimes distribute firearms to criminals and gang members knowing that the recipients intend to use the firearms for criminal purposes. Prior to the passage of the BSCA and the addition of §933, if it can be established that the defendant transferred the firearm, knowing that the firearm will be used in a crime of violence or a drug trafficking crime, the defendant may be charged with violating 18 U.S.C. § 924(h).

Traffickers may distribute handguns to juvenile gang members and other individuals under the age of 18. If it can be established that the defendant transferred a handgun to an individual knowing or having reasonable cause to believe that the transferee was under the age of 18, and none of the statutory exemptions apply, the defendant may be charged with violating 18 U.S.C. § 922(x)(1).

Certain "corrupt" FFLs cooperate with traffickers by knowingly maintaining false records of acquisition and disposition or failing to keep required records. If it can be established that an FFL knowingly made a false statement in records required to be kept under the GCA, then the licensee may be charged with violating 18 U.S.C. § 924(a)(1)(A). Similarly, any person who knowingly makes a false statement or representation in records required to be kept by the licensee may be charged with violating section 924(a)(1)(A).

A person who engages in the illegal trafficking of certain weapons covered by the National Firearms Act (NFA), may be prosecuted for violations of 26 U.S.C. §5861. NFA weapons covered by the statute include (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device.

Finally, in some cases, the individual suspected of trafficking is also a felon or other prohibited person. If it can be established that the prohibited person possessed firearms, the defendant may be charged with violating 18 U.S.C. § 922(g). Additionally, if it can be established that any person transferred a firearm to a prohibited person knowing or having reasonable cause to believe that the person was prohibited then the transferor may be charged with violating 18 U.S.C. §§ 922(d) or 932. If the defendant had been convicted of three prior violent felonies or serious drug offenses, however, the defendant may receive an enhanced 15-year sentence under the Armed Career Criminal Act. 18 U.S.C. § 924(e).

These examples are not exhaustive. Rather they illustrate the principle that not all trafficking cases involve criminal statutes readily identified as penalizing “trafficking” or involving “trafficking” charges. Although these charges are not uniquely “trafficking” charges, they are the statutory tools that investigators and prosecutors most often use in trying to punish and deter firearms traffickers. Even though the perpetrator may not be charged with “trafficking in firearms,” by using these “non-trafficking statutes” to prosecute conduct that facilitates firearms trafficking, ATF and prosecutors are able to prevent and deter emerging firearm trafficking schemes.

Methodology

The firearm trafficking data analyzed in this report were collected by ATF in collaboration with academic partners (hereafter, the “research team”). With the approval of their supervisor, ATF SAs initiated and entered relevant information on all firearm trafficking investigations in the ATF case management system (N-Force). The case management system was designed to track ATF SA investigative actions rather than to answer policy-relevant research questions. As a result, the investigative data available in the ATF case management system needed to be supplemented by surveys of lead case SAs to gain more detailed insights into the characteristics and dynamics of firearm trafficking investigations. The survey instrument included questions on case initiation methods; firearm trafficking channels; source-to-market flows of trafficked firearms; types and volume of trafficked firearms; demographic characteristics of firearm traffickers, end users of trafficked firearms and defendants; financing of firearm trafficking enterprises; investigative techniques and services used; and case outcomes. The firearm trafficking investigation survey is available in Appendix IM-01 – Study Survey Instrument.

The initial population of cases was identified using ATF’s case management system.⁹ All firearm trafficking investigations initiated between January 1, 2017, and December 31, 2021, and closed¹⁰ between January 1, 2017, and March 10, 2023, were eligible for inclusion in this study. The initial case population included 14,059 potential firearm trafficking investigations that were initiated and closed during the study period. On June 15, 2023, the research team sent an email for each eligible investigation to the lead SA that included a link to the survey instrument administered through Qualtrics software in a secure environment to ensure the protection of law enforcement sensitive information. When the lead SA was not available (for instance, due to retirement), surveys for eligible firearm trafficking investigations were completed by a group supervisor or another SA familiar with the case. Of the 14,059 potential firearm trafficking investigations, 1,631 were national illegal firearm recovery cases¹¹ and due to the nature of these cases were not surveyed. All surveys were completed by August 8, 2023. The research team received completed surveys for nearly 100% of the eligible investigations (99.7%; 12,391 of 12,428).

The research team then reviewed the survey data to ensure that the cases represented bona fide firearm trafficking investigations closed during the study period. Investigations were excluded when the prosecution of the defendants was still pending, or no firearms were trafficked in the case and no firearms were recovered and placed in ATF custody. Additionally, cases were excluded when review of the case determined that firearms trafficking was not involved. The research team also excluded cases in which

firearms trafficking was not the focus of the investigation (e.g., felon in possession of firearm case only without a firearm trafficking investigation nexus). Additionally, SAs responses on the survey indicating the investigation was a national illegal firearm recovery case were separated from the survey population and added to the 1,631 national illegal firearm recovery cases bringing that population up to 2,114 cases. These exclusions resulted in a final survey population of 9,708 closed firearm trafficking investigations initiated between January 1, 2017, and December 31, 2021 (78.3%; 9,708 of 12,391). Of the 9,708 surveys included in the study, 8,040 (82.8%) were completed by the case agent and 1,668 (17.2%) were completed by an agent other than the case agent.

The survey and case management data used in this study are limited by several factors. The study data reflect what ATF SAs encountered and investigated in firearm trafficking investigations. As a result, the collected information does not necessarily reflect typical criminal diversions of firearms or the typical acquisition of firearms by prohibited persons, juveniles, and other high-risk individuals. ATF agents and their state and local counterparts gather investigative information to build a case meriting prosecution, not to collect research data. Information generated as part of a criminal investigation, therefore, does not necessarily capture all data about trafficking, trafficking patterns, and the use of trafficked firearms in crime. For instance, SAs may provide very detailed descriptions of firearms used as evidence in the case but not include details on the financing of illegal firearm transactions or on the specific methods used to manufacture crime guns if those actions were not the focus of the investigation. Further, figures on new, secondhand, and stolen firearms only reflect the number of investigations in which the traffickers were known to deal in these kinds of weapons. Such limitations apply to the data used in this study.

This report represents the first nationwide survey and analysis of ATF firearm trafficking investigations completed since ATF’s 2000 *Following the Gun* report. Comparisons of specific results presented in this report with specific results from *Following the Gun* should be made with caution due to methodological differences between the two research studies. There are two primary differences between the reports. First, the analyses in this report are based on closed investigations¹² only while *Following the Gun* examined both open and closed investigations. Second, due to advancements in the ATF case management system, the data analyzed in this report represent a comprehensive account of all closed investigations of firearm trafficking and include more detailed information than previously available. The previous report was limited to ATF SA recollection of the investigations that qualified as firearm trafficking during the study period.

ATF Special Agent Staffing and Case Population by Year

As shown in Table IM-01, ATF SA resources remained constant throughout the study period. Despite its broad mission and extensive enforcement responsibilities, ATF’s SA population is relatively small, averaging approximately 1,998 total field agents¹³ per year during the study period. In the five-year study period, ATF SAs initiated 106,269 total investigations, averaging approximately 21,245 investigations per year. These totals include investigations of firearm trafficking, as well as investigations involving violent firearm crime, arson, explosives, criminal organizations, and tobacco diversion.

Table IM-01: ATF Special Agent Staffing and Total Cases Initiated by Year

Year	Number of Field Agents	Total Cases Initiated
2017	1,992	19,300
2018	2,000	21,438
2019	1,956	22,979
2020	2,009	21,527
2021	2,032	20,980

Firearm Trafficking Investigations Surveyed by Initiation Year

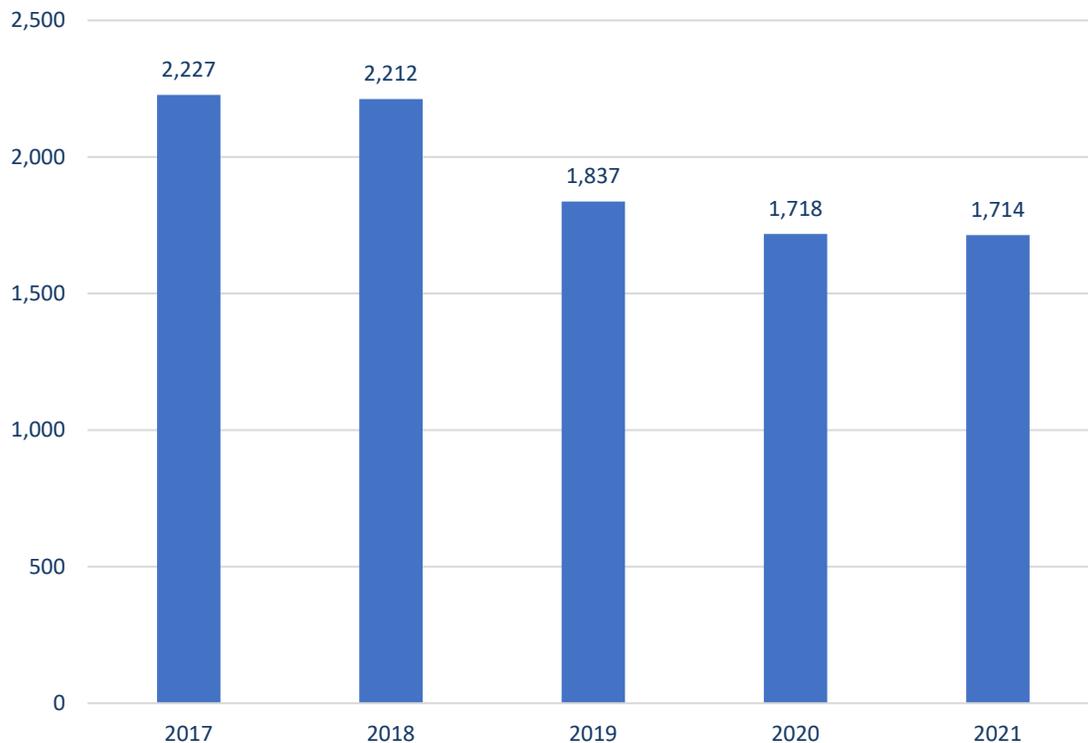
As shown in Table IM-02, cases initiated earlier in the study period had more time for SAs to complete their investigative work. As such, cases initiated in 2017 and 2018 were more likely to be closed and thus included in this study. While the numbers of closed cases included in 2020 and 2021 were large (greater than 2,100 cases in each year), trend analyses presented in this report should be interpreted with some caution as increased percentages of open cases were excluded in these latter years.

