

Violence without Borders

Agreement with Brazil to Aide in Tracing Firearms in the U.S.

Brazilian Investigators Will be Able to Reduce Critical Information Delays from 4 Months to 10 Days

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Washington, D.C. and Rio de Janeiro – A new Brazil-U.S. partnership promises to speed up the process of tracing U.S.-made firearms used in the commission of crimes in Brazil. Currently, it can take months for one of the countries to obtain such data from the other. The Brazilian Federal Police and the U.S. Bureau of Alcohol, Tobacco and Firearms (ATF) will as soon as next year sign an agreement that would allow agents from Brazil’s Federal Police to obtain gun-tracing data via the ATF’s online “e-trace” system.

The agreement would eliminate the need for the thousands of documents now used to request tracing information. Together with data obtained from a firearms trace – a process that the ATF normally carries out in one week to ten days - the online resource will provide information concerning the criminal investigation involving a particular weapon.

“E-trace is a simple, internet-based system through which a police agency, either in the U.S. or abroad, can submit a trace request directly to ATF,” explains Charles Houser of the ATF’s National Firearms-Tracing Center.

From Manufacturer to Seller

Tracing a firearm to its source involves tracking the weapon from the factory, through the wholesale distribution process and then to the retailer and final registered owner. The tracing process can provide the evidence investigators need to link a suspect to a particular crime, find those responsible for illegal gun distribution and locate the trafficking networks.

In Brazil, where civil police forces have no direct line of communication with ATF, firearms tracing requests are initiated by the Federal Police and sent to ATF, which then channels these petitions to Interpol.

The Rio de Janeiro civil police force knows first-hand how delays arising from such roundabout information-sharing procedures can interfere with criminal investigation. By May of this year, the force’s Anti-Firearms and Explosives Department (Drae) had submitted to the Federal Police 12 official firearms-tracing petitions for submission to U.S. authorities. After five months, only two of the original 12 petitions obtained a response, and in both cases the trace went cold and left unsolved.

By September of 2009, the Federal Police responded to only three of Drae’s 26 tracing petitions, and the firearm’s purchaser was identified for only one of the requests.

“Official tracing requests are currently submitted in person to the Superintendent’s Office of the Rio police, which sends it off to Brasilia before it’s forwarded to ATF,” says Andreia Gouveia of Drae’s statistics division. “It usually takes an average of four months for tracing requests to arrive at Drae. This is a long time in a homicide case, for example. I hope that with e-trace the process will become more efficient.”

ATF began tracing firearms involved in U.S. crimes in 1988. The agency today also investigates firearms that are seized in other countries, including Brazil. Every year, 30,000 firearms are traced in countries other than the U.S. Between 1994 and November of this year, authorities investigated 8,037 firearms apprehended in Brazil.

More Gun Stores than there are McDonald’s

There are today in the United States 61,819 ATF-licensed gun stores. In the land of McDonald’s, the largest fast-food franchise in the world, this number represents five times as many gun retailers as there are restaurants in the McDonald’s chain of approximately 32,000, according to its corporate website.

EXTRA paid a visit to three such gun shops in Washington, D.C. and Maryland. Joel Graham, now 27 years employed at Atlantic Guns in Silver Spring, Maryland, mentioned the popularity of the Brazilian-made Taurus revolver, thanks to their “competitive prices.”

A few blocks up the street from Atlantic Guns, one finds R&S Arms, a retailer that operates inside an auto repair shop. The store’s owner, wishing to remain unidentified, spoke of a surge in the sale of AR-15 rifles that began months before the inauguration of President Obama:

“A rumor was going around that the sale of semi-automatic weapons was going to be outlawed. In four months I sold 50 AR-15 rifles.”

Both Graham and the owner of R&S Arms oppose further legal controls over the sale of firearms in the U.S.

When EXTRA attempted to visit the only gun shop operating in the District of Columbia the store was closed. According to neighbors, the store’s owner operates on an appointments basis only.

Gun Shops in the U.S.: A Matter of Culture

Interview

ATF Director Charles Houser

Charles Houser, National Tracing Center Director Says Brazil Will Be Part of E-Trace

‘It’s Likely that Brazil will soon Participate in E-Trace, and We’re Anxious to see it Happen’

How are weapons traced?

