

# The Abell Report

*What we think about, and what we'd like you to think about*

Published as a community service by The Abell Foundation

## Guns making their way into the hands of criminals pose continuing problems of public safety

### **ABELL SALUTES: Alternative Directions, for helping to write Charles' and Stacy's stories, and for aspiring to write the rest of them.**

Alternative Directions, Inc. is dedicated to helping offenders and others in need, to be contributing members of their communities by providing civil / legal assistance, counseling, and traditional services to inmates and ex-offenders. Here, two of them tell their stories:

#### **Charles Tanner; African American male, age 36**

"I dropped out of Southwestern high school when I was in my sophomore year because I became a father, and none of the families, the mother's or mine, would help support the baby. That left me to do it. So I quit school and got a job in Malcolm's Shoe repair. That was in 1986.

"I was doing pretty good, working and supporting the baby. But I started hanging out with people I should not have, on the corners in West Baltimore — Monroe and Baltimore, and Gilmor. I started to use marijuana, then heroin. I started out buying it, but pretty soon I was selling it. I was 22 years old.

"I was supposed to be working—at Malcolm's and when I lost that job, and got another as a janitor in a warehouse for Chinese groceries. I lived this way for three years or so—managing to get to work, mostly. but there came a time

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### *Recommendations for stemming the flow...*

**By Tom Waldron**

**G**un violence remains a critical problem in Baltimore and other American cities. Between 1996 and 2005, firearms were used in almost five million crimes in the U.S. In Baltimore City, 282 people were homicide victims in 2007, the majority killed by firearms. Many more people were victims of nonfatal shootings.

A respected study a decade ago found that Americans owned about 200 million firearms, including 65 million handguns. How exactly do such weapons end up in the hands of criminals? With millions of guns in circulation, there is no single answer, but nearly all of the guns used in crimes moved first through the legal gun market (i.e., the guns were first sold by a licensed firearms dealer).

Research has found that a significant number of the guns used in crimes in the United States were purchased not long before being used in the crime. One federal government analysis found that 50 percent of guns traced to crimes committed in 1999 were sold between 1993 and 1999, but that guns sold during that time accounted for only 17 percent of the nation's overall gun supply. This finding underscores other research indicating that many criminals — particularly younger ones — are determined to obtain and use newer guns. Researchers have found that criminals want to avoid buying and possessing older guns that may have been used previously in crimes. Guns that are

used by criminals within three years of being sold by a legal dealer are considered "new" crime guns.

Around the country, a small number of dealers are typically responsible for selling a significant proportion of these new crime guns each year. Records collected by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) showed that between 1996 and 2000, about 1 percent of gun stores were the source of about 57 percent of the firearms used in crimes. In Milwaukee, for example, one gun store sold more than half of the guns that were recovered from criminals within a year of purchase.

In Baltimore City, over the past several years, a small number of gun stores have been responsible for a large number of guns seized or recovered from criminals. Between 1996 and 2000, for example, ATF traced 794 guns recovered in the city back to Baltimore Gunsmith in East Baltimore. Also during that time, 483 guns sold by Valley Guns in Parkville turned up illegally in Baltimore City.

Today, both of those stores are out of business, due to crackdowns by state and federal authorities following chronic violations of federal law and regulation. But local police agencies, using tracing data assembled by ATF, have identified other stores that sell significant numbers of guns that are seized or recovered by police.

Firearms dealers are receiving new scrutiny in the Baltimore area — the result of a new focus on gun-related crime in

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Baltimore City, its suburbs and at the state level.

This report reviews enforcement efforts involving firearms dealers and highlights areas that need strengthening.

The bottom line is that more aggressive analysis, enforcement and coordination between police agencies will boost Baltimore City’s ability to combat gun trafficking, which will likely lead to a decrease in gun availability. In recent months, officials from Baltimore City and other jurisdictions have taken promising steps to strengthen enforcement of gun-dealer laws, but more can and should be done – and sustained over the long term.

While these steps are worthwhile, two broader questions remain: Does more aggressive gun law enforcement and police work lead to fewer guns available on the street? And do such efforts reduce violent crime?

Researchers at Johns Hopkins University and elsewhere have analyzed the first question, and their answer is a qualified “yes.” Their research has shown that better enforcement of laws governing firearms dealers has tended to lead to a reduction in the number of newer guns reaching criminals.