Table IM-02: Firearm Trafficking Cases Initiated and Closed¹⁴ by Year

Year	Cases Initiated	Cases Initiated and Closed	% of Cases Closed by Year Initiated
2017	3,029	2,772	91.5%
2018	3,345	2,924	87.4%
2019	5,000	4,079	81.6%
2020	3,232	2,177	67.4%
2021	3,886	2,102	54.1%

Figure IM-01 presents the yearly totals of closed firearm trafficking investigations included in the study by year of case initiation¹⁵. The total number of cases initiated and closed by early March 2023 were similar in 2017 (2,227) and 2018 (2,212). While the number of included closed investigations remained consistently greater than 1,700 per year, the yearly totals of closed firearm trafficking investigations included in the study were smaller during 2019, 2020, and 2021 relative to the preceding two years. These discrepancies are due to the time required to bring an initiated firearm trafficking case to closure.

Figure IM-01: Closed Firearm Trafficking Investigations by Year



Firearm Trafficking Investigations Surveyed by Region and ATF Field Division

Firearm trafficking is investigated by ATF SAs working in its 25 field divisions and at its national headquarters. The 25 field divisions were grouped into five regions to assess whether there were significant regional variations in firearm trafficking (Figure IM-02). The five regions are:

- Northeast region: Boston, Newark, New York, Philadelphia, Baltimore, and Washington, D.C. field divisions.
- Southeast region: Charlotte, Miami, Tampa, Atlanta, Nashville, and New Orleans field divisions.
- Central region: Chicago, Columbus, Detroit, Kansas City, Louisville, and St. Paul field divisions.
- Southwest region: Phoenix, Dallas, Los Angeles, and Houston field divisions.
- Northwest region: Denver, San Francisco, and Seattle field divisions.

Figure IM-02 presents a map of the five regions and Figure IM-03 presents a map of the ATF field divisions.

Figure IM-02: Regions

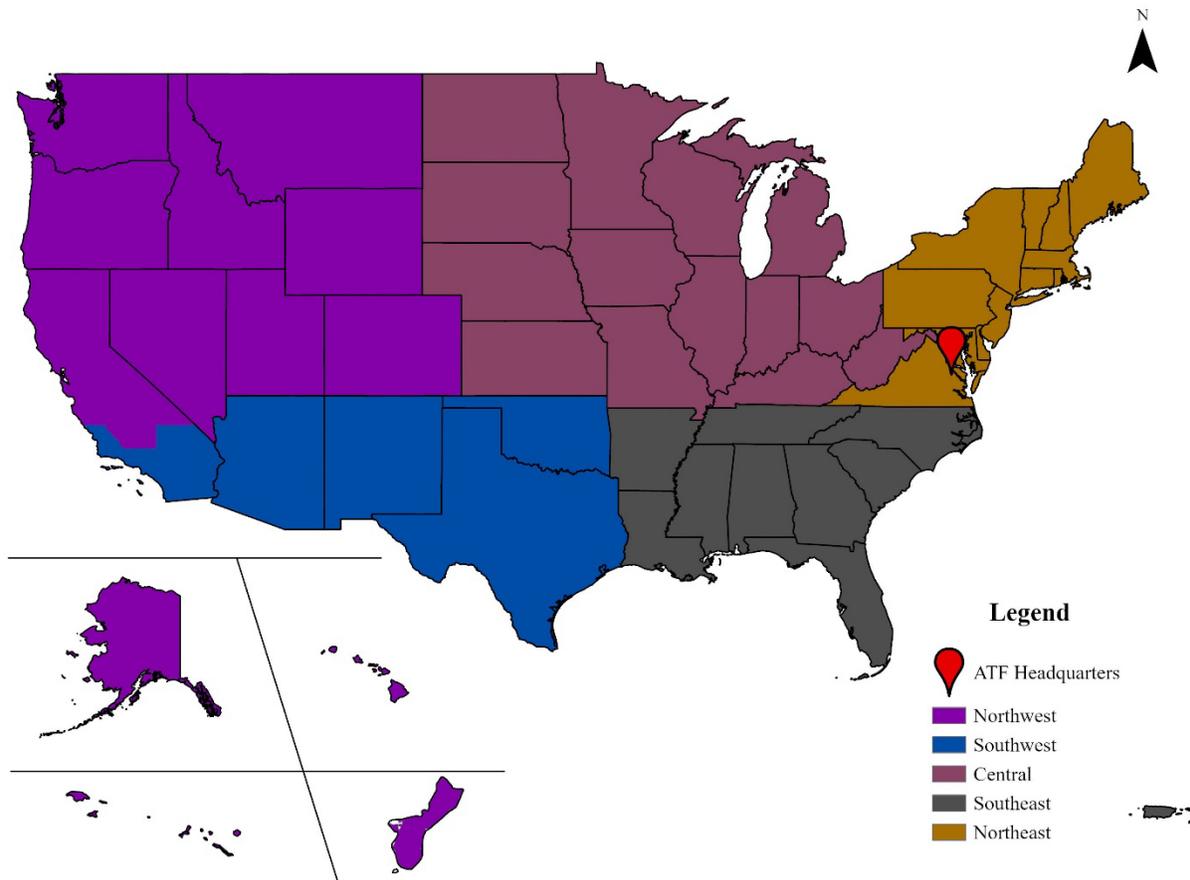
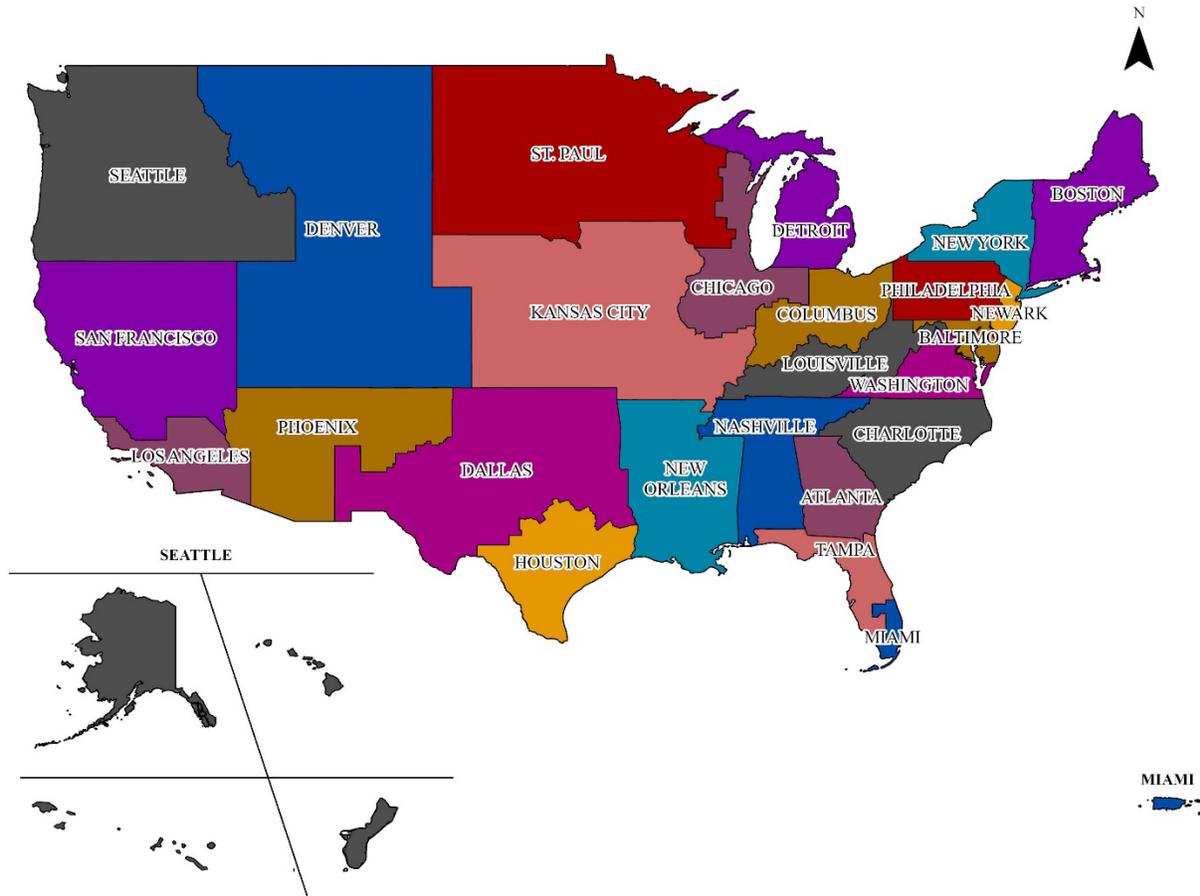


Figure IM-03: ATF Field Divisions



ATF field divisions in the Southwest region (2,809) accounted for the largest number of firearm trafficking investigations initiated during the 2017 to 2021 study period, followed by field divisions in the Northeast (2,364) and Central (2,039) regions (Table IM-03).

Table IM-03: Firearm Trafficking Investigations by Region, 2017 – 2021

Region	Number of Cases	% Total Cases
Southwest	2,809	28.9%
Northeast	2,364	24.4%
Central	2,039	21.0%
Southeast	1,715	17.7%
Northwest	682	7.0%
Headquarters	99	1.0%
Total	9,708	100.0%

The ATF field divisions with the largest numbers of investigations were Phoenix (1,096), Houston (831), and Chicago (702) field divisions (Table IM-04). ATF Headquarters accounted for only 99 firearm trafficking investigations initiated by agents working in the International Affairs (90), Operational Intelligence (7), and National Investigative divisions (2).

Table IM-04: Firearm Trafficking Investigations by ATF Field Division, 2017 – 2021

ATF Field Division	Number of Cases	% Total Cases
Atlanta	263	2.7%
Baltimore	361	3.7%
Boston	479	4.9%
Charlotte	211	2.2%
Chicago	702	7.2%
Columbus	355	3.7%
Dallas	563	5.8%
Denver	175	1.8%
Detroit	204	2.1%
Houston	831	8.6%
International Affairs Division	90	0.9%
Kansas City	378	3.9%
Los Angeles	319	3.3%
Louisville	257	2.7%
Miami	304	3.1%
Nashville	360	3.7%
National Investigative Division	2	0.0%
New Orleans	258	2.7%
New York	613	6.3%
Newark	123	1.3%
Operational Intelligence Division	7	0.1%
Philadelphia	438	4.5%
Phoenix	1,096	11.3%
San Francisco	349	3.6%
Seattle	158	1.6%
St. Paul	143	1.5%
Tampa	319	3.3%
Washington	350	3.6%
Total	9,708	100.0%

Trafficking Investigation Examples

As previously discussed in this section, there are numerous types of firearm trafficking schemes. The following ATF case examples illustrate some of the more common schemes.

