PART VIII:
Updates to Previous Recommendations

Each Volume of the NFCTA provided policy recommendations to improve ATF's regulatory and enforcement capabilities. These recommendations were developed by the team of researchers independent of ATF. This Part revisits the prior recommendations. Each recommendation is set forth with the specific details and justifications for the recommendation, followed by the ATF response.

AFMER Reporting - Volume I

AFMER reporting serves as an important source of data on firearm manufacturing and exporting in the regulated firearm industry. The AFMER data reviewed for Volume I indicated that approximately 24% of licensed firearm manufacturers failed to submit the required AFMER report between 2000 and 2020. The average proportion of manufacturers failing to submit AFMER reports increased to 30% between 2016 and 2020. However, the FFLs responsible for most firearms manufactured annually, as indicated by the parent entities throughout the report, have consistently submitted the required AFMER. The percentage of non-AFMER filers seems to represent a very small volume of firearms entering commerce. This review also found that the current AFMER report tracks the manufacture of firearm calibers in large groupings that no longer effectively capture the market image due to the evolution of firearms and calibers.

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should receive funding to develop a data system that will identify those FFLs who failed to file an annual AFMER form, auto-generate a letter to that FFL asking them to complete the AFMER form and will identify those FFLs that subsequently fail to file an AFMER form after receipt of an ATF reminder for any follow-up action deemed appropriate.

ATF RESPONSE: ATF concurs with the recommendation and is working toward modernization of its systems to effectuate this change. Due to funding and agency priorities, other projects have taken precedent. However, through data analytics ATF does have the ability to summarize the FFLs that have not filed an AFMER and provide that information to IOIs.

Prior Recommendation (NFCTA Volume I, Part XII)

The AFMER form should receive a full review to create new and more succinct caliber categories and determine if other modifications to the AFMER would be useful.

ATF RESPONSE: ATF stakeholders reviewed the AFMER form and considered the feasibility of the recommendation and conducted a cost benefit analysis. ATF determined that in addition to changing the form it would require new coding in the underlying data management system. While the intent of the recommendation to have a more accurate understanding of manufacturing is commendable, the resources required would be better utilized on other priority projects.

ATF Analytics Support and Staffing – Volumes I and III

The need to produce useful information for law enforcement, firearm industry members, and policy members has grown exponentially. ATF is doing an admirable job of managing this data and developing the technology for proper analysis, particularly considering budget limitations. Nevertheless, ATF staff performing these assignments could do more to meet current demands if appropriately resourced. The production of the reports issued for this National Firearms Commerce and Trafficking Assessment (NFCTA) exemplifies the resource and staffing challenges. All ATF employees working on the NFCTA are doing so as a collateral assignment; ATF has not received funding to establish an office to produce and maintain the NFCTA.

Prior Recommendation (NFCTA Volume I, Part XII)

It is recommended that ATF create an Analytics Division staffed with full-time intelligence analysts, program managers, data quality managers (to ensure the accuracy and reliability of ATF data collected from thousands of law enforcement agencies annually), and data scientists who will continue to advance the analytics technology. It is further recommended that ATF assign IOIs and special agents to the Analytics Division on a full-time basis to ensure that division provides direct investigative support to ATF criminal and industry enforcement programs and to local, state, federal, territorial, and tribal investigations involving firearms. Analysis generated by the Analytics Division should be incorporated into publications designed for distribution to firearm industry members, policymakers, and the general public.

Prior Recommendation (NFCTA Volume III, Part XI)

ATF must be equipped to address the increasing need to provide useful information to law enforcement, firearm industry members, policy makers, legislators, and the public. ATF has made a diligent effort to respond to these increased demands by enhancing existing data systems and implementing new analytical technologies in the face of ongoing budget constraints. Nevertheless, ATF could more effectively and efficiently meet current and future demands if appropriately resourced. The production of the reports issued for this volume of the NFCTA exemplifies the resource and staffing challenges. All ATF employees working on the NFCTA are doing so as a collateral assignment; ATF has not received funding to establish an office to produce and maintain the NFCTA.

Moreover, ATF would benefit from establishing an Analytics Division staffed with full-time intelligence analysts, special agents, industry operation investigators, counsel, data quality manager (to ensure the accuracy and reliability of ATF data collected from thousands of law enforcement agencies annually), and data scientists who will continue to advance the analytics technology. While ATF's CGIC program provides direct investigative support to the field, broader analytic and strategic research initiatives are currently performed by ATF employees as collateral duties. It is imperative that ATF assign IOIs and SAs to the Analytics Division on a full-time basis to ensure that division provides direct investigative support to ATF criminal and industry enforcement programs and to federal, state, local, territorial, and Tribal investigations involving firearms. In addition to full-time ATF personnel, the Analytics Division must include partnerships with academics, and other external subject matter experts. Analysis generated by the Analytics Division should be incorporated into publications designed for distribution to law enforcement, firearm industry members, policymakers, and the public.

ATF RESPONSE: ATF has invested significant resources into a robust analytics division. In fiscal year 2022, ATF established two new offices, the Data Management Division (DMD) and the Office of Chief Data Officer (OCDO). The primary function of the DMD is to establish an enterprise data management team to support ATF Analytics platforms. The OCDO primary responsibility is to implement enterprise data governance and data quality. ATF has demonstrated a strong commitment to data analytics and governance despite challenges in the budget landscape by allocating $4.5 million to that effort. ATF's DMD has stretched their resources to support NFCTA and CGI initiatives but cannot continue to provide the same level of support over the long term as budget resources have continued to diminish while the demand for analytical information has increased every year. Given the value provided to date by the NFCTA and potential for future growth, it is essential to ensure that this initiative is fully resourced and embedded within the organizational framework. ATF believes in the utilization of data and analytics to combat violent crime, inform firearm industry members, and educate policy makers, and we intend to further these efforts by ensuring that the appropriate subject matter experts are involved in the development and improvement of the DMD. This effort should include data quality managers and data scientists which would require additional funding and personnel. All ATF employees working on the NFCTA have done so as a collateral assignment. ATF has not received funding to establish an office to produce and maintain the NFCTA.

ATF Classification Letters – Volume I

Firearm industry members often seek guidance from ATF as to the classification of a particular firearm, magazine, or firearm part, or whether a particular activity or recordkeeping method is compliant with the regulations. Through a classification request, industry members can request specific guidance or clarification as to whether a particular item is a firearm subject to regulation under the GCA or NFA. This process involves the requestor submitting the item or product to ATF for evaluation. After completing its review, ATF will issue a classification letter to the requestor stating whether the item is a firearm subject to GCA or NFA regulation. The letter is issued privately to the requestor to protect privacy and any confidential or proprietary information. The letter is still subject to the Freedom of Information Act (FOIA); any material released in response to a FOIA, however, must have private and confidential or proprietary information redacted.