As to the second question, there is no hard evidence that aggressively enforcing gun-dealer laws leads to a reduction in violent crime. However, researchers who have studied the issue maintain that working to stem the flow of guns to criminals should be a part of any long-term strategy to fight homicide and other serious violent crimes.

This report summarizes the enforcement efforts underway by local, state and federal authorities to crack down on illegal gun trafficking; reviews firearms-enforcement developments around the country; summarizes key research findings; and offers recommendations.

### Crime Guns in Baltimore

On average, Baltimore City police seize or recover close to 10 guns a day. The department uses ATF to trace the origins of most of the guns it recovers. From January 1, 2006, to March 31, 2007, the department sought traces on 3,131 firearms, of which ATF was able to trace 1,990. The others were untraceable for a variety of reasons; in many cases someone had defaced the gun’s serial number, making a trace impossible.

Of the 1,990 that were traced, 1,533 were first sold more than three years prior to the trace. Another 347 – or about 17 percent of those traced – were less than three years old and, therefore, considered to be “new” crime guns. The trace data showed that 47 percent of the people who possessed the seized guns were under the age of 25.

The traces showed that the following stores initially sold the largest number of guns that were seized by police in Baltimore City during the 15-month period ending in March 2007.

Store	Guns Seized
Valley Guns, Parkville*	108
Clyde’s Sport Shop, Lansdowne	64
Northeast Gun & Pawn,* Baltimore	46
Baltimore Gunsmith,* Baltimore	40
The Gun Shop, Essex	38
On Target Inc., Severn	36
Barts Sport World, Glen Burnie	35
A&D Pawn Shop, Glen Burnie	27

\* Stores are no longer licensed to sell firearms.

Over the past decade, between roughly 22,000 and 34,000 handguns were sold each year in Maryland, according to figures compiled by the State Police. According to police and others, guns reach criminals in a variety of ways. Some are obtained for criminals by “straw” purchasers, who buy the weapon and turn it over to a person who is legal-

ly barred from owning a gun. Some are stolen – either from dealers or from gun owners. Employees of firearms dealers may steal guns or sell them illegally. Others simply change hands and eventually reach a person who uses it in a crime. And in some cases, gun runners obtain large numbers of guns and sell them on the street.

### ATF dealer inspections

As of the end of 2007, the ATF licensed 1,872 entities in Maryland to handle firearms. This includes 556 entities that are licensed as dealers or gunsmiths. About 225 firearms dealers are also licensed by the state, allowing them to sell handguns that are regulated by the Maryland State Police (the other federal licensees do not sell state-regulated handguns). Only one state-licensed handgun dealer operates in Baltimore City. The number of dealers in Maryland has dropped significantly in the last several years, in part because of an increase in licensing fees and more scrutiny by inspectors, according to the State Police.

Both the State Police and ATF are empowered to perform inspections.

As of December 2007, ATF’s Baltimore office had seven investigators to monitor the 1,872 federal firearms licensees in the state, as well as 113 federally licensed explosives licensees and permit holders. Officials report that the office had as many as 15 investigators in past years, although at that time, ATF was also responsible for alcohol- and tobacco-related inspections it no longer handles.

The ATF has been viewed for many years as slow to inspect and undertake enforcement actions against firearms dealers. Under federal law, ATF is limited to annual inspections of firearm dealers, but in reality, they can go years between inspections. A 2004 report by the Justice Department’s inspector general described ATF’s inspections of firearms dealers as “infrequent and of

inconsistent quality.”

Another study released in 2004 by a gun control advocacy group showed that nationally 75 percent of stores found to have sold a substantial number of guns used in crimes had not been inspected by ATF during the period from 1996 to 2000.

In Maryland, the Baltimore ATF field office reports that it is able to inspect the larger firearms dealers in the Baltimore and Washington metropolitan areas roughly once a year. In some cases, inspections of dealers who sell a high volume of firearms can require two or more inspectors and can last several days. The agency states that the primary goal of its inspections is to regulate and educate firearms dealers about federal laws and regulations, and to work with them to bring them into compliance.

ATF is prohibited from undertaking an undercover sting operation against a gun dealer unless the operation is connected to a criminal investigation – as opposed to a civil, licensing enforcement operation. ATF also lacks the legal authority to fine a problem dealer or to suspend – rather than revoke – a firearms license, depriving the agency of potentially useful enforcement tools.

Once it does find violations by a gun dealer, ATF can be extremely slow to move to revoke a license. A prime example has been the recent enforcement action against Valley Guns in Parkville.