The process is relatively simple. The local police seize a weapon and send a request to the ATF National Tracing Center. We receive the tracing request and check the firearm description provided by the local police authority. If the weapon was made in the U.S., we go directly to the manufacturer. If imported, we contact the importer of the firearm. We then track the weapon through the network of distributors, of the factory or the importer, through the distributions centers and then on to the retail seller. Once we reach the retailer, we’re able to identify and contact the first purchaser of the firearm for which information was requested.

Why is it important to identify this first purchaser?

There are three reasons why you would trace a weapon. The first is to tie a suspect to a criminal investigation. When a gun is found at a crime scene, the question arises: where did this gun come from? You can also trace all of the weapons linked to a particular criminal organization and determine how it goes about getting access to these illegal firearms. This happens through gun traffickers or leasers. And, finally, once the police execute an exhaustive trace all of the firearms that it recovered, it can start to draw conclusions trafficking trends, firearms sources, and how these guns are getting in to its jurisdiction.

What is e-trace, and how well is this electronic tracking system working?

E-trace is a very straightforward internet-based system through which a police agency can submit a trace request directly to the ATF National Tracing Center. Local police can then get the results and analyze all of the information gathered on the basis of the trace request. Investigators can then see trends in the age of firearms users, relationships between seized guns and even tie a gun to ongoing investigations in other police jurisdictions. There are 3,200 police departments using e-trace. Most of them are in the U.S., but there are police in other countries that have access to the system.

And is Brazil already included in the e-trace system?

We’ve had meetings with Brazilian authorities and asked them whether they were interested in using e-trace. Brazilian investigators have traced weapons with us in a number of criminal investigations, and they’re interested in obtaining access to the system. It’s likely that this will happen soon and we are anxious to see it happen.

Firearms-Industry Lobby and the NRA manage to Dampen Gun-Control Legislation

Under pressure by the firearms industry and the National Rifle Association {NRA}, the U.S. Congress has over the years approved laws that stand in the way of gun control. In 1979, for example, a prohibition was put in place preventing ATF from establishing a centralized database for tracking the sale of firearms in the U.S.

The Tiahrt Amendment

Seven years later, Congress introduced legislation preventing the agency from maintaining a list of gun owners. In 2003, the Tiahrt Amendment to existing gun legislation finally opened the way for ATF to divulge their tracing reports of firearms used in the commission of a crime. However, 2001, was the last year in which such data was made available to the public.

“ATF have a huge database on firearms that were used to commit crimes,” says Dennis Henigan of the Brady Center for the Prevention of Violence with Guns, an NGO. “This database used to be extremely valuable to researchers, students and interest groups trying to understand the nature of crimes where guns were used, as well as how these guns sold through licensed retailers would end up in the hands of criminals. But, thanks to the gun lobby, this information became severely restricted.”

The Brady Bill

In 1993 Congress approved the Brady Bill, a law that called for mandatory criminal background checks for those seeking to purchase guns through ATF-approved retailers. The law was designed to prevent guns from falling into the hands of criminals, but private sales and “gun holidays” – very common in the U.S. – would allow anyone to buy a gun without being subject to an FBI background check.

The NRA and its four million pro-gun members have established the Legislative Action Institute to lobby Congress against further prohibitions against the sale of firearms and on their owners. NRA membership has increased threefold since 1978.

No NRA member approached by EXTRA was willing to be interviewed.
extraonline.com

- Videos: ATF director on Brazil’s inclusion in the e-trace program and the daily routine of ICCE ballistics experts.

WHAT’S E-TRACE?

The internet-based Firearms Tracing and Analysis Program, or E-trace, is an electronic system allowing access to the ATF database. The system, designed for use by U.S. and foreign law enforcement personnel, eliminates paperwork and speeds up the information-sharing process regarding firearms used in the commission of a crime.

The 29 Countries where the e-trace system is in place:

Anguilla, Antigua, Aruba, Australia, Bahamas, Barbados, Belize, Canada, Colombia, Costa Rica, Curacao, Dominica, Dominican Republic, El Salvador, Germany, Granada, Guatemala, Guiana, Honduras, Jamaica, Mexico, Nicaragua, Panama, St. Kitts and Nevis, St. Lucia, St. Vincent and Grenadines, Trinidad and Tobago, United Kingdom and Japan

ATF-TRACED FIREARMS SEIZED IN BRAZIL

Besides the firearms seized in U.S. jurisdictions, ATF traces those seized in other countries, like Brazil.

Total firearms seized: 8,037

*Up to November

Source: Bureau of Alcohol Tobacco and Firearms (ATF)