Firearm Trafficking: Straw Purchasing

In 2017, an ATF SA in the Atlanta field division reviewed two firearm recovery trace reports involving the same purchaser; both traces had time-to-crime (TTC) recovery dates of less than 30 days. The first trace originated from the Marietta (GA) Police Department for a pistol recovered from an individual during a call for service. According to the trace data, the firearm was acquired from an FFL only 25 days prior to recovery. The second trace request originated from the Los Angeles (CA) police department, for a pistol recovered at a crime scene involving local gang members shooting at each other from multiple

vehicles. According to the trace data, this firearm was purchased at the same FFL, by the same purchaser, only 30 days prior to recovery. Based on trace data, SAs suspected that straw purchasing was involved in the sale of the firearms, initiated an investigation, and identified a suspect.

SAs developed evidence that the suspect planned to purchase eight additional firearms from an Atlanta area FFL. ATF SAs then contacted the FFL, requesting that the FFL notify ATF when the suspect arrived to purchase the firearms. Shortly thereafter, SAs received a call from the FFL indicating the suspect was in the store to purchase the firearms. ATF surveillance teams immediately deployed to the FFL, confirmed the identity of the suspect, determined the suspect had purchased eight firearms, and followed him from the store to his residence. When the suspect arrived at the residence, SAs approached him and asked if he would discuss his purchase of the eight firearms and previous purchases. The suspect consented, confirmed that he had in his possession eight handguns that he had just purchased, and that he had previously purchased between 50 and 75 handguns, at a cost of approximately \$20,000. SAs then asked additional questions about what the suspect was doing with the guns he purchased and how he was financing the purchases. The suspect responded that he was acquiring the guns primarily for members of the “Bloods” (a street gang with affiliated chapters across the country), for a fee of approximately \$100 to \$200 more than his purchase price, and that he would add a charge of \$100 dollars per firearm if he was selling more than one in a transaction. The suspect further explained that he was a member of a local chapter of the “Bloods,” and that he primarily obtained the firearms in Georgia for other “Blood” members who lived in California. The individuals purchasing the firearms would deposit payment directly into his bank account and he would then deliver the handguns to the purchaser in California through the U.S. Postal Service. Following the interview, SAs seized the eight firearms the suspect had just purchased and secured the cooperation of the suspect in the continuing investigation.

The suspect was ultimately charged in federal court with violations of 18 U.S.C. §924(a)(1)(A) for his straw purchasing activity. He plead guilty and was sentenced to almost four years imprisonment followed by three years of supervised release. The firearms trafficked by the suspect continued to show up in California at numerous gang related crime scenes for years after his sentencing.

Firearm Trafficking: Privately Made Firearms

In February 2017, ATF SAs initiated an investigation after a confidential informant (CI) provided information about a firearm and drug trafficking scheme operating in south Florida. At the request of SAs, the CI placed a consensually monitored phone call to one of the suspected traffickers to negotiate the purchase of cocaine and firearms. Within minutes of that conversation, the suspect texted the CI pictures of firearms that he was offering to sell. SAs then arranged a monitored, controlled purchase of firearms and drugs by the CI at the suspect’s residence. During the monitored transaction, the suspect sold the CI an AR-15 semi-automatic rifle with an obliterated serial number, a privately made silencer, ammunition, and cocaine. This transaction and subsequent investigation led to the prompt arrest of the original suspect and two coconspirators.

Evidence developed in the course of the overall investigation established that the three arrested suspects had been engaged in a wide range of criminal activity in south Florida for many years and, since approximately 2015, had focused on schemes that involved trading firearms for drugs. These schemes eventually included illegally manufacturing silencers and other PMFs for either sale to, or in exchange for drugs with, gang members primarily located in Queens, New York; Palm Beach County, Florida; and Miami, Florida. The traffickers specialized in making and selling silencers and AR-type rifles and pistols, and used an Instagram account, the dark-web, and bitcoin transactions to facilitate and conceal their activities.

All three suspects were eventually prosecuted on federal charges. The first suspect pled guilty to distributing a controlled substance (21 U.S.C. § 841(a)(1)) and possession of a firearm during a drug trafficking crime (18 U.S.C. § 924(c)) and received a sentence of five years in prison followed by five years of supervised release. The second suspect, who was also found to have participated in a separate firearm trafficking network in which he sourced firearms from Georgia for resale in Florida, pled guilty to felon in possession charges (18 U.S.C. § 922(g)(1)) and was sentenced to three years and four months prison followed by two years of supervised release. The third suspect pled guilty to possessing firearms after having been dishonorably discharged from the U.S. Armed Forces (18 U.S.C. § 922(g)(6)) and illegally manufacturing NFA weapons (26 U.S.C. § 5861(f)); he was sentenced to ten years in prison followed by two years of supervised release.

Firearm Trafficking: Unlicensed Dealer

In October 2021, a review of crime gun intelligence by ATF's Oklahoma City field office indicated an individual was possibly involved in firearm trafficking. Specifically, crime gun intelligence revealed that from March 2019 to September 2021, the individual had acquired approximately 70 firearms in multiple sale purchases, and three of those firearms had been recovered in a crime and traced.

Based on this information, SAs conducted an interview of the individual during which he indicated that he was a firearm enthusiast who collected as an investment. SAs inquired about the three firearms recovered in a crime. The individual admitted that if he did not enjoy firing a particular firearm, he would sell it through an on-line marketplace. He expressed that he had no records of the sales and had disposed of roughly 30 firearms in that manner.

Based on these statements, ATF SAs explained that purchasing firearms with the intent to sell them without an FFL is a violation of federal law. The individual expressed interest in becoming an FFL and ATF SAs provided information on how to get the appropriate license.

A warning notice for unlicensed firearms dealing in violation of federal law was issued. As a result of this deterrence action, and no evidence of any intent to evade the law, the case was closed.

Firearm Trafficking: Machinegun Conversion Devices

In February 2021, ATF received information from a CI about an unidentified individual who was selling and manufacturing machinegun conversion devices (MCD), using a 3D printer. Through investigative efforts, ATF SAs determined the identity of the suspect.

The CI was utilized to make a controlled purchase of 20 MCDs for \$400 from the suspect. In April 2021, ATF executed a federal search warrant of the suspect's apartment and seized two pistols, 229 MCDs, a 3-D printer, and materials used to manufacture the MCDs on that printer. The suspect was taken into custody and indicted on federal charges.

The suspect ultimately pled guilty to violating 18 U.S.C. §§ 922(o) and 924(a)(2), Possession or Transfer of a Machinegun and was sentenced to 45 months in prison.

Firearm Trafficking: Interstate

ATF SAs initiated an investigation in March 2017 after a CI reported that an individual they had grown up with in Chicago, and known for over 20 years, was trafficking firearms from Arkansas to gang

members in Chicago, IL. ATF SAs then directed the CI to make controlled and recorded phone calls to the suspect about purchasing firearms. Starting in April 2017, the suspect began the first of three 700-mile trips from Arkansas to Chicago to sell firearms to the CI and an ATF undercover agent (UCA). Prior to each trip the suspect would provide photos of the firearms he intended to sell the CI and UCA. The suspect would often remark that he would procure firearms from knife and gun shows in Arkansas where he was not asked for any identification and no records were made of the purchase.

The suspect sold a total of 21 firearms consisting of 11 handguns, nine rifles and one shotgun to the CI and UCA for \$14,750. During transactions, the suspect remarked that he only made \$150 to \$200 profit off each firearm. During tracing and processing of the firearms, at least three of the 21 firearms were found to have been reported stolen, including one gun taken in a burglary of a police officer's residence.

The suspect was referred for federal prosecution by ATF. The U.S. Attorney's Office accepted the case for prosecution and the suspect pled guilty to unlawfully engaging in the business of dealing in firearms, (18 U.S.C. § 922(a)(5)) and selling a firearm to an individual knowing that the individual is a convicted felon (18 U.S.C. § 922(d)(1)) and was sentenced to seven years and three months in prison followed by two years of supervised release.

Firearm Trafficking: International

In March 2017, ATF's San Diego field office received information from the Federal Bureau of Investigation (FBI) concerning an individual allegedly involved in firearm trafficking. According to the source of information, an individual involved in firearm trafficking was in the process of smuggling four firearms to Mexico for sale to a drug trafficking organization. After confirming the identity of the suspect, ATF SAs coordinated with the U.S. Customs and Border Protection (CBP) to have CPB officers initiate contact with the suspect at the border port of entry to further corroborate the tip, develop additional information, and interdict any firearms.

At the border, the suspect consented to a search of his vehicle. During the search, CPB agents located four firearms and ammunition and then arrested the suspect. The suspect admitted attempting to smuggle the firearms, stating that he had obtained them from an associate from Arizona. Additional ATF investigation established that the suspect had been coordinating with co-conspirators who were obtaining firearms in Arizona, then transporting them to California where they would be hidden in furniture for smuggling to Mexico. Based on evidence developed in the investigation, SAs estimated that the conspirators had smuggled at least 25 firearms to Mexico in this manner.

ATF referred three suspects for federal prosecution. The U.S. Attorney's Office declined prosecution of all three suspects. Ultimately, only the suspect who was arrested by CBP was prosecuted by the state prosecutor's office. The suspect plead guilty to unlawful possession of an assault weapon (Cal. Pen. Code § 30605) and received a prison sentence of three months followed by three years of supervised parole.

Firearm Trafficking: Corrupt FFL

ATF SAs in El Paso, TX initiated an investigation in 2018, after a CI advised a local FFL was allowing straw purchases by permitting firearm sales while knowing that the purchaser was not the actual buyer. SAs conducted eTrace analysis and determined three recent crime gun recoveries had been traced to this FFL, with each having a TTC of less than 115 days. Two of the crime gun recoveries occurred in Mexico and the third firearm was recovered at Fort Bliss at a suicide scene.