ATF agents first identified a significant problem at Valley in 1997, when inspectors found that 45 guns were missing from Valley’s inventory. Another inspection in 2001 found 133 weapons missing. Again, ATF took no action to revoke Valley’s license. By 2003, ATF found that Valley had 422 guns unaccounted for, which ATF noted later could have “gone out the back door” to illegal purchasers.

However, it was not until 2004 that ATF moved to revoke the Valley Guns owner’s license – seven years after the first serious violations were found. ATF documented the long history of rules violations by Valley and did revoke the

license. The owner of Valley Guns challenged the revocation in federal court, which allowed him to maintain his dealer’s license pending a court resolution. A federal judge found, though, that Valley had repeatedly violated firearms regulations, noting that “the undisputed fact is that because of [Valley’s] lapses, scores of firearms are unaccounted for, and therefore, untraceable.” An appellate court upheld the decision in 2006.

During the time between the 1997 ATF inspection and the revocation of Valley’s license in 2006, it is apparent that hundreds of guns from the store were used in crimes in Baltimore City. In the 15 months between January 2006 and March 2007, for example, 108 guns used in Baltimore City crimes were traced back to Valley Guns. After Valley’s license revocation, the store’s former owner, Sanford M. Abrams, was arrested in 2007 and charged with illegally selling an assault rifle to a man who later died in a gun battle with police. In January 2008, Abrams received only a five-year suspended sentence from a Baltimore County judge and agreed not to own or sell firearms.

ATF has shut down a number of problem dealers in recent years, both nationally and in Maryland. Along with the revocation of Valley’s license in 2006, ATF also recently revoked the license of Bel Air Gun & Pawn – albeit after a lengthy delay; Bel Air Gun’s first federal firearms violations dated to 1999. In the 15 months ending in March 2007, 15 guns sold by Bel Air were seized by police in Baltimore City. As with Valley Guns, Bel Air Gun remained in business for many years after ATF inspectors first detected significant problems.

A third gun dealer with a large number of crime guns sold, Baltimore Gunsmith, also lost its licenses (both state and federal) several years ago and no longer sells guns. A drawn-out enforcement action in the 1990s against Baltimore Gunsmith highlighted a problem in Maryland law. An undercover electronic monitoring was used in 1997 as part of a criminal investigation of the then-owner

of the store. On the undercover recording, an undercover ATF agent was heard suggesting to the owner that she was buying a weapon on behalf of a convicted murderer. However, a judge ruled the tape recording inadmissible as state law allowed such wiretaps only in cases of murder, drug dealing or gambling. The store owner was acquitted of the criminal charge although the store’s license was revoked. State law has since been expanded to allow wiretaps in other kinds of cases, but not in cases involving illegal gun sales, which inhibits undercover investigations of illegal gun sales.

This series of license revocations in Maryland reflects a more aggressive enforcement approach by ATF. In 2006, ATF revoked 115 firearms dealers’ licenses nationally, compared to only 22 in 2002. However, many people familiar with ATF’s actions believe the agency is not moving aggressively enough to monitor and stop firearms dealers from practices that end up fueling criminal gun trafficking.

## **State Inspections**

At the state level, the Maryland State Police have authority to inspect state-licensed firearms dealers. While the State Police have in the past been slow to inspect firearms dealers, the agency expects to inspect all state-licensed firearms dealers this calendar year. However, due to constraints imposed by state law, these inspections carry little enforcement weight.

Most significantly, State Police officials express frustration that state law does not give them clear authority to revoke or suspend a dealer’s license for issues related to handgun inventory or record-keeping problems. A dealer’s license can be revoked or suspended if the dealer is arrested or convicted of certain crimes, for example, but, a gun dealer who can not account for significant numbers of firearms is not typically subject to enforcement actions by State Police. In fact, State Police inspectors lack even the power to impose fines against dealers who fail to keep accurate

track of their stock.

Without such clear authority, it has been the practice of the State Police to refer serious cases to ATF for enforcement action. However, given how slowly ATF typically moves on enforcement matters, this is a weakness in the area's battle against illegal gun trafficking.

