

**TOOLS TO COMBAT GUN TRAFFICKING AND
REDUCE GUN VIOLENCE IN OUR COMMUNITIES**

HEARING
BEFORE THE
COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS
SECOND SESSION

WEDNESDAY, JUNE 15, 2022



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WEDNESDAY, JUNE 15, 2022

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON LEGISLATIVE AND BUDGET PROCESS,
COMMITTEE ON RULES,
Washington, DC.

The subcommittee met, pursuant to call, at 11:33 a.m., in Room H-313, The Capitol, Hon. Joseph D. Morelle [chairman of the subcommittee] presiding.

Present: Representatives Morelle, Scanlon, Ross, McGovern, and Burgess.

Mr. MORELLE. The Subcommittee on Legislative and Budget Process of the Committee on Rules will come to order.

And I want to begin by thanking our witnesses, who we will hear from in just a few moments, and thank each of you for being here today for your participation.

I would like to thank my colleagues on the Rules Committee for joining me as well, the chairman of the standing Committee on Rules, the Honorable Mr. McGovern, who I am really grateful to for helping to organize this and for being here this morning, and my friend and colleague, the ranking member of the subcommittee, Mr. Burgess. And we are delighted to have you all here.

Our Nation is reeling from a recent series of senseless mass shootings in Buffalo, Uvalde, Tulsa, and too many neighborhoods across the country. As we all know, these tragedies have become far too common. There have been more than 200 mass shootings already in 2022, which is more shootings than there have been days of the year.

And our Nation is experiencing an undeniable surge in gun violence across the board. More than 45,000 people were killed by guns in 2020, which is an increase of 15 percent from the previous year. And, according to a recent analysis published in the New England Journal of Medicine, firearm deaths have now replaced motor vehicle accidents as the leading cause of death for children in this country, which I will admit is a fact I continue to repeat and continue having a hard time even processing.

My community of Rochester, New York, had a record-setting year of homicides in 2021 and, sadly, is on track potentially for another year like that in 2022.

So today's hearing will focus on actions that Congress can consider to better combat gun trafficking and ensure that illegal guns

do not make their way to the streets of our communities. And those actions include ensuring that ATF has the necessary tools and resources to track and police gun trafficking, as well as critical funding streams for gun violence prevention research.

Gun trafficking, defined as the diversion of firearms from the legal market into the hands of those who cannot legally possess them, is a major contributor to gun violence Americans are experiencing each day. So many of the guns that show up at a crime scene originated as a legal sale from a licensed dealer.

According to Everytown—and we appreciate Everytown for being here—for Gun Safety, analysis of ATF data, almost 1.3 million guns were used in a crime and traceable by law enforcement from 2016 to 2020. Of those 1.3 million guns, nearly 40 percent were used in a crime within 3 years, raising the prospect that the gun was likely purchased with the intent to be used in a crime at the time of sale. And 72 percent of those guns came from a State without background checks.

So many of these guns are diverted to the illegal market through straw purchases, which is where an individual legally purchases a firearm for someone who is prohibited from legally possessing a firearm themselves.

Gun trafficking can also undermine comprehensive gun laws at the State level as guns often move from State to State and move from States with weaker gun laws into States with stronger ones.

In a report issued by the New York State attorney general, found that 74 percent of guns used as crimes in New York State between 2010 and 2015 were originally purchased legally out of State. So other methods of diversion include gun theft and irresponsible conduct by some Federal firearm licensees, or gun dealers. According to recent data from ATF, around 18,700 firearms are reported lost or stolen from gun dealers each year, many of those firearms later traced to violent crime.

Despite this, law enforcement is limited in what they can do to curb the flow of stolen firearms onto the streets. So Federal law requires right now pharmacies to lock their controlled substances away at night. It seems reasonable. Yet federally licensed gun dealers are not required to take basic precautions to protect their stock. The result is that thousands of guns are not properly secured, and many dealers are repeatedly burglarized without experiencing really any consequences for failing to secure dangerous weapons.

So I have worked with others and am proud to sponsor the Gun Theft Prevention Act, H.R. 4423, which would take a number of steps to increase oversight of gun dealers and grant ATF the tools to hold repeat offenders accountable.

Although ATF's goal is to inspect each license holder at least once every 3 years, a recent report indicated that ATF only inspects each gun shop once every 7 years, making it virtually impossible to ensure that dealers are maintaining compliance with even the most basic and, in my view, limited requirements. So my legislation would require ATF to inspect all gun dealers every 3 years and give them the resources needed to do that.

The Gun Theft Prevention Act would also require ATF to perform annual inspections of high-risk dealers. And we have heard pushback from the industry that claims that high-risk dealers and

the claims about them are overblown, that dealers selling a high volume of firearms will inevitably be responsible for more guns that are involved in crimes.

However, the data clearly states otherwise. In a report issued by ATF, the agency found that 1.2 percent of gun dealers were responsible for over 50 percent of crime guns later found on the street. I will say that again: 1.2 percent of dealers responsible for over 50 percent of guns found on the streets in the commission of crimes. Eighty-seven percent of gun dealers were found to have no violations at all.

So it is imperative that we grant ATF the resources they need to properly target bad actors and hold them accountable despite attempts from the industry to spin this effort as unnecessary.

It is also important to note that the problem is getting worse. Between 2013 and 2017, the number of firearms stolen in gun-dealer burglaries more than doubled, and the number of firearms stolen in gun-dealer robberies tripled.

So I look forward to hearing from your testimony on the importance of adequately funding gun violence prevention research, despite the staggering number—numbers on gun violence, which I mentioned previously, the restrictions on data collection, and research allowed to be performed by CDC or the National Institute of Health. And I am sure Dr. Lee has some comments to make about that.

The Dickey amendment, which is an appropriations rider first passed in 1996, expressly prohibited such Federal investments for more than two decades. And, although Congress began funding 12.5 million each for the CDC and NIH annually in 2019, much more is needed after years of neglect on this issue.

So I look forward to today's discussion, appreciate the chance to give some opening remarks and hopefully give context for this, and I hope we will engage in a constructive dialogue which will lead to actionable steps that we can take to better combat gun trafficking and protect our communities from the epidemic of gun violence.

And, with that, let me now turn to my friend and colleague on the Rules Committee and the ranking member of this subcommittee, Dr. Burgess, for any remarks he wishes to make, sir.

Dr. BURGESS. So thank you, Chairman Morelle. Thank you for holding this hearing today.

Thanks for our witnesses for being here and helping us deal with the issues of trafficking and criminal violence in our communities.

I especially want to welcome Mr. Bill Napier, who possesses years of experience as a security analyst, a firearms compliance consultant, and a law enforcement officer. Mr. Napier helped launch Operation Secure Store to prevent the theft of firearms.

Recent shootings in your State and my State underscore the need to keep firearms out of the hands of dangerous individuals and to prevent their theft and to remove illegal firearms from commerce.

So, certainly, I look forward, Mr. Napier, to hearing more about Operation Secure Store and any efforts that we at the Federal level can undertake to keep America safe.

Now, yesterday, back home, in the Dallas Morning News, it was reported that the Department of Justice, in conjunction with the Bureau of Alcohol, Tobacco & Firearms, out of the Dallas Field Di-

vision, announced the indictment of a man who purchased over 90 guns illegally and then resold them. Many of these guns were used in crimes, including homicide, aggravated assault, and drug trafficking. The person was also charged with making false statements during the purchase of a firearm.

Unfortunately, according to a Department of Justice inspector general report from 2018, only 1 percent of individuals who lie on their background forms, form 4473, ever are prosecuted. Even worse, ATF does not recover all the firearms illegally in commerce as a result of these illegitimate purchases.

So, not related to today's hearing, but previously, I introduced a bill, H.R. 194, to require the Department of Justice to again study and report to Congress on this issue so we can be better prepared to help protect Americans and recover illegal firearms.

Now, Mr. Morelle's legislation, which is included in this hearing, H.R. 4423, the Gun Theft Prevention Act, seeks to prevent gun thefts from stores and Federal firearms licensees. We must find a way that we can work with our lawful sellers to prevent thefts and gun trafficking.

Just as an interesting side note, as the story reported in the Dallas Morning News yesterday, the individual who illegally purchased and then diverted the many firearms, the actual point at which the firearms were purchased lost the license but otherwise received no special scrutiny or prosecution.

Perhaps we can hear a little bit more about that from Mr. Napier or any of our other witnesses this morning.

This hearing is also about just reducing violence in our communities, and I would be remiss if I didn't mention a successful program that occurred in the district that I represent, the 26th District of Texas, to do just that.

I live in one of the most rapidly growing parts of the country. It is an area just north of DFW Airport. A lot of people are moving there. Every year in the month of April, I do an emergency preparedness summit. My staff refers to it as the Tornado Summit.

We have a lot of people moving to the area. We live down at the tip of Tornado Alley. And, while we don't have the majority of the tornados that will occur, of those tornados that do occur, we are the most densely populated area, and we are growing rapidly. So many people move to our area who really don't understand some of the peculiarities of Texas weather. So I do this summit every year.

This year, in April—and it was right at the end of April that we did the summit—I also invited the chief of the Argyle Independent School District Police Department to talk to us about school safety, because he has a rather unique program that he has instituted in the school districts—relatively large school district in the suburban area of Denton County. I met him several years ago after one of these events occurred, and I will just never forget his comments to me.

He and the superintendent decided they were not going to go to 20 funerals in Argyle, Texas. So he put together this program. And we can talk about it in a little bit more detail. It is not really part of the hearing that we have here today. But part of it does include arming personnel, a voluntary basis and the proper training. And

I know that can be controversial in other parts of the country, but it seems to be working where Chief Cairney had set it up.

But he also had a card that he gave to every teacher. It is sort of like one of those Life Alert buttons. Any teacher can shut the school down. Ask questions later. Something that makes you uncomfortable—maybe it is a shooting in a funeral home across the street after a car accident—shut the school down. And then figure out what to do next.

And Chief Cairney reported that there had been a time or two where things got shut down where maybe the—when they unwound everything, maybe it wasn't necessary, but he would far rather face that than what might be the alternative.

But I do hope we can talk about those types of programs in a broader context, but I thought it would be useful to at least bring it up today, that many of these problems do have local solutions.

Drew Ferguson, a Member from Georgia, and I have worked on legislation called The BIG Act, passed the House now twice, still awaiting activity over in the Senate. The BIG Act stands for Behavioral Interventional Guidelines. So often we hear that everybody knew this kid was trouble, but no one knew what to do about it. No one knew who to go talk to. So trying to provide some framework where educators and administrative staff and teachers will have the—be armed with the necessary tools for the proper type of behavioral intervention when it is required.

Regardless, reducing the trafficking in illegal firearms will limit the ability for dangerous individuals to pose a threat to schools, houses of worship, or retail stores. We wish we could be better preparing or campuses, our school staff, and our local law enforcement to prevent and respond to these situations because that is an important piece of the puzzle. But, again, look forward to hearing from our witnesses today.

Thanks to all of you for being here, and I will yield back to the chairman.

Mr. MORELLE. Thank you, Mr. Burgess, very much.

And I would like to now take a moment to introduce our witnesses.

First, Mr. Rob Wilcox is the Federal legal director at Everytown for Gun Safety. He is a nationally recognized expert on gun safety, drawing upon more than 20 years of policy advocacy and litigation experience. Mr. Wilcox specializes in the development of comprehensive approaches to address gun violence and technical advice on the development of evidence-informed policy solutions.

Following Mr. Wilcox, Sheriff Todd Baxter has joined us. He is the sheriff—the sheriff for Monroe County, my home town. He is a member of law enforcement with 22 years of service to the Rochester Police Department and 4 years of experience in the Greece Police Department.

Sheriff Baxter joined the local force following 3 years of Active Duty with the United States Army as a military police officer.

We are also joined by Lois Lee, who is a Senior Associate in Pediatrics in the Division of Emergency Medicine at Boston Children's Hospital and an Associate Professor of Pediatrics and Emergency Medicine at Harvard Medical School. She focuses her research on pediatric emergency medicine injuries, health disparities, and

health policy. Dr. Lee has published research on injury prevention, including injuries related to firearms. With this expertise, she serves as chair-elect of the AAP's Council on Injury Violence and Poison Prevention.

Finally, we are joined by Mr. Bill Napier, who has more than 30 years of experience in retail loss prevention, serving in leadership roles such as site security manager, corporate manager, and director. For more than 18 years, Mr. Napier has also been in the retail outdoor arena with responsibility for ATF compliance and firearms-related security and investigations.

Additionally, he has spent 20 years in municipal law enforcement. He is currently involved with the Loss Prevention Research Council at the University of Florida as a member of the Violent Crime Working Group and sits on the board of directors for the Loss Prevention Foundation.

Again, an august group, and we are delighted that each of you took time out of your schedules to be with us. And we will begin with Mr. Wilcox.

And I ask you to try to limit your comments. We have your written testimony, which is in the record, to about 5 minutes, and then we will ask our panelists for questions.

STATEMENTS OF ROBERT WILCOX, DIRECTOR OF FEDERAL POLICY, EVERYTOWN FOR GUN SAFETY ACTION FUND; TODD K. BAXTER, MONROE COUNTY SHERIFF, ROCHESTER, NEW YORK; LOIS K. LEE MD, MPH, FAAP, FACEP, PEDIATRIC EMERGENCY MEDICINE PHYSICIAN, BOSTON CHILDREN'S HOSPITAL ASSISTANT, PROFESSOR OF PEDIATRICS AT HARVARD MEDICAL SCHOOL; AND WILLIAM NAPIER LPC, SECURITY/ATF COMPLIANCE CONSULTANT

STATEMENT OF ROBERT WILCOX

Mr. WILCOX. Good morning, Chairman Morelle, Ranking Member Burgess, Chair McGovern, and distinguished members of the subcommittee. My name is Rob Wilcox, and I am the Federal legal director at Everytown for Gun Safety, the country's largest gun violence prevention organization.

I am a survivor of gun violence, whose cousin was shot and killed by somebody who never should have had a gun, come from a family that has had guns as long as I could remember. I am also an attorney who has worked on gun policy for nearly 20 years in a number of different capacities at the local, State, and Federal level.

I am exceptionally grateful for this opportunity at this important hearing to discuss America's gun violence crisis and the flow of illegal guns and what we can be doing about it.

The mass shootings in Buffalo and Uvalde devastated, terrified, and motivated action like we have never seen before. But make no mistake. Every single day in this country, 110 people are shot and killed, and hundreds more are wounded. We have been horrified to our core more times than we can count, with places of joy and everyday life becoming places of terror.

And we are not moving in the right direction right now. Cities across the country are seeing record rates of gun violence, homicides increasing 30 percent from 2019 to 2020. And, more and

more, the guns recovered at crime scenes bear the signals that they were purchased from dealers for the purpose of gun trafficking or use in crime.

And there is deep disproportionality in who is being affected by gun violence, with Black Americans 10 times more likely than White Americans to suffer from gun violence.

The epidemic also comes at a true cost to our country. Individual families like mine are left devastated by the costs of losing a loved one, and local resources are strained to pay for it. At Everytown, we estimate that the cost comes to \$280 billion a year. That is more than the budget of the Veterans Administration.

And, as we have been talking about today so far, addressing gun violence requires a comprehensive approach that balances community-based programs that we know are effective at reducing violence with upstream solutions to keep illegal guns out of our communities in the first place.

ATF, the Bureau of Alcohol, Tobacco & Firearms, that we mentioned, has made clear the three most common pathways that illegal guns take: no background check sales, straw purchases, and gun thefts. We know, when it comes to background check sales, there are too many commercial marketplaces where individuals who want to traffic or can't own guns can get them without a check. Just one website, just one alone, there was 1 million ads per year for no-background-check sales.

And we know that that is a place that traffickers will go. President Biden's new Gun Trafficking Strike Force just announced a bust of one gun trafficking ring that acquired 500 guns from online sources to traffic from Georgia to California.

Straw purchases, another significant area for inquiry. Straw purchasers often show signs. They show an unfamiliarity with the firearm that they are trying to purchase. They pay in all cash, or sometimes the actual buyer will come with them as well. Gun dealers can be trained to identify this. Technology can be used to make sure that we actually keep an eye on what is happening so we can bring criminal cases. And we need a standalone crime for straw purchasing and gun trafficking on the books in Federal law.

Lastly is gun theft. Hundreds of thousands of guns are stolen from homes each year. Guns are frequently stolen from cars, a trend that is rising. But we also know that guns are stolen from licensed gun dealers, who, as the chairman mentioned, are not subject to minimum physical security requirements under the law.

ATF reports that, over a recent 5-year period, 80,000 guns were stolen or lost from Federal firearms licensees. But the truth is that number doesn't tell us the full story. In just one smash and grab in Wisconsin, one gun was used in 27 shootings in Chicago. So there is a deep ripple effect. When these guns are stolen or lost from gun stores, they end up being used in crimes.

But, just as we can identify these issues, we can't identify the solutions as well. No one solution will stop all of gun violence, but we can take a comprehensive approach. We can have background checks on all gun sales where there is no commercial marketplace where strangers can go to acquire guns. People selling dozens of guns each year should be treated like the gun dealers they are,

rather than individuals that are flooding our communities with no-background-check sales.

We know Congress must—can pass modernization and provide ATF more resources. Congresswoman Kelly's Federal Firearms Licensee Act is a great example. And, as you mentioned, Chairman, we need security being required because it is not enough for optional efforts when the cost is so high. We need required efforts, and so we strongly support the Gun Theft Prevention Act as a critical and necessary step.

These are simple solutions that will dramatically reduce gun violence over time. We know the cost is too high. We know it is too high in dollars, we know it is too high in our communities, and I know it is too high for what my family has experienced. With concrete action, we can make a difference and save lives.

I look forward to this discussion and your questions, and thank you so much for having us.

[The statement of Mr. Wilcox follows:]



**Testimony of Robert Wilcox
Everytown for Gun Safety**

**US House Rule Committee
Subcommittee on Legislative and Budget Process
June 15, 2022**

Good morning Chairman Morelle, Ranking Member Burgess, and distinguished members of the Subcommittee.

My name is Rob Wilcox, and I'm the Federal Legal Director at Everytown for Gun Safety, the country's largest gun violence prevention organization.

I'm a survivor of gun violence whose cousin was shot and killed by someone who never should have had a firearm. I also come from a family that has had guns for as long as I can remember. I'm an attorney and policy expert who has been working on gun safety issues in different capacities for nearly 20 years at the local, state and federal level.

I am exceptionally grateful for the opportunity to appear before this Subcommittee to talk about America's gun violence crisis, the flow of illegal guns and how we can do better.

As we all know, this hearing comes not long after 10 people were shot and killed at a supermarket in Buffalo; 21 people were shot and killed at Robb Elementary in Uvalde and 4 people were shot and killed at a Tulsa hospital.

Frequent, public mass shootings terrorize the country and are a uniquely American problem.

No peer nation faces as many mass shootings as the United States. Mass shootings often focus national attention and grief — and with good reason — but they represent a small fraction of all gun deaths in this country which include other gun homicides, suicides, and unintentional shootings.

Every single day in this country, 110 people are shot and killed and hundreds more are wounded. We have been horrified to our core more times that we can count, with places of joy and everyday life becomes places of terror. The names of locations like Uvalde, Pulse, Buffalo, Sandy Hook, and Aurora all carry the weight of the horror that occurred there.



We don't share the burden of gun violence equally. Gun violence intensifies long-standing social inequities and has an outsized impact on historically underfunded neighborhoods. Black Americans experience 10 times the rate of gun homicides as white Americans. Latinx children are three times more likely to be killed by gun homicide than white children. And guns are the leading cause of death for American children, outpacing deaths from motor vehicles.

And we are not moving in the right direction. Cities across the country are seeing record rates of gun violence. In 2020, gun homicides increased by over 30% compared to the year prior. More and more, the guns recovered from these crime scenes bear the signs that they were purchased for the purpose of trafficking or use in crime.

This epidemic comes with a cost to our country. Individual families are left devastated by gun violence, and local resources are strained to cover the costs of gun violence. The costs borne by the government and paid for with taxpayer dollars, out-of-pocket costs paid by families and employers, lost income, and an estimate for the intangible lost quality-of-life costs of gun violence to account for pain and suffering. We at Everytown estimate that this cost comes to \$280 billion every year, more than the budget of the Veterans Administration.

Addressing our gun violence crisis requires a comprehensive approach that balances downstream investment in the community-based programs we know are effective while also going upstream to shut off the flow of illegal firearms. The flow of illegally trafficked firearms are used in murders, recovered at violent crime scenes, and fuel the gun violence crisis in our cities. Between 2016 and 2020, over one million firearms were recovered by law enforcement in connection to crimes.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is the federal agency responsible for enforcing our federal gun laws. In 2018, ATF pointed to the three most common channels that feed the pipeline for illegal guns: no-background check sales, straw purchases, and gun thefts.

First, no background check sales. Nearly a third of all guns recovered after a crime by law enforcement have been brought across state lines. And nearly 80 percent of trafficked crime guns come from states without background check laws. We know that there are significant commercial marketplaces that foster no background check sales. Just one website has had over a million ads for gun sales that didn't require background checks a year. These websites are a source for gun traffickers as Everytown's research found 1 in 9 people looking to buy guns from a stranger would fail a background check. President Biden's new



gun trafficking strike forces recently busted a trafficking ring that acquired over 500 guns from online sellers in Georgia and trafficked them to California.

Second, straw purchases. A straw purchase is when one person buys a firearm for another person, often a person who cannot legally purchase the gun themselves or is a gun trafficker who wants to not have his name on gun dealer records. Straw purchasers often show signs, such as unfamiliarity with the firearm they are seeking to purchase, paying all cash or even being accompanied by the actual buyer who is directing the process. These are sales that gun dealers should be trained to identify with technology recording these transactions in order to identify illegal behavior. And without a standalone crime for straw purchasing on the books, law enforcement's hands are tied when trying to crack down on straw purchasing.

Third is gun theft. And many guns enter the illegal market after they are stolen from lawful gun owners. Hundreds of thousands of guns are stolen from gun owners each year — one third of which are stolen from cars. Guns are also frequently stolen from licensed gun dealers, who under federal law are not subject to minimum physical security requirements. ATF reports that over a recent 5 year period, 80,000 guns were reported stolen or missing from licensed gun dealers. Anyone in possession of a firearm needs to take storage seriously and securely store their firearm to prevent access from not only toddlers and teens, but thieves as well.

The ATF not only identifies these trafficking channels but is responsible for enforcing our gun laws, investigating gun trafficking and holding accountable the rogue dealers that profit from gun violence, but for decades it has been undermined, underfunded and without a Senate-confirmed Director. Unbelievably, there is one proposal in Congress called the "Eliminate the ATF Act." These efforts and demagoguery have placed unnecessary burdens on the ATF and left it without the resources, appropriate staff, authority and leadership necessary to execute its mission.

Just as we can identify the issues, we can identify the solutions. No one solution will stop all gun violence but there are multiple common sense policies that would be effective, popular and not infringe on the Second Amendment.

Congress must pass the Bipartisan Background Checks Act which would require all gun buyers to pass a background check and cut off one of the main channels for illegal guns. If a person is selling a gun to a stranger there should be a background check, period. If a person is repetitively selling guns for a profit and using commercial marketplaces online and at gun shows then they should get licensed as a gun dealer.



Congress must pass the Congresswoman Kelly's Federal Firearm Licensees Act, to modernize our regulations of gun dealers and give ATF the tools and resources it needs to do its important job.

We need Congress to take action on a standalone straw purchasing crime to give law enforcement the tools they need to crack down on straw purchasers and traffickers. The law should be focused on investigating all the way upstream so knowing facilitators are held accountable for the role they played.

We need secure storage requirements for both gun owners and gun dealers. The Chairman's bill, The Gun Theft Prevention Act, is a critical and necessary step to prevent gun thefts from dealers and crack down on the pipeline of stolen guns.

These are simple solutions that will drastically reduce gun violence over time. Overall, the cost of gun violence is measured in different ways. Whether it's the \$280 billion a year or over 40,000 lives taken a year, or the families like mine that are no longer complete, we know that all of these costs are too much.

With concrete action we can make a difference and save lives. I look forward to your questions. Thank you.

Mr. MORELLE. Thank you, Mr. Wilcox.

Before I call on Sheriff Baxter, I want to also acknowledge we have been joined by a member of the distinguished Rules Committee and a member of the subcommittee, Ms. Scanlon from Pennsylvania.

Ms. SCANLON. Thank you.

STATEMENT OF TODD K. BAXTER

Mr. BAXTER. Chairman Morelle and members of the subcommittee, thank you for the opportunity to appear before you today. It is truly an honor to be here and discuss this legislation and the nexus between illegal firearms and measures the Federal Government can attempt to enhance the efficiency, security, and management of firearms commerce.

In my 35 years in law enforcement, I have seen firsthand consequences of the use of illegal guns on victims, their families, and communities at large.

The challenge before this body is to effect meaningful change to reduce victimization without trampling on rights of individuals.

I am proposing two guiding principles for future legislation that can considerably reduce the plague of illegal firearms. They are responsible commercial firearms management and positive gun ownership. With nearly 400 million legal privately owned firearms in the United States, one-tenth of 1 percent of those firearms are stolen or lost annually. That is 400,000 firearms reported lost or stolen: 95 percent of those losses from private owners, 5 percent from dealers and manufacturers.

Responsible commercial firearms management is a necessity. The current legislation with refinements can significantly enhance and promote responsible firearms management by those in businesses selling firearms. Presently, there are 82,000 Federal firearm licenses in the United States, a vast majority legitimate, competent small business owners responsibly selling guns.

There are an unknown number of individuals with licenses that have acquired this license to validate personal possession of firearms not available to most citizens under Federal and State laws.

ATF reported in 2020 it conducted 5,823 inspections. At this rate, it will take more than 13 years to inspect every FFL—let me reiterate that—13 years to inspect every FFL.

More ATF agents available to educate, conduct inspections, promote best practices for physical security gun dealers would reap great benefit in dealing with preventable gun thefts. Giving the ATF the discretion to deny or revoke FFLs not involved in commerce, mandating inspections, while reducing their limitations, all advance the goal of responsible firearms management.

In my community, we dealt with a reckless gun shop owner. His inaction to keep accurate inventory combined with weak physical security of his shop directly contributed to the theft of 133 guns in eight separate burglaries over 13 years.

There were three burglaries just in the year 2018, with the last one accounting for more than 100 guns lost. Because of no accurate inventory, we will never know exactly how many guns were stolen. Had the ATF had the ability to swiftly enforce standards, a signifi-

cant number of guns would not have made it to the streets and in the hands of dangerous criminals.

Requiring licensees to submit security plans and confirm implementation makes perfect sense. ATF has comprehensive and effective guidelines for physical security and safety. Maintaining ATF to work with these licensees to tailor their plan to the conditions on the ground at the individual location rather than a one-size-fits-all approach would greatly yield better results.

Requiring increased physical security measures at gun shops, while aspirational, will also create a financial hardship on some small businesses. I would strongly urge the development of a loan or grant program through the SBA to incentivize and prove physical security of license holders.

Paramount to the success of enforcement in reducing stolen and lost firearms is the timely and complete reporting of all relevant information. A number of differing and nonexistent State requirements currently hinder the efforts to track and report lost and stolen firearms.

The real challenge before Congress is to figure out how to achieve maximum participation by law enforcement and using law enforcement-sensitive tools that are already in existence. In addition, having the best information is critical to effective decision-making. We in law enforcement rely heavily on the FBI's open-source Uniform Crime Reporting Program, the UCR, in decision-making, policy development, and commitment of resources. Expanding the UCR to include general and stolen-lost gun data will be helpful in policy development and research.