ATF SAs utilized a CI to attempt straw purchases from the FFL. The CI entered the FFL and looked at different firearms before advising they wanted to purchase a pistol but that they would be unable to pass the required background check due to their criminal history. The FFL advised the CI that they could purchase firearms through private purchase or have someone else come to the store to complete the ATF Form 4473 and pass the NICS background check. The next day the CI returned to the FFL with an ATF undercover agent (UCA). Upon entering, the CI and UCA met with the FFL, who acknowledged the CI's prohibited status and stated that "someone could walk in here and buy these two [firearms] and I don't know that they're giving them to you [CI]". The UCA advised the FFL that they had a clean criminal background, could complete the ATF Form 4473, and pass the background check to purchase the firearms. The FFL agreed to sell two firearms and 500 rounds of ammunition to the UCA. While the UCA filled out the ATF Form 4473, the CI paid the FFL directly and the sale was completed.

The following morning, ATF SAs, assisted by Industry Operations Investigators, executed a federal search warrant at the FFL, and arrested the owner. During the execution of the arrest and search warrants, 110 firearms and over 10,000 rounds of ammunition were seized. Based on the investigation, ATF SAs estimated the FFL was responsible for selling at least 50 firearms through straw purchasers, many of which were then trafficked to Mexico.

The FFL was referred for federal prosecution by ATF. The U.S. Attorney's Office accepted the case for prosecution and in March 2019, the FFL pled guilty to aiding and abetting the sale or transfer of firearms or ammunition to a prohibited person (18 U.S.C. § 922(d)) and was sentenced to 18 months in prison followed by three years of supervised release.

Firearm Trafficking: FFL Theft and Intrastate

ATF SAs initiated an investigation in October 2017 following the theft of 67 firearms from an FFL in Glenville, NY. During the burglary, the suspects shattered the front window and used a long gun to break the lock off a pistol cabinet. Using the FFL's security cameras, license plate readers in the vicinity of the burglary, and DNA analysis, SAs quickly identified several suspects. Within days of the theft, the suspects began trying to sell the stolen firearms. Through social media accounts, the suspects contacted associates 200 miles away in Rochester, NY to arrange to transport and sell approximately 30 of the stolen firearms.

By the first week of November 2017, ATF SAs had recovered more than 20 of the stolen firearms from multiple locations and had arrested the two primary suspects in the burglary. An additional four suspects were subsequently arrested for various roles in the trafficking of the stolen firearms. Over the following months, additional firearms from the burglary were recovered in multiple drug-related and violent crime investigations in Rochester NY, including at least one homicide.

The six suspects were referred for federal prosecution by ATF. The U.S. Attorney's Office accepted the case for prosecution and the six suspects were convicted on felon in possession charges (18 U.S.C. § 922(g)(1)) and for possessing stolen firearms (18 U.S.C. § 922(j)). Four of the defendants received sentences of over ten years in prison, while the remaining two defendants received sentences of four and a half years and seven years in prison, respectively. The court also imposed restitution to the FFL victim in the amount of \$48,775.

APPENDIX IM – INTRODUCTION AND METHODOLOGY

Appendix IM - Study Survey Instrument

READ ALL INSTRUCTIONS PRIOR TO BEGINNING THE SURVEY

This survey relates to investigation \${e://Field/CASE_NUMBER}. If this investigation is the result of a referral or spin-off, only include information from those investigations that pertain to investigation \${e://Field/CASE_NUMBER}.

Please answer each question thoroughly. Your responses to some questions may require an approximation. If a response to a question is an approximation, please base that approximation on your overall knowledge of the case but not necessarily captured in NFORCE.

If you need to pause or terminate your session, your progress will be saved after each response. When you return to the survey, it should open to the next question. **You must complete this survey on your ATF issued computer.**

The survey is divided into 8 sections:

SECTION I: Initiation of Firearms Trafficking Investigations

SECTION II: Firearms Trafficking Channels

SECTION III: Source-to-Market Flow

SECTION IV: Type and Volume of Trafficked Firearms

SECTION V: Characteristics of Firearms Traffickers and End Users

SECTION VI: Financial Characteristics in Firearms Trafficking Investigations

SECTION VII: Techniques and Services Used in Firearms Trafficking Investigations

SECTION VIII: Outcomes of Firearms Trafficking Investigations

By design, this survey does not refer to the investigation by its case title nor does it contain any personally identifiable information (PII) regarding individuals documented within your investigation. Please DO NOT add any PII or case title references in your responses to the survey.

For the purposes of this report, ATF defines firearm trafficking as: "The intentional movement of one or more firearms into the illegal market for a criminal purpose or possession." This definition also includes diversion investigations in which one firearm was acquired through a suspected straw purchase as well as investigations involving prohibited persons acquiring firearms.

End of Block: Survey Introduction

Start of Block: SECTION I: FIREARMS TRAFFICKING INVESTIGATION INITIATION

Q3 Please answer all survey questions based solely on your knowledge of the facts and information contained within the below investigation.

	ATF Region	{e://Field/REGION}
	ATF Field Division	
{e://Field/FIELD_DIV_NAME}		ATF
Field Office	{e://Field/FIELD_OFF_NAME}	
Judicial District	{e://Field/JUDICIAL_DIST_NAME}	
	Case Agent	
{e://Field/RECIPIENTFIRSTNAME}	{e://Field/RECIPIENTLASTNAME}	
	Case Number	
{e://Field/CASE_NUMBER}		Case
Status	{e://Field/CASE_STATUS}	

Page Break

If CASE_STATUS = Open

Q4 NFORCE indicates that this case remains open. Does this case have any defendants pending prosecution as of today's date?

- Yes (1)
- No (2)

Skip To: End of Survey If Q4 = 1

Q5 Was this investigation initiated from a national illegal firearm recovery referral (e.g., Glock switch, FRT, silencer parts)?

- Yes (1)
- No (2)

Skip To: End of Survey If Q5 = 1

Page Break

Q6

SECTION I: INITIATION OF FIREARMS TRAFFICKING INVESTIGATIONS

Q7 How was the investigation initiated? **(Select all that apply)**

- Field division CGIC referral (General Investigation) (1)
- Information developed during review of eTrace/NTC information (2)
- Information developed during review of CGIA (3)
- Information developed during special ATF enforcement operation (E.g., VCRP Surge, Gideon, Gun Show Task Force, Operation Southbound, VCIT) (4)
- Developed as a spin-off investigation (5)
- Referral from ATF industry operations (6)
- Jointly developed with or referral from a state or local agency (7)
- Jointly developed with or referral from another federal agency (8)
- Referral from International Affairs Division (9)
- Referral from another ATF Field Division or HQ Directorate/Division (10)
- NICS/state POC denial referral (11)
- NIBIN or NESS lead or hit (12)
- FFL reported suspicious activity (13)
- Cooperating defendant (14)
- Confidential informant (15)
- Tip from concerned citizen (for example: JSOC, iTip, ReportIT, in-person/call to local office) (16)

SAR (Suspicious Activity Report) referral or tip from other financial entity (17)

USAO referral (18)

FFL theft (19)

Other, please specify in the box below: (20)

Page Break

Display This Question:

If Q7 = 8

Q8 You indicated a referral was received from another federal law enforcement agency or inspector general. Please identify the agency or agencies from whom the referral was received. (**Select all that apply**)

- U.S. Air Force Office of Special Investigations (1)
- U.S. Army Criminal Investigation Division (2)
- U.S. Capitol Police (3)
- U.S. Central Intelligence Agency (4)
- U.S. Coast Guard Investigative Service (5)
- U.S. Customs and Border Protection (6)
- U.S. Defense Criminal Investigative Service (7)
- U.S. Defense Intelligence Agency (8)
- U.S. Department of Homeland Security (9)
- U.S. Department of State Diplomatic Security Service (10)
- U.S. Department of Transportation, National Highway Traffic Safety Administration, Office of Odometer Fraud Investigation (11)
- U.S. Drug Enforcement Administration (12)
- U.S. Federal Bureau of Investigation (13)
- U.S. Federal Protective Service (14)
- U.S. Immigration and Customs Enforcement (15)

- U.S. IRS Criminal Investigations Division (16)
- U.S. Marshal Service (17)
- U.S. Naval Criminal Investigative Service (18)
- U.S. Office of Special Investigations (19)
- U.S. Park Police (20)
- U.S. Postal Inspection Service (21)
- U.S. Probation and Pretrial Services (22)
- U.S. Secret Service (23)
- U.S. Agency for International Development, Office of Inspector General (24)
- U.S. Department of Agriculture, Office of Inspector General (25)
- U.S. Department of Commerce, Office of Inspector General (26)
- U.S. Department of Defense, Office of Inspector General (27)
- U.S. Department of Education, Office of Inspector General (28)
- U.S. Department of Energy, Office of Inspector General (29)
- U.S. Department of Health & Human Services, Office of Inspector General (30)
- U.S. Department of Homeland Security, Office of Inspector General (31)
- U.S. Department of Housing & Urban Development, Office of Inspector General (32)
- U.S. Department of Interior, Office of Inspector General (33)

- U.S. Department of Justice, Office of Inspector General (34)
- U.S. Environmental Protection Agency, Office of Inspector General (35)
- U.S. Equal Employment Opportunity Commission, Office of Inspector General (36)
- U.S. Postal Service, Office of Inspector General (37)
- U.S. National Aeronautics & Space Administration, Office of Inspector General (38)
- U.S. Nuclear Regulatory Commission, Office of Inspector General (39)
- U.S. Office of Personnel Management, Office of Inspector General (40)
- U.S. Railroad Retirement Board, Office of Inspector General (41)
- U.S. Small Business Administration, Office of Inspector General (42)
- U.S. State Department, Office of Inspector General (43)
- U.S. Social Security Administration, Office of Inspector General (44)
- U.S. Department of Transportation, Office of Inspector General (45)
- U.S. Department of the Treasury, Office of Inspector General (46)
- U.S. Treasury Inspector General for Tax Administration (47)
- U.S. Department of Veterans Affairs, Office of Inspector General (48)

Page Break

Display This Question:

If Q7 = 4

Q9 You indicated that this case was connected to a special ATF enforcement initiative. Please identify the initiative(s) related to this case. **(Select all that apply)**