Legislative audits have also been critical of how State Police undertake their inspections. For example, auditors determined that State Police inspectors do not thoroughly compare store transaction records with individual handgun transfer records on file with State Police – thus failing to ensure that all purchasers are going through the required background checks. However, the State Police enforcement unit disputes that finding and insists that its inspectors do compare such records thoroughly. In smaller stores, inspectors look through all handgun transaction records, according to the head of the State Police unit. In larger stores, State Police inspectors cross-check an estimated 80 percent of such transactions, according to that agency.

It is also important to point out that an estimated 40 percent of firearms transactions occur between private parties who are not licensed firearms dealers. Maryland law prohibits private sellers from exchanging firearms without the prospective buyer first clearing a background check through the State Police. However, law enforcement officials rarely pursue violations of private party firearms sales laws.

### **New attention to gun violence in Baltimore region**

A range of law enforcement agencies and elected officials in the Baltimore area have a strong renewed interest in reducing gun-related violence.

At the local level, Baltimore Mayor Sheila Dixon has launched a gun-focused initiative. At the state level, the Governor's Office of Crime Control and Prevention is working on a variety of responses to gun violence. Also taking part in some of these

efforts are police agencies and officials from Baltimore County, Prince George's County, Washington, D.C., and some officials at the federal level.

Three different and overlapping groups are working on aspects of the gun violence issue.

1. A gun trace task force, run out of the Baltimore City Police Department, which includes police from Baltimore County and State Police. A federal ATF agent serves as a liaison to this group on issues such as gun tracing and reviews cases for possible federal charges.
2. A Maryland–District of Columbia task force is cooperating on violent crime, along with Prince George's County.
3. An *ad hoc* task force overseen by the Governor's Office of Crime Control and Prevention is working to improve enforcement and data collection and to propose legislative changes.

As part of this effort, law enforcement and other government agencies are looking more closely at Maryland firearms dealers in the following areas:

#### **Ammunition logs**

Federal law prohibits the sale of ammunition to convicted felons, anyone subject to a restraining order and anyone under the age of 21. Maryland law also prohibits the sale of handgun ammunition to anyone under the age of 21.

However, studies have shown that dealers around the country do not always enforce such laws. Recognizing that, police in Baltimore County and Baltimore City have both recently focused on ammunition purchases.

Baltimore County police have reached voluntary agreements with some ammunition dealers to maintain a log that records the names and addresses of all people purchasing ammunition.

In Baltimore City, police are taking advantage of a city code provision that requires all ammunition dealers to maintain such a log – a provision added to the city health code in 2003 and intended to stop minors from purchasing ammuni-

tion. Police say they are using ammunition log entries to develop important leads into illegal gun possession. In September and October alone, Baltimore police seized more than 50 illegal guns through leads developed by scrutinizing ammunition logs.

Research suggests that such leads are likely to continue to provide information about illegal guns. A 2006 study in Los Angeles found that 2.6 percent of the people purchasing ammunition had a prior felony conviction or were otherwise prohibited from possessing ammunition. During a two-month period studied, researchers concluded, convicted felons or others prohibited from purchasing ammunition nonetheless bought 10,050 rounds of ammunition in Los Angeles.

#### **Increased communication**

Baltimore City police are reaching out to firearms dealers to let them know of their increased focus on their activities. Police agencies report that they are undertaking more "straw" purchase stings.

The Baltimore City gun trace task force recently worked undercover in a shooting range, with permission of the owner, to investigate whether people were illegally in possession of firearms. Such investigations had not led to significant charges being brought at the time this report was prepared.

#### **Pawn shops**

Baltimore City police are focusing on gun sales by pawn shops. There are two areas of concern: corrupt pawn brokers who buy and sell guns off the books, and a lack of readily available information about guns being bought and sold by pawn shops. Those shops are now required only to submit records of such transactions only in writing, which does not allow them to be scrutinized efficiently. At least three Maryland counties require pawn shops to submit such records electronically.

#### **Gun Trace Database**

While local police agencies are working together on several aspects of gun-

crime enforcement, they have yet to develop a way to merge ATF gun-trace information from weapons seized throughout the Baltimore region. Such a database could provide new leads to police agencies pursuing gun trafficking or gun-violence cases.

## **National developments**

Baltimore City's renewed focus on firearms and gun-related violence comes as cities and states around the country are looking for new strategies.

## **Stings**

Cities around the country have begun to focus more intently on firearms dealers in recent years. New York Mayor Michael Bloomberg has taken the most aggressive tack by ordering undercover operatives to engage in "sting" operations on out-of-state gun dealers responsible for selling large numbers of guns that have ended up in the hands of New York criminals. These stings have led to lawsuits against more than two dozen stores, and ultimately, a number of settlements in which the dealers have agreed to be more vigilant about their sales. Baltimore Mayor Sheila Dixon has said she would consider having Baltimore City take part in such litigation.