Prior Recommendation (NFCTA Volume I, Part XII)

It is recommended ATF develop a process to publicly post all future classification letters as they are issued, and that DOJ support a funding request for ATF to establish and maintain this practice. Posted classification letters should be redacted to protect privacy and confidential or proprietary information. Posting classification letters would provide for more transparency as well as prove useful to other industry members who are exploring the development of similar products that could be impacted by a classification letter. Making classification letters public could help prevent misunderstandings in the applicability of any provisions of the GCA or NFA to certain items being manufactured or considered for manufacture by industry members.

ATF RESPONSE: ATF is amenable to publicly posting classification letters. Pursuant to the Freedom of Information Act (FOIA), ATF maintains a Digital Reading Room for frequently requested or noteworthy documents that would serve as an appropriate location to post classification letters. ATF's Information Privacy and Governance Division (IPGD), who oversees the digital library, is responsible for processing all FOIA and Privacy Act requests. While the FOIA establishes the public's right to request existing

government records, it is also an unfunded mandate. Scarce agency resources result in IPGD consistently trying to decrease backlog from prior fiscal years while also ensuring that they address new requests within the statutory timelines. As noted in the recommendation, classification letters often contain private, confidential and proprietary information. At a minimum, each letter would require an IPGD information specialist to perform redactions followed by a legal review of redactions to ensure all protected information was properly addressed. Unfortunately, the resources necessary to implement proactive processing of these records are currently unavailable. Discussions will continue to be had on how to implement this recommendation considering the budgetary restraints.

Curios and Relics – Volume I

The data collection and analysis on Type 03 FFLs revealed a 146% increase between 2000 (24,143) and 2020 (59,457). Moreover, as a share of the total FFL population, Type 03s represented 20% of all FFLs in 2000 (120,546) and grew to 40% of all FFLs in 2020 (146,583). With respect to data on Curio and Relic (C&R) firearms it was determined that while ATF has a comprehensive list of all firearms that have been approved as C&R since 1972, ATF does not currently have a data system that contains and tracks C&R applicant information, the C&R criteria that applied to allow a firearm to be designated as a C&R, or the museums that are advising ATF that certain firearms have museum value to become a C&R. The data analysis also suggested that the current "more than 50 years old" standard for a firearm to qualify as a C&R should be reviewed for current day accuracy in determining if a firearm is a C&R.

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should receive funding to develop a data system that tracks the history of each C&R firearm on the list to include: full description of the firearm, the date the firearm is added to the C&R list, identification of the criteria met to add the firearm to the C&R list, the person making the request, what museum stated the firearm was of historical interest, and who stated the firearm was rare, novel, or collectible. The three criteria for approving a firearm to be added to the C&R list are found in 27 C.F.R. §478. As possible, this information should be catalogued for ATFs current list C&R List - January 1972 through April 2018.

ATF RESPONSE: As resources allow, ATF will review its archives to determine the extent to what historical documentation exists to internally establish a Curio and Relic classification catalogue. Expanding such an inquiry beyond readily accessible ATF archives to information maintained by other entities such as museums, would involve the reallocation of existing resources from other public safety priorities and potentially require additional statutory authority. Given the resources required to thoroughly evaluate the information maintained in ATF archives, other substantial public safety challenges that require expenditure of ATF resources, and current budgetary challenges facing ATF, it is not clear that potential benefits of establishing the recommended system warrant a request for additional funding from Congress.

Prior Recommendation (NFCTA Volume I, Part XII)

DOJ should review the C&R criteria in 27 C.F.R. §478 to determine if the "more than 50 years old" factor is still valid in determining that a firearm is truly a curio or relic. The C&R provisions were enacted in 1968 and firearms more than 50 years old at that time were manufactured prior to 1918. Today, firearms that are more than 50 years old were manufactured prior to 1972 and this now includes a wide variety of modern firearms to include some AR-15 type rifles, AK-47 type rifles, SKS rifles, and

semi-automatic handguns. Importation, transfer, and background check regulations are different for firearms on the C&R list and holders of a Type 03 FFL.

ATF RESPONSE: ATF is statutorily prohibited from amending the definition of "curio or relic" in the Code of Federal Regulations, including the "50 year" criteria, but will consider conducting the review.

Application of Demand Letter 3 to Type 07 Manufacturers – Volume I

Since 1972, Congress has authorized the collection of multiple sales information on all handguns; however, long guns were not included in the original provision. Beginning in June 2011, pursuant to Title 18 U.S.C. § 923(g)(5)(A), ATF initiated Demand Letter 3 (DL3). DL3 was instituted to assist ATF in its efforts to investigate and combat the illegal movement of firearms along and across the Southwest Border (SWB). ATF requires Type 01 licensed dealers and Type 02 licensed pawnbrokers along the Southwest Border (SWB) in Arizona, California, New Mexico, and Texas to submit record information on multiple sales of certain rifles, defined as semi-automatic rifles capable of accepting a detachable magazine and with a caliber greater than .22 (including .223/5.56/.762 caliber). The required information is submitted on ATF Form 3310.12, Report of Multiple Sale or Other Disposition of Certain Rifles. Currently, DL3 does not apply to Type 07 licensed manufacturers in the SWB states. Furthermore, reporting is not required when the rifles are returned to the same person from whom they are received.

From 2016 to 2020, ATF received 40,642 DL3 MSRs from FFLs in SWB states. These MSRs involved 95,175 firearms, representing approximately 2.3 firearms per MSR. Further analysis of the DL3 MSRs indicated the DL3 MSRs decreased significantly from 2016 to 2018 (-55%) and then increased modestly (4%) between 2019 and 2020. Ten rifle calibers represented over 93% of the rifles reported in DL3 MSRs. Three of the ten calibers, 5.56, 7.62 and .223 accounted for over 68% of the total rifles associated with DL3 MSRs. Ten manufacturers and their dominant calibers (5.56mm, 7.62mm and .223 cal.) represented over 31% (29,888) of the 95,175 rifles reported in DL3 MSRs.

Type 01 and Type 02 licensees may conduct retail sales of firearms but may not manufacture firearms. Type 07 licensees may manufacture firearms and conduct retail sales of firearms. The analysis of DL3 data included in this report found that many Type 07 licensees along the SWB conduct retail sales. However, these Type 07 licensees are not included in the criteria for DL3 and not required to file ATF Form 3310.12, *Report of Multiple Sale or Other Disposition of Certain Rifles.*

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should amend the criteria for DL3 to include Type 01 retail licensees, Type 02 pawnbroker licensees, and Type 07 manufacturer licensees in the designated Southwest Border States.

ATF RESPONSE: ATF had begun working on adding Type 07 manufacturers and Type 08 importers prior to receiving this recommendation. This change has been finalized and Type 07 manufacturers and Type 08 importers in the designated Southwest Border states are required to report any such multiple rifle sales occurring on or after October 1, 2024.