A second proposed theme for this future legislation focuses on gun owners. Since the vast majority of guns are stolen from individual owners, the Federal Government can be most effective by promoting positive gun ownership. In our lifetime, we have seen the results of government-led efforts to reduce drunk driving, smoking, and other initiatives through far-reaching educational and public service communication.

The impact of a campaign to educate owners on the dangers of the community by their stolen firearms is an effective tool to reduce thefts. Also, the Federal Government can support funding for training opportunities that would include safety, safe storage, legal issues pertaining to gun ownership.

These positive education tools will go a long way to diffuse the vilification of the more than 75 million legal gun owners in our Nation. If we are willing to eliminate the us-versus-them mentality that is so prevalent today and work on common ground as a starting point, we will reduce the supply of stolen guns that are going into the criminal element. We want to incentivize responsible gun ownership, not criminalize gun owners—incentivize, not criminalize.

As Monroe County Sheriff, I have to remark on the courageous and professional work of law enforcement, in particular, in my community that is working hard every day to rid our community of illegal firearms. Successful prosecution and incarceration of those responsible for stealing firearms is as important as stopping the theft itself.

Partnering with our Federal law enforcement partners in a multiagency task force model has shown viability and success in achieving this goal. Our community is second only to New York City in recovering crime guns in recent years. A recommitment to enhance funding the Federal, State, and local partnerships is a great investment.

Thank you again for this opportunity, and I do look forward to your questions.

[The statement of Mr. Baxter follows:]

Written Testimony of

Todd K. Baxter, the Elected Sheriff of Monroe County, New York

“GUN THEFT PREVENTION ACT”

“Tools to Combat Illegal Gun Trafficking In Our Communities

By Enhancing the Security at Federally Licensed Gun Shops, and

In The Home.”

Before the

U.S. House of Representatives

House Rules Committee

Subcommittee on Legislative and Budget Process

June 15, 2022

Chairman Morelle, Ranking Member Burgess, members of the Subcommittee, thank you for the opportunity to testify today. “Otto van Bismarck famously said, “Politics is the art of the possible.” And so compromise seeks the “best possible” solution.”¹ An opportunity, exists today to advance the cause of meaningful change. The Gun Theft Prevention Act can move our nation closer to the ideals contained in the preamble of our Constitution, “form(ing) a more perfect Union, establish Justice (and) ensur(ing) domestic Tranquility.”²

The first step in achieving compromise is identification of common ground. No matter what side of this debate one may be on, absent respectful acknowledgement of differences and open recognition of areas of consensus, we are doomed to failure. While elections are a zero-sum event, governance is about leadership, collaboration and compromise. At least three areas of this debate are ripe for collaboration; safety, security and training. The largest organizations³ at both ends of this debate are committed to promoting the secure storage, safe handling as well as emphasizing the necessity of firearms training. While significant core ideological differences exist, no one can argue that there would be less victims if gun owners safely stored firearms not in their immediate possession, practiced basic gun safety, and underwent training maintaining proficiency on the safety, security and use of their firearms.

As a lifetime gun owner and participant in shooting sports, I will always support and promote legal and responsible gun ownership. Inherent in the right to possess firearms is the responsibility to be proficient in their use, care and safe-keeping.

¹ <https://www.forbes.com/sites/daviddavenport/2018/01/24/congress-and-the-lost-art-of-compromise/?sh=29ee9a2ed597>.

² Preamble to the Constitution of the United States of America

³ Everytown for Gun Safety Action Fund, Inc. & The National Rifle Association of America

Responsible Commercial Firearms Management & Positive Gun Ownership

I am proposing two guiding themes of future legislation at the Federal level--including this legislation--that can significantly reduce the opportunity for those with ill intent to illegally possess firearms. To avoid the hyperbole and vitriol associated with any discussion of firearms and law, the first theme I am offering is “responsible commercial firearms management.” The second theme the Federal government should use to guide its effort is promoting “positive gun ownership.” A positive approach to education and information sharing will go a long way to diffuse the vilification of the more than 75-million gun owners in the United States. If we are willing to eliminate the “us versus them” mentality so prevalent today and work on finding common ground as a starting point, we will significantly reduce the supply of stolen guns available to the criminal element. We want to incentivize responsible gun ownership, not criminalize gun owners and dealers.

In my 35+ years in law enforcement, to include the U.S. Army and local law enforcement, on a daily basis I have seen first-hand the consequences of the use of illegal firearms on victims, their families and the community at large. I know many of you have heard from victims and their families and understand the pain and suffering, as well as the long-term effects of these life-altering events. The overarching challenge before this body is to effect purposeful change to reduce victimization without trampling on States’ and individual rights.

With fine-tuning, the Gun Theft Prevention Act can enhance the security, efficiency and management of firearms in commerce without creating an overly burdensome regulatory scheme for business owners. There are almost 400-million

privately owned firearms in the United States.⁴ Currently almost 0.1% of those firearms are stolen or lost annually.⁵ That's potentially 400-thousand firearms reported lost or stolen. Ninety-five percent (95%) of the losses are from private owners, five percent (5%) from dealers, distributors and manufacturers.⁶

Gun Theft Protection for Federal Firearms Licensees

According to the ATF there are almost 82,000 Federal Firearms Licensees in the United States.⁷ A vast majority of those are legitimate and competent small businesses responsibly selling firearms. There is an unknown number of Federal Firearms Licensees who have acquired their licenses, not for purposes of engaging in the sale of firearms, but to validate personal possession of guns not available to most citizens under current federal and state laws. In fiscal year 2020 ATF reported that it conducted 5,823 inspections of licensees.⁸ At this rate, it will take more than 13 years to inspect every FFL just one time.

More ATF Agents

More ATF agents available to educate, conduct inspections and promote best practices for physical security of gun dealers would reap great benefits in dealing with preventable gun thefts.

⁴ <https://americangunfacts.com/gun-ownership-statistics/>.

⁵ https://everytownresearch.org/report/stolen-guns-pose-a-tremendous-risk-to-public-safety/?_gl=1*jtxylj*_ga*ndg5mde3mdezljje2ntq3nzqzodg.*_ga_lt0fwv3ek3*mtylndc3ndm4oc4xljeumtylndc3ndq5ni4w#foot_note_20.

⁶ Id.

⁷ https://www.atf.gov/firearms/listing-federal-firearms-licensees/complete?field_ffl_date_value%5Bvalue%5D%5Byear%5D=2022&ffl_date_month%5Bvalue%5D%5Bmonth%5D=1.

⁸ <https://www.atf.gov/firearms/compliance-inspections>.

Also, the authority for ATF to deny or revoke licenses to those not involved in commerce, will permit ATF to focus its efforts on those licensees actually selling guns to ensure responsible commercial firearms management.⁹

Tailoring the Physical Security Plan

Requiring those with licensees to submit security plans and confirm implementation of an acceptable plan is formalizing what responsible business owners do on a regular basis and is not an overly burdensome mandate.¹⁰

The compulsory physical security requirements in legislation before this body,¹¹ while aspirational, may in many cases create financial hardships for small business owners. The ATF has developed comprehensive security guidelines for FFL holders.¹² These guidelines are effective when used appropriately. As an alternative to mandating a few of the requirements that do not take into consideration all of the issues unique to individual property characteristics (location, risk factors, local zoning laws, etc.), ATF working collaboratively with licensees can develop a suitable plan. ATF using well-established and proven guidelines can exercise discretion to develop a plan specific to that licensee's circumstances.¹³ The result will be a plan that meets all necessary physical security requirements but tailored to the licensee's location.¹⁴ Essential to success will be ATF's authority to effectively address non-compliance.

⁹ H.R. 4423(9).

¹⁰ H.R. 4423(2)(b) & (c).

¹¹ H.R. 4423(2)(a).

¹² <https://www.atf.gov/firearms/learn-about-firearms-safety-and-security>.

¹³ Id.

¹⁴ Certainly the requirements for physical security in a big-box sporting goods store licensee in an urban setting are different than a rural Iowa licensee working out of his home.

Every licensee in business by necessity must keep their inventory secure. Requiring licensees to submit a suitable security plan and confirm implementation of that plan is a positive act. As discussed above, development of this plan in collaboration with ATF can be the basis for mandating physical requirements for that specific facility.

Whether or not these limited physical security requirements remain in current proposed legislation, I would strongly urge the development of a low interest loan or grant program through, possibly, the Small Business Administration¹⁵ to incentivize to reduce the burden of improving physical security for licensees.

Minimum Standards for Employees of Licensees

Requiring licensees to conduct background checks on employees upon hiring, and thereafter annually, using the “National Criminal Background Check System” (NICS), to ensure the individual’s fitness¹⁶ to possess a firearm is not overly burdensome. More importantly to this effort, should be a plan to incentivize and assist states to fully utilize NICS reporting capabilities.¹⁷

¹⁵ <https://www.sba.gov/funding-programs>.

¹⁶ Perkin’s Report of every reported stolen or lost firearm in Monroe County, NY between 2016 and 2021. See Chart 1 below. Our research established that 18% of the lost and stolen guns were taken by thefts characterized broadly as “inside jobs” such as an *employee theft from a business*, or a theft from an invited guest in a home. Background checks of employees is a first step to eliminating employees that have been disqualified from possessing firearms under Federal law.

¹⁷ <https://www.justice.gov/opa/press-release/file/1042731/download>. Recognizing that there are a number of obstacles to complete reporting of relevant NICS information, the FBI has always had a dedicated staff committed to the outreach, training and support of local, state, tribal and federal agency counterparts.

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Monroe County,
NY

Local Experience

In the recent past in my community, we dealt with a reckless gun shop owner. His inaction to keep accurate inventory records, combined with weak physical security of the shop itself, directly contributed to eight incidents of burglary—two in one week—the theft of at least 133 firearms over approximately 13 years. (It is impossible to determine the exact number of guns stolen on account of the owner's failure to maintain accurate records). Because of very limited enforcement rules and tools on both the state and federal level, as well as no mandated minimums for security in this shop, multiple burglaries occurred, resulting in numerous firearms being stolen before a local county court¹⁸ was able to intercede. On more than one occasion ATF and members of the Sheriff's Office evaluated security and made reasonable but effective recommendations to the owner. On each of these occasions, the owner chose not to implement the recommended changes and our community suffered multiple successful burglaries, causing more than one hundred guns to illegally enter into our community and others. If ATF had the ability to "enforce" reasonable standards, a significant number of guns would not have made it onto the streets and into the hands of criminals.

While any level of security is never perfect when a criminal is committed to perpetrating a theft, this business owner in particular made these criminals' success much more likely. Conversely, we have seen criminals' efforts foiled because of well-executed physical security plans.

¹⁸ Under New York Law, County Court Judges are the Licensing Officers for Pistol Permits and Dealers' Licenses'. This authority allowed the Court to review the circumstances of the thefts and make a determination not to renew this dealer in firearm's license to sell firearms in New York.

A second example in my community involves businesses that primarily distribute firearms to other dealers. In the last fifteen years, our investigations identified nearly 100 incidents wherein firearms were lost or stolen while in transit between a manufacturer and local distributors. Proposed legislation does not deal with improving security and accountability during the shipping phase of business. Under current law, FFL licensees are required to report thefts¹⁹ or losses²⁰ from their shop inventory. Remarkably, there is no legal requirement for reporting loss or thefts from interstate shipments.²¹

In Monroe County in the last six years, 974 guns have been reported lost or stolen in 662²² unique events.²³ These totals include both commercial entities and private citizens. Almost half the guns stolen in Monroe County (433) were the result of burglaries (both home and business, including licensees). Most telling is that 85% of the guns stolen were unsecured.²⁴ People have the right to be secure in their homes and not suffer the experience of being a crime victims. The sad reality we face today requires an extra level of consideration in securing valuables to

¹⁹ Lost or stolen firearms pose a threat to public safety. Licensed firearms dealers are the first line in maintaining the security and lawful transfer of firearms. Any FFL who has knowledge of the theft or loss of a firearm from their inventory must report the theft or loss, by telephone and in writing, within 48 hours of discovery to ATF and to the local law enforcement agency. <https://www.atf.gov/firearms/learn-about-firearms-safety-and-security>

²⁰ A "loss" of a firearm occurs when a licensee cannot determine the disposition/location of a firearm but there is no indication that it was stolen. In many instances, the licensee can determine the disposition of firearms by conducting a thorough inventory. If a complete inventory has been conducted, the FFL should conduct an exhaustive review of all acquisition and disposition records, shipping records, and if applicable all ATF Forms 4473. If the firearm cannot be accounted for, the licensee must report the loss to ATF. <https://www.atf.gov/firearms/learn-about-firearms-safety-and-security>

²¹ Regulations do not require you to report these incidents, but ATF strongly recommends it as a best business practice. ATF accepts voluntary reporting of the theft or loss of firearms from interstate shipments completed by a licensee or non-licensee and provides ATF Form 3310.6, Interstate Firearms Shipment Theft/Loss Report, to assist in reporting. <https://www.atf.gov/firearms/learn-about-firearms-safety-and-security>

²² 662 individuals or businesses were victimized and as part of that victimization, guns were stolen.

²³ See footnote 16.

²⁴ These thefts were out of homes and businesses that may have been secured but the items stolen were not secondarily secured.

minimize risk. A quarter of the guns stolen in Monroe County were out of vehicles, almost all of which were unlocked.

Below is a summary of the results of our research:

Monroe County 2016-2021	Firearms	Incidents
Burglary	378	210
Burglary - Safe ²⁵	55	20
Other Larceny ²⁶	174	117
Domestic ²⁷	55	29
Vehicle – Unlocked	205	190
Vehicle – Locked	36	28
Lost ²⁸	61	58
Lost – Public Restroom	7	7
Lost - Not recoverable ²⁹	3	3
	974	662

Chart 1 (Perkins Report)

Two Levels of Reporting

Paramount to law enforcement’s success in significantly reducing stolen and lost firearms is the timely and complete reporting of the loss and recovery of those firearms. A number of differing or non-existent state requirements currently hinders efforts to fully investigate and track lost or stolen firearms. Developing and implementing an effective tool for law enforcement is critical to accomplishing an objective of this bill. It should be easy to answer the question “of the guns used to commit a crime, how many were stolen?” Yet, because of the lack of a

²⁵ Burglaries where the safe was stolen with guns inside.

²⁶ These thefts are broadly characterized as “inside jobs” such as an employee theft from a business, or a theft from an invited guest in a home.

²⁷ Stolen by someone in a domestic relationship as defined by New York State Law.

²⁸ Firearm was reported lost at some point in time. May have been stolen

²⁹ For instance a gun that has fallen overboard while on a boat

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comprehensive national centralized database to report stolen and illegal guns, it is extremely difficult and overly burdensome to answer that question. While the data is currently being recorded on crime reports, there is a need for a synthesized comprehensive national database.

Repealing the Tiahrt Amendments may have the unintended consequence of encouraging currently voluntarily participating agencies to cease doing so. Within the law enforcement community it is believed by many that a repeal will compromise ongoing law enforcement investigations, personal information and potentially create misleading and inaccurate results when used for research. This tracing system was formulated to be an operational, *law enforcement sensitive* tool for ongoing investigations and not intended to be a comprehensive data research collection tool. From a law enforcement perspective, accurate and complete tracking and tracing of lost or stolen firearms is a critical investigative tool containing law enforcement sensitive information. The challenge for Congress is to figure out how to achieve maximum participation by law enforcement in using the tracking and tracing capability already existing in the United States and ensuring funding exists to allow for scaling up capabilities as participation increases.

The Perkins' Report, referenced above, had to be developed by painstakingly reviewing every crime report involving a firearm to assemble the data.³⁰ As a senior law enforcement executive having the best information is critical to effective decision making. We rely heavily on the FBI's "Uniform Crime Reporting Program (UCR) in decision making on policy and dedication of

³⁰ Id. At 14.

resources.³¹ Expanding the UCR to include lost and stolen gun data would be exceedingly useful for policy development and for research.³² Imperative to making this data useful would be the maximum participation by law enforcement (the UCR is a voluntary program. Once again, incentivizing maximum comprehensive and consistent participation by law enforcement is something Congress could ensure.

Mandating timely reporting of lost or stolen firearms to local law enforcement, who will in turn feed that information to an expanded UCR data tool upon its development and implementation and in the law enforcement sensitive Federal tracking and tracing capability, will bear positive results, maximizing the potential for recovery and apprehension of those responsible for the theft.

Positive Gun Ownership

A second proposed theme for future legislation focuses on gun owners. Since a vast majority of guns in criminal commerce are from individual owners, the Federal Government can be most effective in promoting positive and safe gun ownership. That being said, we must hold individuals who steal, possess and deal in illegal firearms 100% accountable. Prosecution at the Federal level with mandatory incarceration is an effective tool in reducing the flow and possession of illegal firearms.

³¹ The Uniform Crime Reporting (UCR) Program generates reliable statistics for use in law enforcement. It also provides information for students of criminal justice, researchers, the media, and the public. The program has been providing crime statistics since 1930.

The UCR Program includes data from more than 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies. Agencies participate voluntarily and submit their crime data either through a state UCR program or directly to the FBI's UCR Program. <https://www.fbi.gov/services/cjis/ucr>.

³² Creating new gun related data in the UCR reporting system will negate the need to repeal the Tiahrt Amendments leaving that tool to be used for what it was intended for and creating the database for research.

In our lifetime, we have seen the result of government efforts to reduce drunk driving³³ and smoking³⁴ through far-reaching education and public service announcements. The impact of a campaign to educate gun owners of the risk and effect of the theft of their firearms would be effective and far-reaching. Most of the guns stolen or lost in our community are not independently secured when stolen.³⁵ Congress supporting a broad, positive public service campaign on this issue alone will have the desired effect. We have developed, in collaboration with the University of Rochester Medical Center, an educational program that has included, published materials, social media, local news coverage and public personal appearances by trauma medical staff and law enforcement to discuss, educate and reinforce the importance of safe practices with firearms and what can happen when guns are left unsecured or make their way into the hands of criminals. Our efforts have been limited because of funding. Congress funding the development a comprehensive national campaign augmented by local funding for tailored campaign would positively impact our community and positively reinforce the importance of responsible firearm ownership.

As Sheriff of Monroe County, I have to comment on the courageous and professional work of the law enforcement officers in our community working every day to rid our streets of illegal firearms. Partnering with federal law

³³ In 2004 systematic review on the effectiveness of mass media campaigns for reducing AID and alcohol-related crashes was published. The results showed that, overall, media campaigns lead to a median decrease in alcohol-related crashes of 13 %.
[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4558837/#:~:text=published%20a%20systematic%20review%20on,%3A%206%20to%2014%20%25\).](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4558837/#:~:text=published%20a%20systematic%20review%20on,%3A%206%20to%2014%20%25).)

³⁴ Research shows that mass media campaigns can effectively encourage smoking cessation and contribute to reductions in smoking prevalence among adults aged 18 or older (1–4). An international review of evidence from 121 anti-tobacco mass media campaigns showed strong evidence of positive behavioral effects.
[https://www.cdc.gov/pod/issues/2020/19_0271.htm#:~:text=Research%20shows%20that%20mass%20media,positive%20behavioral%20effects%20\(5\).](https://www.cdc.gov/pod/issues/2020/19_0271.htm#:~:text=Research%20shows%20that%20mass%20media,positive%20behavioral%20effects%20(5).)

³⁵ According our research, more than 700 guns that are lost or stolen are not on the individual or independently secured.

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enforcement and U.S. Attorneys' Offices under—for example— Project Guardian³⁶, is a model that has shown significant viability and success in achieving this goal. Law enforcement in Monroe County is second only to New York City in the recovery of illegal firearms.³⁷ A recommitment to enhanced funding for federal, state and local partnerships in enforcement is more than worth the investment.

Thank you. I look forward to answering any questions you may have.

³⁶ Project Guardian's implementation is based on five principles: Coordinated Prosecution, Enforcing the Background Check System, Improved Information Sharing, Coordinated Response to Mental Health Denials and Crime Gun Intelligence Coordination. <https://www.justice.gov/archives/ag/about-project-guardian>.

³⁷ In 2020 (the most recent reported statistics by ATF) local law enforcement recovered 708 guns in the City of Rochester. <https://www.atf.gov/resource-center/firearms-trace-data-new-york-2020#recovery-cities>.

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Mr. MORELLE. Thank you very much, Sheriff.

Before I call on Dr. Lee, just a reminder—this is a reminder I need more than probably anyone—to hit the talk button in front of you so that the microphone is activated.

Dr. Lee.

I didn't say it would be easy.

Mr. WILCOX. You didn't tell me there would be a button, Congressman.

STATEMENT OF LOIS K. LEE MD, MPH, FAAP, FACEP

Dr. LEE. I think I got it.

Chairman Morelle, Ranking Member Burgess, and distinguished members of the House Rules Subcommittee on Legislative and Budget Process, thank you for the opportunity to speak today.

I am a pediatric emergency medicine physician at Boston Children's Hospital, and I have seen firsthand the devastating effects the death of a child has on their family and community. I have also seen the debilitating consequences of when a bullet goes through a child's spinal cord and causes lifelong paralysis and pain.

I have also seen the lifelong mental health consequences of post-traumatic stress disorder and depression, not only for the victims of firearm violence but also for their family, friends, and community who have been witnesses to firearm violence. These are wounds which literally never heal.

I know that you know firearm injuries and deaths are a serious public health problem that affects too many Americans. And now you also know that firearms are the number one cause of death in children and youth in the United States. In 2020 alone, there were 10,197 deaths from firearms for children and youth 0 to 24 years old. This averages to 28 children killed by firearms every day, or, in other words, one school bus full of children die because of guns every 2 days.

As gun violence is a public health problem, we know a multipronged public health approach is warranted to prevent these deaths, and this includes implementing policies to reduce product-related dangers and also promoting the manufacture and appropriate use of safer products.

As these strategies have successfully decreased motor vehicle crash injuries and deaths, perhaps we should look to the motor vehicle safety system for approaches for gun violence prevention as well.

Motor vehicle safety has a system designed for continuous improvement to decrease injuries and deaths on our roads. Part of this is the safety agency, the National Highway Traffic Safety Administration, or NHTSA. And we also have motor vehicle and insurance industry incentives for designing safer cars. We don't have any of these for firearms. Thankfully, we do have the ATF, but this is a law enforcement agency, not a safety agency.

And we do have technology for safer guns right now in the form of personalized smart guns, but Americans cannot buy this on the U.S. consumer market right now. Smart guns use ideology just like the biometric fingerprint on your cell phone to make sure only the authorized user can fire that gun. And that prevents suicidal or

homicidal teenagers and adults from firing a gun, either to shoot themselves or shoot someone else.

So, for firearm injury prevention, as you know, there are many strategies we should consider, but these are three measures I would like to begin to recommend: Number one, increase funding for gun violence prevention research; number two, enact universal background check laws; and, number three, enact comprehensive extreme risk protection order, or red flag, laws.

Not only are these actions important for a public health approach to decreasing firearm-related injuries and deaths, but they also have support in Congress and among the majority of Americans.

We need increased research funding for gun violence. The research community does appreciate the \$25 million appropriated by Congress since 2019. With this funding, the CDC has funded 18 projects, including on how to decrease suicide risk among U.S. Army soldiers and veterans, how to reduce urban firearm violence, and also how to teach children about firearm safety.

But this is far from adequate. For example, the National Heart, Lung, and Blood Institute of the NIH has an annual budget of 3.8 billion, much more than 25 million.

In addition to research, stronger Federal and State-level policies are essential. Universal background checks, supported by nearly 90 percent of Americans, would make communities safer by ensuring those at risk for gun violence can't purchase guns. We also need comprehensive red flag laws to keep guns out of the hands of those at risk for suicide and homicide, especially in situations of domestic violence and mass shootings.

In summary, I am here today in strong support of these three actions to promote firearm injury prevention in the United States, especially to keep our children and youth safe, and I know this is a goal that we all share. Given the magnitude and growing problem of gun violence in the United States, we cannot—we must not be paralyzed by the politics of firearms.

Although the recent Senate agreement is progress, we know it is not enough. We must make public health and safety of our children and youth and our society at large a priority. We should not become a country where we believe gun violence is inevitable, much less acceptable, especially when there are decisive actions that you and Congress can take to prevent mass shootings, firearm suicides, and the daily firearm violence impacting children and communities across our country.

These are things you can do as our leaders and policymakers. As a pediatrician, policy researcher, and a parent, I urge you to take these actions to decrease gun violence in our country.

Thank you very much.

[The statement of Dr. Lee follows:]



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Until every child is well™



HARVARD MEDICAL SCHOOL
TEACHING HOSPITAL

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June 15, 2022

Chairman Morelle, Ranking Member Burgess and members of the House Rules Subcommittee on Legislative and Budget Process, thank you for the opportunity to speak today.

I am Dr. Lois Lee, a pediatric emergency medicine physician at Boston Children's Hospital and Associate Professor of Pediatrics and Emergency Medicine at Harvard Medical School. I am also a health policy and firearm injury prevention researcher. I have been conducting research related to firearm injuries and deaths in kids since 2012. I am also a mother of two teenagers who have grown up in this age of increasing school and other mass shootings and the implementation of active shooter drills in schools.

As a pediatric emergency medicine physician, I have seen first-hand the devastating effects the death of a child has on their family and community. I have also seen the lifelong physical and emotional consequences of children who survive firearm injuries. This includes when a bullet goes through a child's spinal cord and causes lifelong paralysis. Or when a bullet goes through a child's abdomen and causes chronic gastrointestinal injuries and pain, affecting their digestion and growth. In addition to these visible physical injuries, I have seen the lifelong emotional and mental health consequences in the form of post-traumatic stress disorder (PTSD) and depression. This is both for victims of firearm violence as well as for those who have witnessed it in their friends, family, and community. These are wounds, which literally never heal.

I know that you know firearm injuries and deaths affect too many Americans and are a serious public health problem in the United States. What you may not know is firearms are now the number one cause of death in children and youth 1-19 years old in the United States.

Firearms cause more deaths in children and youth 1-19 years old than cancer, infections, or congenital causes. They are also one of the leading causes of death in adults and older Americans. For youth, about two thirds of firearm deaths are due to homicides. It is the opposite for adults, where about two thirds of firearm deaths are attributable to suicide.

In 2020 alone, there were 10,197 deaths from firearms among children and youth 0-24 years old. This averages to 28 children killed by firearms EVERY DAY in 2020.

Or one school bus full of children every 2 days.

There is no other cause of death that so frequently kills American children and youth. Compared to all other countries in the Organization for Economic Co-operation and Development (OECD), the U.S. has the highest firearm deaths rates by far. This is because we have the most civilian owned firearms

compared to our peer countries. But we don't actually know how many firearms there are in the U.S. as state laws are extremely inconsistent regarding licensing and registration for firearm ownership. So, for our country of about 330 million residents, it is estimated there are over 400 million firearms.

But what we do know is some of these deaths are preventable. As gun violence is a public health problem, we know that a multi-pronged public health approach is warranted.

What does a public health approach include? It includes the following principles of harm reduction.

- 1) Implementation of policies reducing the product-related danger
- 2) Promoting the manufacture and appropriate use of safe products

We know these strategies work as we have successfully applied a multi-pronged public health strategy to decreasing motor vehicle crash injuries and deaths in the United States. These principles have also been successfully applied to decreasing deaths related to cigarette smoking and lung cancer and poisonings from medications or other toxic substances.