## **Litigation against the gun industry**

Dozens of cities have filed lawsuits against gun manufacturers. However, these cases have run into serious legal obstacles, including a 2005 federal law designed to prohibit such suits. Only a few of those cases brought by cities against manufacturers are still alive in the courts and none has gone to trial.

However, the city of Gary, Indiana, recently won a key legal decision that allows the city's lawsuit against 16 gun manufacturers to go forward, and it is scheduled to go to trial in 2009. The suit charges that the manufacturers "knowingly participated in a distribution system that unnecessarily and sometimes even intentionally provided guns to crim-

inals, juveniles, and others who may not lawfully purchase them." The state court ruling found that the 2005 federal law does not apply to this case.

## **New technology**

In October 2007, California became the first state to require that some semi-automatic handguns be equipped with technology to "micro-stamp" information about the gun on every round it fires. This was strongly opposed by the NRA but favored by law enforcement, which believes the information will help track crime guns and deter criminal use of firearms that can be more reliably traced. The law calls for handguns to be equipped with the micro-stamping ability by 2010. A similar measure was proposed in 2006 in the Maryland General Assembly but failed.

Such a system in Maryland could serve to replace the state's Integrated Ballistics Information System (IBIS), which has run into major technological problems and has not proven to be a useful law enforcement tool. The system requires firearms manufacturers to supply a test-fired shell casing from each handgun sold in Maryland. Police can, in theory, match a casing found at a crime scene with a casing on file in the IBIS system. However, such matches have been extremely rare.

## **Research**

A number of researchers continue to study the efficacy of enforcing laws regarding gun dealing, including the Center for Gun Policy and Research at the Johns Hopkins Bloomberg School of Public Health.

Researchers acknowledge that the gun market is a complicated one, in part because so many guns are already on the street. However, the findings illustrate that stricter enforcement of gun dealing laws is related to a reduction in the availability to criminals of recently purchased guns.

Key research findings are summarized here:

- An analysis of a crackdown on illegal gun trafficking in Boston beginning

in 1996, known as Operation Cease-fire, was associated with a nearly 30 percent reduction in the number of illegally possessed handguns that were "new" (less than three years old). Researchers concluded that "focused enforcement efforts, guided by strategic analyses of ATF firearms trace data, can have significant impacts on the illegal supply of new handguns to criminals." This study provides the strongest evidence that a long-term focus on illegal gun trafficking can lead to a reduction in the availability of new crime guns.

- Undercover police stings and lawsuits aimed at firearms dealers resulted to varying degrees in reducing the number of newly purchased guns being used by criminals. In Chicago in the late 1990s, for example, highly publicized police stings and lawsuits against gun dealers were associated with a 46.4 percent decrease in the flow of new guns to criminals. In Detroit, a similar enforcement initiative led to a more modest and gradual decline in new guns being used in crimes. A less intensive intervention using sting operations in Gary, Indiana, was not associated with any reduction in the number of new crime guns used.
- A 2007 study by researchers at Johns Hopkins University and the University of Massachusetts reviewed crime-gun trace information for the years 2000 to 2002 to see what connection it had to state gun laws and regulations and local law enforcement practices. The researchers found that strong gun dealer laws and enforcement practices were associated with significantly fewer guns getting into the hands of criminals soon after a retail sale. The analysis also found an association between the prevalence of local gun ownership and higher levels of trafficked crime guns, which reduced to some degree the effects of regulation and oversight of gun dealers. Even so, the study concluded that the combined effects of state or local

gun dealer regulation and oversight in combination with state laws requiring background checks for private handgun sales are associated with significantly fewer trafficked guns even after controlling for local gun ownership. The researchers concluded that sorting through the interplay between gun ownership levels, state gun control laws, and trafficking is extremely complicated. However, they conclude that based on their analysis and other research, it is “quite plausible” that regulation and oversight of gun dealers leads to fewer guns being trafficked by criminals.