Prevention of FFL Thefts/Losses – Volumes I and II

Between 2016 and 2020, FFLs reported 5,766 theft related incidents involving 39,147 firearms, and 6,052 loss incidents involving 45,346 firearms. ATF is already engaged in providing training to FFLs on best

practices related to inventory management and loss prevention. Every stolen or lost firearm is a loss in revenue for the FFL and a potential crime gun on the street. There are also other preventive methods that could help reduce thefts and losses from interstate commerce.

Prior Recommendation (NFCTA Volume I, Part XII)

DOJ, in partnership with the firearm industry, should explore the feasibility of requirements to prohibit the appearance of firearm manufacturer names and logos on the exterior of boxes being shipped in commerce. These markings clearly indicate a firearm(s) is contained in the cardboard box and make it more susceptible to deliberate pilferage and diversion. A requirement that no markings appear on the outside of a firearm box in shipment could be accomplished by:

a. *No manufacturer markings being placed on current packaging.*

b. *Current packaging could retain manufacturer markings however, if wrapped in plain material, such as paper or heat activated shrink wrap, then signs of tampering would be visible.*

ATF RESPONSE: To make this recommendation a requirement, ATF would have to formally engage in the rulemaking process, which includes a preliminary cost-benefit analysis. Federal regulations are created through a process known as "rulemaking," which is governed by the Administrative Procedure Act (APA) (5 U.S.C. Chapter 5). Once an agency decides that a regulatory action is necessary or appropriate, it develops and typically publishes a proposed rule in the Federal Register, soliciting comments from the public on the regulatory proposal. After the agency considers this public feedback and makes changes where appropriate, it then publishes a final rule in the Federal Register with a specific date upon which the rule becomes effective and enforceable. In issuing a final rule, the agency must describe and respond to the public comments it received.

ATF is continually looking for ways to prevent firearm thefts. ATF agrees that packaging which identifies the content as firearms advertises not only to customers, but also criminals who divert the firearm for use in crime. The proposed recommendation could prevent firearms from being stolen in shipment. Absent a rule, ATF will explore an education and outreach program to highlight this recommendation as a best practice.

Prior Recommendation (NFCTA Volume I, Part XII)

DOJ, in partnership with the firearm industry, should explore the feasibility of requirements to allow for the firearm industry to only ship using common carriers that have end-to-end tracking capability and can determine where a package is at all times in transit.

ATF RESPONSE: As stated above, this recommendation would also require a rulemaking. In the spirit of this recommendation ATF has engaged in preliminary discussions about whether a memorandum of understanding with common carriers could achieve the same results without a formal rule. However, it would be difficult to achieve an industry standard through such specific agreements as the firearm industry is only required to use a contract carrier, some of whom may choose not to enter into a memorandum of understanding. It should be noted, that two of the larger contract carriers, UPS and

FedEx, recently made internal policy changes regarding the shipment of firearms. As of 2024, both carriers have implemented internal policies that firearms may only be shipped from FFL to FFL.

Prior Recommendation (NFCTA Volume I, Part XII)

DOJ, in partnership with the firearm industry, should explore the potential use of small, inexpensive "Bluetooth-type" tracking devices in certain high-risk shipments to help law enforcement locate packages in the event they are lost or stolen.

ATF RESPONSE: ATF does not currently possess the statutory or regulatory authority to require FFLs to utilize tracking devices. ATF continually conducts outreach activities and collaborative programs with the firearm industry to mitigate theft and promote public safety.

Prior Recommendation (NFCTA Volume II, Part VII)

Review Modus Operandi Tracking: *ATF should review how they track the modus operandi fields for FFL thefts to ensure they are collecting this data in the most effective and efficient manner for use in identifying trends and patterns. For example, it may be useful to have a primary modus operandi designation and then ancillary modus operandi to allow for distinguishing between major and minor modus operandi.*

ATF RESPONSE: ATF agrees with the recommendation to improve data collection capacity, as reflected on the ATF Form 3310.11, *Federal Firearms Licensee Firearms Inventory/ Firearms in Transit Theft/Loss Report*. ATF is exploring whether implementation of this recommendation can be accomplished with existing funding.

ATF Form 6A Reporting on Firearm Importations – Volume I

This review found that ATF lacked consistent firearm importation data and relied on the U.S. International Trade Commission (USITC) to provide firearm import information during the study period. The lack of reliable firearm import data exists despite the requirement that all FFLs who complete a firearm importation must file a Form 6A - *Release and Receipt of Imported Firearms, Ammunition and Implements of War* (ATF Form 5330.3C) to ATF within 15 days of the import being cleared by U.S. Customs and Border Patrol (CBP) in accordance with 27 CFR § 478.112. The ATF Form 6A collects important information on firearms imported into the U.S. Unfortunately, the data is not currently maintained in a way that allows for analysis. Improving data capture and enhancing ATF's staffing to process, review, and analyze imports data would also allow ATF to determine when ATF Form 6As are not submitted as required. Ensuring high ATF Form 6A submission rates will enhance traceability of recovered crime guns. Information technology enhancements could also facilitate verification of ATF Form 6A submissions.

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should receive funding to increase staffing to allow for enhanced outreach and education to licensed importers on the requirement to file ATF Form 6A within 15 days of clearing CBP.

ATF RESPONSE: ATF agrees with the recommendation that ATF should receive funding to increase staffing to more effectively administer firearm import regulations. ATF currently participates in imports industry conferences each year with the goal of educating licensees on their reporting and record keeping requirements.

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should receive funding to develop a data system in partnership with the USITC and/or the CBP National Targeting Center (CBP-NTC) to identify those FFLs who are known to have completed a firearm importation but failed to file a Form 6A with ATF. Once an FFL is identified as having completed a firearm importation but failed to file a Form 6A, ATF will send an auto-generated letter to that FFL directing them to complete the Form 6A. Should that FFL fail to file the Form 6A after being asked to do so, ATF will take any follow-up action deemed appropriate to gather this information and ensure the FFL has maintained both the Form 6 and Form 6A in their permanent records as required by 27 CFR § 478.129(d).

ATF RESPONSE: ATF concurs with the recommendation that ATF should receive funding to develop a data system to more effectively administer firearm import regulations. ATF is currently working on modernizing its processes by transitioning to the use of eForms, for all import forms, however additional funding is needed.

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should receive funding to develop a data system to track most of the information reported on the Form 6A for use in analysis.

ATF RESPONSE: ATF agrees with the recommendation that ATF should receive funding to develop a data system to track permissible information reported on the Form 6A. If funded, the technology is readily available to develop a system that would provide notification when a Form 6A is not filed, so appropriate action can be taken.

Data Sharing with U.S. Department of State – Volume I

The analyses suggested that, in general, persons holding a manufacturer's FFL (Types 06, 07, and 10) should register as a manufacturer with the U.S. Department of State (DOS), Office of Defense Trade Controls (DDTC) and pay a fee unless specifically exempted by an International Traffic in Arms Regulation (ITAR).

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should assist DOS in identifying those potential Type 06, 07, and 10 licenses that may need to register under ITAR by providing DOS with access to view all active Type 06, 07, and 10 licensees.