Motor vehicle safety has a system designed for continuous improvements to decrease injuries and deaths. This includes establishment of the National Highway Traffic Safety Administration (NHTSA), the federal agency whose mission is to save lives and prevent injuries caused by road traffic crashes. In contrast, we do not have similar systems for firearms. There is no federal agency tasked with promoting safety and injury prevention related to firearms. As you know the Bureau of Alcohol, Tobacco, Firearms, and Explosives is a law enforcement agency—not a safety agency.

One of NHTSA's important roles is to maintain databases on fatal and non-fatal road traffic crashes. The availability of this data to researchers and policy makers proved essential in developing and implementing policies to make cars and roads safer—and the evaluation of these policies. Robust research funding has been dedicated to studying motor vehicle traffic crashes, which has and continues to be essential to advancing the field of motor vehicle safety. The opposite situation exists for firearms where limited data and research funding are available.

The motor vehicle and insurance industry also have incentives for designing safer cars to promote injury prevention for motor vehicles. However, for firearms there are no manufacturer or insurance company incentives to design safer guns.

The technology for safer guns is currently available in the form of personalized “smart” guns. Smart guns use technology to identify the authorized user so only that individual can fire the gun. This can include the use of a biometric fingerprint to identify the gun owner—just like your cell phone. Or using Radio-Frequency Identification (RFID) that works when the gun owner wears something (like a ring) and when that hand is near the gun, allows the owner to fire the gun. This personalized “smart” gun technology prevents curious toddlers and children or suicidal youth and adults from finding a gun to shoot someone

else or themselves. The technology is here. But it is not being sold in the United States. So while this solution is already available—it is not available to Americans.

For motor vehicles there are also state-level requirements for the registration of vehicles, and the licensing and insuring of drivers. For firearms, we have no uniform state-level requirements for licensing and registration of guns -much less, proof of insurance for owning a gun.

So why don't we treat guns more like cars? Perhaps we should look to the motor vehicle safety system to adopt some of these public health approaches for gun violence prevention.

For firearm injury prevention, a public health approach should include, but are not limited to, the following 3 actions:

- 1) Increasing funding for gun violence prevention research
- 2) Enacting universal background check laws
- 3) Enacting comprehensive extreme risk protection order (ERPO) (or "red flag") laws.

Not only are these three actions important parts of a public health approach to decreasing firearm related deaths—they also have bipartisan support in Congress and among the majority of Americans. One thing we critically need to prevent firearm injuries and deaths is a better understanding of the risk and protective factors around shootings. The CDC maintains a database, the National Violent Death Reporting System (NVDRS), which includes all violent deaths, including from firearms. In 2020 the CDC established a firearm injury surveillance system with a sampling of firearm injuries in emergency departments in 10 states (<https://www.cdc.gov/violenceprevention/firearms/funded-surveillance.html>). Thus, national data on real-time firearm injuries is very limited. We know even less about gun owners as background check data are destroyed within 24 hours. There are no comprehensive state or federal databases on registered gun owners in the U.S. as we have for cars.

In order to take a multi-pronged public health approach, in addition to data and technology strategies, we also need policy solutions.

We need increased research funding for gun violence research. In addition to the gap in data resources related to firearm deaths and injuries, we have had a long period of time without Congressionally appropriated funding for firearm injury prevention research to the CDC and NIH. After the Dickey amendment passed in 1996, the CDC's budget for firearm research was eliminated. The same happened for the NIH in 2011. This lack of funding resulted in the loss of research infrastructure, resources, and researchers for firearm violence. And that is why the firearm injury prevention research community is appreciative of the \$25 million dollars of research funding appropriated by Congress in 2019, with \$12.5 million to the NIH and \$12.5 million to the CDC. But this is not adequate. To put this into the context of grant funding for other health conditions, the National Heart, Lung, and Blood Institute of the National Institutes of Health (NIH) has a budget of \$3.8 billion to support research related to conditions like heart

disease and cancer. Although these are obviously important areas for research, these conditions are not impacting our children and youth to the same degree as firearms.

With the funding appropriated for firearm research in 2019, thus far the CDC has made 18 awards for two- and three-year projects to improve scientific understanding of firearm-related violence and to rigorously evaluate the effectiveness of prevention strategies. Several of these projects will conclude this year and provide insights on how to reduce suicide risk in U.S. Army soldiers and veterans, how to improve efforts to reduce urban firearm injuries, and how to teach children hunting, shooting and firearms safety, among other topics. The NIH is also funding research on the determinants of firearm injury, the identification of those at risk, and the evaluation of innovative interventions.

But this research funding has been level funded for the last three years, while gun deaths increased by nearly 30% from 2019-2020. These initial investments are important, but increased funding is still needed to overcome the decades-long lack of federal funding that set back our nation's response to the public health issue of firearm-related morbidity and mortality. The agencies have received many more proposals than they are able to fund, and additional funding can generate research into important issues, such as the best ways to prevent unintentional firearm injuries and deaths among women and children, the measures that can best prevent the next shooting at a school or public place, and numerous other vital public health questions.

A study commissioned by the Arnold Ventures and the Joyce Foundation estimated federal legislation to support a gun violence data infrastructure and research priorities would cost about \$600 million over a five-year federal budget window (fiscal years 2022-2026). This is \$120 million a year, which is significantly higher than the \$25 million which has been appropriated in the last three years - and double the \$60 million proposed in President Biden's budget for gun violence prevention research.

In addition to research, stronger federal and state-level policies will be essential for decreasing gun injuries and deaths. Universal background checks, which are supported by 88% of Americans, would make communities safer by ensuring those who are at-risk for gun violence can't purchase guns. In many states, background checks using a federal background check database are performed only at federally licensed gun dealers. Only in states with universal background check laws, do these licensed gun dealers have to access local law enforcement data as part of this background. Without a universal background check law, background checks are only performed using the national database. However, background checks are not required if guns are purchased at gun shows or auctions or by personal sale in many states.

Another important policy to prevent individuals at risk of harming themselves or others from possessing or purchasing a gun is the ERPO/red flag law. This law allows family members or law enforcement to petition a judge to temporarily remove firearms from an at-risk individual. So these laws, which are present in 19 states and the District of Columbia, are important in individuals at risk for suicide or for homicide in situations of domestic violence or even potentially mass shootings.

Given the magnitude—and growing problem—of gun violence in the United States we can not - we must not - be paralyzed by the politicization of firearms. We must make the public health and safety of our children, youth, and society at large a priority. We must ask ourselves what is the true cost of having our children and our nation bear witness to the daily news of firearm shootings and deaths around the country? We should not become a country who believes gun violence is inevitable—or acceptable. Especially when there are decisive actions Congress can take to prevent mass shootings, firearm suicides, and the daily firearm violence impacting our children and communities across our country.

In summary, I am here today in strong support of actions to promote firearm injury prevention in the United States, especially to keep our children and youth safe. I know this is a goal we all share.

In order to better protect Americans from firearm injuries and deaths I urge Congress to take the following actions:

- 1) Increase funding for gun violence prevention research
- 2) Enact universal background check laws
- 3) Enact comprehensive extreme risk protection order (ERPO) (or “red flag”) laws.

We must take these steps to start to reverse the trend of increasing gun deaths and injuries in the United States. These are things you can do as our leaders and policy makers. As a pediatrician, policy researcher, and parent, I urge you to take these actions to decrease gun violence in our country.

Respectfully submitted,



Lois K. Lee, MD, MPH

Mr. MORELLE. Thank you, Doctor.

Now I would like to call on our final witness to testify, Mr. Napier.

STATEMENT OF WILLIAM NAPIER LPC

Mr. NAPIER. Chairman Morelle and Ranking Member Burgess and the other distinguished members——

Mr. MORELLE. Is your talk button, just to make sure?

Mr. NAPIER. Yes, sir, it is.

Mr. MORELLE. Okay.

Mr. NAPIER. Thank you.

Dr. BURGESS. Maybe you could pull that a little bit closer.

Mr. NAPIER. Okay.

Dr. BURGESS. It is hard for them to hear.

Mr. MORELLE. Yeah.

Mr. NAPIER. Is that better? Great.

I want to thank you for the opportunity to testify today and to provide input and detail my experiences and efforts to combat the thefts of firearms from federally licensed firearm retailers, or FFLs, as we call them.

My name is Bill Napier, and I have more than two decades of experience as a security analyst and an ATF compliance consultant. I have conducted several hundred compliance visits at licensed manufacturers, distributors, facilities, and gun dealers of all sizes and shapes. I have also presented at dozens of conferences, seminars, and webinars to educate those in the industry on the panoply of regulations they must comply with as a condition of their license.

And, lastly, I have over 20 years' experience as a law enforcement officer. I want to be very clear. Industry takes security very seriously, which is why, in 2018, we launched Operation Secure Store, which is a joint effort of the Bureau of Alcohol, Tobacco & Firearms that aims to prevent the theft of firearms from Federal retail licensees, or FFLs. I am extremely proud of the work that we have done in cooperation with the ATF to make a difference, and we feel it is making a difference.

Operation Secure Store promotes public safety by proactively educating FFLs in identifying, quantifying vulnerabilities, and risks that are associated with the business of firearm commerce and industry-related operations as a whole.

Specifically, Operation Secure Store has five components: education and awareness; then assessment and risk analysis; planning and strategy; engagement; and, finally, response. These are outlined on the Operation Secure Store website.

In the education and awareness portion, we educate firearm dealers to ensure they have an ongoing awareness of potential threats, an understanding of the security basics, and access to the techniques and solutions that can be effective in protecting their businesses. We partnered with the ATF to develop educational programming, including our current ongoing series of regional security seminars hosted by the ATF.

The assessment risk analysis is the initial step in identifying the vulnerabilities and weaknesses that could cause the FFL to be more susceptible to criminal threat or other hazards that could compromise their daily operations. Security risk assessments, a

service provided by the industry's trade association, seeks to evaluate credible threats, capabilities, identify vulnerabilities, test their current controls, and assess consequences of a breach. Upon the assessments completion, gaps in existing controls may be identified and remedies suggested to ensure those areas in need of improvement can be addressed.

Additionally, through these assessments, the FFLs are afforded the skills and knowledge to conduct ongoing self-assessments that include assessing a potential risk, prioritizing how and when those risks need to be addressed.

Once the assessment and analysis is over, we develop a plan and a strategy that details when, where, how an FFL will develop or modify its security processes or programs as supported by the knowledge gained through the assessment and risk analysis, material always with the goal of mitigating risk, deterring potential threats.

Strategies will include recommendation. The last two components of Operation Secure Store are often overlooked. Community engagement can have a tremendous impact on crime and crime prevention strategies. Active participation and relationship building of local law enforcement and the business community and the community's citizens can be critical to protecting a business, and engaging all these helps build a beneficial level of trust between the FFL and the community. Both the industry and ATF have established protocols for providing outreach and support to FFLs and their communities.

And lastly is the response. An FFL's ability to respond quickly and efficiently to a crime against its business is critical not only to identifying the perpetrators of the crime, the recovery of the stolen goods, but to a speedy reestablishment of their daily business operation.

ATF and NSSF are both committed to providing timely support to the FFL when a criminal or other emergency event occurs. NSSF and the ATF will often provide matching rewards to information leading to the arrest of those responsible for the crime.

It is important to detail this approach to illustrate the way we educate, analyze, assess, plan, and strategize and respond in a personalized way unique to each FFL, because no two are the same. So the work has to be tailored to fit that specific situation. One-size-fits-all is a punitive, unfunded mandate that is ineffective.

As an example, let's say we were to mandate that all FFLs retain video recordings for, say, one year. The FFL—the costs to the FFL would be prohibitive. Let me give you an example. So the ramifications of this one size fits all. So there is 24 hours in a day, 7 days in a week, 168 hours in a week. That is 8,760 hours in a year. That would need to be recorded somewhere, held in video evidence.

So 1 terabyte of high-definition video will hold about 500 hours. So you need 1 terabyte every 3 days. That is about 121 terabytes a year. That didn't include the equipment cost of the server, the switches, the software, the racks, the heating and cooling of the room, and the labor to manage all this. And then, statistically, far fewer firearms are lost or stolen from FFLs than they are from private citizens, law enforcement agencies, and the military.

While we appreciate the attention of the issue of thefts of firearms from FFLs, we—as we too take it seriously, Congress should also consider paying the same level of attention to the military and law enforcement.

And there are several other recommendations I believe would be a more productive approach: Use of the OSS, or Operation Secure Store program, as a basis for inspection, certification. Include all sources of consolidated firearms in the bill to include common carriers—firearms could be taken there; the rail service; private security groups—they have large groups with lots of firearms; law enforcement, and the military. Funding for the FFL to acquire and manage security equipment is going to be essential. Requiring reporting of missing firearms lost in 48 hours for everyone. Give FFLs access to the NCIC computer records the FBI keeps. When they acquire a used firearm, they have no way of knowing if the firearm is stolen unless the local law enforcement helps them. So, if I am a firearm dealer, I would need access to the records to say, before I acquire this firearm, I need to make sure it is not stolen. Also, publish the number of lost or stolen that are reported by persons, private security, law enforcement, and the military as well as the firearms recovered at crime scenes from each of these sources. Lastly, how many firearms are used in crimes or recovered from crime scenes from all sources?

I think—again, I want to thank you for the opportunity to discuss the important work we do on behalf of the industry, law enforcement, and the American people.

I will be happy to answer any questions that you have.

[The statement of Mr. Napier follows:]

**Written Testimony of Bill Napier, LPC
House Rules Subcommittee on Legislative and Budget Process
Wednesday, June 15, 2022**

Chairman Morelle, Ranking Member Burgess, and members of the subcommittee, thank you for the opportunity to testify today and to provide my input and detail my experiences in efforts to combat the thefts of firearms from federally licensed firearms retailers, or FFLs.

My name is Bill Napier, and I have more than two decades of experience as a security analyst and ATF compliance consultant. I have conducted several hundred compliance visits at licensed manufacturers, distribution facilities, and dealers of all shapes and sizes. I have also presented at dozens of conferences, seminars, and webinars to educate those in the industry on the panoply of regulations they must comply with as a condition of their licenses. And lastly, I have over 20 years as a law enforcement officer.

I want to be very clear that the industry takes security very seriously, which is why in 2018, we launched Operation Secure Store—a joint effort with the Bureau of Alcohol, Tobacco and Firearms, that aims to prevent the theft of firearms from federal firearms licensees. I am extremely proud of the work that we have done in cooperation with the ATF, and it is making a difference.

Operation Secure Store promotes public safety by proactively educating FFLs in identifying and quantifying vulnerabilities and risks associated with the business of firearms commerce and industry-related operations as a whole. Specifically, Operation Secure Store has five components: Education and Awareness, Assessment and Risk Analysis, Planning and Strategy, Engagement, and finally, Response. These are outlined on the Operation Secure Store's website.

In the Education and Awareness portion, we educate FFLs to ensure they have an ongoing awareness of potential threats, an understanding of security basics and access to the techniques and solutions that can be effective in protecting their businesses. We partner with the ATF to develop educational programming, including our current and ongoing series of regional security seminars hosted by the ATF.

The Assessment and Risk Analysis is the initial step in identifying the vulnerabilities and weaknesses that could cause an FFL to be more susceptible to a criminal threat or other hazard that could compromise daily operations. Security and risk assessments, a service provided by the industry's trade association, seek to evaluate credible threats and capabilities, identify vulnerabilities, test current controls and assess consequences of a breach. Upon the assessment's completion, gaps in existing controls may be identified and remedies suggested to ensure those areas in need of improvement can be addressed. Additionally, through these assessments, FFLs are afforded the skills and knowledge to conduct ongoing self-assessments that include assessing the potential risks and prioritizing how and when those risks need to be addressed.

Once the Assessment and analysis is completed, we develop a plan and a strategy. This details when, where and how an FFL will develop or modify its security processes and programs as supported by the knowledge gained through the "Assessment and Risk" material, always with the

goal of mitigating risk and deterring potential threats. Strategies will include recommendations for evaluating relevant technologies and other security solutions, while also defining operational controls that can improve risk mitigation.

The last two components of OSS are often overlooked. Community engagement can have a tremendous impact on crime and crime prevention strategies. Active participation and relationship building with local law enforcement, the business community and the community citizens can be critical to protecting a business, and engaging all of these also helps build a beneficial level of trust between the FFL and the community. Both the industry and ATF have established protocols for providing outreach and support to FFLs and their communities.

And lastly is the response. An FFL's ability to respond quickly and efficiently to a crime against its business is critical to not only identifying the perpetrators of the crime and recovery of stolen goods, but to the speedy reestablishment of daily business operations. ATF and NSSF are both committed to providing timely support to FFLs when a criminal or other emergency event occurs. NSSF and the ATF will often provide matching rewards to information leading to the arrest of those responsible for the crime.

It's important to detail this approach to illustrate the way we educate, analyze, assess, plan, strategize and respond in a personalized way unique to each FFL. No FFL is the same, so the work has to be tailored to fit that specific situation. A one size fits all, punitive, unfunded mandate is ineffective.

As an example, if it were to be mandated that all FFLs retain video recordings for say a year the cost to the FFL would be prohibitive. Video storage example – ramifications of “one size fits all” 24 x 7 168 hours week, 8760 hours in year, 1 terabyte holds about 500 hours of HD video, about 1T every 3 days, about 121T a year.

Equipment Cost, servers, switches, software, racks, heating cooling of room with equipment, labor to manage.

Statistically, far fewer firearms are lost or stolen from FFLs than they are from private citizens, law enforcement agencies, and the military. While we appreciate the attention to the issue of thefts of firearms from FFLs, as we, too, take it seriously, Congress would be better off paying the same level of attention to the military and law enforcement.

There are several other recommendations that I believe would be a more productive approach Use OSS as basis for inspection and certification. Include all sources of consolidated firearms in the bill to include common carrier, rail service, private security, law enforcement and Military. Funding for FFLs to acquire and manage security equipment. Funding for increased and continued education across the industry. Require reporting of missing/lost firearms in 48 hours for all. Give FFLs access to NCIC when acquiring used firearm to determine if reported lost/stolen. Publish number of lost/stolen reported, by persons, private security, law enforcement and military as well as firearms recovered at crime scenes from each. Lastly, how many firearms are used in crimes or recovered from crime scenes from all sources.

Again, thank you for the opportunity to discuss the important work we do on behalf of the industry, law enforcement and the American people. I am happy to answer any questions you may have.

Mr. MORELLE. Okay. Thank you to—to all of you for your testimony, for being here. I think, by conversation with Mr. Burgess and I, or Dr. Burgess and I had earlier, I am going to ask just a couple questions at the outset and turn it to him. And then I would like to make sure my colleagues, who I am sure have busy schedules and other places to be—I want to make sure that they have an opportunity to ask some questions, and then we will come back here to Dr. Burgess and I.

But let me just start, Mr. Wilcox, for you. We talked a fair amount about ATF and the limitations in terms of its funding. Can you just describe the impact that the lack of resources has on their ability to fulfill their mission, particularly as it relates to gun traffic and how we could address that?

Mr. WILCOX. Thanks for the question, Chairman.

So, I mean, ATF received the lowest amount of Federal funding of the four largest Federal law enforcement agencies, so compared it to FBI, DEA, U.S. Marshals Service over the last 4 years. And, even with surging crime rate, that funding has remained relatively flat.

Even when the prior administration requested a 20-percent increase of funding, we saw just a kind of minimal increase. And so we know that we need to put funds in ATF so they can build out their regulatory capacity, they can build out their data analytics capacity, and they can make sure, as the sheriff said, they have enough inspectors to actually go out and inspect the FFLs so that we actually can make sure that the good are doing better and that those who are rogue and not following the laws can be shut down.

And it is essential that we separate the two classes, is that we do know that there are hardworking Americans, some of whom I know that run FFLs, and they are looking to do the best they can to keep their firearms out of the wrong hands, by looking for straw purchasers, by keeping their store safe.

But the truth is we can't just rely on optional programs when the cost is so high. We can't rely on the option of whether or not a store will put in place security measures when we know that that is going to save lives and stop a smash and grab that can happen eight times over 13 years, I think as the sheriff testified.

And so it is really important that we both put the resources in ATF to address these specific issues, as well as pass those laws.

Mr. MORELLE. Thank you.

I wonder, Sheriff Baxter—you mentioned the challenges that law enforcement faces in keeping track of guns that are in the community. And, given the technology that we have clearly in this day and age, you know, how do you respond to people who suggest that it is too difficult or onerous to keep track of where these guns are? Do you have any observations on that?

Mr. BAXTER. Yeah. Thank you for the question, Chairman.

The fact is that I can go online right now and check my Amazon package and find out exactly where it is in shipment, but I cannot answer a simple question in Monroe County of a gun that was just recovered: Was it stolen? Was it stolen in Georgia? Was it reported lost in South Carolina? Was it reported stolen next door?

The comprehensive database that we are looking for, a simplistic comprehensive database, is something that we are lacking—seri-

ously lacking in Monroe County. Those 130-some guns stolen from our local gun store, again, there is no inventory prior. There was no inventory checks or balances ahead of time. So, again, even knowing what guns were stolen from that store is not trackable right now.

So all we are looking for is a simple tool to track firearms from the purchase on through. If they are stolen, report that so law enforcement and other agencies that would use this information comprehensively.

And then, on the other side, when we do have someone with a stolen firearm, right now it is very difficult to charge someone with criminal possession of a stolen property charge because there is no supporting deposition. We don't even know if the weapon is stolen. And that is a charge we would like to put on someone. They are stealing property and possessing it, including a dangerous instrument.

So those are some things in addition to a tracking mechanism and the—if you will, the database that we are looking for, that comprehensive database that will allow us to do all those functions. And give us good research. You know, there is a lot of data. We heard a lot of data today, and—but there is no holistic, you know, one-stop shop for this data that we are looking for.

Mr. MORELLE. Very good. Thank you.

I am going to turn to Dr. Burgess to ask a couple of questions, and then I want to make sure our other colleagues have the opportunity as well.

Dr. BURGESS. Thank you, Chair Morelle.

As I mentioned in my opening statement, an article that I encountered on my local paper, the Dallas Morning News, I would ask unanimous consent that we can include that in the record.

Mr. MORELLE. Without objection.

[The information follows:]

The Dallas Morning News

Dallas gun trafficker used Texas license to carry to avoid background checks

ATF traced one of 92 straw purchase guns to the murder of a transgender Black woman in Arlington.

By [Todd J. Gillman](#)

1:10 PM on Jun 13, 2022 CDT — Updated at 1:35 PM on Jun 14, 2022 CDT

Update: Updated at 1:30 p.m. Tuesday with comment from Arlington police.

WASHINGTON — As part of its crackdown on illegal gun trafficking, the Justice Department said Monday it caught a Dallas man who'd illegally bought and sold nearly a hundred weapons, one of which was [used in an Arlington murder last fall](#).

Most came from a single Waxahachie dealer that lost its gun seller license last month.

And the buyer, Demontre Antwon Hackworth, 31, used his Texas license to carry to sidestep the federal background check system. Then, acting as a straw purchaser, he sold these guns — illegally — to buyers who likewise were able to avoid background checks.

"If you put illegal guns on our streets, or into the hands of violent offenders, the Justice Department will spare no resource to hold you accountable," Attorney General Merrick Garland told reporters Monday at the Justice Department, announcing the indictment.

Hackworth, arrested Friday, faces 35 years in prison: 10 for gun dealing without a license, plus multiple counts of lying to purchase a gun by claiming he was buying it for himself.

According to a June 7 indictment unsealed Monday, Hackworth bought at least 92 guns illegally since 2019, all but five of them handguns, including 9mm pistols and a .40 caliber pistol.

The vast majority came from Triggernometry Arms in Waxahachie, in the last six months of 2021.

Triggernometry Arms has not been charged but did surrender its federal gun dealer license on May 11 to the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Some of those guns were used in crimes within seven days of purchase.

One was used in a Sept. 30 murder in Arlington, officials said, tying the gun to the [death of Kier Solomon](#), a 21-year-old Black transgender woman from Dallas. A Skyline High School graduate who went by the name Kiér Lapri Kartier, she was found in her car, shot in the chest in the parking lot of an apartment complex.

That murder took place 55 days after Hackworth bought the gun, said Chad Meacham, U.S. attorney for the Dallas-based Northern District of Texas, who joined Garland at Justice Department headquarters along with the head of ATF's Dallas field division, Jeff Boshek II.

"Selling to customers who cannot pass background checks allows guns to be used in real crimes against real victims, people whose lives may never be the same," Meacham said, noting that some of the guns traced to Hackworth were used in multiple crimes. "We may never know how many lives we saved by stopping this defendant's allegedly illegal gun trafficking."

With a license to carry, [gun buyers](#) do not need to submit to a background check when purchasing individual guns they claim are for personal use rather than resale.

Boshek said ATF agents found Hackworth after noticing a pattern in the last three years as crime guns were recovered around the country and even, "incredibly," in Canada: nine in the Dallas area, others in Longview, and Baltimore, Md., and four north of the border.

All were eventually traced to purchases made by Hackworth.

"ATF Special Agents scoured the Dallas area visiting Federal Firearms Licensees and discovered the extent of Hackworth's suspicious purchases," he

said. "Rest assured that we won't stop our pursuit of those who spread violence and terror throughout our communities."

It's illegal to buy a gun on behalf of someone else, or to act as a dealer without a federal license.

Triggernometry Arms's owners have not been charged with any crime.

Asked why, Meacham said, "They can no longer sell firearms legally in the United States ... The investigation continues but that's where we are at this stage."

Hackworth appeared in federal court Monday morning. His attorney, Wesley Spencer, said that neither he nor his client would comment.

Solomon's death caused an uproar among transgender and LGBT activists, who saw it as part of an alarming uptick in hate-inspired attacks.

Arlington police have not publicly identified a suspect in her murder. Sgt. Chris Moore, a spokesman, said Tuesday that no arrest has been made, and confirmed that the detective handling the ongoing investigation has conferred with the Dallas ATF office.



[Todd J. Gillman](#). Todd became Washington Bureau Chief in 2009 and has covered East Texas, Dallas City Hall and politics since joining The News in 1989. He's been elected three times to the White House Correspondents' Association board, with a term ending in 2023. Todd has a Master in Public Policy from Harvard and a BA from Johns Hopkins in international studies.

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Dr. BURGESS. So, Mr. Napier, in talking about this article in the Dallas Morning News, there is a man who was indicted for illegally purchasing over 90 firearms for the purpose of resale. He purchased 75 guns in 6 months from a seller who, although the seller themselves are not under criminal charge right now, they did lose their FFL license.

So, as a practical matter, what happens to the inventory of that store after that FFL holder loses their license because of this activity?

Mr. NAPIER. In some cases, they would sell their inventory to another FFL.

Dr. BURGESS. Is that a requirement?

Well, here. Let me ask you the hard question.

Mr. NAPIER. Okay.

Dr. BURGESS. Do we think that the ATF is going to follow through on that and make certain that this dispersal of inventory follows appropriate channels?

Mr. NAPIER. I would hope, on their inspection, if they went out, that they would find that and deal with it.

Dr. BURGESS. Yeah. I would, too. And, I mean, it just points out what could be a deficiency. So, if a gun store—if an FFL holder is under investigation, then what happens if they go out of business during—before the investigation is concluded and, again, the disposition of the inventory? What is going to happen there? Same thing?

Mr. NAPIER. Well, I understand that the ATF has the ability to do an emergency hearing and take the license and possibly seize the firearms at that point if they think they are an immediate threat to public safety. Otherwise, the firearms could be sold then if the FFL knew that their—terminating their FFL was imminent.