- Badger Guns, a Milwaukee gun dealer that was responsible for more than half of the crime guns used in the city, decided in 1999 to stop selling inexpensive handguns known as Saturday Night Specials. This decision led to a significant reduction in the number of new crime guns recently sold by the dealer – including both Saturday Night Specials and other models. Overall, the store’s action led to a 44 percent decrease in the flow of all new guns to criminals in Milwaukee. Johns Hopkins University researchers concluded that the more intensive scrutiny placed on the dealer led to the major reduction in the number of handguns sold by the dealer that made their way to criminals. The study tracked handgun sales in Milwaukee between 1999 and 2002. However, subsequent trace data shows that that Badger Guns is once again responsible for a significant number of Milwaukee’s crime guns, suggesting that a drop-off in the attention being paid to the dealer’s practices has led to renewed illegal trafficking of guns sold by the dealer.

It is important to note that research into gun dealers and the flow of their sold weapons into the criminal market has been hampered by a provision in federal law backed by gun manufacturers and

gun-rights advocates. Known as the Tiahrt amendment (introduced by Rep. Todd Tiahrt of Kansas), the measure strictly limits the use of information compiled by ATF related to guns used in crimes. In part, the current amendment prohibits the release of such data “to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure.”

The amendment has hamstrung researchers and gun-control advocates by halting the flow of information about guns used in crimes, including data on which gun dealers are selling the most crime guns. Several members of Congress, including Sen. Barbara A. Mikulski of Maryland, have attempted to undo the Tiahrt amendment to allow the ATF information to be made more available, an effort backed by a large coalition of local governments and law enforcement agencies, as the Tiahrt limitations also hinder efforts to track gun sales on a regional basis.

### **A Multi-Pronged Strategy is Needed**

Research shows that strong gun laws and aggressive enforcement of laws related to firearms dealers will – over the long term – help reduce the flow of guns to criminals by making them both scarcer and more expensive. However, to reduce gun violence, other strategies are needed as well. Operation Ceasefire in Boston, as cited previously in this report, focused on illegal gun trafficking as well as intensive anti-gang police strategies and other interventions. An evaluation found that Ceasefire was associated with a 63 percent reduction in youth homicides and a significant reduction in gun assaults.

In the Baltimore area, a number of promising efforts are now in place to attempt to bring down the high gun violence rate here.

- The Baltimore gun trace task force is

using more intensive methods to search for illegal gun possession. For example, police are cross-checking the list of people on parole or probation against the list of people who have in the past purchased handguns. The goal is to identify people on parole or probation who may illegally still own a firearm. Police are also trying a similar tactic by comparing the list of registered sex offenders to the list of gun purchasers. And police are aggressively seeking information from arrested suspects to find out where they obtained their firearms.

- A new gun offender registry in Baltimore City is scheduled to launch in January 2008; convicted firearms offenders will be required to register their names, addresses and other information with the registry. The registry is designed to give police information about where past violent offenders are living – and to give police a tool for re-arresting offenders who fail to keep their registrations up to date.
- GunStat is a regular gathering of key law enforcement personnel from the local, state and federal levels. The group reviews pending cases involving violent offenders, tracks data related to gun violence and discusses ways to improve enforcement efforts. The meetings are a valuable opportunity for assessing the region’s gun-violence strategy and tactics.
- Federal authorities are using creative methods to publicize the risk that gun offenders could be tried in the federal system, which tends to impose stiffer prison sentences and sentences that are often served outside Maryland. The U.S. Attorney’s office in Baltimore City and ATF, through Project Exile, are also working closely with local law enforcement agencies here to divert gun-violence cases to the federal system.

### **Recommendations**

Reducing the number of guns reaching the hands of criminals in Baltimore is not a simple proposition. A wide range

of strategies is needed – including more aggressive police enforcement and tougher sentences for convicted gun offenders.

One of those strategies should also be renewed attention to firearms sales by dealers within Maryland. The fact is that hundreds of firearms that are sold in this area are ultimately used in crimes within Baltimore City each year. Research has shown that aggressively enforcing gun-dealer laws can contribute to a reduction in the availability of new guns in the hands of criminals.