ATF RESPONSE: ATF is working to develop a better partnership with DOS and to finalize new processes to work collaboratively. All active FFLs are posted monthly on www.atf.gov, allowing DOS to view all Type 06, 07, and 10 licensees. If the FFL is manufacturing and exporting products subject to the United States Munitions List (USML), licensees must register with the DOS. Not all of these FFL types,

however, currently engage in exports subject to DOS regulation. In March 2020, many items exported by these types of FFLs were transferred from DOS jurisdiction under the USML (and ITAR) to the jurisdiction of the Commerce Department under the Commerce Control List. ATF will continue its dialogue with DOS to identify opportunities to better identify FFLs whose export activities are subject to the ITAR.

Explore ATF – FBI Partnerships to Enhance National Crime Information Center (NCIC) Stolen Firearm Data – Volume I

Firearm thefts from private citizens represent an important source of crime guns for criminals and other prohibited persons. The FBI NCIC Gun File was developed to assist LEAs in communicating private citizen reports of the theft, loss, and recoveries of firearms through a shared database and communications system. ATF has unique expertise in collecting, managing, and analyzing data on crime guns that could enhance the prospects of generating tactical and strategic intelligence from the NCIC Gun File data.

Prior Recommendation (NFCTA Volume I, Part VII)

It is recommended that DOJ support an ATF – FBI partnership to review NCIC Gun File data collection processes, assess the reliability and validity of its data elements, and determine the strategic and tactical value generated by deeper analyses of these data. DOJ should also consider the merits of a formal agreement between ATF and FBI to jointly manage the NCIC Gun File and additional funding to support enhanced data collection and analysis of this important source of data on firearm thefts from private citizens.

ATF RESPONSE: ATF and FBI National Instant Criminal Background Check System (NICS) meet at least quarterly to discuss cross-jurisdictional issues and other law enforcement priorities. ATF agrees that the private party thefts reflected in the NCIC Gun File are a major issue and one of the ways of better addressing the issue is understanding it. This topic will be addressed at future quarterly meetings.

NICS Data Codes – Volume I

The analyses completed for this report found that the FBI utilized both federal and state license numbers associated with the FFL. In instances in which only the state license number was captured, ATF had to contact the state to obtain the federal license numbers associated with the state number.

Prior Recommendation (NFCTA Volume I, Part XII)

Recommend DOJ/FBI purpose a rule allowing and requiring the NICS to utilize the Federal license number on all NICS transactions involving FFLs. This would allow ATF to conduct a more efficient analysis of NICS transactions.

ATF RESPONSE: ATF and FBI have agreed to implement this recommendation in 2025. This will be implemented through partnership with FBI NICS and state point-of-contacts; this process does not require formal rulemaking and can be accomplished voluntarily.

National Integrated Ballistic Information Network (NIBIN) Program - Modernization Efforts and Future Growth – Volume II

During the study period there has been tremendous growth in the use of NIBIN and the ability of NIBIN to generate leads that are linked to crime gun trace data. The number of NIBIN cases increased 103% from 2017 (206,069) to 2021 (418,076) (See Figure NIB-01 in Part VI – NIBIN & Ballistic Evidence). The number of NIBIN acquisitions increased 99% from 2017 (290,507) to 2021 (576,930) (See Figure NIB-02 in Part VI – NIBIN & Ballistic Evidence). The number of NIBIN acquisitions with NIBIN leads increased 170% from 2017 (56,751) to 2021 (153,409) (See Figure NIB-04 in Part VI – NIBIN & Ballistic Evidence). The number of firearms entered into NIBIN increased 107% from 2017 (151,795) to 2021 (314,736) (See Figure NIB-06 in Part VI NIBIN & Ballistic Evidence). The number of firearms entered into NIBIN and submitted for tracing increased 109% from 2017 (94,249) to 2021 (196,633) (See Figure NIB-07 in Part VI – NIBIN & Ballistic Evidence). The number of Crime Gun IDs, based on the first lead date, increased 186% from 2017 (20,378) to 2021 (58,235) (See Figure NIB-10 in Part VI – NIBIN & Ballistic Evidence).

Prior Recommendation (NFCTA Volume II, Part VII)

Funding for Correlation Personnel - The NIBIN National Correlation and Training Center (NNCTC) has proven exceptionally effective and efficient at processing and correlating large amounts of ballistic evidence as a service to LEAs nationwide. Personnel at the NNCTC specialize exclusively in NIBIN correlation work and therefore become highly efficient at this process. Conducting correlations is one of the most time-consuming and labor-intensive aspects of the NIBIN process. Most LEAs do not have the resources to dedicate personnel exclusively to conducting correlations. LEAs could benefit from both costs savings as well as a more expeditious turn- around time on correlations with expanded access to NNCTC resources. It is therefore recommended that funding be provided to ATF for additional correlation review and training specialists. These additional resources will primarily be located at the NNCTC II currently under construction in Wichita, Kansas.

ATF Response: ATF continues to prioritize the NIBIN program and recently expanded the number of correlation review specialists in Wichita, Kansas. Through August 2024, ATF's NNCTC I and II are currently correlating and disseminating leads for 243 partner sites. There have been over 1.7 million correlation reviews, yielding over 549,000 NIBIN leads that go back to investigators and intel personnel nationwide. There are 36 NIBIN sites on a waitlist to be added. As the NIBIN program expands and as more sites require support from the NNCTC, future funding enhancements will be necessary to meet expected service levels. ATF fully supports the recommendation to increase funding on correlation personnel specialists. However, this level of funding remains short of a fully staffed correlation center. As a downstream consequence, with an increased capacity of the NNCTC to correlate and therefore generate NIBIN leads, it may also increase the number of microscopic confirmations required to be completed by forensic laboratories, including ATF Laboratories, for court purposes.

Prior Recommendation (NFCTA Volume II, Part VII)

Funding for Record Management System (RMS) Data Ingests in NIBIN Enforcement Support System (NESS) – NESS has driven innovation in ATF's NIBIN program by providing standardized and efficient mechanisms to organize NIBIN data. In addition to the nightly NIBIN data ingest, authorized NESS users also can overlay RMS event data, including case narratives, people (suspects, victims, witnesses) and

locations. This is an important aspect of NESS, allowing users to not only identify linked crime scenes through NIBIN data, but also identify patterns in the people and locations of each incident based on RMS data. With this combined NIBIN and RMS data in NESS, investigators and analysists can identify and target the key nodes in a violent criminal network. There are different methods to incorporate RMS data within NESS, including a process to automate entry for a given LEA. Automated entry relives the necessity to dedicate personnel and resources to manually upload RMS data.

ATF RESPONSE: ATF agrees with this recommendation and has prioritized NESS funding to add more participating NESS RMS law enforcement agencies. With the additional funding received thus far, the NESS team has successfully created over 20 automated connections, automatically bringing investigative data into NESS for nearly 400,000 shootings and crime gun recoveries. The NESS team has also recently created an Application Programming Interface (API) and made other process and technical enhancements to optimize efficiency. More funding would support onboarding new NESS RMS agencies, which would offer expanded crime gun intelligence capabilities while reducing manual workload.

