Frequently Asked Questions (FAQ):

Q. Since trace data on crime guns crosses jurisdictional boundaries, how does the term “geographic jurisdiction” apply?

A. Assuming the requesting agency is seeking trace data relative to a *bona fide* investigation within its jurisdiction, the agency receives a complete trace results report regardless of the origin of the firearm. For example, if the New York Police Department seeks a trace on a firearm recovered in connection with a homicide in Brooklyn, it will receive the results whether or not the Federal firearms licensee (FFL) is in the distribution chain (manufacturer, wholesaler and retailer) and the first retail purchaser are located outside of New York City or even New York State.

Q. Can law enforcement agencies working joint investigations to curtail firearms trafficking or fight violent crime share the trace information upon receipt from ATF?

A. Yes.

Q. Can you trace a firearm when its possible nexus to a crime is not readily apparent, e.g., a firearm recovered in a sewage drain?

A. Yes, ATF’s longstanding position is that investigating the origin of the firearm to develop leads to determine if has been used in a crime constitutes a *bona fide* law enforcement investigation.

Q. Can a jurisdiction obtain a comprehensive analysis of its firearm trace data to determine any trends and patterns relative to firearms trafficking schemes?

A. Yes, ATF will analyze a jurisdiction’s firearm trace data to determine any trends and patterns relative to firearms trafficking schemes, including geospatial analysis of crimes and recovery locations, source states and much more.
ATF has a proud tradition of supporting its law enforcement partners at every level of government and will continue to provide those partners with the information they need to protect our communities from individuals who would use firearms to further illegal activity. Congress has recognized ATF’s crucial role in that investigative process and has acted to protect that sensitive data on behalf of the law enforcement community. Congress’ protection is asserted via a budgetary appropriations restriction, which, since 2003, has contained a nondisclosure provision applicable to trace data. While ATF cannot expend funds to disclose any of the contents of the Firearms Tracing System (FTS) or any information required by the Gun Control Act, neither the appropriations language nor ATF rules prohibit the sharing of trace data with law enforcement agencies conducting criminal investigations within their geographic jurisdiction. Nor does the restriction prohibit State or local law enforcement from sharing trace data with other jurisdictions once it is in their hands. Additionally, nothing prohibits ATF from analyzing trace data trends and releasing our own reports that law enforcement agencies can use. In fact, ATF uses and shares multi-jurisdictional trace data with law enforcement agencies to identify firearm trafficking trends and leads.

Our priority will continue to be to release trace data in a manner consistent with our longstanding policy, and to support the over 17,000 federal, state, local and foreign law enforcement agencies that avail themselves of this crucial law enforcement tool.

General Disclosure Guideline
As a general guideline, there is a three-pronged test: 1) the requesting agency must be a LEA, 2) The requesting LEA must have geographical jurisdiction, and 3) the information must be for a bona fide criminal investigation (and jurisdictional-based aggregate analysis of trafficking patterns and trends). See 2006 Consolidated Appropriations Act, Public L. 109-108, 18 U.S.C. § 923 note (2005).