To achieve that, the following recommendations regarding firearms dealers should be considered by policymakers looking to address the gun-crime epidemic in Baltimore City and elsewhere in Maryland:

### State Legislation

1. Prohibit anyone who is not legally eligible to purchase a firearm from being able to purchase ammunition. Federal law now prohibits such purchases, but adding this to state law would give police another tool to track and arrest criminals who are possessing firearms illegally. Along with that, state officials should explore the practicality of requiring Maryland dealers to use logs to record the names and addresses of people purchasing ammunition, as is now required in Baltimore City. Such information could provide useful information about illegal firearm possession.
2. Require pawn shops statewide to submit their daily transaction reports to local police electronically, rather than on paper. This is required now in at least three counties, but not Baltimore City. Electronic filings will potentially provide a useful investigation tool for police.
3. Provide Maryland State Police more tools to enforce laws regarding firearms dealers, including the ability to fine a licensee or suspend, revoke, or decline to renew the license of a

dealer who violates gun laws or regulations. These tools are necessary in light of the ATF's slowness to act against problem dealers. The state should consider requiring firearms dealers to conduct at least one inventory of their weapons each year.

4. Make it a state civil requirement that gun owners and dealers report the theft or loss of their guns, as is required now in six states. Such a requirement would give police a tool to investigate firearms dealers and others who report a pattern of lost or stolen guns.
5. Allow the use of undercover electronic surveillance to investigate straw gun purchases and related firearms violations. State law does not allow for such wiretapping now, which restricts the ability of police agencies to develop cases related to straw purchases.

### Federal legislation

Congress should repeal the Tiahrt amendment limiting disclosure of information about dealers who sell guns that end up being used in crime. Such information should be readily available to policymakers, law enforcement agencies and the public.

### Administrative and enforcement proposals

1. Create a regional gun-trace database that would bring together statewide information, under the oversight of the State Police. Such a database would allow for more sophisticated data sharing and enforcement activities.
2. Have local police publicize their use of stings and enhanced enforcement, to make sure dealers, private gun owners, and potential traffickers are aware of the legal risks they could face.
3. State officials should examine the practicality of requiring firearms sold in Maryland to include new micro-stamp identification, to allow for more reliable tracing of weapons used in crimes.

It is critical that moving forward to implement any of these ideas, police

agencies and researchers should develop ways to measure their results to determine whether they are useful and cost-effective in meeting anti-crime goals.

### About the report

This report was researched and written by Tom Waldron, whose background includes 17 years as a reporter for the *Baltimore Sun*. For much of that time, he covered state politics and government, serving for five years as the State House bureau chief. He has researched a variety of issues for the Abell Foundation, including automobile insurance and mixed-population public housing buildings. The report is based on a review of academic research, research by advocates, media clippings and other documents, and interviews with people listed below who are involved in gun-law enforcement. The report expresses the views only of the author, not necessarily of those who were interviewed.

*(Citations on request)*

### Interview Subjects

Frederick Bealefeld, *commissioner, Baltimore City Police Department*  
Daniel Webster, *Johns Hopkins Bloomberg School of Public Health*  
Jon Vernick, *Johns Hopkins Bloomberg School of Public Health*  
James A. Zammillo, *deputy assistant director, field operations, ATF*  
Nicholas Colucci, *deputy assistant director, Office of Public and Governmental Affairs, ATF*  
Joe Dougherty, *supervisory special agent, Baltimore field division, ATF*  
Jeff Cohen, *regional counsel, ATF*  
Michael F. Fronczak, *area supervisor, ATF*  
Clarence Goetz, *assistant attorney general, Maryland*  
Jason Weinstein, *assistant U.S. attorney, Baltimore*  
Capt. Laura Herman, *Maryland State Police, firearms licensing division*  
Det. William Ryan, *Baltimore County Police, violent crimes unit*  
Lt. Dan Lioi, *Baltimore City Police Department, Gun Trace Task Force*  
Sheryl Goldstein, *director, Mayor's Office on Criminal Justice*  
Kristin Mahoney, *director, Governor's Office of Crime Control and Prevention*  
Joseph J. Vince Jr., *former ATF official and consultant on firearms dealer issues, Frederick, Md.*  
Casey Anderson, *board member, CeaseFire Maryland*

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## ABELL SALUTES

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when I could no longer keep my addiction a secret. I lost every job I had. At age 25, I was using drugs and selling drugs, mostly heroin, and living at my mother's. I had a good home. My mother and father did everything they could to help me, I had a lot of family support. But none of that really mattered. I was addicted. Then one day, out on the corner, I was picked up on drug bust by the police.

"The judge sent for rehab before sentencing to a program called Drug Corp, on Wabash Avenue. I stayed in the program for a couple of months. But it was only an outpatient arrangement and it didn't work out at all. I found myself in prison on the Eastern Shore, doing five years.