Research and Development – Volume II

Revolvers are routinely recovered in violent gun crimes. Revolvers accounted for 11% (211,590 of 1,922,577) of the crime guns recovered in the U.S. and its territories and submitted for tracing during the study period (See Table CCG-01 in Part III - Crime Guns Recovered and Traced Within the United States and Its Territories). In certain cities, revolvers accounted for larger shares of recovered crime guns, ranging from 14% to almost 19%, in New York, NY; Baltimore, MD; San Diego, CA; and Los Angeles, CA (See Table CCG-04a in Part III - Crime Guns Recovered and Traced Within the United States and Its Territories). Studies of fatal and nonfatal gunshot wounds find similar percentages of shootings involving popular revolver calibers such as .38 and .357.[1] Revolvers do not automatically eject cartridge casings when fired and, as result, generally do not leave casing evidence at shooting scenes. Bullets fired from crime guns can sometimes be recovered from victims and at shooting scenes and submitted for forensic examination. An evaluation of the use of 3-D ballistics imaging technology to collect and analyze bullets found the approach to be effective in generating investigative leads that would not otherwise be possible.[1]

Prior Recommendation (NFCTA Volume II, Part VII)

ATF should engage in research to determine the usefulness of projectile analysis technology in those situations where bullets are recovered from shooting victims and no casings are recovered. ATF should review existing studies in this area as well as conduct their own research into rates of revolver use in shooting crimes in various cities, rates of shooting crimes where no casings are recovered, rates of links between shooting crimes, and by speaking with law enforcement and medical examiner practitioners.

ATF RESPONSE: ATF concurs with this recommendation and has instructed the CGI Center of Excellence research team to consider further scientific studies to determine the usefulness of projectile analysis technology. However, under current generally accepted standards in the forensic community, in-laboratory analysis is necessary to obtain reliable results from forensic projectile examinations. Two factors limit application of technologies that do not involve in-laboratory analysis: Projectiles are often damaged during firing and, particularly when the projectile in a shooting involving a victim, may contain biological material which cannot be readily analyzed outside of a laboratory. Unfortunately, forensic laboratory capacity in the U.S. is insufficient to meet existing law enforcement needs, limiting the ability of most law enforcement agencies from comprehensively conducting projectile analysis.

Prior Recommendation (NFCTA Volume II, Part VII)

Engage with Partners in Research on the Efficacy of Ballistic Forensics as well as "Match Error Rates": Courts are currently considering defense challenges to the use of forensic ballistics evidence as well as the degree of certainty to which firearm experts may testify that a specific gun fired a specific bullet. Forensic science research groups and university scholars are currently studying the validity of ballistic matches. ATF should engage with organizations such as the National Institute of Standards and Technology (NIST) to assist in the ongoing research in this area and in the discussion on "match error rate" standards and their application.

ATF RESPONSE: ATF plays a pivotal role in the NIST Scientific Foundation Review of Firearm Examination,[1] an ongoing study to develop a report documenting the scientific foundations of the methodology used by forensic examiners and assessing its reliability by evaluating the scientific literature on error rates. A senior ATF Firearm and Toolmark Examiner serves as the lead subject matter expert in firearm examination for the review team, which is also comprised of NIST scientists, researchers, and statisticians.

ATF also participates on the NIST Organization of Scientific Area Committees for Forensic Science (OSAC). The purpose of OSAC is to facilitate the development of scientifically sound standards that define minimum requirements, best practices, standard protocols and other guidance to help ensure that the results of forensic analysis are reliable and reproducible.[2]

Forensic laboratory personnel at ATF adhere to the DOJ Uniform Language for Testimony and Reports (ULTR) for forensic disciplines,[3] which serve as quality assurance measures designed to standardize the expression of appropriate consensus language for use by DOJ examiners in their reports and testimony. This includes acceptable language for qualifying conclusions as well as limitations of forensic firearm examination, such as not asserting absolute or 100% certainty.

As funding permits, ATF personnel participate in continued educational training and attend conferences related to ballistics imaging and its use as evidence.

Prior Recommendation (NFCTA Volume II, Part VII)

Assess and Improve the Comprehensiveness and Timeliness of Firearm Tracing and Imaging of Crime Gun Evidence: The validity, reliability, and practical usefulness of firearm trace and ballistic imaging data in supporting investigations, understanding gun violence problems, and evaluating gun violence reduction policies and programs are greatly enhanced when LEAs are timely submitting all recovered firearms and crime gun evidence for tracing and ballistic imaging. DOJ and ATF persistently educate LEAs on the importance of comprehensive and timely crime gun tracing and comprehensive and timely crime gun evidence ballistic imaging. However, prior DOJ and ATF assessments suggest mixed results with some LEAs embracing a comprehensive approach while other LEAs have struggled to do so. It is recommended that DOJ support a national assessment of firearm tracing and ballistic imaging of crime gun evidence that identifies the staffing, processes, and technology needed to ensure comprehensive and timely crime gun data collection and analysis in varied state, local, territorial, and tribal jurisdictional settings. This nationwide effort should be completed in collaboration with academic researchers and supported as appropriate by local research partners involved in the implementation of Crime Gun Intelligence Centers (CGICs).

ATF RESPONSE: ATF has begun the initial stages of implementing the concept behind this recommendation. Phase one identified all CGICs (ATF-led as well as externally led) that should be incorporated into the suggested standardized approach. This project is led by the research section of the National Crime Gun Intelligence Center of Excellence and overseen by the Research Subcommittee of the ATF Crime Gun Intelligence Governing Board in collaboration with selected academic institutions.

Privately Made Firearms (PMFs) – Volume I and II

This report suggests that technology advancements in PMF making are associated with a corresponding increase in their use in crimes. Between 2016 and 2020, 25,896 suspected PMFs were recovered in crimes and traced by law enforcement. Between 2020 and 2021 alone,19,344 suspected PMFs were recovered and traced by law enforcement. To put these figures in perspective, approximately 5,150 suspected PMFs on average were traced annually between 2016 and 2020, however, in 2021 this number nearly quadrupled. The data analyses also suggested that PMF use in crime is underreported and that there are several avenues through which reporting can be improved.

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should receive additional funding to increase staffing to continue conducting training for federal, state, local, and tribal law enforcement on the identification, use of standardized terminology and definitions, and tracing of PMFs.

ATF RESPONSE: ATF agrees with the recommendation that ATF should receive additional funding to increase staffing to continue PMF training. Since January 1, 2022, personnel from ATF's Firearms and Ammunition Technology Division (FATD) have provided PMF and machinegun conversion device (MCD) training to 6,802 law enforcement personnel at 93 events nationwide. Law enforcement requests for training associated with PMFs and MCDs justifies an additional training branch. If the additional branch was approved, ten full-time Firearm Enforcement Officers and support personnel would need to be hired.