- ATF hotline referral (1)
- IIC - Silencer-sale.com (2)
- Internet related crime (3)
- JNC Manufacturing (4)
- Joint Terrorism Task Force (JTTF) (5)
- Monitored Case Program (6)
- NIBIN hit referral (7)
- NIBIN lead referral (8)
- NICS/Brady delayed denial (9)
- NICS/Brady standard denial (10)
- OCDETF (11)
- Operation Legend (12)
- Operation Relentless Pursuit (13)
- Operation Southbound (14)
- Operation Trailblazer (15)
- Preppers Discount (16)

- Project Guardian (17)
 - Project Safe Neighborhoods (18)
 - Project Thor (19)
 - Surge (20)
 - SWB- Southwest Border Project (21)
 - Tier I referral (Mexico) (22)
 - Tier II referral (Mexico) (23)
 - Tier III referral (Mexico) (24)
 - VCIT initiative (25)
 - Violent crime coordinator/adopted case (26)
 - Other, please specify in the box below: (27)
-

End of Block: SECTION I: FIREARMS TRAFFICKING INVESTIGATION INITIATION

Start of Block: SECTION II: FIREARMS TRAFFICKING CHANNELS

Q10

SECTION II: FIREARMS TRAFFICKING CHANNELS

Q11 Please describe any known channel(s) used for firearms trafficking in this investigation. **Select all that apply**

- Trafficking in firearms by an unlicensed dealer (private person) (1)
- Trafficking in firearms through unlicensed making (PMFs, 3D printed, self-assembly kits, combination of parts) (2)
- Trafficking in firearms by an FFL(s) (3)
- Trafficking in firearms by a straw purchaser or straw purchasing ring (4)
- Trafficking in firearms stolen from an FFL (5)
- Trafficking in firearms stolen from a common carrier (FedEx, UPS) during shipment between FFLs (6)
- Trafficking in firearms stolen from private persons (7)
- Trafficking in firearms at gun shows, flea markets, or auctions (8)
- Trafficking in firearms obtained through print classified magazines or other types of gun magazines (not online) (9)
- Trafficking in firearms through online marketplace, including firearm or firearm accessory website (Craigslist, OfferUp, eBay, Armslist, Gunbroker) (10)
- Trafficking in firearms through social media platforms (FaceBook, Instagram) (11)
- Trafficking in firearms through peer-to-peer applications (ex. WhatsApp, TikTok, Tinder) (12)
- Trafficking in firearms through the darkweb (accessed thorough TOR or VPN concealer) (13)
- Trafficking in firearms illegally imported into the U.S. (14)
- Trafficking in firearms illegally exported from the U.S. (15)

- Unknown (16)
 - Does not apply to this investigation (17)
 - Other, please specify in the box below: (18)
-

Page Break

Display This Question:

If Q11 = 3

Q12 You indicated that an FFL was involved in the trafficking for this case. What was the licensed premises type(s) of the FFL? Gun shows and flea markets are venues not licensed premises. **Select all that apply**

- Storefront (1)
 - Residential (2)
 - Warehouse/Industrial (3)
 - Other, please specify in the box below: (4)
-

Page Break

Q13 Identify any known method(s) of transport used in the trafficking of firearms in this investigation. **Select all that apply**

- Automobile (1)
 - Plane (2)
 - Bus line (3)
 - By foot (4)
 - Freight shipment (5)
 - Passenger train (6)
 - U.S. mail (7)
 - Common carrier (ex. Fedex, UPS) (8)
 - Ships or vessel (9)
 - Unknown (10)
 - Does not apply to this investigation (11)
 - Other, please specify in the box below: (12)
-

Page Break

Q14 Identify any known method(s) of concealment for trafficked firearms in this investigation. **Select all that apply**

- Inside of home appliances (1)
 - Inside of electronics (2)
 - Inside of food/beverage/household items (3)
 - Inside of luggage (4)
 - Inside shipping container to include freight and/or other packaging materials (5)
 - Inside of concealed compartment/natural voids within vehicle (6)
 - Concealed on the trafficker (7)
 - Disassembled for concealment (8)
 - Not concealed (9)
 - Unknown (10)
 - Does not apply to this investigation (11)
 - Other, please specify in the box below: (12)
-

End of Block: SECTION II: FIREARMS TRAFFICKING CHANNELS

Start of Block: SECTION III: SOURCE TO MARKET FLOW

Q15
SECTION III: SOURCE-TO-MARKET FLOW

Q16 Please describe any known geographic scope of the firearms trafficking in this investigation. **Select all that apply**

- Intrastate (within the same state) (1)
- Interstate (between two or more states or U.S. territory) (2)
- International (U.S. to foreign country) (3)
- International (foreign country to U.S.) (4)
- Unknown (5)

Page Break

Display This Question:

If Q16 = 1

Q17 What state(s) was/were involved in the intrastate trafficking of firearms in this investigation? (**Select all that apply**)

- AL - Alabama (1)
- AK - Alaska (2)
- AZ - Arizona (3)
- AR - Arkansas (4)
- CA - California (5)
- CO - Colorado (6)
- CT - Connecticut (7)
- DE - Delaware (8)
- FL - Florida (9)
- GA - Georgia (10)
- HI - Hawaii (11)
- ID - Idaho (12)
- IL - Illinois (13)
- IN - Indiana (14)
- IA - Iowa (15)
- KS - Kansas (16)

- KY - Kentucky (17)
- LA - Louisiana (18)
- ME - Maine (19)
- MD - Maryland (20)
- MA - Massachusetts (21)
- MI - Michigan (22)
- MN - Minnesota (23)
- MS - Mississippi (24)
- MO - Missouri (25)
- MT - Montana (26)
- NE - Nebraska (27)
- NV - Nevada (28)
- NH - New Hampshire (29)
- NJ - New Jersey (30)
- NM - New Mexico (31)
- NY - New York (32)
- NC - North Carolina (33)
- ND - North Dakota (34)

- OH - Ohio (35)
- OK - Oklahoma (36)
- OR - Oregon (37)
- PA - Pennsylvania (38)
- RI - Rhode Island (39)
- SC - South Carolina (40)
- SD - South Dakota (41)
- TN - Tennessee (42)
- TX - Texas (43)
- UT - Utah (44)
- VT - Vermont (45)
- VA - Virginia (46)
- WA - Washington (47)
- WV - West Virginia (48)
- WI - Wisconsin (49)
- WY - Wyoming (50)
- DC - District of Columbia (51)
- AS - American Samoa (52)

- GU - Guam (53)
- MP - Northern Mariana Islands (54)
- PR - Puerto Rico (55)
- VI - U.S. Virgin Islands (56)

Page Break

Display Th

If Q16 = 2

Q18 What state(s) or territories was/were involved in the interstate trafficking of firearms in this investigation? **List all that apply.**

	Source State/Territory	Target State/Territory
Source/Target1 (4)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)
Source/Target2 (11)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)
Source/Target3 (12)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)
Source/Target4 (13)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)
Source/Target5 (14)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)
Source/Target6 (15)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)

D

If Q16 = 3

Q19 For the firearms trafficked to a foreign country, select the **U.S. source state/territory and target country.** List all that apply.

	Source State	Target Country
Source State/Target Country (1)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ Afghanistan (1 ... Zimbabwe (242)
Source State/Target Country (2)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ Afghanistan (1 ... Zimbabwe (242)
Source State/Target Country (3)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ Afghanistan (1 ... Zimbabwe (242)
Source State/Target Country (4)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ Afghanistan (1 ... Zimbabwe (242)
Source State/Target Country (5)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ Afghanistan (1 ... Zimbabwe (242)
Source State/Target Country (6)	▼ AL-Alabama (1 ... VI-U.S. Virgin Islands (56)	▼ Afghanistan (1 ... Zimbabwe (242)

Disp

If Q16 = 4

Q20 What foreign countries were involved in the international firearms trafficking **to the U.S.** in this investigation? **List all that apply.**

	Source Country

Source/Target Country (4)

▼ Afghanistan (1 ... Zimbabwe (249)

Source/Target Country (5)

▼ Afghanistan (1 ... Zimbabwe (249)

Source/Target Country (6)

▼ Afghanistan (1 ... Zimbabwe (249)

Source/Target Country (7)

▼ Afghanistan (1 ... Zimbabwe (249)

Source/Target Country (8)

▼ Afghanistan (1 ... Zimbabwe (249)

Source/Target Country (9)

▼ Afghanistan (1 ... Zimbabwe (249)

End of Block: SECTION III: SOURCE TO MARKET FLOW

Start of Block: SECTION IV: TYPE AND VOLUME OF FIREARMS TRAFFICKED

Q21

SECTION IV: TYPE AND VOLUME OF TRAFFICKED FIREARMS

Q22 Describe the known type(s) of firearms trafficked in this investigation. Note, a firearm can meet multiple selections (i.e. A machinegun conversion device could be both a PMF and an NFA item). **(Select all that apply)**

- New firearms (1)
- Used firearms (2)
- Privately Made Firearms (PMF, including machinegun conversion devices) (3)
- NFA (registered or unregistered, including machinegun conversion devices) firearms (4)
- Firearm receivers (5)
- Stolen firearms from FFL (6)
- Stolen firearms from private citizens (7)
- Firearms with obliterated serial numbers (8)
- Firearm parts subject to Arms Export Control Act (AECA) (9)
- Unknown (10)
- Does not apply to this investigation (11)

Page Break

Display This Question:

If Q22 = 4

Or Q22 = 3

Q23 If NFA firearms (including PMF NFA items) were being trafficked in this investigation, what type(s)? **Select all that apply**

- PMFs in this investigation are not NFA weapons (1)
- Machinegun conversion devices (switches, auto sears, lightning links, bump stocks, forced reset triggers) (2)
- Machineguns or machinegun parts (not including conversion devices) (3)
- Silencer parts sold as other items (solvent trap, Airsoft silencer) (4)
- Complete silencers or silencer parts (5)
- Explosive/destructive devices (e.g., pipe bombs, grenades) (6)
- Short-barreled rifles (7)
- Short-barreled shotguns (8)
- Any other weapons (AOW) (9)

Page Break

Display This Question:

If Q22 = 3

Q24 What type(s) of PMFs were being trafficked in this investigation? **Select all that apply**