Dr. BURGESS. Okay. Mr. Morelle, I will reserve other questions for later, let you proceed.

Mr. MORELLE. Terrific. Thank you, Doctor.

I will call on Chairman McGovern if you have any questions, sir.

Mr. MCGOVERN. First of all, let me thank Mr. Morelle for doing this hearing. I support his legislation.

I want to thank you all for testifying.

Dr. Lee, I agree with all of the recommendations that you outlined that Congress should do, and I think the majority of American people do as well as, I think, would agree with what we are talking about here today.

But, you know, welcome to Washington, where, because of the arcane rules of the Senate, there is a dictatorship of the minority. So it doesn't matter what a majority of Senators even want; all that matters is you need 60 votes to get a cup of coffee.

And we will see what comes as a result of the bipartisan negotiations. I don't think it will be anywhere near enough, but I hope that it will at least be a step in the right direction.

We are talking about, you know, gun stores and illegal sales. A few years back, Congress indemnified gun manufacturers to a certain extent. And I guess my question is, if you are a gun manufacturer and somebody steals a bunch of guns from you, are you legally obligated to report that?

Anybody. I don't know. Are they—I mean, and, if they don't, what is the consequence?

Mr. WILCOX. So you—the law does—thank you for the question, Chairman.

The law does require you to legally report within a certain time period any discovered lost or stolen firearms. And there is a penalty for not reporting, but there is also no inventory check to make sure that you are regularly looking for lost or stolen firearms. And the law that you pointed out—

Mr. MCGOVERN. Sure.

Mr. WILCOX [continuing]. Has had dramatically bad consequences.

Mr. MCGOVERN. Right.

Mr. WILCOX. I too was involved in a litigation of a case at a gun store in Alaska where an individual wearing a garbage bag walked in, was looking at guns. The gun dealer says he left him alone with a gun to go heat up a burrito.

Mr. MCGOVERN. Yeah.

Mr. WILCOX. This guy walked out of the store with the gun. There was cash left on the counter, and a young man's life was killed just a few blocks—taken a few blocks away. And there was litigation by that young man's family to hold that dealer responsible saying: You had no security. You left this man with a gun who was wearing a garbage bag, and he just walked out your door.

And the court said that that immunity law that you spoke of protected that dealer.

Mr. MCGOVERN. Yeah. So, like, what sense does that make, right? You know, we had a gun manufacturer in my home city of Worcester, Massachusetts, where, you know, they did not do adequate background checks on the security guards. They were involved in helping facilitate guns leaving the manufacturer. Never was reported.

A gun—one of those guns was used in a shooting that killed a young person. And, again, to the best of my knowledge, there was no consequence other than some—a bad article for the manufacturer.

And I guess, you know, some of the stuff that is used to be trafficked is obtained through carelessness and through, you know, lack of responsibility of manufacturers. Not all, but some. And so, when we are talking about how we tighten things up so that there is accountability, so that you know what the inventories are, and you could—if you get a database, you could then go and you could actually check that this was a stolen gun from this—it is like we have made it—we have made it easy for people not to do the responsible thing.

And, again, some of the stuff that we have done over the years here just makes no sense to me. If the issue is about protecting our children, but not just children—everybody—you know, I have—you know, so many people are being killed in gun violence in this country, you know, that I worry that they will become statistics. You know, the number is so enormous that people can't even—I think they have lost their human ability to feel what that means.

Now, the terrible tragedy in Uvalde and in Buffalo recently, I think, where attention was given to the individuals who were

killed, it humanizes this, and people all of a sudden—you know, we are talking about this again. But every day an individual gets killed, such—we have massacres on a regular basis, but every day, an individual gets killed, and no one knows their stories. No one knows, you know, the grief that their parents are going through or their children are going through.

But I think part of this discussion has to be on the responsibility of people who are producing, not just selling, but actually manufacturing these guns, you know, to—you know, to help us try to control what has become an epidemic in this country.

And, you know, I am a Congressman, but I am a parent first. And, my kids now are 24 and 20. I still worry about them when they go to the movies. You know, I still—I worry about them when they are—you know, one just graduated from college. My daughter goes to school. You just don't know.

And I guess I say—I have two sisters who are school teachers, and what they tell me is, you know, the solution from their point of view is: Don't give me a gun.

I mean, one is: you know, I am a teacher. I don't feel comfortable having a gun in my classroom. I do not want to be faced with the choice of having to use a gun against a student. And, by the way, someone who walks into my school, you know, with an AR-15 or somebody has body armor on, you know, really? I mean, I am going to be able to figure all this out?

You know, and if we are going to turn our schools into kind of armed fortresses, what about our supermarkets? What about our churches? What about our synagogues? I mean, there is no end to all of this.

But I appreciate all that you do. I mean, in law enforcement, in the medical arena, in advocacy, and, you know, help trying to bring all this stuff under control. And, again, I hope that we get something out of these discussions. I hope we can move Mr. Morelle's bill. I think, again, it is one of these things, like, who is opposed to this, right? I am sure somebody will be, and—but I think we all agree, you know, we have to start doing some stuff. We have to get things passed.

And we also have to look at some of the laws that are on the books that make all this very difficult.

Let me just say one final thing. You know, I have always appreciated our law enforcement officials, but, you know, I have talked to a lot of people in my community and the police department, the sheriff's department. You know, they have no idea what they are walking into as—and, you know, sure, if your people are trained, you are armed, they can handle a weapon. But you have no idea what you are walking into, and—because there is such a proliferation of these weapons in this country.

And, you know, I appreciate your service as well. But, anyway, I am on a rant, so let me just end here and just say I thank you for coming, and I thank Mr. Morelle for putting this hearing together.

I yield back.

Mr. MORELLE. Thank you very much, Mr. Chairman.

I would like to call on Ms. Scanlon from Pennsylvania.

Ms. SCANLON. Thank you so much for organizing this hearing and the legislation you have introduced.

During the past couple weeks, as we have seen March for Our Lives rallies around the country and gun violence vigils everywhere, I have heard from hundreds of constituents who have decided that enough is enough, and they are demanding action.

And what has really impressed me and struck me is that these are young and old; male and female; Republican, Democrat, Independent; Black and White; responsible gun owners and people who have never owned a weapon in their lives. It is everywhere.

And I think it is because, at this point, no one is immune from daily firearm violence in our country, whether it is affecting parents who are afraid to send their children to school because of the gun violence on the streets between home and school or because of what they are seeing on TV when there is a mass shooting; whether it is families where a member of the family, whether a veteran or, increasingly and so tragically, children are struggling with mental health issues, or the random intrusion of gun violence that is making people question their ability to go to the church or the temple or the synagogue or the grocery store, movie theaters.

I was held up at gunpoint in a public park. Another relative just yesterday had a drive-by shooting in their suburban neighborhood. So we are all questioning our safety in the face of what is just a public health epidemic at this point.

So, whether or not Members of Congress and particularly the Senate are willing to act, I think the American people understand that we can't sit idly by and watch preventable deaths by gun happen every day.

If we are going to stem the tide of violence, we have to have a range of approaches. Because the problem is so large, there is no one magic solution. So whether it is universal background checks, red flag laws, banning ghost guns, et cetera, and addressing the underlying challenges that are causing people to pick up guns in the first place, whether it is mental health struggles, poverty, lack of education or opportunity, this feels like an all-hands-on-deck moment where we need to do a lot of very different things.

As local officials in my district are working to reach solutions, one thing I hear over and over again, State, Federal, local, is that we need to stem the flow of guns to our streets and to people who we all agree should not have them, whether it is felons, criminals, people who are an active danger to themselves or to others.

So it feels like a very big piece of the solution is to make sure that laws and protections already on the books are actively being enforced. One way to do that is to make sure that the ATF has the resources and leadership to do. So, so we are really urging the Senate to act and make sure we confirm a director of ATF since they haven't had a permanent director since 2015.

Ms. SCANLON. But, talking about the ATF, recent ATF data indicates that gun sales soared during the pandemic. And for thousands of guns sold in 2020, the time to crime was 6 months or less. And that is a big change.

A recent report from Brady confirms what has been reported in the past, that a small number of gun shops in Pennsylvania supply most of the Commonwealth of Pennsylvania's crime guns.

So we know crime guns from multiple sources, but if a really good tool is to cut off the supply of illegal guns, it could be for federally licensed firearm dealers to do a better job to prevent guns from being acquired by straw purchasers and traffickers and for the ATF to be able to adequately enforce those laws on the books and shut down gun dealers who are skirting the law.

So, Mr. Wilcox, can you talk about why a small number of dealers usually account for a majority of gun crimes, whether in Pennsylvania or elsewhere?

Mr. WILCOX. I think because there is common understanding of where a gun trafficker or straw purchaser can go, because that store owner is likely to look the other direction.

And not only do we have the statistics you mentioned, Congresswoman, but there was recent information that was released by the Oversight Committee after getting new data. And I know that there is always conversation of, well, maybe you are just selling a lot of guns and it is just a small percentage of your inventory. Well, one of the leading crime gun suppliers in this country, a store in Georgia, 10 percent of their sales were guns that were traced to crime—10 percent of all of their sales were crime guns. That is shocking.

And if you can't take real steps to call that a high-risk dealer and make sure that they are following best practices and they are video-recording that store—because I really would like to know what is happening in that store that 10 percent of those guns are being traced to crime.

And I get that maybe there are some data limitations and we want to make some excuses, but the truth is, that is a shocking number. And I think if I was a straw purchaser or gun trafficker and I knew a store, 10 percent of its inventory was crime guns, well, that is the store I would go to, no doubt about it.

And so I think we have to give ATF the tools it needs. We have to modernize our laws to take into account how guns are trafficked today in 2022, so we are not living in 1986, and really give them the resources and leadership, as you said, they need.

But the truth is, I think a lot of us in this room can agree on that, but colleagues in the House of Representatives, of yours, have introduced a bill that wants to eliminate the ATF. So it is not all good-natured. We have folks who think that we shouldn't even have this agency.

And so I really think that is the difference right now between the two approaches of we need to shut down bad actors or we should just eliminate this very valuable agency.

Ms. SCANLON. So I would characterize it as people who want to actually solve the problem and people who don't.

But turning to—there has been a sharp decline in ATF Federal firearm license compliance inspections in 2022 and continuing into 2021 and—I am sorry—sharp decline in 2020, continuing to 2021 and 2022.

Can you talk about ATF's decline in inspections in recent years? The implications? What does this limited number of inspections mean for revocations? You know, the ability to enforce the protections that are supposed to be there for all of us?

Mr. WILCOX. Absolutely, Congresswoman.

So, you know, ATF is not doing many inspections as it is, inspecting around roughly 10 percent of active FFLs a year. And it would take over 10 years to actually inspect every gun dealer there is.

But the truth is, these inspections don't always turn up clean records. Nearly half of them will show some violation, many of them very serious violations. But we see very few revocations. Less than 1 percent of FFLs are revoked even when we see very serious violations.

And, truthfully, in 2020, what we saw is the lowest number of inspections that we have seen in years. And I think that is incredibly problematic, that we have high-risk dealers, like I have mentioned, we have very few inspections, and then we aren't seeing concrete action.

I am heartened by the President's intention to take on rogue gun dealers and have a zero-tolerance policy, but we really need to do that seriously by expanding the number of inspections we are doing.

Ms. SCANLON. Okay. So one thing we can do is provide more resources to expand inspections. Are there other things Congress can do to hold gun dealers accountable when they break the law?

Mr. WILCOX. Yeah. I think the chairman's bill is a great example, requiring gun dealers when they apply for their licenses to submit a security plan. And then they have to be held to it. And if they don't, they can be held accountable.

And I think the chairman's proposal is really smart because, depending on if they were negligent or they just made a mistake, there are different penalties. You can go from a small civil fine to a license revocation depending on your culpability.

And I think those are tools ATF doesn't have right now. Right now they have, your license is revoked or it isn't. And we have to give them those tools that, when they see infractions, they can have civil penalties, license suspension, they can require a dealer to potentially do more. Because right now it is just an all-or-nothing bet, and that just isn't working.

Ms. SCANLON. Well, I appreciate this input. That is really helpful.

As I close out, can I just seek unanimous consent to introduce a report from April 2022 by Brady: United Against Gun Violence entitled "Uncovering the Truth About Pennsylvania Crime Guns"?

And I would yield back.

Mr. MORELLE. Without objection.

[The information follows:]

***UNCOVERING THE
TRUTH ABOUT
PENNSYLVANIA
CRIME GUNS***



Brady's analysis in this Report is based on publicly available information posted on the Pennsylvania Office of Attorney General's Pennsylvania Gun Tracing Analytics Platform. Brady assumes the data set is accurate as of August 2021 for purposes of publishing this report. A copy of the data set as downloaded is available on file with the author.

ABOUT BRADY

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife Sarah led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast — red and blue, young and old, liberal and conservative — against the epidemic of gun violence.

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INTRODUCTION

Every gun on our streets starts somewhere, and the overwhelming majority have their origins in the legal marketplace. Understanding how guns — particularly those that have been diverted from legal commerce to the underground market — make their way to crime scenes is essential to crafting evidence-based and life-saving solutions to the American gun violence epidemic. There is — or should be — nothing controversial about this tracing approach. Epidemiologists and other scientists routinely study the origins of public health challenges in order to develop effective solutions, treatments, and preventative measures. It is a key component of the scientific method.

Unfortunately, the best national data on the sources and paths of crime guns has been hidden from researchers, journalists, and the general public for nearly two decades. The gun industry successfully pushed the federal government to restrict public access to this critical gun trace data, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has aided the industry's efforts by adopting an overly broad interpretation of those regulatory restrictions. Although some state and local law enforcement agencies have released gun

trace data in the last 20 years, the amount has been insufficient to develop the comprehensive, life-saving solutions that we need.

In this report you will find an analysis of the most important gun trace dataset to be publicly available in decades. Attorney General Josh Shapiro of Pennsylvania has released trace data for 186,000 crime guns from over 150 law enforcement agencies in his state, allowing the public to identify, for the first time in decades, which gun dealers appear to supply the most guns to the illegal market. This data is publicly available on the [Pennsylvania Gun Tracing Analytics Platform](#).

It is very important to note that the gun tracing dataset, while extensive, is not comprehensive. It does not include crime guns recovered by local Pennsylvania law enforcement agencies that have opted against sharing trace data. For that reason, the findings in this report are not the definitive picture of crime guns in the state.

However, this dataset should nonetheless enable the public, policymakers, and law enforcement to hold the gun industry accountable for its role in

UNDERSTANDING HOW GUNS — PARTICULARLY THOSE THAT HAVE BEEN DIVERTED FROM LEGAL COMMERCE TO THE UNDERGROUND MARKET — MAKE THEIR WAY TO CRIME SCENES IS ESSENTIAL TO CRAFTING EVIDENCE-BASED AND LIFE-SAVING SOLUTIONS TO THE AMERICAN GUN VIOLENCE EPIDEMIC.

supplying crime guns — and, in doing so, ultimately save lives. By focusing on the small number of gun dealers now known to be contributing to the problem, Pennsylvanians and their leaders will be able to put political, legal, and economic pressure on the irresponsible actors of the gun industry and bring about needed reforms to ensure that firearms are transferred responsibly and safely.

Like all data, gun trace data has its limits; its insights, while key to understanding gun trafficking, are just one part of that process. Earlier this year, Brady unveiled an extensive — and ever-growing — database containing another piece to the puzzle: ATF compliance inspection reports detailing federal firearms licensees (FFLs) who have been issued a warning letter or more severe remedy for cited violations of gun laws. We encourage readers to also view that resource, the Gun Store Transparency Project, at www.gunstoretransparency.org.

As you read through these findings, keep in mind that many of the 186,000 crime guns in the database are likely associated with one or more crime victim(s) and their families. If this were not staggering enough, the devastating ripple effects gun violence inflicts on families, neighborhoods, and communities are not captured in these numbers.

Brady invites you to join us in advocating for solutions that address the supply side of gun violence. We invite researchers to study this data and build on our analysis; we implore journalists to report on not just the tragic results of gun violence incidents, but how crime guns end up in our communities; we urge lawmakers and law enforcement to adopt life-saving, supply-side solutions to gun violence; and we call on federal,

state, and local authorities to be more transparent by releasing more trace data to the public. It is long past time for the gun industry as a whole to adopt meaningful supply-side solutions ensuring firearms are transferred safely and responsibly, as it is neither fair nor just to ask the communities suffering the immense harms of gun violence to also bear the burden of providing all the solutions.

KEY TERMS

WHAT ARE “CRIME GUNS” AND WHERE DO THEY COME FROM?

A crime gun is a gun that has been recovered by law enforcement after being used — or suspected of having been used — in a crime, or whose possession may in itself have been a crime. A crime gun might be a stolen firearm, a firearm found at a scene of a crime, or a firearm used in a crime. Almost every crime gun has one factor in common: It originated from a firearm manufacturer. A 2019 Department of Justice report estimated that 43% of all crime guns come from the “illegal firearm market.”¹ However, firearms obtained via such illicit commerce originate from somewhere, most often starting with their manufacture, then distribution, and eventual sale by a licensed dealer. Determining how legally purchased or manufactured firearms make their way to crime scenes is vital for law enforcement and policymakers aiming to identify and address the origins of the illegal gun market.

WHAT IS “TRACE DATA” AND WHY IS IT IMPORTANT?

When a firearm is found at or associated with a crime scene, law enforcement agencies have the ability to trace it through the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Local law enforcement agencies can enter the make, model, caliber, and serial number of a specific firearm into the ATF’s eTrace system, allowing them to follow the flow of that firearm from its legal construction or importation by a manufacturer/importer, wholesaler, or distributor, to a federally licensed firearms dealer, and finally to the firearm’s original purchaser. However, at any point in this commercial flow from manufacturer/importer to sale, firearms can be diverted toward the illegal market.

It is vital that law enforcement not only trace crime guns via the eTrace system to determine the origins of these weapons, but investigate patterns of diversion to the illegal market so these patterns can be disrupted and the flow of crime guns stemmed. However, limitations upon local law enforcement agencies can be a barrier to such investigations; most have limited resources and are either prohibited or discouraged from conducting investigations outside their jurisdiction. Since many crime guns come from outside the jurisdiction where they are recovered, crime gun investigations often fall outside the local law enforcement agency’s jurisdiction, requiring cross-jurisdictional collaboration. Pennsylvania’s gun tracing database fosters this kind of cooperation between local law enforcement agencies, encouraging them to share critical, life-saving information.

The majority of federally licensed firearm dealers

(FFLs) in the United States are responsible business owners who sell firearms in compliance with federal, state, and local law. Only a small minority supply the criminal market with guns; about 5% of firearm dealers are responsible for about 90% of recovered crime guns.² Because “sales volume alone does not account for the disproportionately large number of traces associated with these firearms dealers,”³ there is clear evidence that certain dealers behave in a way that contributes to our nation’s crime gun problem.

WHAT IS THE TIAHRT AMENDMENT?

Prior to 2003, ATF conducted and made public an annual nationwide analysis on the origins of crime guns. **Unfortunately, in October 2003, due to the lobbying efforts of the gun industry, the Tiahrt Amendment was added to the 2003 federal appropriations bill. Among other ill-advised policies, the Tiahrt Amendment restricted the ATF from spending funds to make raw trace data available to the public.** In response, the agency has adopted such an overly broad interpretation of the amendment that very little information related to trace data ever makes its way to the public.

Instead, the results of ATF firearm traces are reported only to the law enforcement agency that originally recovered the crime gun and entered it into the eTrace system, and that agency must affirmatively opt into data sharing before any other agencies can see or make use of its tracing information. As a result, there is often no coordinated analysis of firearm trace data by local, county, or state agencies — and while the ATF produces an annual report listing the type, calibers, and state of origin of traced crime guns, analysis and public availability of the data stops there.

WHAT CAN TRACE DATA TELL US? WHAT TRACING DETAILS INDICATE POTENTIAL TRAFFICKING?

Making trace data public, as the Pennsylvania Gun Tracing Analytics database does, allows local communities and law enforcement agencies to identify the gun dealers transferring the largest number of crime guns. The last time national trace data was available, it showed that only about 5% of dealers transferred 90% of crime guns, and only 1.2% of gun dealers were responsible for 57% of crime guns. Approximately 86% of gun dealers did not have a single firearm traced back to them in a given year.⁴ A high number of traces paired with a short average “time-to-crime” rate — the period of time between a firearm’s first retail sale and law enforcement’s recovery of the firearm in connection with a crime — is a strong indicator that a gun dealer is supplying firearms to illegal gun traffickers. Indeed, the ATF’s Crime Gun Analysis Branch (CGAB), in cooperation with Northeastern University, has developed a series of trafficking indicators which include a “short time-to-crime (under 3 years) for crime guns traced to an FFL or first retail purchaser.”⁵ According to the ATF, recovery of a gun that was first sold less than three years prior “signals direct diversion, by illegal firearms trafficking — for instance through straw purchases or off the books sales by corrupt FFLs.”⁶

Straw purchasers are those who illegally buy guns on behalf of others, concealing the identity of the actual purchaser. Some straw buyers are purchasing for a specific person, but others are operating as gun traffickers, buying quantities of guns to sell to numerous users or move through trafficking supply chains — usually to individuals who cannot obtain a gun from the legal market.

Trace data also reveals which types of guns are most frequently used in crime. In the past, this information has resulted in stronger regulations for specific types of firearms. Revealing which guns are disproportionately used in crime and have a special appeal to gun traffickers exposes the gun manufacturers who design and sell such products to exploit the highly profitable illegal market.

In short, trace data is an essential tool for identifying and holding accountable the minority of irresponsible gun dealers and manufacturers who cater to the illegal gun trafficking market. Families of the injured and killed deserve to know how their loved ones were harmed; communities deserve to know where the illegal guns that flood their streets are coming from. It is only with this knowledge that they can take action to prevent further tragedy.

PENNSYLVANIA GUN TRACING DATABASE

WHAT IS IN THE DATASET?

In 2019, Pennsylvania Attorney General Josh Shapiro launched an Initiative for "investigating how prohibited purchasers obtain firearms and strategically shutting down those pipelines." As part of the initiative, trace data from participating law enforcement agencies is shared on an interactive website, the Pennsylvania Gun Tracing Analytics Platform, which shows aggregate data of crime gun traces for firearms recovered in the state. According to the website, "[the] tool is intended to let you explore gun crimes and gun trafficking throughout the Commonwealth and to see where guns recovered in crimes in Pennsylvania originally came from."

Any visitor to the website can download the raw

data used to create its maps and charts. The raw data includes a row for every individual trace and 95 columns reflecting the variables that are known about that trace, as listed in the Appendix. These variables include:

- information about the gun,
- the crime to which its recovery is related,
- the law enforcement agency conducting the trace,
- the possessor of the gun at the time it was recovered,
- the county in which it was purchased,
- and dates of purchase and recovery.

Traces in the database date back to 1977. The most current trace at the time we downloaded the data in August 2021, was from 2020. The dataset includes 186,000 individual traces.



WHICH AGENCIES CONTRIBUTED TO THE DATASET?

The gun tracing database includes traces only from participating Pennsylvania law enforcement agencies. In order to participate, an agency must not only use ATF's eTrace system to conduct traces, but also opt in to data sharing. Over the years, the number of agencies participating has varied. Some agencies may use eTrace but not opt to share data, while others may trace too few guns to feel participation is warranted.

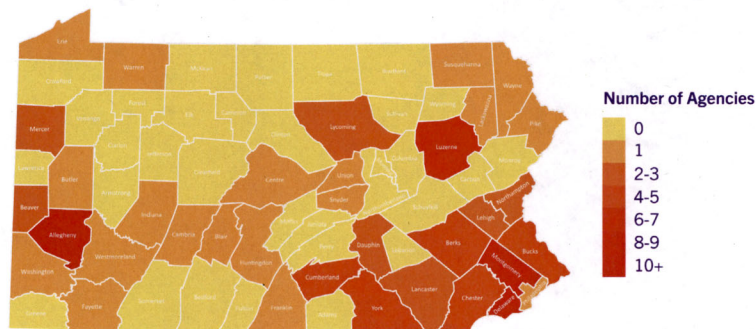
Since the 2019 launch, the number of Pennsylvania law enforcement agencies using eTrace has increased five percentage points, to 45% of the state's police agencies. These 501 agencies are scattered across the state; however, just 117 opt to share their data and allow other agencies to see their eTrace results. As shown in **Map A**, the agencies that have opted to share data are clustered in the southeast, around the Philadelphia metro area, and the far western counties of the

Pittsburgh metro area. Currently, 30 counties have no participating law enforcement agencies, including 11 counties that border neighboring states and which may be more at risk of cross-border gun trafficking.

HOW BRADY MATCHED PENNSYLVANIA CRIME GUN DATA TO FFLS

The raw trace dataset that Brady downloaded from the Gun Tracing Analytics Platform on August 24, 2021, included a column named DEALER PHONE. We were able to cross-reference those phone numbers with the ATF's published lists of FFLs in Pennsylvania, which also include phone numbers. The ATF publishes a list of FFLs monthly; we used the January list for each year available between 2014 and 2020. Guns traced prior to 2014 will return a dealer name only if the dealer appears in the 2014-2020 ATF lists with the same phone number. For phone numbers that did not return a match, we used reverse directory, internet, and other searches to find the associated dealer

MAP A: LAW ENFORCEMENT AGENCIES IN PA OPTING TO SHARE ETRACE DATA



business name, if possible. A portion of the older phone numbers could not be matched to a dealer name.

NOTE: In all tables, when phone numbers returned a match in the ATF's lists of Pennsylvania FFLs from 2014-2020, the name of the dealer is in ALL CAPS. When a reverse directory was used to find the name of the dealer, the name is in normal case.

DATA LIMITATIONS

For several reasons, the gun tracing database is not a comprehensive picture of gun crime in Pennsylvania: Not all guns recovered by law enforcement are traced, and many guns that are used in crimes are never recovered by law enforcement. In addition, because over half of all Pennsylvania police agencies do not participate in eTrace — and even fewer share their trace data — the gun tracing database is not a complete count of either all crime guns or all traced crime guns recovered in Pennsylvania. In addition, not all agencies include all variables about the crime or recovery in the data they share. Finally, in many cases a trace cannot return complete information about a gun or its first purchase.

Because phone numbers are used to identify gun dealers in this analysis, not every gun can be matched to the original retail dealer, as some numbers in the database cannot be connected to a dealer. For example, a dealer's phone number may have changed and no longer matches the number in the database. In addition, older guns may have been purchased at dealers that are now closed. Because older traces are more difficult to match to dealers, some tables and charts in this analysis focus on more recent recoveries and "short time-

to-crime" firearms, as these matches are more likely to be accurate. Importantly, guns with a short time-to-crime are also more likely to be associated with gun trafficking, as explained in the introduction.

Despite these limitations, the Gun Tracing Analytics Platform paints the clearest picture of Pennsylvania crime guns and crime gun sources since the late 1990s/early 2000s.

TRACE DATA AND SUPPLY-SIDE SOLUTIONS TO GUN VIOLENCE

Most efforts to prevent gun violence injuries and deaths focus on the perpetrators of violence. These demand-side efforts — whether public policy, criminal justice reform, local interventions, or social service programs — are necessary to save lives. Alone, however, they are insufficient to end America's epidemic of gun violence.

A supply-side approach to gun violence prevention focuses on the supply of crime guns, encouraging elected officials, community members, and law enforcement to address not just the shooter, but also the supply chain and source of the gun.