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should monitor the continued evolution of PMFs and PMF making as they are used criminally and as they impact the licensed firearm industry and provide updated intelligence and training as appropriate to law enforcement, firearm industry members, and policymakers.

ATF RESPONSE: ATF, and FATD in particular, is currently monitoring the evolution of PMFs with assistance from, and in support of ATF's Emerging Threats Center (ETC). This includes printing and testing firearm designs as they are identified.

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should review all case and data management systems to ensure data fields are added to properly track the various types of PMFs recovered, various types of investigations of PMF unlicensed making and dealing, as well as illegal possession.

ATF RESPONSE: ATF has been tracking PMF recoveries in eTrace since 2012. ATF has continued to deploy updates and improvements to identify and track PMFs in eTrace, with the most recent enhancement in August 2024. This new functionality significantly expands reporting capabilities and simplifies the eTrace submission process for PMF recoveries. Similarly, in June 2021, the term "PMF" was added to the manufacturer dropdown list within the NIBIN system. This update enhanced ATF's ability to collect and report on NIBIN leads from incidents involving PMFs.

ATF agrees that tracking the recovery of PMFs is increasingly a public safety imperative. Additional funding, however, would be required for ATF to fully integrate software updates to track PMF data across all platforms.

ATF's ETC also focuses on enhancing investigation of PMF-involved crimes, conducting nationally scoped PMF investigations (such as internet-based trafficking) and providing PMF-specific analytical support to investigations conducted by ATF field offices and LEA partners. Additionally, the ETC monitors PMF trends and prepares intelligence bulletins to law enforcement partners both domestically and internationally.

ATF co-chairs the Justice Department's Action Network to Terminate Illegal Machinegun Conversion Devices (ANTI-MCD) Committee which was announced in September 2024. The ANTI-MCD committee supports all DOJ-wide efforts to enhance tracking of MCD seizures and prosecution of cases involving MCDs.

Prior Recommendation (NFCTA Volume I, Part XII)

ATF should review all applicable forms that may document the presence of a PMF in commerce or a crime to ensure that those forms are updated with new data fields to properly track PMFs. The forms for review should include, but are not limited to:

a. ATF Form 3312.1, National Tracing Center Trace Request

ATF RESPONSE: ATF intends to update ATF Form 3312.1 to include PMFs in accordance with the regularly scheduled renewal process administered by the Office of Management and Budget (OMB).

b. ATF Form 3310.12, Report of Multiple Sale or Other Disposition of Certain Rifle

ATF RESPONSE: ATF intends to update ATF Form 3310.12 to include PMFs in accordance with the regularly scheduled renewal process administered by the OMB.

c. ATF Form 5300.9, 4473 Firearms Transaction Record

ATF RESPONSE: ATF revised the ATF Form 4473 in December 2022, to include a PMF data field, and corresponding instructions on how to record PMF information.

d. ATF Form 3310.11, FFL Theft/Loss Report

ATF RESPONSE: ATF intends to update ATF Form 3310.11 to include PMFs in accordance with the regularly scheduled renewal process administered by the OMB.

Prior Recommendation (NFCTA Volume I, Part VII)

Some 37,980 PMF domestic trace requests were submitted to ATF between 2017 and 2021 (See Figure OFT-04 in Part III - Crime Guns Recovered and Traced Within the United States and Its Territories). As reflected in Table FER-01, the combined total of machinegun conversion and silencer and silencer parts recovered by ATF increased by almost 255% between the 2012 to 2016 period and the 2017 to 2021 period.

Table FER-01: Total Machine Gun Conversion Parts, Silencer and Silencer Parts Taken into ATF Custody, 2012 – 2021

Type	2012 to 2016	2017 to 2021	% Increase between 5 Year Periods
Machine-Gun Conversion Parts	814	5,454	570.0%
Silencer & Silencer Parts	3298	9,130	176.8%
Total	**4,112**	**14,584**	**254.7%**

ATF should expand training to federal, state, local, territorial, tribal, and international law enforcement partners in PMF recognition and processing (i.e., the proper submission of PMF trace requests to NTC). Due to ongoing importation of PMF parts into the U.S., ATF should enter an intelligence partnership with U.S. Customs and Border Patrol (CBP) to better monitor the influx of PMFs. ATF should also provide training to CBP on all types of PMFs including illegal NFA items such as Glock machinegun conversion switches, drop in auto sear (DIAS), silencers portrayed as solvent traps and oil filters, receiver castings, and other items sourced from foreign countries and websites.

ATF RESPONSE: ATF agrees with the recommendation that ATF should receive additional funding to increase staffing to continue PMF training. Since January 1, 2022, personnel from ATF's Firearms and Ammunition Technology Division (FATD) have provided PMF and machinegun conversion device (MCD) training to 6,802 law enforcement personnel at 93 events nationwide. Law enforcement requests for training associated with PMFs and MCDs justifies an additional training branch. If the additional branch was approved, ten full-time Firearm Enforcement Officers and support personnel would need to be hired.

Prior Recommendation (NFCTA Volume II, Part VII)

ATF should enhance eTrace and their internal case management systems (e.g., NForce, Spartan), to include a broader array of PMF characteristic descriptors that can be used to track various types of recovered PMFs and develop more detailed strategic and tactical intelligence. These improvements should be undertaken with all stakeholders across the various directorates in ATF so that any developed terms and descriptors are acceptable and compatible with all ATF systems and are used uniformly in policies and procedures as appropriate.

ATF RESPONSE: ATF has been tracking PMF recoveries in eTrace since 2012. ATF has continued to deploy updates and improvements to identify and track PMFs in eTrace, with the most recent enhancement in August 2024. This new functionality significantly expands reporting capabilities and simplifies the eTrace submission process for PMF recoveries. Similarly, in June 2021, the term "PMF"

was added to the manufacturer dropdown list within the NIBIN system. This update enhanced ATF's ability to collect and report on NIBIN leads from incidents involving PMFs.

ATF agrees that tracking the recovery of PMFs is increasingly a public safety imperative. Additional funding, however, would be required for ATF to fully integrate software updates to track PMF data across all platforms.

National Tracing Center – Volumes I and II

The ATF National Tracing Center (NTC) has maintained its capacity to process an increased volume of recovered crime gun trace requests submitted by federal, state, local, territorial, tribal, and international law enforcement agencies (LEAs) and to provide timely gun trace results and crime gun intelligence analysis to these agencies. This information provides crucial tactical information used by criminal investigators to solve violent gun crimes as well as to apprehend traffickers who supply illegal guns to violent criminals, drug trafficking organizations, organized crime syndicates, and terrorist / extremist groups. ATF analyses of traced crime gun trends and patterns also yield important strategic intelligence for policy makers and law enforcement leaders considering new policies and programs to reduce gun violence. These vital contributions to public safety have been achieved despite decreased resources and in the absence of much-needed technological enhancements to NTC systems.