- Machinegun conversion device (installed) (e.g., switches, FRT, auto sear, lightning link) (1)
 - Machinegun conversion device and/or parts (uninstalled) (2)
 - Handgun (3)
 - Handgun – unassembled kit (4)
 - Silencer (5)
 - Silencer parts (baffles, tubes, end caps) (6)
 - Receiver – flats (to the stage it is considered a firearm) (7)
 - Receiver – partially milled (to the stage it is considered a firearm) (8)
 - Receiver – fully milled (9)
 - Long gun (rifle/shotgun) (10)
 - Long gun (rifle/shotgun) unassembled kit (11)
 - Destructive devices (12)
 - Machinegun (13)
 - Other firearm type – assembled, please specify type in the box below: (14)

 - Other firearm type – unassembled, please specify type in the box below: (15)

-

Q25 What type(s) of PMF assembly equipment was/were encountered during this investigation? **Select all that apply**

- Commercial grade CNC machine (1)
- Non-commercial CNC machine (e.g., ghost gunner box) (2)
- PMF jigs (3)
- 3D printer (4)
- Other tools and equipment (e.g., drill presses, metal brake, metal press, lathe, mill, forge, welding) (5)
- Unknown (6)

If Q22 = 3

Q26 How did the trafficker acquire the PMF components in this investigation? **Select all that apply**

- Commercially manufactured kits and parts sold by a business (1)
 - Kits and parts made and sold by an individual (non-business entity) (2)
 - Kits and parts made by the trafficker(s) (3)
 - Unknown (4)
 - Other, please specify in the box below: (5)
-

Page Break

Q27 **Excluding** firearms listed as property in **NFORCE**, please estimate the total number of firearms believed to have been trafficked in this investigation. Please base your answer on your overall knowledge of the investigation. **Enter "999" if the number of firearms trafficked is unknown.**

Page Break

Display This Question:

If If Excluding firearms listed as property in NFORCE, please estimate the total number of firearms bel... Text Response Is Greater Than or Equal to 1

And And Excluding firearms listed as property in NFORCE, please estimate the total number of firearms bel... Text Response Is Not Equal to 999

Q28 Of the $\{Q27/ChoiceTextEntryValue\}$ firearms believed to have been trafficked in this investigation, please estimate the total number of firearms by weapon type. If you are unable to provide a reasonable estimate, please click "Next" to proceed to the next question.

	Number of Weapons (1)
Total number of handguns (GCA): (6)	
Total number of rifles (GCA): (7)	
Total number of shotguns (GCA): (8)	
Total number of firearm receivers; (9)	
Total number of Privately Made Firearms (PMF): (10)	
Total number of machinegun conversion devices: (11)	
Total number of machineguns or machinegun parts: (12)	

Total number of silencer parts: (13)	
Total number of silencers: (14)	
Total number of short-barreled rifles: (15)	
Total number of short-barreled shotguns: (16)	
Total number of destructive devices: (17)	
Total number of other: please specify what these are in the box below: (18)	

End of Block: SECTION IV: TYPE AND VOLUME OF FIREARMS TRAFFICKED

Start of Block: Block 11

Q29

SECTION V: CHARACTERISTICS OF FIREARM TRAFFICKERS AND END USERS

A **firearms trafficker** is a person who directly or indirectly facilitates the movement of one or more firearms from lawful commerce to illegal possession or use.

An **end user** is a recipient of a trafficked firearm.

In some cases, the firearms trafficker and the end user may be the same individual.

Page Break

Q30 How many firearm traffickers (to include straw purchasers and other trafficking related co-conspirators) were identified in this investigation? Include all traffickers, regardless of whether they were ultimately charged. Enter a whole number.

End of Block: Block 11

Start of Block: SECTION V: DEMOGRAPHICS OF FIREARM TRAFFICKERS, END USERS, AND DEFENDANTS

Q31 For $\{lm://Field/2\}$, which of the following apply? (**Select all that apply**)

- Trafficker stole firearms. (1)
 - Trafficker acquired stolen firearm. (2)
 - Trafficker utilized straw purchaser(s). (3)
 - Trafficker is the straw purchaser. (4)
 - Trafficker is the middle person between purchaser and end user. (5)
 - Trafficker is providing financial resources to facilitate trafficking. (6)
 - Trafficker is an FFL or a responsible person of an FFL or license holder. (7)
 - Trafficker is an employee of an FFL (not a responsible person). (8)
 - Trafficker is a former FFL. (9)
 - Trafficker is making PMFs. (10)
 - Trafficker is obtaining PMFs from another person. (11)
 - Unknown (12)
 - Other, please describe in the box below: (13)
-

Page Break

Display This Question:

If Loop current: Q31 = 3

Q32 For $\$ \{ \text{lm://Field/2} \}$, please describe the relationship(s) between the firearm trafficker and the straw purchaser(s). **(Select all that apply)**

- Friend or associate of friend (1)
 - Intimate partner / spouse (2)
 - Roommate (3)
 - Relative (4)
 - Current or former co-worker (5)
 - Fellow gang member (6)
 - Other criminal associate (7)
 - Financial (straw purchaser's intent is to be compensated monetarily) (8)
 - Drugs (straw purchaser's intent is to be compensated in drugs) (9)
 - Threat of violence (personal or familial harm) (10)
 - Unknown (11)
 - Other, please specify in the box below: (12)
-

Page Break

Q33 For §{lm://Field/2}, please describe the characteristics for this specific firearms trafficker in this investigation. **Select all that apply**

- Known gang member or associate of gang member (1)
 - Convicted felon (2)
 - Convicted of a misdemeanor crime of domestic violence (3)
 - Prior arrest history, no prohibiting convictions (4)
 - Unlawfully in the U.S. (5)
 - Drug user (6)
 - Drug trafficker (7)
 - Drug cartel associate (8)
 - Member/associate of transnational organized crime (9)
 - Member/associate of domestic or international terrorist group (10)
 - No known criminal activity (11)
 - Previous ATF defendant (12)
 - Subject/person in previous ATF investigation (13)
 - Under court supervision/parole/probation (14)
 - Unknown (15)
 - Other, please specify in the box below: (16)
-

Page Break

Q34 For \$ {lm://Field/2}, please describe this specific trafficker's employment. **(Select all that apply)**

- Full-time (1)
 - Part-time (2)
 - Seasonal (3)
 - Self-employed (4)
 - Unemployed (5)
 - U.S. military (6)
 - Sworn law enforcement (7)
 - Student (8)
 - Career/vocational training program (9)
 - Traveling job (i.e. nurse, truck driver) (10)
 - Retired (11)
 - Unknown (12)
 - Other, please specify in the box below: (13)
-

Page Break

Q35 For $\{\text{lm://Field/2}\}$, describe the age of this specific firearms trafficker.

- Juvenile (17 and under) (1)
 - Youth (18 to 24) (2)
 - Young adult (25 to 34) (3)
 - Adult (35 and over) (4)
 - Unknown (5)
-

Page Break

Q36 For $\{\text{lm://Field/2}\}$, describe the sex of this specific firearms trafficker.

- Male (1)
 - Female (2)
 - Non-binary (3)
 - Unknown (4)
-

Page Break

Q37 For $\{\text{lm://Field/2}\}$, describe the ethnicity of this specific firearms trafficker.

- Hispanic or Latino (1)
 - Not Hispanic or Latino (2)
 - Unknown (3)
-

Page Break

Q38 For $\{lm://Field/2\}$, describe the race of this specific firearms trafficker. **(Select all that apply)**

- White (1)
- Black or African American (2)
- American Indian or Alaskan Native (3)
- Asian (4)
- Native Hawaiian or Pacific Islander (5)
- Unknown (6)

Page Break

Q39 For $\{lm://Field/2\}$, describe the citizenship of this specific firearms trafficker.

- U.S. Citizen (1)
- Permanent Resident Alien (2)
- Non-Immigrant Alien (3)
- Person unlawfully in the U.S. (4)
- Foreign National (5)
- Unknown (6)

End of Block: SECTION V: DEMOGRAPHICS OF FIREARM TRAFFICKERS, END USERS, AND DEFENDANTS

Start of Block: Section 5.1 END USERS AND DEFENDANTS

Q40 How many end users were identified in this investigation? End users may or may not be defendants.

Number of End Users Identified (1)

Enter the total number of end users identified. Enter a "0" if no end users were identified. Enter "999" if the number of end users is unknown. (5)

Page Break

Display This Question:

If How many end users were identified in this investigation? End users may or may not be defendants. Text Response Is Greater Than or Equal to 1

Q41 Please select any characteristics known about the end users in this investigation. **Select all that apply**

- Known gang member or associate of gang member (1)
- Convicted felon (2)
- End user was also a firearms trafficker (3)
- Convicted of a misdemeanor crime of domestic violence (4)
- Prior arrest history, no prohibiting convictions (5)
- Unlawfully in the U.S. (6)
- Drug user (7)
- Drug trafficker (8)
- Drug cartel associate (9)
- Member/associate of a transnational organized crime (10)
- Member/associate of a domestic or international terrorist group (11)
- No known criminal activity (12)
- Previous ATF defendant (13)
- Subject/person in previous ATF investigation (14)
- Under court supervision/parole/probation (15)
- Unknown (16)

Other, please specify in the box below: (17)

Page Break

If If How many end users were identified in this investigation? End users may or may not be defendants. Text Response Is Greater Than or Equal to 1

Q42 Describe the age(s) of the end users known in this investigation. **Select all that apply**

Juveniles (17 and under) (1)

Youths (18 to 24) (2)

Young adults (25 to 34) (3)

Adults (35 and over) (4)

Unknown (5)

Other, please specify in the box below: (6)

End of Block: Section 5.1 END USERS AND DEFENDANTS

Start of Block: SECTION VI: FIREARMS TRAFFICKING FINANCING

Q43

SECTION VI: FINANCIAL CHARACTERISTICS IN FIREARMS TRAFFICKING INVESTIGATIONS

Q44 If payments were made between traffickers and end users in this investigation, please describe those types of payments. **Select all that apply**

N/A case taken down before payments made or identified (1)

U.S. currency (Cash) (2)

Foreign currency (3)

Drugs traded (4)

Crypto-currency; please specify the type in the box below: (5)

Wire transfer (6)

Bank transfer (7)

Pre-paid credit or gift cards (8)

Credit card or debit card (9)

Web based money transfer service (e.g., Paypal, Venmo, Cash App) Please specify the type in the box below: (10)

Public assistance cards (e.g., EBT) (11)

Traded for other commodities/services, Please specify in the box below: (12)

Unknown (13)

Does not apply to this investigation (14)

Other, please specify in the box below: (15)

End of Block: SECTION VI: FIREARMS TRAFFICKING FINANCING

Start of Block: SECTION VII: FIREARMS TRAFFICKING INVESTIGATION TECHNIQUES AND SERVICES USED

Q45

SECTION VII: TECHNIQUES AND SERVICES USED IN FIREARMS TRAFFICKING INVESTIGATIONS

Page Break

Q46 Did this investigation require the use of subpoenas to obtain cell, email, social media, or other records to identify internet service providers and subscribers?