By holding gun dealers, manufacturers, and distributors accountable when they act irresponsibly, local communities could reduce homicide and shooting rates in even the most impacted neighborhoods. In other words, a supply-side strategy is a critical aspect of a comprehensive public health approach to reducing gun violence.

WHAT HAVE WE LEARNED FROM THIS DATA? WHICH SUPPLY-SIDE SOLUTIONS CAN BE IMPLEMENTED?

1. A small number of Pennsylvania dealers account for a majority of Pennsylvania crime guns. This is consistent with the findings of prior national studies and indicates that the crime gun problem can be reduced significantly by

focusing on a small subset of specific dealers. As most dealers sell few or no crime guns, zeroing in on the dealers contributing to the crime gun problem allows for efficient and effective enforcement. Federal, state, and local authorities should give these specific dealers greater attention. Importantly, gun manufacturers must be pressured against supplying large crime gun dealers with firearms to transfer to the public.

2. Philadelphia has a home-grown crime gun problem; to a lesser extent, so does Pittsburgh. Each of these cities grapples with crime guns that mostly originate from dealers in that city. Local police and elected officials should be aware of these local crime gun sources and hold them accountable for contributing to their city's gun crime problem. For example, law enforcement agencies in Philadelphia and Pittsburgh can partner with the ATF and other federal agencies to ensure firearms regulations and laws are enforced in their jurisdictions.

3. Dealers with the most traces tend to be independent businesses, but aggregate traces to chain stores show that their sales practices also need improvement. Dealers with large numbers of traces should implement stronger business practices to prevent sales to straw purchasers and/or gun traffickers. When dealers are part of large corporate chains, this implementation should be wide-scale across all locations. Doing so will have a measurable impact and benefit all areas of the state. These changes should be made proactively by the industry, without the prompting of government action — although legislatures can and should

codify such requirements if the industry fails to act voluntarily. For more information about safe gun industry business practices, see [Brady's Gun Dealer Code of Conduct](#).

4. Crime guns circulate long after their dealers go out of business. While improving and strengthening dealer business practices will eventually reduce the number of guns on the streets, the impact will take time to be felt, as guns are durable goods which can be used for many years. In the short term, focusing on the dealers making the largest contributions to the flow of crime guns is an effective strategy, but consistently enforcing state, local, and federal laws and regulations is imperative to ensuring more firearms are not added endlessly to the number of crime guns in circulation.

HOW WILL THESE SOLUTIONS LEAD TO FEWER GUN DEATHS AND INJURIES?

Significant progress against gun trafficking and gun crime will be made if elected officials and law enforcement require better training of gun shop employees and ensure dealers are following

all laws and regulations. Because the federal government has failed to hold these dealers accountable (see case study on page 13), state and local governments must step in. Doing so is likely to change gun supplier behavior and business practices, which will result in fewer gun sales to gun traffickers and straw purchasers.

The evidence shows that changing dealer behavior will reduce the flow of guns into the illegal market. We know from criminal indictments, for example, that gun traffickers identify and choose stores where they can most easily conduct a straw purchase, then return to those stores again and again. We also know that the type of firearms a dealer sells can attract gun traffickers — and that if the most desirable guns are no longer sold, fewer of those guns will be recovered in crime.⁷ Finally, we know that holding dealers accountable, either through greater enforcement⁸ or legislation,⁹ results in fewer crime gun traces to those dealers.

If fewer guns are available in the illegal market in a given city, the result is likely to be lower gun crime.¹⁰

A SUPPLY-SIDE STRATEGY IS A CRITICAL ASPECT OF A COMPREHENSIVE PUBLIC HEALTH APPROACH TO REDUCING GUN VIOLENCE.

CASE STUDY:

LACK OF COMPLIANCE WITH FEDERAL REGULATIONS

Firing Line, Inc., a Philadelphia business that specializes in police armaments, tactical equipment, firearms, and accessories, has had **1,803 crime guns** traced back to it, according to the gun tracing database. In business since 1984, this dealer was inspected by the ATF in 1992, 1993, 2000, 2004, 2012, 2014, and 2017. Except for the 2014 inspection, ATF investigators found similar violations in each of these years, including missing firearms and failure to submit required reports.

In addition to the high number of traces and violations, there are several other red flags that indicate Firing Line may have been — and might still be — supplying gun traffickers:

- Some firearms were discovered missing only due to the ATF's inventory audit, indicating either a lack of inventory control or illegal off-the-books sales.
- The dealer was found to have "demonstrated willfulness in regards to facilitating the straw purchase of firearms," meaning the dealer failed to prevent illegal sales to straw purchasers — and may have even purposefully enabled them.
- Firing Line was issued a "demand letter" for failing to respond to ATF trace requests within 24 hours, delaying criminal investigations.

The ATF investigator's notes contain other alarming details. One of the background check forms inspected in 2017 had an "attached sheet of paper

containing hand-written notes describing the vehicle and driver of the car the female purchaser used to travel to and from the premise." When asked about this, the dealer explained that the paper was a documentation of a sale they deemed suspicious. Inspection reports from 2005 and 2012 also included similar notes. When questioned about the practice in 2012, the dealer explained that "when a transaction seems suspicious, and involves a purchaser accompanied by another person who appears to be the actual buyer of the firearm, a store employee documents detailed information concerning the transaction." At the time, the dealer also admitted that he "did not contact law enforcement concerning the sales before, or after, completing the transaction, and disclosed that documenting the suspicious transaction was sufficient enough on their part as an FFL." These failures have likely contributed to Firing Line being the source of at least 1,477 traced crime guns from 2005 to 2020, the period in which these dangerous business practices were revealed in the ATF inspection reports.

After the 2017 inspection, the dealer was warned: "The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing efforts to reduce violent crime and protect the public. You failed to maintain accurate information in the Acquisition & Disposition record and account for [REDACTED] firearms, which were reported missing. You also failed to timely prepare and submit the ATF Form 5300.5, Report of Transactions, which is critical in tracing used firearms recovered in crimes. Furthermore, both violations were repetitive from past inspections and impact public safety."

Although ATF considered revoking the dealer's

license after the 2017 inspection, instead a warning conference was held in which the dealer was required to present a compliance plan. Because the inspection found signs of straw purchases — including one which resulted in a referral to law enforcement for further investigation — as well as evidence of knowingly facilitating straw purchases, during this meeting the ATF Special Agent in Charge “stressed the importance of being vigilant concerning any suspicious firearms sales,” and the dealer was given an ATF contact to consult specifically about any troubling potential purchases.

Since the 2017 inspection, another 399 guns have been traced to Firing Line, which ranks 7th among Pennsylvania dealers in terms of frequency of traced crime guns in the Gun Tracing Analytics Platform. Clearly, the dealer's business practices have not changed enough as a result of the numerous ATF warning letters and warning conferences over the years, and public safety continues to be at risk as a result.

FINDINGS: CRIME GUNS IN PENNSYLVANIA

The full Gun Tracing Analytics database includes 186,000 gun trace records, with the oldest record dating back to 1977 and the most recent occurring in 2020.

For each trace record, the database includes at least some data about:

- the gun, such as make and model;
- the crime, including date and location;
- the recovery, including date and location;
- the law enforcement agency requesting the trace; and
- the gun's possessor at the time of recovery.

This report focuses primarily on the three most recent years of gun recoveries, as these years have the most robust and complete data for each trace, as well as the most participating law enforcement agencies. **Table 1** shows several descriptive features of the records in the database for these three years.

TABLE 1: GUN TRACE RECORDS IN PENNSYLVANIA GUN TRACING DATABASE

	2020	2019	2018
Total traces	10,133	10,451	9,625
Total law enforcement agencies (by FBI Originating Agency Identifier number)	153	135	134
Average number of traces per agency	66	79	73
Maximum traces from one agency	3,323 (PA State Police)	3,484 (PA State Police)	3,282 (PA State Police)
Minimum traces from one agency	1 (20 agencies)	1 (12 agencies)	1 (22 agencies)
Most common number of traces per agency	1	2	1
Median number of traces per agency	6	8	7
Traces to in-state dealers	5,940 (2,910 out-of-state)	6,322 (3,079 out-of-state)	5,865 (2,768 out-of-state)
Traces to active dealers	5,721	3,978	3,534
Traces with Time to Crime of 3 years or less	3,392	3,163	2,943
Traces with Time to Crime of less than 1 year	1,880	1,328	1,254
Traces of Handguns	8,088 (1,991 Long guns)	8,122 (2,221 Long guns)	7,464 (2,073 Long guns)
Traces of firearms used in violent crime	1,322	1,328	1,293
Used in homicide	321	269	216
Used in assault	848	843	854
Used in robbery	137	173	200
Traces of firearms possessed illegally	2,357	2,270	1,911
Traces of firearms recovered due to suspicion of being trafficked	377	397	397

Despite the varying number of law enforcement agencies reflected in the database each year, there is remarkable consistency across the most recent three years, likely because nearly one-third of the records result from traces conducted by one agency: the Pennsylvania State Police. For example, in each year the majority of guns are traced to in-state dealers. In addition, the number of guns that may have been trafficked is similar in each year, as measured by short time-to-crime of three years or less. The types of crimes that resulted in the guns' recovery are fairly consistent

across years, as well. This consistency means that the data is likely to be more reliable and accurate than if there were greater variation across years.

WHAT TYPES OF GUNS ARE RECOVERED AND TRACED?

Looking at traces from 2018 to 2020, the most “typical” gun recovered in Pennsylvania is a 9mm pistol made by Smith & Wesson.

Chart A shows the frequency of each type of gun recovered by year. Handguns (pistols, revolvers, and derringers) make up just under 80% of all traced guns. Handguns are likely to be popular among gun traffickers due to their smaller size and easy concealability, yet many handguns, particularly semi-automatic handguns, have just as much firepower — and can shoot just as many rounds — as larger guns.

CHART A: TRACED GUNS IN PENNSYLVANIA BY FIREARM TYPE (2018-2020)

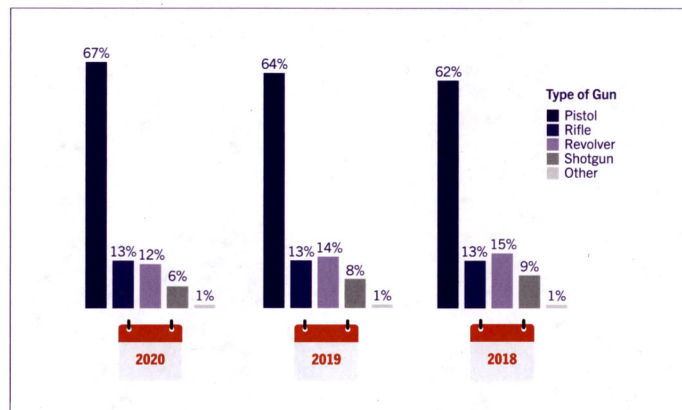
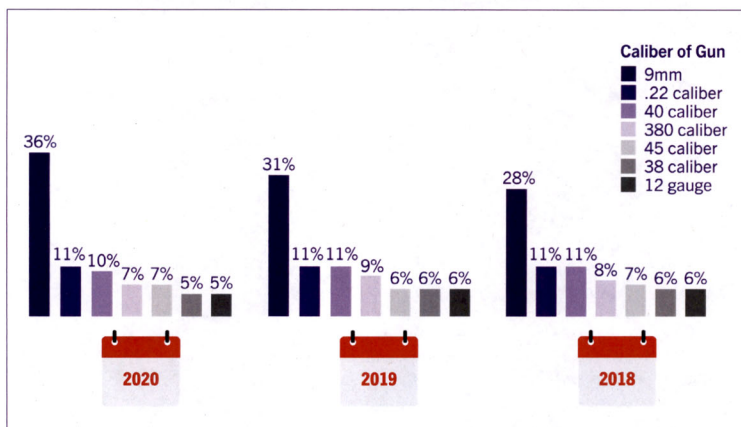


Chart B shows the most frequent calibers of traced guns each year, with 9mm being the most common in all years, significantly more than the second most frequently traced firearms (.22 caliber). Caliber is used to describe the size of a rifle or handgun bore (the internal barrel measurement) and the size of cartridges (bullets) designed for different bores. Most easily described as the size

of bullets, caliber is often a delineation of potential lethality or destructive capabilities. For example, a 9mm caliber bullet hits with more impact and is considered both more lethal and destructive than a .22 caliber bullet (although both are lethal). Caliber differentiation can also indicate whether a specific firearm is a rifle or a handgun.

CHART B: TRACED GUNS IN PENNSYLVANIA BY FIREARM CALIBER (2018-2020)

Finally, the data reveals the make and manufacturer of guns recovered and traced by law enforcement. Not surprisingly, popular handgun manufacturers are at the top of the frequency chart, but the database includes firearms from 63 different gunmakers.

Table 2 lists the 2018-2020 top 20 most frequently recovered and traced firearms by manufacturer. Guns made by Smith & Wesson, Glock, Taurus, and Ruger are recovered and traced at rates substantially higher than the next most common makes of firearms.

Most of the top manufacturers of recovered and traced firearms in the database are based in the U.S., except Glock, HS Produkt, and Walther, which are European companies. In addition, Beretta Pietro (Italy) and Beretta USA both appear in the database, but only Beretta USA appears among the top 19.

TABLE 2: MANUFACTURERS OF MOST FREQUENTLY TRACED FIREARMS

MANUFACTURER	2020	2019	2018
Smith & Wesson	1,396	1,459	1,522
Glock	1,311	1,203	1,000
Taurus	1,120	1,137	1,011
Ruger	879	998	906
HS Produkt	327	290	265
Remington	275	341	289
SIG Sauer	265	206	198
Unknown	197	285	178
Savage	182	206	206
Marlin	181	206	183
Mossberg	167	203	229
SCCY Industries	150	120	136
Walther	150	124	125
Beretta USA	144	147	127
Hi-Point	144	184	184
Harrington and Richardson (ceased production in 2015)	143	180	231
Colt	141	171	178
Winchester	131	145	172
Keltec	127	142	155

Knowing the makes, models, and calibers of the most frequently recovered crime guns provides insight into the preferred firearms of the criminal market. This information is important to share with gun dealers so that they can exercise especial diligence in transferring such firearms. It is also important information for manufacturers, who should make every effort to avoid designing, pricing, and/or marketing firearms in ways that appeal to the criminal market.

One case in point includes a set of manufacturers that produced popular low-quality, cheap (less than \$150¹¹), short-barrel handguns in the 1990s, commonly called “Saturday Night Specials” or

“junk” guns. Trace data from the time showed that these guns were used in a disproportionate amount of gun crime.

While the lowest-priced handguns from the top makers now retail around \$400 (although Keltec has a current model with a list price of \$199), some cheap handguns from the Saturday Night Specials era are unfortunately still on the streets and being used in crime, as shown in **Table 3**, which lists guns in the gun tracing database made by the most notorious “junk” firearm firms. Even in the most recent three years, between 300 and 500 of these inexpensive firearms have been recovered and traced.

While these manufacturers were held accountable — and mostly driven out of business — by legislatures and the courts for the damage caused

by their firearms, the guns themselves have not yet fallen completely out of circulation.

TABLE 3: TRACED “SATURDAY NIGHT SPECIALS” BY YEAR

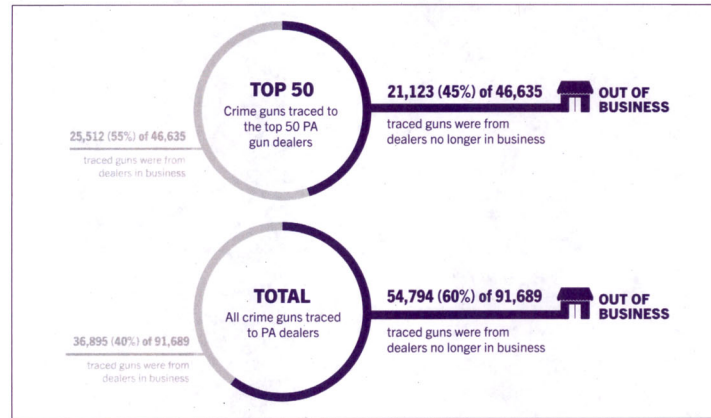
MANUFACTURER	2020	2019	2018
Bryco Arms (ceased production in 2003)	41	86	68
Raven Arms (destroyed by fire 1991)	41	63	57
Jimenez Arms (ceased production in 2006)	38	59	49
Lorcin Engineering (ceased production in 1998)	0	33	48
Davis Industries (closed in 1992)	38	53	45
Phoenix Arms (still in business)	34	60	45
Jennings Firearms (closed in 1991)	25	27	0
Hi-Point Firearms (still in business)	144	184	184
Sundance Industries (closed in 2002)	1	3	0

Brady filed a lawsuit against manufacturer Hi-Point Firearms in 2005, representing Daniel Williams. Williams was shot and injured with a trafficked handgun in a drive-by shooting in Buffalo, NY, at age 16 while he played basketball near his home. The lawsuit won critical precedent-setting victories: the first New York appellate decision holding that a gun manufacturer, distributor, and dealer can be held liable for a criminal shooting; one of the first decisions in the nation holding that the federal gun industry protection law, the Protection of Lawful Commerce in Arms Act (PLCAA), does not provide gun companies with the sweeping immunity they claim; and a landmark summary judgment ruling that the gun distributor violated federal law in the sale.

Because guns are durable goods, they can have a longer life than the store from which they were purchased. In fact, of the 91,689 crime guns in the database traced to Pennsylvania dealers, 60% were traced to an original sale by a dealer that is no longer in business, as shown in **Chart C**. Yet of the 46,635 guns traced to the top 50 Pennsylvania dealers that appear most frequently in the

database, only 45% were traced to dealers that are now closed, indicating that today's dealers are still contributing significantly to the flow of crime guns.

CHART C: TOTAL GUNS TRACED TO DEALERS NO LONGER IN BUSINESS V.S. IN BUSINESS



GHOST GUNS

GHOST GUNS ARE RISING IN POPULARITY

Ghost guns are unserialized and untraceable firearms that can be bought online and assembled at home. They consist of an “80% lower receiver” — which refers to a part of a gun that has not yet reached the stage of manufacture to be legally considered a firearm by the government — plus the remaining gun components. They are often sold as “ghost gun kits,” which include all of the parts, and sometimes the equipment, necessary to build a fully functioning firearm at home. These kits are widely available and can be purchased by anyone, including prohibited purchasers, domestic abusers, and gun traffickers — without a background check. Because they are made to be untraceable, such firearms are not found in this database of traced guns. However, by searching across several variables, we found evidence of their growing proliferation.

The database includes 5,181 guns for which the manufacturer is listed as “unknown.” Just 82 of these guns were traced to a dealer; most appear to be foreign-made, antiques, in poor condition, or otherwise unable to be traced, based on comments in the “notes” field. However, six were noted to be “handmade,” one was noted as a “ghost gun,” and four were noted as “80% receivers.” Additionally, 13 guns were noted to be “Polymer80.”

Polymer80 is a ghost gun kit manufacturer whose kits are sold online across the country. The database also includes 126 guns with Polymer80 listed as the manufacturer. In total, the 139 Polymer80 guns listed illustrate their exponential growth of popularity, as none appeared prior to 2018, and only one was recovered in 2018. In 2019,

18 were recovered; in 2020, the number shot up to 120.

In the field for Firearm Type Description, 68 guns are listed as “receiver/frame.” Eight of these receivers have unknown manufacturers; five were made by Polymer80. The others were all products of firearm manufacturers. The pattern of recoveries for these receivers also indicates growing popularity, with five or fewer recovered in any given year prior to 2017. Since then, nine were recovered in 2017 and in 2018, ten in 2019, and 21 in 2020.

Ghost Guns

Top: Ghost gun kit purchased for \$400 cash at a gun show, without a background check or a bill of sale; Middle: Polymer80 ghost gun kit; Bottom: Glock 17 (9 mm) ghost gun clone shown mostly assembled at a gun show



FINDINGS: FIREARMS DEALERS AND INDICATORS OF GUN TRAFFICKING

This report focuses only on the dealers in the Gun Tracing Analytics database that are located in Pennsylvania. These 4,318 dealers account for 91,689 traces, or about half of the total traces in the database. The rest are traced to unknown or out-of-state dealers and are not reflected in our analysis.

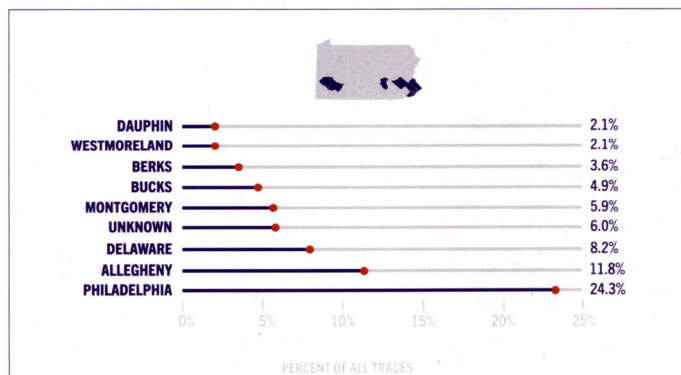
The largest number of traces attributable to a single dealer is 3,652, while 1,682 dealers appear in the database with only one traced gun attributed to them. The average number of traces per dealer in the database is 21; the median is two. These

numbers do not include the many Pennsylvania dealers with zero crime gun traces, because those dealers do not appear in the database.

Because past trace data on the national level has indicated that very few dealers are the source of the majority of crime guns, we were interested in testing whether that trend holds true today. Indeed, 50% of the crime guns in the database traced to in-state dealers were sold by just 1% of the dealers, while 90% of the crime guns were sold by 20% of the dealers. Thus, there is a small concentration of dealers contributing to the crime gun problem.

Furthermore, these dealers are concentrated geographically. **Chart D** depicts the Pennsylvania counties to which 70% of crime guns can be traced. While the counties in which Philadelphia and Pittsburgh are located have the greatest frequency of traces, most of the rest are in the southeast around the Philadelphia metro area.

CHART D: DISTRIBUTION OF DEALERS WITH TRACES BY COUNTY



PITTSBURGH AND PHILADELPHIA AS SOURCES OF CRIME GUNS

Because the Philadelphia and Pittsburgh metro areas are where the majority of crime gun suppliers are concentrated, we looked more closely into the supply of guns to those two cities. Both sit near the state border, so we expanded our analysis to include all traces, even those that were traced to dealers out-of-state.

To capture the most complete picture of crime guns in Philadelphia, we counted all guns recovered in zip codes belonging to the city of Philadelphia, which resulted in a total of 66,104 guns represented in the database. These weapons were recovered by several different law enforcement agencies, including the Pennsylvania Attorney General and the Pennsylvania State Police; however, the Philadelphia Police Department recovered 99% of these guns.

Table 4 on the next page lists the source dealers responsible for at least 200 guns recovered in Philadelphia over all years captured in the database.

While Philadelphia-area dealers tend to be the highest-volume dealers represented in the database, when all guns recovered in the city are analyzed, 49% come from out-of-state or unknown dealers, as seen in Chart E.

CHART E: ORIGIN OF CRIME GUNS RECOVERED IN THE CITY OF PHILADELPHIA

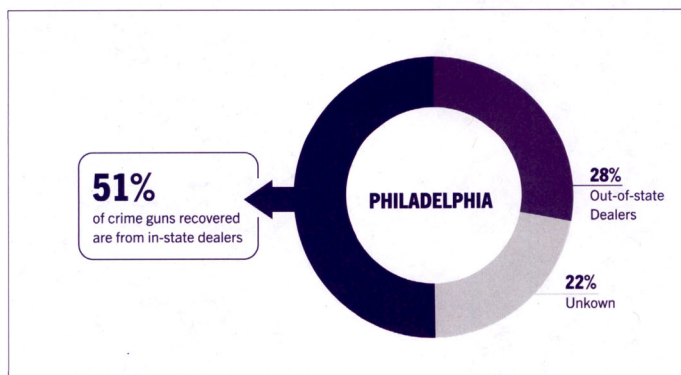


TABLE 4: ALL DEALERS APPEARING AT LEAST 200 TIMES IN TRACES OF GUNS RECOVERED IN THE CITY OF PHILADELPHIA

# OF TRACES	DEALER NAME	IN BUSINESS?	YEAR CLOSED	CITY
2842	Colosimo's	N	2009	PHILADELPHIA
2356	PHILADELPHIA TRAINING ACADEMY INC	Y		PHILADELPHIA
1808	LOCKS PHILADELPHIA GUN EXCHANGE	Y		PHILADELPHIA
1653	DELIAS GUN SHOP	Y		PHILADELPHIA
1601	Lou's Jewelry & Pawn	Y but no FFL	2006	UPPER DARBY
1359	Shooter Shop	N	?	PHILADELPHIA
1286	FIRING LINE INC	Y		PHILADELPHIA
1006	MIKE & KATES SPORT SHOPPE	Y		PHILADELPHIA
976	C & C Sports Center	N	?	PHILADELPHIA
816	Unidentifiable dealer	N	?	
664	SUBURBAN ARMORY, THE	Y		COLLINGDALE
581	Fishtown Lock & Gun	N	?	PHILADELPHIA
557	Britt's Security Programs	N	2009	PHILADELPHIA
553	Abington Gun Sports	N	2013	ABINGTON
497	Unidentifiable dealer	N	?	
442	TARGETMASTER	Y		CHADDS FORD
359	Archery Gun & Outfitters	N	?	MONTGOMERYVILLE
323	TANNERS SPORTS CENTER INC	Y		JAMISON
320	CLASSIC PISTOL	Y		SOUTHAMPTON
290	Donn's Gun Room	N	2004	MONTGOMERYVILLE
281	CLAYTONS RANGE	Y		HORSHAM
277	S C GUNS, INC	Y		FEASTERVILLE
233	Unidentifiable dealer	N	?	
224	DELAWARE VALLEY SPORTS CTR INC	Y		PHILADELPHIA
221	FRENCH CREEK OUTFITTERS INC	N	2020	PHOENIXVILLE

Note: Traces to manufacturers or law enforcement agencies are not included in this table.

For Pittsburgh, the database contains 21,661 crime guns recovered in zip codes fully or partially within the Steel City. Of these, 94% were traced by the Pittsburgh Bureau of Police. Other law enforcement agencies with traces of guns recovered in Pittsburgh include the Allegheny County Police Department, the Allegheny County District Attorney, and the Pennsylvania State Police.

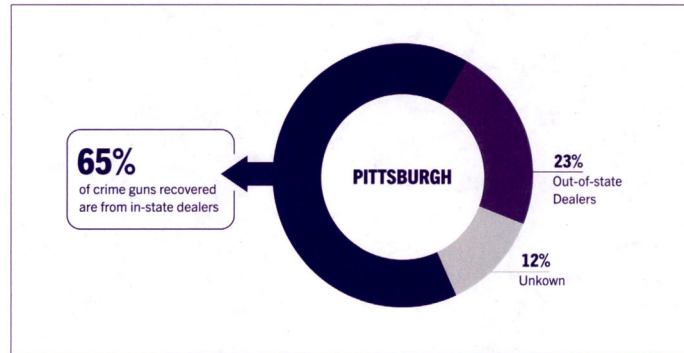
As seen in **Table 5**, through all the years captured in the database there are fewer gun dealers with 200 or more crime guns recovered in Pittsburgh than in Philadelphia, but the cities are alike in that many of their high-volume dealers are located in the metro area.

Guns recovered in Pittsburgh are traced to in-state dealers at a rate of 65%, as seen in **Chart F**.