From 2000 through 2011 the NTC's annual budget allocations increased 139% in current dollars and 80% in constant dollars while at the same time crime gun trace requests received by the NTC increased 59%. By comparison, from 2011 through 2021 the NTC's annual budget allocations decreased 6% in current dollars and 22% in constant dollars while at the same time crime gun trace requests received by the NTC increased 64% (See Figure NTC-11 and Table NTC-21 in Part II – NTC Overview).

The NTC has been very effective in leveraging technological enhancements to address this increased workload in the face of diminishing resources and staffing. These innovations have allowed the NTC to meet an increased demand for crime gun tracing of 174% between 2000 and 2021 (See Table NTC-02a in Part II – NTC Overview) while improving the rate of completed[1] crime gun traces by 17 percentage points from nearly 67% (137,641of 206,117) in 2000 to 84% (475,627 of 564,229) in 2021 (See Table NTC-02 in Part II – NTC Overview). The NTC also improved the rate of traces to a purchaser among traces possible to complete by 14 percentage points from 71% (98,248 of 137,641) in 2000 to nearly 85% (403,246 of 475,627) in 2021 (See Table NTC-03 in Part II – NTC Overview). Unfortunately, these improvements based on technological innovations can no longer offset the ever-increasing workload faced by the NTC. It is now taking longer to process trace requests and provide LEAs with critical investigative leads. The research team suggests the following recommendations to remedy this concerning situation. These recommendations comply with current ATF appropriations riders, Tiahrt Amendment provisions, and Title 18 U.S.C. § 926(a).[1]

Prior Recommendation (NFCTA Volume I, Part VII)

Application Programming Interface (API): An API facilitates data sharing among two or more computer software programs that need to communicate with each other. In early FY-23, the NTC implemented a Firearm Tracing Web Service, which leverages a secure API component. The new API allows for the electronic exchange of firearm trace related data between LEAs and the NTC to occur in a more accurate and efficient manner. This technology allows LEAs to tailor their existing records/case management systems to connect seamlessly with the Firearm Tracing System (FTS) for automated trace submission

and retrieval of trace results. The API eliminates the redundant entry of trace requests and search/retrieval of trace results by LEAs. While other LEAs benefit from these automated processes, the NTC's firearm tracing process remains fundamentally manual. Additional APIs could also be utilized to standardize and improve information sharing capabilities between the FTS and various other ATF systems, to include NIBIN-NESS, internal case management systems, and others.

ATF RESPONSE: APIs are important tools to enhance ATF data-sharing capabilities. ATF systems, including FTS and NESS, utilize APIs to augment data-sharing internally and externally. For example, in partnership with Kentucky State Police, ATF developed an API allowing nearly all LEAs in Kentucky to automatically enter trace information when a recovered crime gun is entered into the LEAs' case management system – the first such automated access in the Nation. This eTrace API allows LEAs to use a centralized RMS to fully automate the submission of crime gun data, which eliminates unnecessary paperwork by automatically generating a trace request when crime gun data enters the RMS. Enhancing existing APIs and building new ones will facilitate continued innovation, but these technical solutions require additional funding.

ATF's NESS RMS involves establishing an automated data ingest process between LEA case management systems and ATF's NESS application. The NESS development team originally created a file transfer process and recently deployed an API solution. This new functionality allows case selection processes to occur via API calls to provide data transfers that are simple, standardized, accurate, and fast. Case data related to shootings and firearm recovery incidents populate the NESS application through an automated daily process of querying RMS data and transmitting the data through an encrypted pathway to NESS.

The NESS team working alongside external law enforcement personnel have created over 20 NESS RMS data ingests to date, automatically bringing in investigative data from nearly 400k shootings and gun recoveries.

Prior Recommendation (NFCTA Volume II, Part VII)

Standardization of Data Terminology and Data Management within ATF: It is recommended that ATF convene a cross-directorate working group to standardize the terminology used to define and describe firearms, privately made firearms (PMFs), industry information, and other relevant data items. This same working group will also develop data management standards to ensure uniformity in data collection, reporting, storage, and transfer protocols among the Directorates and their various tracing, intelligence, and case management systems. For instance, firearm manufacturer identification terminology can vary across databases used by the FTS, National Firearms Act Division, Imports Branch, NIBIN-NESS, and other firearm data systems. Standardization will facilitate data sharing between ATF systems and enhance the completeness of data available for strategic and tactical intelligence analysis.

ATF RESPONSE: ATF agrees that standardization promotes better data sharing and analysis. Updating ATF systems to ensure standardization will require dedicated resources and steadfast commitment. Additional funding for staffing is crucial to implementing this recommendation.

Prior Recommendation (NFCTA Volume II, Part VII)

Expand the Use of NTC Connect Program: NTC Connect is a free service available to manufacturers, importers and wholesalers who maintain electronic Acquisition and Disposition (A&D) records. NTC

Connect utilizes a secure web-based application through which authorized NTC personnel, when conducting a crime gun trace, can send a query, by serial number only, against an FFL's electronic firearm acquisition records and retrieve the corresponding disposition data if available. The data remains the property of the FFL and is not housed at ATF. Participation in the program is voluntary and can reduce FFL costs associated with maintaining personnel on staff to provide a response to NTC crime gun trace requests. At the same time, this program benefits the NTC by providing immediate access to a participant's firearm data on a 24/7 basis, thereby allowing for operations to continue outside of normal business hours and leading to improved response times in completing crime gun trace requests for LEAs engaged in active and urgent criminal investigations. NTC Connect seems to produce efficiencies in trace response and completion time as well as cost savings to the participating licensed firearm industry members, however it does introduce additional overhead and costs to the government, which limit the overall scalability of the program.

In an effort to expand usage and further optimize the NTC Connect program, ATF should explore options to leverage an Application Programming Interface (API) to automate the process of contacting FFLs (currently done via phone, fax, email, or manual search via NTC Connect) to obtain firearm disposition information in furtherance of a trace request. FFLs that maintain electronic records could opt to receive electronic trace requests through a secure NTC Connect API. A standard trace inquiry file, to include a complete description of the specific firearm being traced could be electronically generated and transmitted via the NTC Connect API to the participating FFL, where it would be automatically compared to their electronic records. If a match was found, the disposition information for the traced firearm could be instantaneously transmitted back to the NTC through the API and loaded directly into the Firearms Tracing System (FTS) with no manual intervention. The goal would be to leverage the NTC Connect API through each FFL in the chain of distribution as far as possible. In cases where an FFL is unable or chooses not to leverage the API service or where the response is incomplete, the trace could be automatically routed to the appropriate section for manual processing.

It is recommended that DOJ survey current firearm industry members along with product vendors who provide FFL recordkeeping software to further evaluate the feasibility of implementing API capabilities. These survey results can then serve as a basis for ATF to modernize and expand the availability of NTC Connect to additional firearm industry members (major manufacturers, importers, distributors, and retailers) who wish to participate.