Yes (1)

No (2)

Page Break

Display This Question:

If Q46 = 1

Q47 In this investigation, what was the source of the subpoena(s)? **(Select all that apply)**

ATF/Grand Jury (1)

Other agency administrative subpoena (2)

Q48 Did this investigation use interdiction or deterrence techniques to stop or disrupt suspected firearms trafficking in lieu of an arrest or while waiting to secure USAO concurrence to make an arrest?

Yes (1)

No (2)

Page Break

Display This Question:

If Q48 = 1

Q49 If the investigation involved interdiction and/or deterrence, **what technique(s) was/were used?**
(Select all that apply)

- Interview with verbal warning (1)
 - Warning letter for unlawful straw purchase activity served to disrupt and deter activity and establish elements of knowing and willfulness if further investigation becomes necessary. (2)
 - Warning letter for dealing without a license served to disrupt and deter activity and establish elements of knowing and willfulness if further investigation becomes necessary. (3)
 - Interdiction of firearms through abandonment or administrative forfeiture to disrupt and deter activity (4)
 - Interdiction of firearms with a seizure warrant issued by the USAO to disrupt and deter activity (5)
 - Interdiction of firearm through federal, local, state, territorial, or tribal law enforcement at request of ATF (6)
 - Search and/or seizure during any inbound or outbound border crossing (7)
 - Other, please specify in the box below: (8)
-

Page Break

Display This Question:

If Q48 = 1

Q50 Why were interdiction and/or deterrence techniques used in this investigation? (Select all that apply)

- To disrupt firearms trafficking or transfer as required by ATF policy (1)
 - In lieu of an arrest (2)
 - To gather criminal intelligence (3)
 - While waiting for a decision from the USAO regarding prosecution (4)
 - Following a declination of prosecution by the USAO (5)
 - Other; please specify in the box below: (6)
-

Page Break

Q51 Was this ATF case closed as the result of applying an interdiction and/or deterrence technique?

- Yes (1)
- No (2)

End of Block: SECTION VII: FIREARMS TRAFFICKING INVESTIGATION TECHNIQUES AND SERVICES USED

Start of Block: SECTION VIII: FIREARMS TRAFFICKING INVESTIGATION OUTCOMES

Q52 SECTION VIII: OUTCOMES OF FIREARMS TRAFFICKING INVESTIGATIONS

Q53 Describe the firearm violations identified (regardless of whether the violation was recommended and/or charged) during the course of the firearm trafficking investigation.” **(Select all that apply)**

- 18 USC 922(A)(1)(A) Dealing firearms without license (1)
- 18 USC 922(A)(2) FFL transfer firearm interstate to non-FFL (2)
- 18 USC 922(A)(3) Unlawful Interstate Receipt of Firearms (3)
- 18 USC 922(A)(5) Transfer firearm to out-of-state resident (4)
- 18 USC 922(A)(6) Falsified information when buying firearms (5)
- 18 USC 922(B)(2) Sale of Firearms by FFL in violation of state law (6)
- 18 USC 922(B)(3) FFL transfer firearm to out-of-state resident (7)
- 18 USC 922(B)(5) Unlawful FFL Record Keeping (8)
- 18 USC 922(D)(1) Sale of firearms to felon or person under indictment (9)
- 18 USC 922(D)(2) Sale of firearms to fugitive (10)
- 18 USC 922(D)(3) Sale of firearms to substance abuser (11)
- 18 USC 922(D)(5) Sale of firearms to illegal alien (12)
- 18 USC 922(D)(5)(B) Sale/Disposition of any firearms/ammunition to any person under a non-immigrant visa (13)
- 18 USC 922(D)(6) Sale of firearms to person having a dishonorable discharge (14)
- 18 USC 922(D)(8) Sale of firearms to person under a restraining order (15)
- 18 USC 922(D)(9) Sale of firearms to person with domestic violence conviction (16)
- 18 USC 922(E) Carrier not notified of firearm shipment (17)

- 18 USC 922(G)(1) Possession of firearm/ammunition by convicted felon (18)
- 18 USC 922(G)(2) Possession of firearm by fugitive (19)
- 18 USC 922(G)(3) Possession of firearm by drug user (20)
- 18 USC 922(G)(4) Possession of firearm by mental defective (21)
- 18 USC 922(G)(5) Possession of firearm by illegal alien (22)
- 18 USC 922(G)(5)(B) Ship/transport to or possess/receive any firearms/ammunition by any person under non-immigrant visa (23)
- 18 USC 922(G)(6) Possession of firearm after dishonorable discharge (24)
- 18 USC 922(G)(8) Possession of firearm while under restraining order (25)
- 18 USC 922(G)(9) Possession of firearm after domestic abuse charge (26)
- 18 USC 922(H) Unlawful of Employee of Prohibited Person to Poss F/A (27)
- 18 USC 922(I) Transporting a stolen firearm or ammunition (28)
- 18 USC 922(J) Possession of stolen firearm (29)
- 18 USC 922(K) Rec./ship/tran FA with obliterated Ser. No. (30)
- 18 USC 922(M) FFL omit or falsify required information (31)
- 18 USC 922(N) Rec./ship/tran FA after indictment (32)
- 18 USC 922(O) Possess/transfer machinegun unlawfully (33)
- 18 USC 922(Q) Possess/shoot FA in school zone (34)
- 18 USC 922(S) FFL sell FA without "Brady" check (35)

- 18 USC 922(U) Theft of FA from FFL (36)
- 18 USC 922(V)(1) Make/possess/transfer illegal assault FA (37)
- 18 USC 922(X)(1) Sale to juvenile (38)
- 18 USC 922(X)(2) Possession by juvenile (39)
- 18 USC 924(A)(1)(A) Cause FFL to falsify records (40)
- 18 USC 924(B) Transfer firearm w/intent to commit felony (41)
- 18 USC 924(C) Use of firearm in Federal drug/violent crime (42)
- 18 USC 924(E) Armed career criminal (43)
- 18 USC 924(H) Transfer firearm to be used to commit crime of violence / drug trafficking (44)
- 18 USC 924(J) Person causes death of someone through the use of a firearm while in the course of violating 924 (45)
- 18 USC 924(L) Firearms theft affecting interstate commerce (46)
- 18 USC 924(M) Firearms theft from a licensee (47)
- 18 USC 924(N) Interstate travel in furtherance of 922(a)(1)(A) (48)
- 18 USC 924(O) Conspire to Commit an offense under 924 (49)
- 15 USC 376 Jenkins Act - Tobacco (50)
- 18 USC (2) Aiding and Abetting (51)
- 18 USC (4) Misprison of a felony (52)

- 18 USC 1001 False statement (53)
- 18 USC 111 Assaulting, resisting, or impeding certain officers or employees (54)
- 18 USC 1201 Kidnapping (55)
- 18 USC 1341 Mail Fraud (56)
- 18 USC 1343 Fraud by wire, radio, or television (57)
- 18 USC 1344 Bank Fraud (58)
- 18 USC 1503 Obstruction of Justice (59)
- 18 USC 1512 Tampering with a Witness (60)
- 18 USC 1513 Threatening a witness (61)
- 18 USC 1791(A)(2) Possessing a prohibited object in prison (62)
- 18 USC 1951 Interference with commerce by threats/violence/robbery (Hobbs Act) (63)
- 18 USC 1956(A)(1) Money Laundering (64)
- 18 USC 1956(H) Conspiracy to commit Money Laundering (65)
- 18 USC 1958 Use of interstate commerce in commission of murder for hire (66)
- 18 USC 1959 Violent crimes in aid of racketeering activity (67)
- 18 USC 2111 Robbery by force, violence or intimidation (68)
- 18 USC 2113 Bank Robbery (69)
- 18 USC 2119 Car jacking (70)

- 18 USC 241 Conspiracy against Rights (71)
- 18 USC 371 Conspiracy to commit offense against U.S. (72)
- 18 USC 473 Dealing in Counterfeit Obligations or Securities (73)
- 18 USC 544 Relanding of goods (74)
- 18 USC 545 Smuggling goods into the United States (75)
- 18 USC 554 Smuggling goods from the United States (76)
- 18 USC 641 Embezzle/Steal/Convert Property of the United States (77)
- 18 USC 842(A)(1) Deal explosives without license (78)
- 18 USC 844(H) Used/carried during felony (79)
- 18 USC 844(H) (1) Using Fire to Commit Felony (80)
- 18 USC 844(O) Transfer explosives for use in crime of violence or drug trafficking crime (81)
- 18 USC 931 Possession of body armor by violent felon (82)
- 18 USC 982 Criminal Forfeiture of real or personal property (83)
- 21 USC 841(A)(1) Mfg., distribute, or possess controlled substance (84)
- 21 USC 841(C)(2) Possess/distribute chemical used to mfg drugs (146) (85)
- 21 USC 843(A)(6) Possession of material to make controlled substances (i.e., meth) (86)
- 21 USC 843(B) Use of a communication device in furtherance of drug trafficking (87)
- 21 USC 844(A) Possession of a controlled substance (misdemeanor) (88)

- 21 USC 846 Drug Conspiracy (89)
- 21 USC 848(A) Continuing Criminal Enterprise (CCE) (151) (90)
- 21 USC 856 Unlawful to maintain any place for manufacturing/distributing/using a controlled substance (91)
- 21 USC 860 Possession with intent to distribute narcotics within 1000 feet of school zone (92)
- 21 USC 952 Importation of controlled substances (93)
- 21 USC 963 Attempt or conspiracy to import/export controlled substances (94)
- 22 USC 2778 Arms Export Control Act (95)
- 26 USC 5861 NFA violations (96)
- 26 USC 5861(A) Dealing in NFA firearms without having paid SOT (97)
- 26 USC 5861(B) Receive/possess NFA firearm transferred in violation of chapter (98)
- 26 USC 5861(C) Receive/possess NFA firearm made in violation (99)
- 26 USC 5861(D) Receive/possess NFA firearm not registered in NFRTR (100)
- 26 USC 5861(E) Transfer a NFA firearm in violation (101)
- 26 USC 5861(F) Manufacturing NFA weapon without paying special occupational tax (102)
- 26 USC 5861(H) Receive/possess NFA firearm without serial number obliterated/altered (103)
- 26 USC 5861(I) Receive/possess NFA firearm not identified by serial number (104)

- 26 USC 5861(J) Transport/deliver/receive NFA firearm in interstate commerce which had not been registered (105)
- 26 USC 5861(K) Receive/possess NFA firearm imported in violation (106)
- 26 USC 5861(L) Make/cause false entry on any NFA application or record (107)
- 31 USC 5324(A) Structuring transaction at financial institution (108)
- 8 USC 1325(A)(1) Immigration violation (109)
- 8 USC 1326 Re-Entry into U.S. by removed/deported alien (110)
- Armed drug / violent crime (111)
- Arson - Other (112)
- Explosives - Other (113)
- Firearms - Other (114)
- Larceny/theft/burglary (state) (115)
- Mail/wire fraud (116)
- Murder (federal or state) (117)
- Narcotics (federal or state) (118)
- Other general charges (119)
- Parole/probation violations (120)
- Receiving stolen property (state) (121)
- RICO (122)

- Solicitation (federal or state) (123)
 - Unspecified (124)
 - No criminal violations identified after investigation (125)
-

Page Break

Q54 Was this investigation referred for federal prosecution?