TABLE 5: ALL DEALERS APPEARING AT LEAST 200 TIMES IN TRACES OF GUNS RECOVERED IN THE CITY OF PITTSBURGH

# OF TRACES	DEALER NAME	IN BUSINESS?	YEAR CLOSED	CITY
1455	ANTHONY ARMS & ACCESSORIES	N	2020	WEST MIFFLIN
1409	BRAVERMAN ARMS CO INC	N	2017	WILKINSBURG
459	NORTH EASTERN UNIFORMS & EQUIP INC	Y		PITTSBURGH
416	ACE SPORTING GOODS	Y		WASHINGTON
341	SPORTSMANS SUPPLY CO	Y		BUTLER
300	POWELL GUNS LLC	Y		PITTSBURGH
250	GANDER MOUNTAIN #206	N	2017	WEST MIFFLIN
225	Bale's Sales	N	?	PITTSBURGH
219	ISLAND FIREARMS INC	Y		PITTSBURGH
216	MARKL SUPPLY COMPANY INC	Y		PITTSBURGH
208	ALLEGHENY RIVER ARSENAL INC	N	2011	VERONA

Note: Traces to manufacturers or law enforcement agencies are not included in this table.

CHART F: ORIGIN OF CRIME GUNS RECOVERED IN THE CITY OF PITTSBURGH

DEALERS RESPONSIBLE FOR THE MOST TRACES

Table 6 lists the 31 Pennsylvania gun stores that appear most often in the full dataset of 91,689 guns traced to in-state dealers. Nearly half of these stores are closed or no longer selling firearms. Most

are located in the southeastern region of the state. The majority are independent stores, but two are part of the large national Cabela's/Bass Pro Shops chain.

TABLE 6: TOP PENNSYLVANIA GUN STORES SELLING RECOVERED CRIME GUNS

RANK	TRACES	DEALER NAME	IN BUSINESS?	YEAR CLOSED	LICENSE NAME IF DIFFERENT THAN DEALER NAME	DEALER CITY
1	3652	Colosimo's	N	2009		PHILADELPHIA
2	3376	PHILADELPHIA TRAINING ACADEMY INC	Y		PHILADELPHIA TRAINING ACADEMY INC	PHILADELPHIA
3	2644	DELIAS GUN SHOP	Y		MAD MINUTE ENTERPRISES LLC	PHILADELPHIA
4	2573	LOCKS PHILADELPHIA GUN EXCHANGE	Y		LOCK, VIRGINIA T	PHILADELPHIA
5	2012	Lou's Jewelry & Pawn	Y but no FFL	2006		UPPER DARBY

6	1849	ANTHONY ARMS & ACCESSORIES	N	2020	RAY ANTHONY SHOOTING SPORTS INC	WEST MIFFLIN
7	1803	FIRING LINE INC	Y		FIRING LINE INC	PHILADELPHIA
8	1751	BRAVERMAN ARMS CO INC	N	2017	BRAVERMAN ARMS CO INC	WILKINSBURG
9	1690	Shooter Shop	N	?		PHILADELPHIA
10	1450	MIKE & KATES SPORT SHOPPE	Y		PANAMARENKO, MICHAEL P	PHILADELPHIA
11	1371	CABELA'S 409	Y		CABELA'S WHOLESALE, LLC	HAMBURG
12	1189	C & C Sports Center	N	?		PHILADELPHIA
13	1149	TARGETMASTER	Y		TOMMY GUN INC	CHADDS FORD
14	1131	UNKNOWN	N	?		
15	1104	SUBURBAN ARMORY, THE	Y		GALIAN INC	COLLINGDALE
16	812	ARMY & NAVY STORE	Y		KAYTON CO	WHITEHALL
17	772	ACE SPORTING GOODS	Y		ACE SPORTING GOODS INC	WASHINGTON
18	716	Fishtown Lock & Gun	N	?		PHILADELPHIA
19	704	Abington Gun Sports	N	2013		ABINGTON
20	696	GRICE WHOLESALE	Y		GRICE GUN SHOP INC	CLEARFIELD
21	694	Britt's Security Programs	N	2009		PHILADELPHIA
22	677	TANNERS SPORTS CENTER INC	Y		TANNERS SPORTS CENTER INC	JAMISON
23	646	UNKNOWN	N	?		
24	586	SPORTSMANS SUPPLY CO INC	Y		SPORTSMENS SUPPLY CORP	BUTLER
25	509	CLAYTON'S HUNTING & FISHING INC	Y		CLAYTONS RANGE INC	HORSHAM
25	509	KOSTARAS INC	Y		JLN RANGES LLC	SOUTHAMPTON
26	505	FRENCH CREEK OUTFITTERS INC	N	2020	FRENCH CREEK OUTFITTERS INC	PHOENIXVILLE
27	502	BASS PRO OUTDOOR WORLD LLC	Y		BASS PRO OUTDOOR WORLD LLC	HARRISBURG
28	486	Pitt Loan	N	2008		PITTSBURGH
29	478	DELAWARE VALLEY SPORTS CTR INC	Y		DELAWARE VALLEY SPORTS CTR INC	PHILADELPHIA
30	464	Archery Gun & Outfitters	N	?		MONTGOMERYVILLE

CASE STUDY:

LEADING SUPPLIER OF PHILADELPHIA CRIME GUNS LOSES LICENSE¹²

The story of Lou's Jewelry and Loan (now Lou's Jewelry and Pawn) shows the impact of taking legal action against a reckless gun dealer.

Once ranked with the most crime gun traces in Pennsylvania,¹³ Lou's was able to operate for 20 years despite repeatedly selling multiple guns to gun traffickers and felons, flooding the streets of Philadelphia with crime guns, and profiting from every deadly sale. Lou's supplied straw purchasers and traffickers, including Saad Abdul Salaam, who in turn supplied a co-conspirator in the 1993 World Trade Center bombing. Guns from Lou's were used by criminals and juveniles in all manner of violent acts, from the killing of police officer Lauretha Vaird by a bank robber to the killing of 14-year-old Anthony Oliver, Jr. In 2004, Anthony was killed with a gun that Lou's sold to a trafficker. Anthony's parents had enough; they brought a civil lawsuit against Lou's. Brady represented Anthony's

parents, a settlement was reached, and the ATF revoked Lou's license on July 31, 2006.

It's clear why Lou's was popular with gun traffickers. According to one convicted trafficker, Lou's, unlike other gun stores, asked no questions about his gun purchases: "The salesman didn't ask me anything. He didn't ask like, 'What type of sport you go after?' or 'Is you a hunter?' He said nothing, it was like no interest." At other gun stores, this trafficker experienced a barrage of questions when attempting to buy a gun: "They asked you, 'What's it for?' And, 'What game you're going for?' Questions like that."

Did revoking Lou's license improve public safety? According to the Pennsylvania gun trace data, it appears likely. From 2000 through 2006, the year of revocation, Lou's was associated with 1,188 traced guns — an average of 170 crime guns each year. Between 2007 and 2013, however, the number of guns traced to Lou's dropped to 548 — an average of 78 crime guns per year.

Table 7 presents aggregate traces from chain stores. Nearly all of these chains include stores in other states as well, but the trace count includes only their Pennsylvania locations. The chain with the most traces in the database, Gander Mountain (now Gander Outdoors), currently has only one store in the state and does not sell firearms, meaning the traces are all due to a prior license. Cabela's and Bass Pro Shops have merged, but are treated separately here because most of these sales occurred prior to that event.

TABLE 7: TOP CHAIN STORES IN PENNSYLVANIA SELLING RECOVERED CRIME GUNS

TOTAL TRACES	CHAIN	IN BUSINESS?	RANK IF COUNTED AS SINGLE STORE
2244	CW/GANDER MOUNTAIN COMPANY	Y but no FFL	5
1371	CABELA'S WHOLESALE INC	Y	11
1148	DICK'S SPORTING GOODS INC	Y	14
917	WAL-MART STORES	Y	16
792	DUNHAM'S ATHLEISURE CORP	Y	17
759	Kmart	N	18
503	BASS PRO OUTDOOR WORLD LLC	Y	27
444	DUNKELBERGER'S SPORTS OUTFITTER	Y	36
200	OFFICER STORE/PENNSYLVANIA POLICE SUPPLY	Y	70
194	ATLANTIC TACTICAL INC	Y	72
170	RURAL KING HOLDINGS LLP	Y	80

CASE STUDY:

LIMITATIONS OF THE DATABASE

In 2020, Montgomery County officials arrested Daniel Lucas after he had purchased 36 firearms from 16 Pennsylvania gun dealers across eight counties over 77 days that summer and fall. His prolific gun purchasing from across the state had come to the county's attention during a routine investigation of paperwork submitted by local gun dealers regarding sales of multiple guns to single purchasers. As none of the guns were in his possession at the time of his arrest, he was charged with various state crimes related to gun trafficking and straw purchasing.

Table 8 below shows the dealers from which he made his purchases and the total number of traces to each in the database. Of the 16 dealers, seven are among the top 50 crime gun dealers in the state. However, only one of the guns purchased by Mr. Lucas was recovered and would subsequently appear in the gun tracing database. That gun was found by Philadelphia police in the possession of two underaged people during a traffic stop. All of the other 35 guns remain unaccounted for and are not reflected in any dealer's total tally in the gun tracing database.

In addition, four of the dealers Lucas patronized, as listed in the criminal complaint, do not appear

in the database at all. That could be because they have not previously sold any guns used in crime — or because any crime guns they may have sold were traced by law enforcement agencies that do not participate in the data-sharing.

Thus, this case highlights some of the limitations of the Gun Tracing Analytics dataset. While certainly telling us much about the behavior of many gun dealers, the types of crime guns in Pennsylvania, and other important information, it is not a complete picture of the total number of crime guns or dealers.

The case also illustrates another important point: Many of the dealers Daniel Lucas visited had an opportunity to prevent harm. In fact, five of his attempted purchases were denied by dealers, yet it does not appear that any informed law enforcement at the time. Mr. Lucas' first purchase was nine days after he turned 21 (and legally able to possess a handgun). He bought four of the exact same make and model handguns from Trop Gun Shop. Had that dealer denied the sale and immediately notified local law enforcement of this highly suspicious attempted purchase, perhaps the buying spree could have been stopped before it started.

TABLE 8: GUN DEALERS VISITED BY DANIEL LUCAS IN 2020

COUNTY	PURCHASES	DEALERS	DEALER TOTAL CRIME GUNS
Lancaster	13	Trop Gun Shop	432
		Lanco Tactical	23
		Kinsey's Archery Products	unknown
Montgomery	4	In-Site Firearms	243
		Treeline Sports, Inc.	245
		King's Shooters Supply	92
Chester	5	Target Shooting Solutions	unknown
		Tri-State Tactical	7
Delaware	2	Targetmaster	1149
Philadelphia	1	Philadelphia Training Academy	3376
Bucks	9	Tanner's Sports Center	677
		Johnston's Sporting Goods	298
		Surplus City (SC Guns, Inc)	412
		Auger Precision Firearms	unknown
Berks	1	Cabela's	1371
Schuylkill	1	Scott's Guns & Ammo	unknown

DEALERS CURRENTLY CONTRIBUTING TO THE CRIME GUN PROBLEM

Of the 91,689 guns traced to Pennsylvania dealers in the database, 40,783, or 44%, were recovered three years or less after they were first transferred. As explained in the introduction, these short “time-to-crime” (TTC) guns are more likely to have been bought in a straw purchase or for the purposes of gun trafficking than guns with longer TTC. Half of the short TTC guns in the database were recovered in Philadelphia; 15% were recovered in Pittsburgh. Both Reading and Harrisburg recovered roughly 1,100 (2.7%) short TTC guns.

The dealers who have the highest volumes of short TTC guns tend to be the same dealers who sell large quantities of crime guns in general — and, like crime guns overall, it is a small percentage of

dealers who account for the majority of short TTC guns. Of the 1,675 dealers with at least one short TTC gun traced, just 26 account for half of all crime guns recovered in three years or less — 20,197 guns. Many of these merchants are in the Philadelphia and Pittsburgh metro areas

Table 9 focuses on dealers who are currently at the greatest risk of contributing to gun trafficking — in other words, those with the most short TTC guns recovered in 2020. The 3,067 crime guns recovered in 2020 with a TTC of 3 years or less were sold by 507 dealers (12% of the dealers in the database), and the 1,646 crime guns recovered in 2020 with a TTC of under a year were sold by 330 dealers — which means that just 8% of the dealers in the database were the source of all the database’s 2020 crime guns recovered less than 12 months after the original sale.

TABLE 9: TOP DEALERS WITH RECOVERIES IN 2020 OF SHORT TIME-TO-CRIME GUNS

DEALER NAME	TOTAL 2020 TRACES TTC 3 YRS OR LESS	RANK	TOTAL 2020 TRACES TTC <1 YR	RANK	CITY
DELIAS GUN SHOP	197	1	130	1	PHILADELPHIA
PHILADELPHIA TRAINING ACADEMY	115	2	84	2	PHILADELPHIA
LOCKS PHILADELPHIA GUN EXCHANGE	94	3	41	5	PHILADELPHIA
FRANKS GUN SHOP	83	4	48	3	PHILADELPHIA
MIKE & KATES SPORT SHOPPE	79	5	44	4	PHILADELPHIA
CABELA'S	74	6	30	9	HAMBURG
TARGETMASTER	61	7	37	7	CHADDS FORD
DELAWARE VALLEY SPORTS CTR INC	59	8	40	6	PHILADELPHIA
TANNERS SPORTS CENTER INC	58	9	35	8	JAMISON

FIRING LINE INC	57	10	30	9	PHILADELPHIA
ANTHONY ARMS & ACCESSORIES	56	11	22	13	WEST MIFFLIN
SUBURBAN ARMORY, THE	52	12	22	13	COLLINGDALE
TREELINE SPORTS INC	48	13	30	9	NORRISTOWN
BASS PRO SHOPS #026	44	14	25	11	HARRISBURG
DUNHAM'S SPORTS #9079	43	15	20	15	DU BOIS
TROP GUN SHOP LTD	37	16	23	12	ELIZABETHTOWN
GUNS PRICED RIGHT	37	16	21	14	DRAVOSBURG
THE BUNKER GUN SHOP	35	17	29	10	WARMINSTER
CLAYTON'S HUNTING & FISHING INC	29	18	15	18	HORSHAM
DUNHAMS DISCOUNT SPORTS #9029	27	19	21	14	PITTSBURGH
GRICE GUN SHOP INC	26	20	7	26	CLEARFIELD
DOUBLE ACTION INC	25	21	2	31	YEADON
CONNELLVILLE RURAL KING SUPPLY	23	22	13	20	CONNELLVILLE
PIESTRAKS GUN SHOP	22	23	6	27	NANTICOKE
INSITE FIREARMS AND LAW ENFORCEMENT SUPPLIES	22	23	16	17	JEFFERSONVILLE
S P A R FIREARMS	22	23	14	19	MECHANICSBURG
ALLEGHENY GUN WORKS	21	24	16	17	BETHEL PARK
PITTSBURGH FFL	20	25	16	17	MCKEESPORT
CLASSIC PISTOL	19	26	14	19	SOUTHAMPTON
DUSTY RHOADS	17	28	17	16	NORWOOD
JOHNSTON'S SPORTING GOODS LLC	17	28	16	17	CROYDON

Some portion of these short time-to-crime guns were likely obtained in individual sales of multiple guns, which is also an indicator of potential gun trafficking. In 2020, 330 of the recovered crime guns with a TTC of three years or less were purchased in a multiple-gun buy. The database indicates that Piestraks Gun Shop, for example, sold 22 guns with a short TTC, 13 of which were sold in multiple-gun buys. More research on the multiple-gun purchases in the Gun Tracing Analytics database is needed.

CASE STUDY:

IN SITE FIREARMS AND LAW ENFORCEMENT SUPPLIES

Since 1999, a total of 266 guns in the dataset have been traced to In Site Firearms in Jeffersonville. In 2014, Brady filed a lawsuit against In Site on behalf of the estate and wife of police officer Bradley Fox, who was shot and killed by a person who was legally prohibited from possessing a firearm due to a felony conviction. The gun used in the shooting had been acquired via straw purchaser at In Site just three and a half months before Officer Fox was killed. The purchaser had acted as a straw buyer for the gunman to buy at least nine guns, including six purchased at In Site over a period of four months.

Brady's suit alleged that In Site should have known the sales were straw purchases and not completed the sales. As stated in the complaint, "Plaintiff's suit is about the criminal use of guns and a gun dealer that, by its wrongful acts and omissions, supplied the criminal market with an illegally purchased gun that was used for criminal means, resulting in the tragic loss of Officer Fox's life."

After defeating several of the defendant's attempts to have the case dismissed, Brady struck a major settlement with In Site in 2019. In Site agreed to institute significant business reforms in order to prevent future straw sales. These reforms include utilizing a new sales system with greater emphasis on monitoring and regulating transactions, revising the employee handbook, requiring annual employee training, and improving practices to screen for potential straw buyers and other prohibited purchasers. In Site put forth a powerful public statement in their store and on their website not only committing the business to measures designed to prevent tragedies like Officer Fox's death from happening again, but encouraging all gun dealers to go beyond the minimum statutory requirements and implement safe business practices to prevent firearms from being obtained by prohibited purchasers, straw purchasers, and other persons who pose a danger to themselves or others when in possession of a firearm.

The lawsuit and the resulting settlement agreement are an example of how Brady holds gun dealers accountable for business practices that allow or enable firearms to be diverted to the illegal market.

CURRENT SOURCE DEALERS OF GUNS USED IN HOMICIDES

As noted in **Table 1**, most of the crime guns in the database are not associated with violent crime. Of the 91,689 traces to dealers in Pennsylvania, 19,673 were recovered in an investigation into a violent crime. Of these, 3,136 are associated with a homicide. While the number of homicides is low compared to the total number of traces, it is

important to remember that each homicide is a life lost and a family left behind.

To focus again on current dealers' contributions to the problem, in **Table 10** we show the dealers who account for three or more of the 185 homicide guns recovered in 2020. For each dealer, the table presents the number of traces related to homicide in 2020, the average TTC of those traced guns, and, if known, whether at least two of that dealer's guns were traced to the same possessor. This is relevant

because law enforcement will often seize and trace all guns in the possession of a suspect, not just the guns used in the crime or found at the crime scene. For example, three of the four homicide-related guns traced to Miller Sporting Goods less than a month after they were sold were found in the possession of one person. These guns may have been bought in a multiple-gun purchase.

Remember, to have multiple crime guns traced to a dealer in one year is rare. To have multiple homicide guns traced to a dealer in one year is a strong indicator that the dealer is not doing nearly enough to prevent the store from contributing to gun crime.

TABLE 10: DEALERS WITH MORE THAN THREE HOMICIDE-RELATED GUN TRACES IN 2020

DEALER	2020 HOMICIDE TRACES	AVG. TTC (YEARS)	AT LEAST 2 GUNS WITH SAME POSSESSOR?
ACE SPORTING GOODS	9	4.41	
FIRING LINE INC	7	3.66	
ANTHONY ARMS & ACCESSORIES	7	4.58	X
GUNS PRICED RIGHT	6	1.22	
TARGETMASTER	6	5.18	
PHILADELPHIA TRAINING ACADEMY INC	5	5.42	
FRANKS GUN SHOP & SHOOTING RANGE LLC	5	1.39	
DELAWARE VALLEY SPORTS CTR INC	5	3.94	X
CONNELLSVILLE RURAL KING SUPPLY INC	5	1.99	X
LOCKS PHILADELPHIA GUN EXCHANGE	4	4.50	
DELIAS GUN SHOP	4	1.18	
TANNERS SPORTS CENTER INC	4	3.09	
MILLERS SPORTING GOODS	4	0.05	X
CLASSIC PISTOL	3	5.00	
SUBURBAN ARMORY, THE	3	4.62	

CASE STUDY:

SALES PRACTICES OF INDIVIDUAL DEALERS HAVE IMPACT

On October 27, 2020, 31-year-old Kenny Mister was shot in the parking lot of the Days Inn in Chester, Pennsylvania. Another victim, 31-year-old Najee Walker, was found in his car nearby a short time later. Both victims were rushed to the hospital, but Kenny died from his injuries. After the suspected shooter, a 23-year-old man, was identified from security videos, he turned himself in to the police.

A .32 caliber Beretta handgun was recovered on the street near the motel, and ballistics analysis matched the gun to the bullets and casings from the shootings. The gun appears in the gun tracing database as likely having been sold by Guns Priced Right of Pittsburgh in July 2020, just 94 days prior to the weapon's recovery at the crime scene. The purchaser was a 22-year-old woman who bought the gun as part of a multiple-gun purchase. Note that because of the very short time-to-crime, the purchase of multiple guns, and the fact that the purchaser was not the shooter, there is a high likelihood of the gun having been sold to a straw buyer.

If this purchase was indeed a straw sale, Guns Priced Right should have been prepared to identify any red flags presented by the buyer. In 2016, due to a high volume of annual traces with short time-to-crime, an ATF inspector identified the store as a "**Top 100 Trace Inspection**" and conducted an inspection "**with a disposition emphasis to identify potential patterns of suspicious activity.**"

The inspection found more than one occasion when Guns Priced Right completed a sale despite the buyer indicating on the paperwork that they were

not buying the gun for themselves. The inspector also looked into the circumstances regarding firearms traced to Guns Priced Right and referred nine purchasers to law enforcement for further investigation into possible straw purchasing and/or gun trafficking. Overall, the inspector found nine violations of federal regulations and made 11 referrals to law enforcement.

With this history of large volumes of traced guns, referrals to law enforcement for illegal purchases, and ATF instruction on how to spot suspicious purchases, Guns Priced Right was on notice that would-be straw buyers were among their clientele. The store should have been prepared to prevent a sale like the one that resulted in Kenny Mister's death.

Indeed, the dealer was already aware that certain sales carry higher risk. Based on the findings of the ATF inspector, Guns Priced Right "made the immediate decision to cease selling Hi-Point Pistols, one of their most traced firearms." And, in fact, of the 1,910 Hi-Point pistols in the database traced to Pennsylvania dealers, just five were traced to Guns Priced Right, and all were sold prior to the 2016 inspection. Thus, the impacts of the decisions and sales practices of Guns Priced Right can be seen in the data.

RECOMMENDATIONS

Other jurisdictions should follow Pennsylvania's decision to be more transparent with trace data.

We applaud Attorney General Shapiro for creating and publishing the Gun Tracing Analytics Platform. Transparent trace data can and must be used by the public, elected officials, and law enforcement to hold the gun industry accountable and save lives. More states and jurisdictions should consider publishing their own gun trace data.

Researchers and journalists should build upon this analysis. With open gun tracing information, the public has a better understanding of the supply side of the gun violence equation. Journalists should use this data and expand their coverage of gun crime to include not only information about perpetrators, but also the sources and circumstances of how they acquire their firearm(s). Researchers should use the data in the platform to study the sources and paths of crime guns, providing a broader base of evidence from which lawmakers, law enforcement, and communities can develop effective solutions to gun violence.

Federal, state, and local law enforcement should use trace data to inform enforcement and oversight strategies against upstream sources of crime guns. Law enforcement agencies must work collaboratively and across jurisdictions to ensure that licensed gun dealers are responsibly selling firearms to the public. Focusing on the largest dealers of crime guns with short TTCs is an efficient and effective approach to preventing future gun injuries and deaths. Law enforcement must use all the tools at its disposal to ensure compliance with the law and disincentivize irresponsible firearm sales.

State and local elected officials in Pennsylvania should use these findings as motivation to consider ways in which they can better regulate problematic gun dealers.

Local governments must be careful not to run afoul of Pennsylvania's preemption law, which prohibits local regulations from being more strict than state regulations, but many municipalities may already have ordinances or regulations on the books that offer ways to hold gun dealers accountable. At a minimum, the state government and all local governments should ensure their procurement rules incentivize better business practices for gun dealers; dealers who supply crime guns should not be eligible for taxpayer-funded purchases. Importantly, state lawmakers should adopt policies that promote the safe transfer of firearms and allow for better oversight of — and more effective enforcement against — gun industry businesses that supply the criminal market.

State elected officials should consider implementing a permit-to-purchase requirement.

Requiring purchasers to present an obtained permit to a licensed dealer in advance of a firearm transfer helps deter individuals who are attempting to assist in firearm trafficking by purchasing a gun for another person in a straw sale.¹⁴

Gun dealers should adopt Brady's Gun Dealer Code of Conduct to avoid supplying the criminal market or making other risky sales. The [Brady Gun Dealer Code of Conduct](#) contains best practices for the safe transfer of firearms to the public. Many responsible gun dealers already follow a number of the policies included in the Code of Conduct.

Gun manufacturers should stop supplying guns to dealers that sell a large number of crime guns with short TTCs. As we first noted in 2006 in our "Without a Trace" report, trace data provides "powerful evidence of the gun industry's complicity in fueling the illegal market. It is now clear that a relatively small number of readily identifiable licensed gun dealers are the source of most guns used in crime. This raises the obvious question: Why are gun manufacturers and distributors continuing to use these high-risk dealers to sell their guns? The answer appears obvious. Every gun sold to a gun trafficker is as profitable as a gun sold to a law-abiding sportsman. The industry has a vested financial interest in the continued flow of guns from its licensed dealers into the criminal market." It is past time for gun manufacturers to change this mentality and take real, concrete steps to ensure that their products do not end up in the illegal market.