"One day, towards the end of my fifth year a social worker in the prison gave me a packet of literature about agencies I could turn to for help. I wrote to a lot of them, but Alternative Directions is the only one that answered. They wrote back and told me that to as soon as I got released to see them first thing. Right away. So I got off the bus on O'Donnell Street and walked from there to Charles and 25th Street. About 15 miles.

"Several people from Alternative Directions met with me. I told them my situation. I was homeless, jobless, and penniless. I needed help. Each of them made phone calls, right while I sat there. They got me room and board at Prisoner's Aid on 204 E. 25th Street. They instructed me to talk to them every morning. And every morning they gave me a list of things to do that day. I did them, too.

"The plan was to get me on my feet. And they did that, and so now I am able to go out and look for a job. I am living and learning and planning to go to work and to stay clean. But if it hadn't been for the people at Alternative Directions, I would be no where. Now I'm somewhere. If I am not, well, then, I am on my way there."

### **Stacy Miller: white, female, age 31**

"I was born and raised in Essex, and was a freshman in Marshall University, in West Virginia, doing pretty well, when

I found myself in the wrong crowd in the student body. In my freshman year, I started using cocaine. It was in the campus culture.

In no time, I found that I couldn't function. I stopped going to class. I got depressed. I dropped out of college. I went to live with my sister in Essex. Although I had pretty much stopped using, my sister was smoking marijuana, and so I got back into the habit. Again. Then I got really depressed. I was checked into to Franklin Square hospital, and when I was discharged a few weeks later, I moved back with my parents in Shrewsbury, Pennsylvania. They really tried to help me. They involved me in a program operated by a private physician. But that didn't work, either. I began using benzodiazepine pills. Then, I got pregnant.

"When my child, a daughter, was five, I was living with an aunt and uncle in Pennsylvania. My daughter got hurt in an incident of abuse. At the trial, her father had a lawyer from the private sector, I had a public defender. The father got 15 years suspended sentence, I got 10 years in the Jessup prison.

"I got out of prison in two and half years. I was a model prisoner. I helped out the prison administration in so many ways. In particular, I tutored many of the prisoners so that they could earn a GED...

"At some point a friend in the prison doing life, for murder, handed me the literature about Alternative Directions. She said she certainly could never take advantage of the services, but I could. She encouraged me to fill out the application. I did.

"A few weeks later, while I was still in prison, I got a call from Mary Joel Davis of Alternative Directions inviting me to an interview. Everything good happened after that. They got me into Marian House, where I lived for eight months, then into Women's Housing Coalition program. Then I got pregnant. Again.

"So Alternative Directions got me and my baby into the Susanna Wesley house. I was lucky enough to get a really good job at the Maryland Food Bank in Linthicum. I am making enough money now to get my own apartment, for my

baby and me.

"Every day I take the bus and the Light Rail to Linthicum and back—an hour and half each way. My baby stays in day care. It is not easy. But when you in the Alternative Directions program, you have a family there who believe in giving another chance. No, it's not easy, but Alternative Directions makes it easier..."

Executive Director Mary Joel Davis suggests why: "We are a clearing house. Whatever a client needs, we get it for him, or her. And each needs something different: divorce, child support, medication, room and board, and transportation, and money, health issues, like hepatitis and AIDS, and psychiatric problems. Charles and Stacy are participants in the Turn About program (TAP) in which individuals are paroled directly to Alternative Directions and receive intensive care management and wrap around services."

About costs, Ms. Davis says, "In the course of a year, through several programs, our services touch the lives of as many as 17,000 people, and the costs vary within any given program. For example, thanks to many in-kind services for drug treatment and bus passes, our cost to provide services in the Turn About Program for each of the 40 women being released from prison is roughly \$4,000. But," she adds, "my larger goal is make society understand that locking up people, with no help for them when they return to their communities, is simply keeping the prisons full."

Nine thousand men and women in Baltimore city alone are newly discharged from prisons back into the community every year. Charles and Stacy are two of them, two fortunate enough to have their lives turned around by the second chance that Alternative Directions has provided them. There are thousands of Charleses and Stacys coming out of prison—and it is the goal of Alternative Directions to serve as many as funding will allow. Abell Salutes Mary Joel Davis and her staff, for helping to write Charles' and Stacy's stories and for aspiring to write the rest of them.

Alternative Directions website:  
[www.alternativedirectionsinc.org](http://www.alternativedirectionsinc.org)