- Yes (1)
 - No (2)
-

Display This Question:

If Q54 = 2

Q55 Why was this investigation not referred for federal prosecution? **(Select all that apply)**

- Did not meet prosecution threshold guidelines (1)
 - Insufficient evidence (2)
 - Lack of ATF resources (3)
 - Problems with evidence, witnesses, or investigation (4)
 - Subject is a juvenile (5)
 - Interdiction/deterrence (6)
 - 5-year statute of limitations expired (7)
 - No criminal violations identified after investigation (8)
 - No referral due to prosecution by another jurisdiction (foreign, state, local) (9)
 - Unknown (10)
 - Other; please specify in the box below: (11)
-

Display This Question:

If Q54 = 1

Q56 Was the investigation accepted for federal prosecution?

- Yes (1)
 - No (2)
-

Page Break

If Q56 = 2

Q57 How was the federal declination conveyed in this investigation?

- Written (1)
- Verbal (2)
- Unknown (3)

Page Break

Display This Question:

If Q56 = 2

Q58 If federal prosecution was not accepted or was declined in this investigation, what reason(s) did the USAO give for the declination? **Select all that apply**

- Did not meet prosecution threshold guidelines (1)
 - Insufficient evidence (2)
 - Lack of prosecutive appeal or merit (3)
 - Lack of prosecutorial resources (4)
 - Problems with evidence, witnesses, or investigation (5)
 - Case closed, juvenile involved (6)
 - Interdiction/deterrence (7)
 - 5-year statute of limitations expired (8)
 - Reason not provided (9)
 - Other; please specify in the box below: (10)
-

Q59 Was the investigation referred for state or local prosecution?

- Yes (1)
 - No (2)
-

Display This Question:

If Q59 = 1

Q60 What was the primary reason the investigation was referred for state or local prosecution?

- Federal declination (1)
- Dual federal and state prosecutions (2)
- Advantages of state evidentiary rules (3)
- State statute better suited to criminal conduct (4)
- Sentencing (e.g., stricter state penalties) (5)
- Other, please specify below: (6) _____

Display This Question:

If Q59 = 1

Q61 Was the investigation accepted for state or local prosecution?

- Yes (1)
- No (2)

Page Break _____

Q62 Were any of the firearms trafficked in this investigation known to have been used in subsequent crimes? **Select all that apply**

- Homicide (1)
 - Attempted homicide (2)
 - Domestic violence (3)
 - Aggravated assault (4)
 - Robbery/home invasion (5)
 - Hobbs Act robbery (6)
 - Carjacking (7)
 - Kidnapping (8)
 - Drug offense/drug trafficking (9)
 - Rape/sexual assault (10)
 - Felon in possession (11)
 - Juvenile in possession (12)
 - Illegal possession or carrying/concealment (13)
 - Unknown (14)
 - No known recoveries in subsequent crimes (15)
 - Other, please specify in the box below: (16)
-

Page Break

Q63 Did the investigation indicate that any of the trafficked firearms were used in shootings?

- Yes (1)
- No (2)
- Unknown (3)

Display This Question:

If Q63 = 1

Q64 How many shooting events? Please enter number.

Page Break

Q65 Were there any NIBIN hits/leads in this investigation?

- Yes (1)
- No (2)
- Unknown (3)

Display This Question:

If Q65 = 1

Q66 How many firearms had NIBIN hits/leads in this investigation? Please enter number.

Page Break

Display This Question:

If Q65 = 1

Q67 Were the NIBIN hits/leads in this investigation used as evidence to support any of the following?
(Select all that apply)

- Accepted for prosecution (1)
- Used in pre-trial detention (2)
- Used as evidence in the trial (3)
- Sentencing (4)
- Unknown (5)

Page Break

Q68 ATF defines firearm trafficking as: "The intentional movement of one or more firearms into the illegal market for a criminal purpose or possession." This definition also includes diversion investigations in which one firearm was acquired through a suspected straw purchase as well as investigations involving prohibited persons acquiring firearms. Based upon this definition, did ATF investigate firearm trafficking during the course of this case?

- Yes, this case investigated firearm trafficking. (1)
- No, this was not a firearm trafficking investigation. (2)

Display This Question:

If Q68 = 2

Q69 Why do you believe this was not a firearm trafficking investigation?

Q70 By clicking "Next," you are submitting the survey and will not be able to go back and revise your responses.

End of Block: SECTION VIII: FIREARMS TRAFFICKING INVESTIGATION OUTCOMES

ENDNOTES

¹ 28 CFR §0.130

² Bureau of Alcohol, Tobacco, Firearms, and Explosives. 2022. *National Firearms in Commerce and Trafficking Assessment, Volume I: Firearms in Commerce*. Washington, DC: U.S. Department of Justice; Bureau of Alcohol, Tobacco, Firearms, and Explosives. 2023. *National Firearms in Commerce and Trafficking Assessment, Volume II: Crime Gun Intelligence & Analysis*. Washington, DC: U.S. Department of Justice.

³ Cook, Philip J. 2018. “Gun Markets.” *Annual Review of Criminology*, 1: 359-377; Braga, Anthony A., Garen J. Wintemute, Glenn L. Pierce, Philip J. Cook, and Greg Ridgeway. 2012. “Interpreting the Empirical Evidence on Illegal Gun Market Dynamics.” *Journal of Urban Health*, 89 (5): 779 – 793; Braga, Anthony A., Philip J. Cook, David M. Kennedy, and Mark H. Moore. 2002. “The Illegal Supply of Firearms.” *Crime and Justice: A Review of Research*, 29: 319 – 352.

⁴ If you intend to engage in a business involving the dealing, manufacturing, or importing of firearms, or manufacturing or importing of ammunition, you must apply for a federal firearms license (FFL) from ATF. For more information go to, [Federal Firearms Licenses | Bureau of Alcohol, Tobacco, Firearms and Explosives \(atf.gov\)](https://www.atf.gov/licenses).

⁵ Bureau of Alcohol, Tobacco, Firearms, and Explosives. 2022. *National Firearms in Commerce and Trafficking Assessment, Volume I: Firearms in Commerce*. Washington, DC: U.S. Department of Justice.

⁶ Bureau of Alcohol, Tobacco, Firearms, and Explosives. 2023. *National Firearms in Commerce and Trafficking Assessment, Volume II: Crime Gun Intelligence & Analysis*. Washington, DC: U.S. Department of Justice.

⁷ Wintemute, Garen J. 2021. “Ghost Guns: Spookier Than You Think They Are.” *Injury Epidemiology*, 8: 13 <https://doi.org/10.1186/s40621-021-00306-0>; Braga, Anthony A., Lisa M. Barao, Garen J. Wintemute, Steven Valle, and Jaimie Valente. 2022. “Privately Manufactured Firearms, Newly Purchased Firearms, and the Rise of Urban Gun Violence.” *Preventive Medicine*, 165: 107231, <https://doi.org/10.1016/j.ypmed.2022.107231>

⁸ Cook, Philip J. 2018. “Gun Theft and Crime.” *Journal of Urban Health*, 95(3): 305-312; Braga, Anthony A. and Philip J. Cook. 2023. *Policing Gun Violence: Strategic Reforms for Controlling Our Most Pressing Crime Problem*. New York: Oxford University Press.

⁹ Prospective firearm trafficking investigations were identified in the ATF case management system as having one of the following attributes: the case was opened under project codes designated as “Firearms Trafficking”, “FFL Burglary / Theft”; or the SA reported that the investigation was focused on “Firearms Trafficking Criminal Activity”; the SA identified at least one type of firearms trafficking in the case profile; or the case involved the interdiction or deterrence of trafficked firearms (excluding National Instant Check System denial cases). National illegal firearm recovery cases are included in the population but were analyzed separately. All national illegal firearm recovery referral cases during the study period were analyzed separately (see Part XI).

¹⁰ For purposes of this study, investigations were included if the case was closed in the case management system; or was open and had at least one defendant convicted; or was open but had no defendants with pending, approved, or executed property disposition requests.

¹¹ ATF’s national illegal firearm recovery cases involve investigations that require national level coordination of the retrieval of significant numbers of illegally manufactured or imported firearms or firearms parts that have been distributed to customers throughout the United States. ATF SAs are tasked with locating recipients, retrieving the firearms and/or firearm parts for forfeiture, and determining if the recipient had other criminal involvement, was prohibited from possessing the firearms and parts, or had any criminal knowledge and intent and if not, issue a warning.

¹² Only closed cases were used for this study to ensure that the data collected in the survey would not interfere with the discovery obligations associated with criminal enforcement proceedings.

¹³ Field agents are SAs assigned to a field group or field office for the purpose of conducting criminal investigations. This total excludes SAs assigned to ATF headquarters programs, field division staffs, or supervisory/management positions.

¹⁴ SAs may close a case in any year and not necessarily the year the case was initiated.

¹⁵ The number of cases included in the study is lower than the total number of cases initiated and closed due to subsequent analysis of ATF case management information and survey responses in confirming firearm trafficking activity.