ENDNOTES

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APPENDIX

Column Heading	Description of data
Crime category	Broad description of the crime associated with the firearm, such as Property, Violent, Fraud, etc.
Crime code	National Crime Information Center code for the crime associated with the firearm
Crime code description1	Further information about some crimes, such as Carrying Concealed
Crime description	More specific description of the crime associated with the firearm, such as Burglary, Homicide, Possession of Weapon, etc.
Crime type	Provides more information for some crimes, such as Illegal Weapon Possession or Weapon Trafficking
Dealer out of state	Returns "Y" if the FFL that sold the gun originally is located out-of-state and "N" if in-state
Dealer out of state %	Returns "100" if the FFL that sold the gun originally is out-of-state and "0" if in-state
Dealer>Dealer Country	Country in which the FFL that sold the firearm originally is located
Dealer>Dealer County	County in which the FFL that sold the gun originally is located
Dealer>Dealer Out Of Business	Returns "Y" if FFL that sold the gun originally is no longer business at the time of the trace and "N" if in business
Dealer>Dealer Seq	"unknown"
Dealer>Dealer Ship Date	Date the FFL originally received the firearm from the manufacturer or distributor
Dealer>Dealer State	State in which the FFL that sold the gun originally is located
DEALER>DEALER_PHONE	Phone number of the FFL that originally sold the firearm
Display map	"unknown"
F1	"unknown"
Firearm Timetocrime Years	Time-to-crime of the firearm in fractional years
Firearm Timetocrime Years (bin)	Time-to-crime for the firearm in whole years
Firearm TTC (capped)	Time-to-crime of the firearm in fractional years if less than 25 years
Firearm TTC (capped) (bin)	Time-to-crime for the firearm in whole years, less than 1 year, or more than 25 years
Firearm TTC (days)	Time-to-crime of the firearm in days
Firearm TTC filter bins	Time-to-crime for the firearm within a range of years
Firearm>Caliber	The caliber of ammunition the firearm will shoot
FIREARM>IDENTIFYING_MARKS	Notes about the firearm's appearance, if unique
FIREARM>IMPORTER_NAME	Name of the importer if the firearm is of foreign manufacture
Firearm>Manufacturer	Name of the manufacturer of the firearm as a two- or three-letter code
Firearm>Manufacturer Name	Full name of the manufacturer of the firearm
Firearm>Model	Model number or model name of the firearm
Firearm>Obliterated Indicator	Notation indicating whether the firearm's serial number has been obliterated or is not present

Column Heading	Description of data
Firearm>Origin	Country of origin of the firearm as a two-letter code
Firearm>Origin Country Name	Country of origin of the firearm
Firearm>Type	Same as Firearm>Type Desc, as a one- or two-letter code
Firearm>Type Desc	Describes type of firearm (pistol, revolver, rifle, shotgun, Derringer, other)
General crime group (table filter)	Same as Crime Category column
Handgun count	*unknown*
In-state vs out-of-state	Whether the FFL that sold the gun originally is located in Pennsylvania or out-of-state
Number of Records	*unknown*
Possessor>Indiv Dob	Date of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Pob City	City of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Pob Country	Country of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Pob County	County of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Pob State	State of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Role	Code for possessor = S
Possessor>Indiv Seq	*unknown*
Purchaser age at purchase	Age of purchaser at the time of purchase
Purchaser age bins	Age of purchaser within a range of years
Purchaser>Indiv City	City of residence of firearm's original purchaser at time of purchase
Purchaser>Indiv Country	Country of residence of firearm's original purchaser at time of purchase
Purchaser>Indiv County	County of residence of firearm's original purchaser at time of purchase
Purchaser>Indiv Dob	Date of birth of firearm's original purchaser
Purchaser>Indiv Involve Date	Date of purchaser's purchase of firearm
Purchaser>Indiv Pob Country	Country of birth of firearm's original purchaser
Purchaser>Indiv Pob County	County of birth of firearm's original purchaser
Purchaser>Indiv Pob State	State of birth of firearm's original purchaser
Purchaser>Indiv Race	Race of the firearm's original purchaser
Purchaser>Indiv Race (group)	Race of the firearm's original purchaser, including "unknown"
Purchaser>Indiv Role	Code for purchaser = P
Purchaser>Indiv Seq	*unknown*
Purchaser>Indiv Sex	Sex of the firearm's original purchaser
Purchaser>Indiv Sex (group)	Sex of the firearm's original purchaser, including "unknown"
Purchaser>Indiv State	State of residence of firearm's original purchaser at time of purchase
PURCHASER>INDIV_HEIGHT	Height of purchaser in inches
PURCHASER>INDIV_POB_CITY	City of birth of firearm's original purchaser
PURCHASER>INDIV_WEIGHT	Weight of purchaser in pounds

Column Heading	Description of data
PURCHASER>INDIV_ZIP	Zip code of residence of firearm's original purchaser at time of purchase
Recovery year	Year in which the firearm was recovered by law enforcement
Recovery year (group)	Year in which the firearm was recovered by law enforcement
Recovery>Rec City	City in which the firearm was recovered
Recovery>Rec Country	Country in which the firearm was recovered
Recovery>Rec County	County in which the firearm was recovered
Recovery>Rec Date	Date the firearm was recovered
Recovery>Rec State	State in which the firearm was recovered by law enforcement
Recovery>Rec Time To Crime	Time-to-crime of the firearm in days
RECOVERY>REC_ZIP	Zip code in which the firearm was recovered by law enforcement
Summary>Completion Code	Two-digit alphanumeric code for Completion Text column
Summary>Completion Text	Summarizes the results of the trace
Trace Heading>Comp Date	Date the trace was completed
Trace Heading>Crime Cd	National Crime Information Center code for the crime associated with the firearm
Trace Heading>Fts Id	Identifying number of the trace in the Firearms Tracing System
Trace Heading>Gang Name	"unknown"
Trace Heading>Police Dept>Ori City	The city of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Country	The country of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Inv Number	"unknown"
Trace Heading>Police Dept>Ori Name	The name of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Number	The ORI number of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori State	The state of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Street	The street address of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Zip	The zip code of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Priority	"unknown"
Trace Heading>Request Date	Date the trace request was made
TRACE_HEADING>ENTERED_USER	"unknown"
# of firearms	"unknown"



Mr. MORELLE. Thank you to the distinguished colleague from Pennsylvania.

By Webex, we have been joined by another distinguished member of the Rules Committee and of this subcommittee, Deborah Ross of North Carolina.

Ms. Ross, the floor is yours.

Ms. ROSS. Thank you, Mr. Chairman.

And, to the witnesses, I apologize for not being there, but we are trying to deal with a gun bill in Judiciary at the same time, and Ms. Scanlon and I are both monitoring that gun bill as well. It is the number-one bill that has been requested by law enforcement, so—Sheriff Baxter, it is the active-shooter bill. And hopefully we will get it out of Judiciary at some point and to the House floor.

Last week, our committee held a hearing on two commonsense gun bills that keep our fellow Americans safe while respecting their Second Amendment rights. And today's meeting, under the leadership of Chairman Morelle, is just as important, as we explore actions Congress can take to better combat gun trafficking to ensure that illegal guns do not make their way onto the streets of our communities.

I represent North Carolina, a southern State with plenty of law-abiding gun owners, but hundreds of my constituents have reached out to my office over the past few weeks begging for us to take action to keep our fellow Americans safe from gun violence. And this is on both sides of the aisle, and we have a number of unaffiliated voters who are tremendously concerned as well. So it is imperative that we work together to combat this public health crisis.

Thanks to the ATF, recent data tells us that three States are the destination for 45 percent of all trafficked guns in the South, and North Carolina is one of those three States. Almost 25 percent of the guns traced by the ATF in North Carolina originated from outside of the State, and, unfortunately, of the top 10 origin States for trafficked guns in North Carolina, 8 had no background-check laws. My State requires a background check to purchase an unlicensed handgun.

But the precise information I shared with you is due in part to the ATF's dedicated work to make data available in the hopes of making our communities safer. Allowing the ATF to publicly release illegal-gun-tracing data helps us tackle gun trafficking and instills hope rather than fear in our citizens.

I wanted to ask, first, Sheriff Baxter, how do you work with the ATF, and is there anything the ATF could do to be even more helpful to law enforcement?

Sheriff BAXTER. Thank you for that question. Absolutely.

First of all, we have a wonderful working relationship in Monroe County with all our Federal partners, in particular the ATF. We recently approved a position at the sheriff's office to join the ATF task force to work on that proverbial iron pipeline that is transporting weapons to New York State, in particular my community, and also to do inspections, you know, to work with—our educational portion of this—with our Federal firearms licensees and our dealers that are selling guns out there legitimately.

And my feedback yesterday from two gun dealers, gun shops in Monroe County was that they have a great relationship with the

ATF. They come in, they are helpful, they are inspecting. But they are really concerned about the rogue, if you will, the outlier that, as I explained earlier, you know, released 133 guns, at a minimum, into Monroe County. So that relationship is very strong, at least up in our way.

The one thing that we are really lacking—and I heard it a couple times—is this data, right? But it has to be timely data. You know, we have the rogue store; that is apparent. But if we have these straw purchases coming from one particular store in, say, South Carolina—I will use that as an example—you know, we could put ATF agents and Monroe County sheriff's deputies on the airplane to go down and investigate that if we had that timely information of these weapons being transported.

So that is something we are looking for, a little more teeth in that system, a little more capability in the data collection.

And then one more point is, our store in Monroe County, the example I am using, they had no teeth to shut it down. We begged the ATF; we begged our town code enforcement officers. We tried every tool we had.

So it also has to have the power, the authority, if you will, to temporarily shut down and seize, if you will, the inventory, if we have that one outlier, and then hold the judicial process as soon as possible to make sure their due process is in play.

But that is one of the things we are seriously lacking, is that ability to stop something that is hemorrhaging right in front of us as quick as possible and then go through the due processes to see what is really occurring.

Ms. ROSS. Thank you very much.

My next question is for Dr. Lee.

And, you know, I am a huge proponent of red flag laws. As you know, the House passed a red flag law last week. And I think that they would go a long way to preventing, you know, imminent threats.

But I am somewhat concerned that there is—it is not a belief, but maybe talking points—out there that all people who commit gun violence have mental health issues. And while I believe many do, I also think that implying that people who have mental health issues would always be violent does a disservice to people with mental health issues. My dad is a psychiatrist, and this is a bugaboo for him as well.

Could you talk a little bit about the difference between how a red flag law would work and then how people who maybe don't have mental health issues maybe have anger issues or other issues that society needs to find a way to combat through mental health or other ways?

And I am sorry if that is a little bit of a jumbled question, but it has been something that has been bothering me about our discussions and our debate about who commits gun violence.

Dr. LEE. Thank you, Representative Ross, for that question. I agree with you 100 percent that addressing mental health alone does not actually directly address this problem of gun violence.

And the truth is, most people who are diagnosed with a mental health disorder are not at risk for being a perpetrator of gun violence. They are actually at a higher risk for being a victim of gun

violence. And many of those who we think might be at risk for either suicide or for homicide are not diagnosed with mental health problems. So that is not, in and of itself, a good way to screen and prevent gun violence.

But the way extreme risk protection orders would work is that someone would then petition a court to temporarily—and it depends on the State—temporarily prevent an individual from either purchasing or possessing a gun if they are at risk either for harming themselves or harming someone else. And so, if there is a concern for domestic violence, also known as intimate partner violence, or some other concern for assault, then you could petition a judge to, again, temporarily remove the firearm—the ability to purchase or possess a firearm.

In the case of mental health, if there was an individual, a teenager or an older adult—and for those who may be less familiar, for adults, actually 60 percent of gun deaths are suicide, not homicide. So, if someone makes statements, even though they may not be diagnosed with depression, either on social media or to a friend or to a counselor, again, then the courts can be petitioned to temporarily remove the firearm from that person's possession or ability to purchase.

For suicide, that is particularly important because suicide is often a very impulsive act, and if someone decides in the moment that they want to kill themselves with a gun, greater than 90 percent of the time they will be successful in killing themselves.

But what we also know is that the majority of people who have survived a suicide attempt actually never attempt suicide again. And so this is why means matter.

People who try to commit suicide by ingesting medications in an overdose, for example, greater than 90 percent of them survive. And that is because they have time for regret, they have time to tell somebody, or they develop symptoms and they can go to the hospital and then they can get both the medical and psychiatric help that they need.

And so making it more difficult for somebody who might be suicidal or homicidal or even potentially making threats for a mass shooting, being able to prevent the means, access to a gun, would be very important as just one part of decreasing the gun violence epidemic.

Ms. ROSS. Thank you for that.

I do have one more question for you, since you raised the issue of domestic violence. And we have seen amendments and statements that victims of domestic violence—we should encourage them to get guns or have guns be given to them, maybe even from somebody who thinks they could be protected in that situation.

I have worked on some domestic violence issues as a State legislator, and what I have learned from the domestic violence community is that taking that approach frequently ends up with the perpetrator of domestic violence finding the gun and using the gun.

Do you have any information about that? And if you don't, does anybody else on the panel have any information about guns and domestic violence?

Dr. LEE. I can speak briefly on that issue.

Basically, older studies have shown that if there are guns in the home, more likely somebody in the home will be shot and killed by that firearm—and, typically, in a case of domestic violence, it is the perpetrator of domestic violence who will, you know, kill the victim of domestic violence—as opposed to being able to actually protect a stranger from coming into your home.

So we just know that having the presence of a gun in the home not only increases the risk of homicide often from domestic violence but also suicide, just because, again, of the access.

Ms. ROSS. Thank you very much.

I don't know if anybody else on the panel has anything to add. If they do, great, and if not, I can yield back.

Sheriff BAXTER. I would be honored to add a few bits of information.

You know, the tool is one thing. And the red flag laws are something that, obviously, every State is debating right now. And New York has one and is trying to bolster it as we speak.

But going to domestic violence in particular, but school shootings, targeted violence cases, another important part, you know, for this Congress to discuss is a threat assessment process—TAM teams, if you will. We started one about 3 years ago in Rochester called the ROCTAC, Rochester Threat Advisory Committee.

And what they do is they get together twice a month and look at these potential targeted violence cases, whether it is domestic violence or a school shooting—someone that is raising to that level in the community that is different, that is really different. And we are able to present that to 26 participating member agencies through a holistic look at that person and how they are ascending up that ladder towards targeted violence and then intervene with multiple different facets.

And, like I said, there are 26 organizations that get together. We broke down the barriers; we broke down the egos, the silos. We talked about FERPA, we talked about HIPAA, got all those legislation things out of the way. And it is very amazing what we can do when you get those agencies together and look at this potential targeted violence case, whether domestic or not.

And we have been extremely successful in intervening in these people's lives and getting them the help they need but also, you know, making sure that the community is safe at the same time. So we are looking at it from both points.

But I just want to put in there that, you know, this threat assessment model is something that we really need to replicate. They are doing it right now across New York State using ours, thank God, as a model. But intervening in lives, looking at the “see something, say something,” and doing something with that information that so many organizations do in silos but don't do comprehensively, I think, is really a golden nugget here that we have to discuss.

Ms. ROSS. Many thanks.

And, Mr. Chairman, I yield back.

Mr. MORELLE. Thank you, Ms. Ross.

I would like to just, if I can, a couple more questions, and I will certainly yield also to my friend and colleague.

But, Dr. Lee, you know, there is a lot of conversation about trying to get research to look into the impacts of gun violence, but can you just tell me, what might we—like, the average citizen might say, well, we know about the number of gun deaths, we know about the number of shootings. There is a lot that we know about guns, illegal guns, et cetera. But what do you think we would be able to gain from additional investments in research that you mentioned in your testimony that we don't know now? What would help us? What would be of value to us?

Dr. LEE. Thank you, Chairman Morelle, for that question.

There is so much that we don't know. And as a gun violence researcher for the last 10 years, it is very complicated, and it is not just a public health medical issue; it is a criminology issue, it is a sociology issue. And so the funding really needs to be cross-cutting. It is wonderful to have the CDC and NIH funding, but we need it over more Federal research agencies to really do multiyear, complicated, multidisciplinary research.

Some of the areas that we really need to explore, as we were talking about red flag laws, what is the best way to write legislation, and what are the most effective ways to enforce that, and how effective are these laws? We have a few studies looking at State by State, but we don't really have the evidence-based science that we can truly get if we had more funding around that.

We need to have a better understanding of what are the risks and protective factors for gun violence, both for homicide and for suicide. We need to better understand what are the associations of the social determinants of health, health inequities, and how that leads to the huge health disparities we see related to gun violence.

And we also—

Mr. MORELLE. So this—I am sorry. So, much of this would be aimed at going further upstream, identifying factors that the research shows contributes to potential violence, and then working with not only law enforcement partners but you are suggesting an approach that goes to educational, social, health partners to try to really identify those risks and people who are at risk and do interventions much earlier? Is that—do I have that?

Dr. LEE. Absolutely. That is the whole model of prevention, right? We need to go upstream. So, if you want to prevent lung cancer, we have decreased smoking. We want to decrease deaths from motor vehicle crashes, so we have lowered highway speed limits; we have, you know, drunk-driving laws; we don't let teenagers drive when they are 14.

You know, so there are things we can do upstream to try to decrease those outcomes of injury and death, but then there are also interventions for when they—inevitably, some will happen. So the President's investment in hospital and community-based violence intervention programs is also critical. And so, with this complicated issue, we need to work upstream and downstream.

Mr. MORELLE. It is funny; I wasn't planning to mention this, but back in Monroe County I co-lead an effort that is really aimed at integrating health education and social service delivery. And we are working with our healthcare systems, working with all of our different partners. It is directed at folks in poverty but folks in crisis just generally. And the idea is, classroom teachers have limited

information available to them currently, don't know how other factors outside the classroom are affecting not only the scholastic achievement but just the appropriate development of children—the same is true of people who have behavioral health issues, mental health issues—to try to bring caregivers together so that they are working what we call “warm hand-offs.” We are looking at social determinants; we are looking at community schools.

And I hadn't really thought about it in that context, but what you are talking about actually would aid efforts like that, because it really does allow an intervention so that hopefully people like Sheriff Baxter may know about it but may not have to intervene because we have managed to, sort of, you know, not only remove the threat or lessen the threat but really have positive interventions in the lives of individuals who, unaddressed, would potentially lead to violence.

Dr. LEE. Absolutely. And that is why this multipronged approach is really the way to go.

Mr. MORELLE. Thank you for that.

You know, as I was thinking about it, talking about in particular the bill that I referenced, H.R. 4423, it does a couple of things around not only inventory—so, for gun dealers, actually requiring them to have an inventory of guns, to do a reconciliation periodically, maybe a couple times a year, to reconcile what their inventory is.

Also, for private dealers, to make certain that they report within—the bill has 30 days—report to law enforcement when there is a theft. So, right now, if you are a private dealer, not a licensed Federal licensee, you don't have any requirement to report lost guns. They end up on our streets. And I wonder, maybe Sheriff Baxter—but, others, feel free to comment—on how this could change that and create more accountability.

And, then, the number of different kinds of sanctions we could impose, more than just sort of the binary, “Yes, you are okay,” or, “We are going to close you down.” So other things that would help ameliorate what is potentially a dangerous situation.

Sheriff BAXTER. The firearms dealers that I am familiar with, very reputable firearms dealers have great inventories—you know, what comes in, what goes out, where it went. They do not mind doing inventories on a more normal basis and reporting that to the local ATF agent, who then could possibly—they are verifying it with a written statement, but it also could be verified other ways by an ATF agent. That is not something that is difficult to ask for, and it should be done.

The other point that you brought up, Congressman, is, you know, the reporting. You know, it should be the obligation of someone that has a firearm that is lost or stolen to report that to local law enforcement as soon as possible. It may be part of an overall criminal enterprise no one knows about. It may be threatening to one of my deputies or to another citizen. There may be multiple reasons why that should be reported as soon as possible. And that is how I would write the law, “as soon as possible.”

That should be reported and then, via us, just like the UCR data that I talked about earlier, reported up the chain to the Federal

agencies that track it overall, and then just share that data across sectional areas that are, you know, involved in this discussion.

But very limited resources would be needed to keep that database by a reputable gun dealer. And then report that more than once a year, that they have that inventory on hand. And, if not, report it stolen or lost as quick as possible. Including individual gun owners. I think it is just a simple thing that we can ask folks to do: Report to local law enforcement if you can't find your firearm.

Mr. MORELLE. And I would certainly welcome any comments of any other panelists on this.

I do note that, if you really want to get to the small percentage even of the licensees who seem to be persistent—and you talked about this, Mr. Wilcox—that having the data would then allow us really to target in on the high-risk problems, whether it is the licensees or it is private dealers who continue to have a potential for repeat—I mean, that really allows us to focus in ways that—without the data, you are just kind of, like, you know, searching literally for a needle in a haystack.

I don't know if anybody—please feel free.

Mr. WILCOX. Chairman, that is one of the problems, is that the data has largely been kept from us since the early 2000s.

I think it is absolutely right that those who want to do good will always try to do better and those who want to hide in the shadows will look for every opportunity. And, right now, because of an appropriations rider, we don't get good data on the source of illegal guns, and are there concentrations in particular places, and are those dealers themselves failing multiple inspections.

And that is the kind of information and data that can help focus our law enforcement so that the sheriff can get on that plane, as he mentioned, and go find the rogue gun dealer and make sure we are putting them out of business.

And so I think we all are saying the data is important, but that means we have to actually see it, and we have to put it in the sunlight, and we can't let bad actors hide in the shadows.

I think there is more that can be done, even under the current restrictions, as we have done with public health research. We haven't repealed the Dickey amendment. But we are doing research, and there is more data we could be publishing now, even with the appropriations rider that I think should be repealed in place.

Mr. MORELLE. Anybody else?

Mr. NAPIER. Chairman Morelle, may I make a comment?

Mr. MORELLE. Sure. Yes, Mr. Napier.

Mr. NAPIER. So I think we need to look at all sources of crime guns, not just the firearm dealers. We have crime guns that come from police stations. We have crime guns that come from security agencies. We have crime guns that come from the military. We have crime guns that come from personal collections. We need all this data.

Wouldn't that be helpful, if I were the sheriff, to have that information that, am I dealing with a gun dealer, am I dealing with another rogue police agency or a rogue rail service? There are bad people among us everywhere.

Mr. MORELLE. Yeah, I mean, not to interrupt you, but I am not sure that anybody would object. I think we would agree. I know that I have spoken—in my responsibilities as a member of the Armed Services Committee, I have talked to folks at the Department of Defense about guns that go missing off bases, right? So maybe when you are discharged you take your firearm with you. You are not supposed to, as I understand, but it happens.

But I think your point—the more data that is available to all of us, particularly to people like Sheriff Baxter and his brothers and sisters in law enforcement, the more that we know, the more data we have on all of those, I think, benefits us. I am not sure anybody objects. And so I would welcome those additions to the bill.

And, again, I think the vast majority of people are trying to do the right things—private owners and dealers as well as licensees. But there are clearly problems. I mean, you know, when you have 45,000 people dying of firearm-related deaths in the United States in a given year, clearly you know there is a challenge.

This, I think—and, you know, I am sure Dr. Burgess and I will have side conversations about this afterwards. I am not sure this necessarily impedes on people's views of the Second Amendment. This is really about making sure that we all, as a society, just know where lethal weapons are.

We do it, as I mentioned in my opening remarks, around pharmacies, understandably. Opioid epidemic and things that are on Schedule I, under controlled substances, we want to know where they are. They have street value. And they can be lethal as well.

Certainly guns, by their very definition, are lethal. And so, really, inventory, tracking, making people be accountable for them, particularly when it is something you do as a matter of commerce, whether you are a licensee or you are just a private dealer who does it periodically—everyone should be held accountable, I would think.

I don't know if—Dr. Lee.

Dr. LEE. I just wanted to make a comment.

So, again, if you have to buy a car, you have to have a license, you have to have training, you have to have it registered, and you have to have insurance. None of those things—depending on the State you live in, right, you may not need licensing, you are not necessarily going to be registered, and insurance is not involved at all. So, again, a parallel thing.

We are not trying to take away people's rights to have their guns; we just want to make sure that they can use it safely.

Mr. MORELLE. I think that is a great point. And when I was in my years in the State legislature, I was the chairman of the Insurance Committee, so I appreciate what you are saying. And we do have that rule.

So we are not inhibiting your—everybody has access to an automobile and a license, but you have to make sure that you are insured so that, if something untoward happens, something unexpected, there are ways to protect all the interests, both of drivers, passengers, and pedestrians, in automotive accidents.

Yeah, Sheriff, you look like you wanted to add something to that, sir.

Sheriff BAXTER. I think a key component is training, right? We provide training classes to our constituents in Monroe County free of charge as a sheriff's office. A lot of the private entities that are selling firearms do the same thing.

And they teach those things I alluded to earlier in my testimony about safe storage, safe handling, awareness at how many guns—it is your gun; if it is stolen, you shouldn't have to be a victim of crime, but realize that guns can end up on some street somewhere and possibly hurt someone else, so just be more conscientious. Those things go a long way, and—let alone the legal issues around firearms. You should at least be aware of those things.

And it is very popular in Monroe County. We don't tell people they have to go; they knock down our door to go to those training sessions. So that has a long-reaching effect, just educating the public of what is going on in our community and how do you store it properly.

Mr. MORELLE. Yeah, no question.

Yeah, Mr. Wilcox.

Mr. WILCOX. I just want to kind of emphasize that point of storage. And it really cuts across lethal means and suicide prevention and school safety.

I think "say something" is a—you know, "hear something, say something" is a great model. We need early intervention, we need wraparound services. But we also know, as part of that, and the recommendation is, that we control access to lethal means, access to firearms.

Three out of four school shooters are getting their guns from the home—home of family, friend, or relative. And so that personal responsibility of secure storage in the home goes a long way to protect that home, protect from theft, and protect our schools.

And so, if we really are going to be comprehensive about our interventions, we need to know what secure storage really works. And the truth is, oftentimes a lot of what is used is not terribly effective. There are cable locks, including some that have been distributed, that have had to be recalled. About half a million cable locks that were distributed had to be recalled because they were ineffective.

So we have to really see what is the effective secure storage to stop teens, to stop thieves, so that we can, kind of, keep guns in the right hands and not let them fall into the wrong hands.

Mr. MORELLE. Appreciate that very much.

And I appreciate all the comments and observations and the testimony.

I think I would like to turn it over to Dr. Burgess for any additional thoughts you have.

Dr. BURGESS. Thank you, Mr. Chairman.

In addition to the newspaper article I submitted for the record earlier, I would like to ask unanimous consent to put into the record the slide deck from Chief Paul Cairney that he presented at our Emergency Preparedness Summit in April. Appropriate to the discussion, his second slide is titled "A Multipronged Approach," and that has come up several times today.

And I failed to mention when I was detailing earlier how he had structured this, he actually does employ a full-time clinical psychol-

ogist on the campus of the school district. And I think that has been extremely effective. And his reference to me was, if a fairly large school district—he has been there for 8 or 9 years. He has only made five arrests over that time, which speaks to the early engagement with law enforcement and intervention.

Mr. MORELLE. Without objection.

Dr. BURGESS. Thank you.

Mr. Napier, I know we have been here for a while, and I know it has been a long day—and I appreciate everyone's input today.

You heard me mention at the very beginning of all of this, in my opening statement, concern I had about the data that Congress receives from ATF, those people that actually lie on their national instant background check that they fill out. The number of prosecutions, then, that is done by ATF is vanishingly small.

So I have introduced a bill to address that, and I just wondered if you had any thoughts on that approach.

Mr. NAPIER. I do, sir. That is H.R. 194, I assume, that you are talking about?

Dr. BURGESS. Yes.

Mr. NAPIER. We have to enforce and we have to prosecute the laws that are on the record now. And when we don't—I will give you an example.

So, if I am a Federal firearms licensee, I call FBI NICS and get a "proceed" or else I get a "delay" or I get a "denied." If I get a "denied," that person shouldn't have been in my gun store.

Every night, the FBI, I understand, does a dump to the ATF. Well, the ATF doesn't have the resources to go out and knock on the door and talk to these people that should not have been in a gun store to begin with. And I would ask that that get a good look and perhaps funding.

Can you imagine how many on a daily basis are getting dumped down to the ATF and, "Okay, guys, now go get them"? Where are the resources?

Dr. BURGESS. Yeah. It begs the question, why do we ask for the data if we are not going to use it?

And then, unfortunately, one other article that I will submit for the record: the case of Aurora, Illinois, from 2019, a gun that should never have been—a purchase of a firearm that should never have happened. And then, actually, several years later, when he applies for a concealed carry permit, it is discovered, "Oh, my, you shouldn't even have the stupid gun." No one ever picked it up. And then it was used in a workplace shooting, which was tragic.

So I will ask unanimous consent to insert that in the record as well.

Mr. MORELLE. Without objection.

[The information follows:]

AURORA BEACON-NEWS

Aurora shooter should not have had a gun due to felony conviction, but state law failed to stop him

By Megan Crepeau
Chicago Tribune
Feb 16, 2019 at 7:20 pm

[Gary Martin](#) should have given up his .40-caliber Smith & Wesson in 2014 when the Illinois State Police finally found out about a decades-old felony conviction, authorities said Saturday.

But he was somehow allowed to keep it. On Friday, that's the gun Martin used to [kill five people, and wound several police officers and other people at the Aurora manufacturing plant](#) where he had worked for 15 years. He [died in a shootout](#) with responding officers.

"Some disgruntled person walked in and had access to a firearm that he shouldn't have had access to," Aurora police Chief Kristen Ziman told reporters Saturday. "I don't want to make it political. This is a human issue. [Lives were lost.](#)"

Martin's case illustrates how easy it is for gun owners to keep access to their weapons even after their permits have been revoked. In Illinois, owners get letters from the state police asking them to give up their weapons, but it's not always clear who follows up to see that is done.