ATF RESPONSE: ATF agrees with the recommendation to expand usage and further optimize the NTC Connect program. ATF has allocated initial funding for this recommendation. ATF will convene a working group to solicit input from firearm industry members and product vendors that provide FFL recordkeeping software. The API solution for NTC Connect is expected to be implemented by August of 2025. ATF will benefit from quicker and more efficient processing of crime gun trace requests, and both ATF and participating firearm industry members will realize cost-savings through a reduction of dedicated resources needed for completing traces. The program will continue to be voluntary for firearm industry members.

Prior Recommendation (NFCTA Volume II, Part VII)

Use the Crime Gun Tracing Data Submission Process to Support NIBIN Data Acquisition and Dissemination: Amend eTrace and ATF Form 3312.1, National Tracing Center Trace Request to include additional fields that ask law enforcement representatives whether the recovered crime gun has been test-

fired and entered into NIBIN. In addition, reported NTC trace results should be revised to include any relevant NIBIN results information.

ATF RESPONSE: The ATF Form 3312.1 includes a NIBIN match checkbox and a field for entering the NESS Crime Gun ID number. The eTrace application currently has a data field for capturing ballistics information; however, there is no specific field for capturing NIBIN match status nor the NESS Crime Gun ID. ATF's eTrace and NESS system owners have started planning the development to automatically transfer limited NESS data into eTrace for automatic inclusion on the NTC trace results.

Prior Recommendation (NFCTA Volume II, Part VII)

Extend the Retention of Handgun Multiple Sales Purchaser Information: Since 1975, FFLs have been required by regulation (27 C.F.R. §178.126a) and law (18 U.S.C. §923(g)(3)(A)) to report all transactions in which an unlicensed person has acquired two or more pistols and/or revolvers at one time or during any five consecutive business days. Multiple sales reporting was implemented to monitor and deter illegal interstate commerce in pistols and revolvers by unlicensed persons. In November 1995, ATF initiated a policy that digitized data contained in multiple sale reports, including firearm purchaser information, to be maintained at the NTC. This ATF policy was reviewed by the Government Accounting Office (GAO) in 1996 and was found to comply with all data restrictions and appropriations riders[1]. The 1995 ATF policy included a requirement to purge identifying information on multiple sales purchasers whose firearms had not been identified in a crime gun trace after two years from the original purchase date. ATF was not required by law to purge this information nor was this policy decision based on a scientific analysis of the data. This policy decision was only designed to minimize data volume. The analyses in this report found that nearly 9% (127,460) of the 1,482,861 crime guns traced to a purchaser were part of a multiple sales transaction during the five-year study period (See Figure OFT-20 in Part III – Crime Guns Recovered and Traced Within the United States and Its Territories). The median TTC for recovered crime guns associated with multiple sales transactions was 2.1 years reflecting that almost half were recovered after the current retention date. The statutes of limitation for charging most firearm violations are within five years of the date of the offense. For some firearm trafficking offenses, the date of offense is the date the firearm was purchased in a multiple sale. As such, it is recommended that multiple sales data should be maintained for five years to ensure that the associated purchaser data can be analyzed, and investigative leads provided to law enforcement agencies to assist in the apprehension of violent gun criminals and identifying gun traffickers responsible for arming them.

ATF RESPONSE: Based on the data presented in the NFCTA, ATF internal stakeholders recommend that ATF adopt a three-year retention period for MS purchaser data. After extensive conversations and legal review, ATF chose not to adopt the five-year recommendation; however, it is longer than the current two-year retention. The NFCTA provides that nearly 60% of MS traces occur within the first three years and thus the data supports such a change.

Invest in eTrace to Improve Tracing and Generate Leads

Inaccurate or incomplete crime gun trace submissions result in unsuccessful traces, squanders crucial time working through problematic trace submissions, and undermines the development of strategic and actionable intelligence needed by crime gun investigators. Increased funding would enhance the capacity of eTrace to trace recovered crime guns to purchasers and generate investigative leads.

Prior Recommendation (NFCTA Volume II, Part VII)

There have been no significant enhancements to the eTrace application since a Spanish language version was deployed in 2009. Modernization of the fields and prompts that guide the entry of recovered crime gun information is critical to the identification of purchasers and would further improve the validity and reliability of entered crime gun data. Potential enhancements could mandate the inclusion of a recovery date to yield more precise gun trafficking indicators based on time-to-crime measurement, support the validation of recovery address data to track intrastate and interstate crime gun movements more accurately, and the inclusion of photographs of both sides of recovered crime guns to improve trace results. Crime gun photographs allow ATF personnel to examine relevant markings, validate the submitted firearm description, and correct firearm descriptor errors and omissions prior to initiating the trace process.

ATF RESPONSE: ATF embarked on a modernization of its tracing application in 2022. ATF has evaluated the system objectives and prioritized functional enhancements based on the business needs of the NTC, with the goal of delivering value-added features for use by our law enforcement partners. PMF and MCD enhancements were deployed to production in August 2024. Additional improvements continue to be released regularly.

Prior Recommendation (NFCTA Volume II, Part VII)

The value of eTrace analytics could be improved by adding enhanced search and reporting features, interactive analytical dashboards, crime gun mapping capabilities, and establishing an enhanced information sharing platform to share leads and alerts with partnering LEAs. Participating LEAs would benefit from improved flexibility in managing and sharing trace data at various levels and across jurisdictions (local, state, multi-state, and national).

ATF RESPONSE: Additional funding would be needed to add robust searching, reporting, and analytical reporting tools within the application.

Prior Recommendation (NFCTA Volume II, Part VII)

Digitization of OOB Records: Between 2000 and 2021, OOB records were used to complete 53% (4,041,799) of the 7,633,131 crime gun trace requests submitted to a purchaser (See Table NTC-04 in Part II – NTC Overview). The majority of OOB records are only available as paper records. The lack of digital records makes crime gun tracing a time-consuming effort and delays the generation of leads to investigators of violent gun crimes. ATF should explore digitizing the acquisition portion of FFL OOB Records. The OOB FFL acquisition records should be scanned and searchable by firearm description only. At no time would this include the cataloging of purchaser information. This should provide a significant improvement in the time required to complete a trace that requires the use of OOB records. This may require additional funding as well as the acquisition of software that can read handwriting and/or printed text and convert to a digitized format.

ATF RESPONSE: ATF agrees that there is value in digitizing the FFL portion of OOB records to better support law enforcement investigations. ATF is prohibited from having a searchable database of firearm purchasers. The NTC has explored pilot programs related to digitization which work within the legal

prohibitions and provide a benefit to law enforcement. Additional funding and resources would be required to execute this recommendation.

ENDNOTES

[1] https://www.nist.gov/spo/forensic-science-program/firearm-examination-nist-scientific-foundation-review
[2] https://www.nist.gov/organization-scientific-area-committees-forensic-science/osac-registry
[3] https://www.justice.gov/olp/uniform-language-testimony-and-reports