Ziman said she did not know if anyone with Aurora police or any other agency checked on whether Martin gave up his gun. "We're looking into that."

Gun control advocates say there is little oversight to make sure owners actually relinquish their guns.

"They rely on the people to be compliant," said Mark Jones, senior policy adviser for the Illinois Council Against Handgun Violence. "It's an honor system. There's no real teeth in it, there's no reasonable expectation that the cops are going to show up at your door."

Martin was issued an Illinois firearm owner's identification card in January 2014. In March of that year, he applied to buy a weapon from an Aurora gun dealer, where five days later he got a Smith & Wesson .40-caliber handgun, according to Ziman.

A few days after he went home with the gun, he applied for a concealed carry license, Ziman said.

During his background check for that permit — which included fingerprinting — officials found that Martin had a mid-1990s felony conviction for aggravated assault in Mississippi that the screening process for the FOID card apparently missed.

Once the conviction was discovered, the Illinois State Police revoked his FOID card and rejected his concealed carry application, Ziman said.

The state police then would have sent Martin a letter informing him of the revocation and instructing him to give up his weapon, the police chief said. It is unclear whether Martin ever received such a letter, and authorities are investigating why he never gave up the gun.

"Those are the unanswered questions," Ziman said.

A state police spokesman could not be reached for comment Saturday.

In addition to the conviction in Mississippi, Martin had several arrests in Illinois, including six in Aurora that included traffic stops and domestic violence, Ziman said. His last known arrest was in 2017 in Oswego, where he was charged with disorderly conduct and criminal damage to property, she said.

Applications for both the FOID and the concealed carry permit require people to state whether they have any felony convictions. But fingerprints are not required for either, depending instead on a background check by police. Applicants are free to submit their fingerprints if they want to speed the approval process.

Ziman couldn't explain how Martin slipped through the FOID background check.

Jones, formerly a supervisory special agent for the federal Bureau of Alcohol, Tobacco and Firearms, wondered if Martin lied. "He either gave a false name or some other false (information) on the form ... or they just missed it, which does happen sometimes," he said.

State police regularly check the FOID database to ensure people with cards remain eligible to own a gun, Jones said. When they find that someone's FOID should be revoked, they send a notice instructing that person to give the card back to local police and turn over their weapons to a law enforcement agency or to someone outside their household who can legally own a weapon.

"That's as far as the state police goes in the vast majority of cases because they're not funded to do anything more than that," Jones said.

State law does not specify whether any agency in particular is responsible for finding out whether former FOID card holders are still hanging on to their guns. "The effort to

recover them is very hit or miss," Jones said. And the effort to investigate if there are illegal guns out there in people's possession is virtually nonexistent."

Tribune's Stacy St. Clair contributed.

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Dr. BURGESS. And that is the reason why I felt so strongly that, if we are going to ask for data, we at least ought to look at it from time to time. And maybe if we looked at it from time to time, we would come to grips with the funding issue as well.

So thank you for the hearing today, and thanks for allowing me to participate, and I will yield back.

Mr. MORELLE. Thank you, Dr. Burgess.

Before we close, is there anything that any of the panelists would like to add that you think hasn't been covered? Anything that we should bear in mind as we are considering this?

Feel free.

Mr. WILCOX. One last thing, Chairman.

And, Ranking Member, you brought up an excellent point about the data and what happens to it. Fortunately, in the Violence Against Women Act Reauthorization Act that just passed and was signed by the President, there was a provision called NICS Denial Notification.

So, when that background check is failed, that data no longer sits at NICS. They are required by law now to send it to State and local law enforcement so that Sheriff Baxter and others will get the ping that says, individual was denied at this gun store. And now we have to make sure that that is implemented.

But I think this Congress did an excellent job in a bipartisan manner to actually get that into law. And, going forward, that data doesn't just sit in a database; it will go out into the field and can be used effectively to go investigate these instances of a denial.

So I just wanted to add that at the end, because I think you were raising an excellent point that I agree with, and I was very proud to see that piece of legislation signed into law.

Mr. MORELLE. Mr. Napier.

Mr. NAPIER. Yes, sir. There was earlier testimony about the drop-off in number of ATF visits. It was my observation that, in beginning of 2020, folks were locked down and could not get out, including the ATF. They had to park their government car in their driveway and they didn't leave. So, naturally, the number of inspections would drop off significantly. And that is my take on why those dropped off so much.

Mr. MORELLE. Dr. Lee.

Dr. BURGESS. If I could—

Mr. MORELLE. Yeah.

Dr. BURGESS [continuing]. Just ask a followup to that.

Are people back on the job now?

Mr. NAPIER. They are. They are back in the field.

Dr. BURGESS. It has been a problem across Federal agencies that people sort of took the pandemic plus 4 years off. So I hope they are back on the job. Let me put it that way.

Thank you, Mr. Chairman.

Mr. MORELLE. Yes.

Dr. Lee.

Dr. LEE. Since we have been talking so much about the federally licensed gun dealers, which is an important source of guns, we also have to recognize that universal background checks really only apply to those gun dealers. So, if you buy a gun at a gun show,

at a gun auction, through a private sale, there is no background check.

And so, again, then that data are not useful to guns being sold in that manner. And this is why stronger background-check laws are important.

Mr. MORELLE. Yeah, I appreciate that. We omitted mentioning that, but obviously it is a really important——

Dr. BURGESS. Mr. Morelle, may I ask a followup question?

Mr. MORELLE. Yeah, sure, Doctor.

Dr. BURGESS. I guess to Mr. Napier: If a Federal firearms dealer sells a gun at a gun show, are they required to go through the process?

Mr. NAPIER. Yes, sir. They operate just like they do in their licensed facility.

Dr. BURGESS. And if a gun is purchased online from a federally licensed dealer, are they required to go through the process?

Mr. NAPIER. They have to follow all those same laws.

Dr. BURGESS. Thank you, Mr. Chairman.

Mr. MORELLE. Yeah. And, not to be argumentative, I think the point was that that is for federally licensed licensees, but there are a lot of people, obviously, at gun shows and private dealers who aren't licensed at all.

I think that was the point, Dr. Lee, you were trying to make? Yeah.

Any other comments?

Let me just say this. I am really grateful, Dr. Burgess, for his continued support, of being here today and always asking great questions, grateful to my other colleagues.

Dr. BURGESS. Point of clarification. "Support" is generous.

Mr. MORELLE. Support the effort to have the conversation here. I didn't say support of the bill, just to be clear, although hopefully I will get you there too.

But I am grateful to my colleagues. And I do think we should be able to find, on this issue, common ground and common sense that could guide us and put us in a better place and really give tools to law enforcement and end up in a place where we have far less violence, far fewer guns on our streets, and make sure that there is accountability.

So, with that, again, thank you to all the panelists for not only being here today but everything you do.

And, with that, this hearing is closed.

[Whereupon, at 1:13 p.m., the subcommittee was adjourned.]

Rob Wilcox is the Federal Legal Director at Everytown for Gun Safety. He is a nationally recognized expert on gun safety, drawing upon more than 20 years of policy, advocacy and litigation experience. Wilcox leads all of Everytown for Gun Safety's federal policy work and incorporates his experience working with policymakers and stakeholders at all levels of government. Wilcox specializes in the development of comprehensive approaches to address gun violence, and technical advice on the development of evidence-informed policy solutions. Prior to joining Everytown, Wilcox worked in private practice at Cravath, Swaine, & Moore on complex litigation and regulatory matters. He graduated with honors from Northwestern University School of Law and went to college at Wesleyan University. Wilcox's gun safety work honors his 19 year old cousin, Laura, who was shot and killed in January 2001.

Truth in Testimony Disclosure Form

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Committee: Rules ▼

Subcommittee: Subcommittee on Legislative and Budget Process

Hearing Date: 06/15/2022

Hearing Subject ▼ :

The Legislative and Budget Process and Gun Violence

Witness Name: Robert B Wilcox Jr.

Position/Title: Federal Legal Director

Witness Type: ☐ Governmental ☒ Non-governmental

Are you representing yourself or an organization? ☐ Self ☒ Organization

If you are representing an organization, please list what entity or entities you are representing:

Everytown for Gun Safety Action Fund

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

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Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

☒ I have attached a written statement of proposed testimony.

☒ I have attached my curriculum vitae or biography.

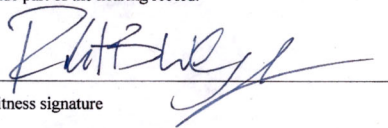
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	6/13/22
Witness signature	Date



Todd Baxter
Sheriff

24 King Fisher Drive
 Spencerport, New York 14559
 585-490-3213
 June 14, 2022



Accomplishments

- Monroe County Sheriff
- Chief of Police, Greece (NY) Police Department. Recruited to reorganize and revitalize department following the arrest of five sworn officers, including the former Chief of Police. Credited with leading the restoration of the Department.
- Commander, Patrol Division East of the Rochester (NY) Police Department. Led and managed a team of over 200 personnel consisting of officers, investigators and supervisors of five platoons, non-sworn employees, a fleet of 50 vehicles, and management of a new police facility. Partnered with community groups to develop crime fighting strategies to target and attack serious crime.
- Commander of the City of Rochester's Emergency Task Force, a 32-member SWAT team responsible for bringing the safest conclusion to the most violent and unique law enforcement situations. Highly respected tactics and team development that has resulted in hundreds of successful operational conclusions.
- Developed and implemented "In-Service Training" programs for multicounty area law enforcement agencies centering on patrol tactics, active shooter response, progressive leadership and management and leadership for investigators. I have taught thousands of police officers. Developed several new police training disciplines to include NYS Physical Fitness Instructor (for Monroe County), Active Shooter Response, Tactical Warrant Service, and Progressive Leadership.
- Adjunct Professor, Monroe Community College where I instructed Personal Defense for the Physical Education Department. Adjunct Professor, Roberts Wesleyan College where I teach Leadership and Research Methods for the Criminal Justice Department.
- Coordinated with elements of the Secret Service and local law enforcement agencies in development of security plans and details for visiting politicians, including Presidents, Vice Presidents, candidates and dignitaries.
- Coordinated with elements of the US Marshals and local law enforcement agencies to conduct fugitive apprehension details.
- United States Army Master Sergeant, Principal Noncommissioned Officer of a Brigade element leading units in eight states in the development of technical and tactical issues centered on antiterrorism efforts. Instructor for the United States Military Police School and ascended to the level of Chief Instructor, covering an area of eight states.
- Lead mission trips to Haiti, Jamaica and New Mexico.

Employment

Monroe County Sherriff – January 2018 to present

Elected to Monroe County Sheriff in November 2017 by nearly 57% of the vote.

The Monroe County Sheriff's Office (MCSO) provides law enforcement for Monroe County which is located in Western New York State. The sheriff's office's constitutional authority is to operate the county jail and provide a civil function. However, the MCSO also provides a wide range of police services as well and provides physical and operational security to the courts (City, County, Family and State). MCSO runs on a \$154 million budget and employs over 1,100 personnel.

Developed ROCTAC, a multifunctional threat assessment team designed to prevent targeted violence. ROCTAC is being copied across NYS, via NYS Homeland Security.

Launched a multifaceted response to the opioid crisis; education, enforcement, recovery.

Established the Andrew P. Meloni Strategic Training Advancing Re-entry (S.T.A.R.) Academy designed to develop, educate, and provide the necessary tools and resources to shape inmates into citizens who strive to become model neighbors in our community after incarceration.

Successfully negotiated four contracts for MCSO employees.

Executive Director – Veterans Outreach Center April 2014 to May 2017

Recruited as the Executive Director, Veterans Outreach Center (VOC), the oldest non-profit providing premier supportive service to 88,000 veterans of the U.S. Armed Forces and their families. The VOC has 52 employees who serve over 1,400 veterans a years in transitional services, job training and placement, mental health and housing of homeless veterans.

Significant achievements:

- Moved the organization towards their first accreditation;
- Led the organization to financial well-being for the first time in several years;
- Asked to participate in a panel discussion on veteran services with President George W. Bush in Dallas, TX;
- Instructed ongoing leadership training;
- Recognized with the Lifetime Achievement Award, 12th Annual Human Service Worker of the Year Awards program;
- Named the St. Patrick's Day Parade Community Leader of the Year
- Built the first housing for female veterans in Monroe County (NY)

Chief of Police – Greece Police Department

February 2010 to April 2014

Hired to reorganize and revitalize department following the arrest and conviction of five sworn officers, including the former Chief of Police. Lead a department with a total of 140 sworn and civilian employees, a fleet of 80 vehicles, and an annual budget of \$18 million, serving a community with 100,000 residents.

Significant achievements:

- Successfully took the helm of what was once the most dysfunctional police force in the country;
- Reorganized the department with a bilateral checks and balance system that requires accountability from all levels of the organization;
- Hired new officers, taking an organization from 78 to 101 officers, and directed 31 promotions to various levels;
- Instituted a variety of initiatives to engage the community and rebuild citizens' trust in the department including town hall style meetings and a Police Chief Interaction Committee;
- Introduced labor management and professional counseling strategies to support law enforcement officers and administrative staff, successfully changing the culture and improving employee morale;
- Instituted ethics training, overhauled the entire General Orders Manual, established new Rules and Regulations and pro-actively worked on accreditation, bringing all polices in line with current standards;
- Initiated discipline, counseling and service referral for members resulting in the reduction of citizen complaints against officers, the number of sick days taken, and the number of fleet motor vehicle accidents;
- Engineered the department's training function to be more compatible with the modern patrol strategies and expectations. Quadrupled the number of department training hours;
- Developed youth-oriented programs and established two Crime Prevention Officers;
- Took a lead role in media relations to enhance the public image of the department;
- Named "Newsmaker of the Year" by 13WHAM News (local ABC Affiliate) in 2010;
- Achieved Top Secret Security Clearance (March 2011);
- Appointed Chair Person of New York State Counter-Terrorism Zone 16 and the Statewide Counter-Terrorism Executive Committee;
- Instituted a K-9 program, tactically trained officers on each platoon, rifle qualification for all members of the department, and established "Go-bags" in each car;
- Emphasized collective impact by forming an investigative tasks force to work on a triple murder when led to the successful apprehension for three fugitives in Arizona and the final prosecution of eight people for a drug conspiracy related to the murders. The task force included multiple agencies including the US Marshalls and the FBI;
- Trained each member in active shooter response and multiple attack management;
- Trained all town employees in active shooter response.

Rochester Police Department

Captain, October 1987 to February 2010

Commanded a Division of over 150 personnel consisting of officers, investigators and supervisors in five platoons, non-sworn employees, a fleet of 50 vehicles, and managed a new police facility. Served as the Administrative Aide to three Chiefs' of Police in an organization consisting of 893 sworn and non-sworn employees. 19 year member of the SWAT team, completing my assignment as the team Commander.

Significant achievements:

- Directed and oversaw the work of more than 150 officers covering the entire city, supervisors and civilians performing the law enforcement function for a population that surges over 500,000;
- Responsible for the operational control of all major events, including significant crime scenes, natural disaster, crowd management and media relations;
- Spearheaded the operational deployment of a simple, speedy and accurate crime mapping system for police officers in the field;
- Provide Departmental support for the families of officers who have been seriously injured in the line of duty;
- Under my supervision my Division led the City in crime reduction of 3.5 percent and in felony arrests;
- Reduced response times to Priority One and Priority Two calls for service by 2 minutes during a time when call volume increased 2 percent;
- Partnered with neighborhood groups during my Police Community Interaction Committees and developed quality of life and crime fighting strategies;
- Strongly emphasized youth-oriented programs such as Teen Empowerment;
- Consulted with District Attorney's Office and investigative staff and instituted division wide Legal Issues Training for all members;
- Administered efforts of strategic planning committees whose members included command-level personnel, representatives of major community organizations, City and County government;
- Developed tactical plans and implemented strategies to thousands of high risk police situations including hostage, sniper, active shooter and multi-jurisdictional incidents;
- Coordinated fugitive apprehension details with the US Marshall service;
- Conducted Threat Assessment Surveys for the Rochester City School District and made recommendation to improve their security profile.

United States Army

Master Sergeant, Brigade Ant-terrorism, Safety and Training NCO, Drill Sergeant, September 1983 to July 2005

Significant achievements:

- Served 1 year in Korea and 2 years in Kansas as a Military Police Officer;
- Consistently evaluated as among the best in leadership;

- Achieved Honor Graduate status in all four military leadership schools attended;
- Designated Drill Sergeant of the Year for the 98th Division
- Instructor for the United States Military Police School and rose to the level of Chief Instructor; Designated Instructor of the Year
- Appointed Training NCO for a brigade level unit, reaching across eight states; developed and maintained training materials, developed methods to measure the success of the training objectives
- Appointed as the Brigade Ant-terrorism, Safety NCO
- Chosen above peers to develop and implement a new training base for heroic Soldiers deploying to war. This position required an innovative set of instructional standards, as the Army had never faced this type of mission before. Activities included the development of a new team of instructors, expansion of a reserve training base in Indiana, evolving several facilities to include shooting ranges, urban training areas, school houses and developed relationships with the hosting garrison.

Instructor

Instructor, Public Safety Training Center, Rochester, New York, 1992 to Present

Significant achievements:

- Taught Supervisor School – Leadership, Ethics, Critical Incident Management & Leadership Reaction Course;
- Developed one-week Progressive Leadership and Management School that has run for several years;
- Taught Investigator School – Leadership, Police & Society
- Developed Tactical Warrant School – taught over 900 students, including all local law enforcement agencies, NYSP C-NET, DEA and FBI
- Developed four RPD and two County wide In-Service programs
- Developed New York State Physical Fitness Instructor School for PSTC
- Developed Basic SWAT School – taught throughout central and western New York
- Facilitated an urban training evolution for the US Navy Special Warfare Development Group
- Developed three Special Investigation In-Service programs
- Coordinated the Physical Fitness and Defensive Tactics programs for several recruit classes
- Instructed Recruit training in: Crime Scenes & Preliminary Investigations, Observation & Patrol, Alcoholic Beverage Control Law, Public Health Law, Mental Hygiene Law, EnCon Law, Agriculture and Markets Law, Civil Disorder, Crowd Control and Mobile Field Force, Vehicle Pullover, Juvenile Procedures, Traffic Control, Critical Incident Management, Incident Command System, Active Shooter, Building Search, Firearms, Arrest Warrants, and Missing Persons.

Adjunct Professor, Roberts Wesleyan College 2015 to Present

- Teach Leadership and Research Methods for the Criminal Justice Department.

Adjunct Professor, Monroe Community College, Rochester, New York, 2009 to 2010

- Taught Personal Defense for the Physical Education Department

Summary of Committee Work

NYS Department of Criminal Justice Services - SWAT Standards Committee, 2009-present. Working through the New York State Tactical Officer's Association to develop standards and training modules for the uniformity of SWAT teams throughout the State of New York.

Rochester Police Department Record Management System Project member, 2010. Capture activities done on a daily basis, identify enablers and obstacles to effective organization management and develop a systemic approach to improve the organizations capability.

Public Safety Training Center Defensive Tactics Review Committee, 2008. Reviewed all modules of the Defensive Tactics program and case law, developed new lesson plans and published a new manual.

Promotional Exam Evaluator; Metro Dade Police Department, Miami, Florida, September 2005, Greece Police Department 2008, Monroe County Sheriff's Office, Rochester, NY, May 2009.

Coordinated a consortium in the Fight Village Apartment complex, 2006. Following two homicides, the consortium worked with community members, business owners and law enforcement to reduce criminal activity.

City of Rochester Leadership Academy Youth Employment Committee, 2006. Worked with the Chamber of Commerce and local businesses to develop work skills and provide mentorship to youth in the City of Rochester.

Operation Rolling Thunder, December 2005. Coordinated a fugitive apprehension detail with the US Marshal's Office, the Monroe County Sheriff's Office and the New York State Police. The detail lasted over two months, resulting in the apprehension of almost 100 wanted criminals.

Coordinated a conference between the Rochester Police Department and the Muslim Business Association, 2004. Following several violent activities at including a homicide, I worked with Muslim business owners to reduce criminal activity.

Less Lethal Study, 2002. Coordinated the study of over 25 less lethal weapons resulting in adoption of two new tools: the tail stabilized bean bag round and the Taser. Both products are now commonly used throughout the law enforcement community.

Strategic Planning Committee, 2001. Developed the mission and goals of the Rochester Police Department.

Special Investigation Section Improvement Committee, 2001. Developed policy and training following the accidental death of a citizen during a drug raid. Testified in several court proceedings in relation to department policy and procedures.

Integrated Force Management Committee, 1999. Spearheaded the review and improvement of Use of Force Instructors of the Rochester Police Department.

Summary of Speaking and Professional Engagements

The Genesee Valley School Boards Institute, School Safety Conference, Rochester, New York, November 2009. Presentations on Active Shooter techniques and appropriate response for educators, followed by a Question & Answer period.

The Rochester City School District, August 2008. Conducted school safety audits based on NYS law and then presented recommendations for Emergency Procedures to RCSD Superintend and staff.

The OpTac International SWAT/Sniper Symposium, Gaithersburg, Maryland, January 2007. Debriefing of the Rochester Police Department's involvement in search and apprehension of Ralph "Bucky" Phillips.

Center for Dispute Settlement – Use of Police Force Seminar, 1997, 2006. Panelist along with community policing experts presenting from a practitioners point of view on force issues and the community, followed by a Question & Answer period.

Local and National Radio Talk and Television News, 1996 – present. Participated in numerous radio and television news shows on NPR Radio, CNN, ABC News, FOX and Friends, and all local television news.

Board of Directors

Greece (NY) Chamber of Commerce
 Villa of Hope – troubled youth children's center
 Salvation Army
 RoCovery – addiction recovery through fitness and wellness
 Monroe Community College Foundation
 Monroe Crime Analysis Center
 New York Care Coordination Program


Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Rules 

Subcommittee: Subcommittee on Legislative and Budget Process

Hearing Date: 06/15/2022

Hearing Subject  :

The Legislative and Budget Process and Gun Theft Prevention Act

Witness Name: Todd K. Baxter

Position/Title: Sheriff, Monroe County (NY)

Witness Type: ☒ Governmental ☐ Non-governmental

Are you representing yourself or an organization? ☐ Self ☒ Organization

If you are representing an organization, please list what entity or entities you are representing:

Monroe County Sheriff Office (NY)
130 S. Plymouth Ave., Rochester, NY 14614
<https://www.monroecounty.gov/sheriff>

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

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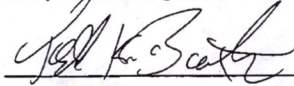
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Witness signature

6/14/22

Date

Rules



06/15/2022 — The Legislative and Budget Process and Gun Theft Prevention Act

Lois K. Lee, MD, MPH, FAAP, FACEP Bio (2022)

Twitter: @LoisLeeMD

Lois.lee@childrens.harvard.edu



Senior Associate in Pediatrics, Division of Emergency Medicine, Boston Children's Hospital
Associate Professor of Pediatrics and Emergency Medicine, Harvard Medical School
Associate Program Director for Public Policy, Sandra L. Fenwick Institute for Pediatric Health Equity and Inclusion, Boston Children's Hospital
Chair-elect, American Academy of Pediatrics, Council on Injury, Violence, and Poison Prevention
Immediate Past-President, Injury Free Coalition for Kids
Director, Academic Pediatric Association Health Policy Scholars Program

Dr. Lois Lee's work focuses on pediatric emergency medicine, injuries, health disparities, and health policy. This is grounded in her clinical work as a pediatric emergency medicine physician at Boston Children's Hospital and Associate Professor of Pediatrics and Emergency Medicine at Harvard Medical School. At Boston Children's Hospital she is the Associate Program Director for Public Policy at the new Sandra L. Fenwick Institute for Pediatric Health Equity and Inclusion.

She received her M.D. at the Perelman School of Medicine at the University of Pennsylvania. She completed her residency in pediatrics at the Children's Hospital of Philadelphia and her pediatric emergency medicine fellowship at Boston Children's Hospital. During that time, she also received her M.P.H. at the Harvard T. H. Chan School of Public Health. She was also the inaugural Nick Littlefield Health Policy fellow at the Network for Excellence in Health Innovation (NEHI) in 2016-2017.

Dr. Lee has published seminal research on pediatric emergency medicine, health disparities, and injury prevention, including related to firearms. With her expertise she is Chair-elect of the AAP's Council on Injury, Violence, and Poison Prevention. She is the inaugural director of the Academic Pediatric Association's Health Policy Scholars Program, a career development program focused on health policy and advocacy. She is the co-chair of the Advocacy Committee and member of the Executive Council (Lead Advocacy) of the Society of Pediatric Research and a member of the Pediatric Policy Council, representing SPR, APA, AMPDEC, and APS. With her passion for improving the lives of children, she promotes child health through her clinical work, research, teaching, and advocacy.

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Committee: Rules ☐

Subcommittee: Subcommittee on Legislative and Budget Process

Hearing Date: 06/15/2022

Hearing Subject ☐ :

The Legislative and Budget Process and Gun Violence

Witness Name: Lois Lee

Position/Title: Faculty physician/Associate Professor of Pediatrics and Emergency Medicine

Witness Type: ☐ Governmental ☒ Non-governmental

Are you representing yourself or an organization? ☒ Self ☐ Organization

If you are representing an organization, please list what entity or entities you are representing:

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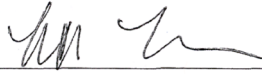
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_____
Witness signature

6/10/20

Date

Rules




06/15/2022 — The Legislative and Budget Process and Gun Violence

Bill Napier, LPC has more than 30 years of experience in retail loss prevention, passionately serving others in leadership roles such as site security manager, corporate manager and director. Businesses he's worked with have included small and growing retail chains as well as Fortune 500 companies. For more than 18 years, Napier has also been in the retail outdoor arena with responsibility for ATF compliance and firearms related security and investigations. He is a guest speaker for groups such as the National Shooting Sports Foundation's (NSSF's) SHOT Show, National Retail Federation (NRF), Retail Industry Leaders Association (RILA), Retail Technology (RETECH), ASIS International and The Loss Prevention Foundation. His byline and name have appeared in various retail-related magazine articles on such topics as emerging security technology, return fraud, physical security and leadership. Additionally, Napier has spent 20 years in municipal law enforcement. He volunteered as a hunter education instructor in Nebraska, served on the ASIS Retail Loss Prevention Council and is a member of its Critical Infrastructure Working Group. Napier currently is involved with The Loss Prevention Research Council at University of Florida and is a member of its Violent Crime Working Group and he sits on the board of directors for The Loss Prevention Foundation and is Loss Prevention Certified (LPC).

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Committee: <u>Rules</u>	
Subcommittee: <u>Subcommittee on Legislative and Budget Process</u>	
Hearing Date: <u>06/15/2022</u>	
Hearing Title :	
<u>Tools to Combat Gun Trafficking and Reduce Gun Violence in Our Communities</u>	

Witness Name: William Napier, LPC

Position/Title: Security/ATF Compliance Consultant

Witness Type: ☐ Governmental ☒ Non-governmental

Are you representing yourself or an organization? ☐ Self ☒ Organization

If you are representing an organization, please list what entity or entities you are representing:

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

No

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

None

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

None

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- ☒ I have attached a written statement of proposed testimony.
- ☒ I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Rules

— Tools to Combat Gun Trafficking and Reduce Gun Violence in Our Communities

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

William B. Napier

Witness signature

6/13/22

Date