

9 August 2007

The United States Congress  
The Capitol  
Washington, D.C.

## LAW ENFORCEMENT OPPOSITION TO APPROPRIATIONS RIDER LIMITING DISCLOSURE OF CRIME GUN TRACE DATA

The undersigned law enforcement professionals and organizations write to express our opposition to a provision in recent appropriations legislation funding the Justice Department, that significantly restricts the disclosure of crime gun trace data by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This provision, the original sponsor of which was Rep. Todd Tiahrt (R-Ka), has appeared in appropriations legislation in various forms dating back to fiscal year 2004. It is our position that this language has functioned to protect corrupt gun dealers at the expense of effective law enforcement. We urge that it not be included in the appropriations bill for fiscal year 2008.

The Tiahrt rider bars the use of appropriated funds “to disclose part or all of the contents of the Firearms Trace System database” maintained by ATF, with certain limited exceptions. One of the exceptions is disclosure to “a Federal, State, or local law enforcement agency or 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 Tiahrt language also bars disclosure of trace data for use in “any civil action or proceeding” (including those brought by law enforcement officials or agencies) other than enforcement actions filed by ATF itself.

The Tiahrt provision puts new and unjustified limits on ATF’s disclosure of trace data to law enforcement agencies and organizations. Prior to the Tiahrt restrictions, law enforcement agencies could get access to crime gun trace data to assist in developing effective strategies against gun trafficking and illegal guns, without the requirement that the data be limited to crime guns pertaining to the requesting jurisdiction or that the request be for use in a specific criminal investigation or prosecution. For example, if a local law enforcement agency wanted trace data to identify which gun dealers in its community exhibit “trafficking indicators” as defined by ATF (such as multiple crime gun traces, short “time to crime” for traced guns, or frequent multiple sales), ATF now cannot share that information because it would not relate to a specific criminal investigation or prosecution. Law enforcement officials also are unable to obtain trace data to inform their evaluation of the effectiveness of various strategies against illegal guns. The Tiahrt rider thereby has functioned to limit effective law enforcement action against corrupt gun dealers and the traffickers they supply.

The Tiahrt language also has prevented ATF itself from publishing reports that use trace data to inform law enforcement and the public about the sources of illegal guns and the impact of various law enforcement strategies. For example, it has curtailed ATF’s regular issuance of crime gun trace reports under the Youth Crime Gun Interdiction Initiative. These reports had been invaluable in educating law enforcement, and the public, about the diversion of guns from licensed dealers into the illegal market. As ATF itself recognized, its public dissemination of

crime gun trace data provided “crime gun information to the *Federal, State, and local law enforcement agencies* that submit trace requests, boosting their information resources for arresting gun criminals, responding to gun violence, and establishing a benchmark for crime gun measurements.” ATF, *YCGII, Crime Gun Trace Reports National Report (2000)*, (July 2002) at 1 (emphasis in original).

It has been argued that the Tiahrt restrictions on trace data disclosure are needed to protect the identities of undercover agents and the integrity of ongoing investigations. For many years, however, ATF has disclosed crime gun trace data to the public, while withholding any specific information it felt could compromise law enforcement investigations or threaten the safety of law enforcement personnel. We know of no evidence that past ATF disclosures of trace data have had an adverse impact on law enforcement. The Tiahrt language, however, places new restrictions on ATF disclosure that do nothing to protect law enforcement investigations and, instead, hamper critical law enforcement functions.

For these reasons, we urge you to stand with your law enforcement constituents and oppose the Tiahrt rider that unjustifiably has limited ATF’s disclosure of crime gun trace data to law enforcement and the public.

Sincerely,

**National Law Enforcement Associations:**

International Association of Chiefs of Police  
National Sheriffs’ Association  
International Brotherhood of Police Officers  
Major Cities Chiefs Association  
Police Executive Research Forum  
Police Foundation  
National Black Police Association  
Hispanic American Police Command Officers Association  
National Latino Peace Officers Association  
National Organization of Black Law Enforcement Executives  
School Safety Advocacy Council

**State Law Enforcement Associations:**

California Police Chiefs Association  
Colorado Association of Chiefs of Police  
Connecticut Chiefs of Police Association  
Delaware Police Chiefs Council  
Illinois Association of Chiefs of Police  
Illinois State Police  
Kentucky Association of Chiefs of Police  
Maine Chiefs of Police Association  
Maryland Chiefs of Police Association  
Maryland Municipal Law Enforcement Executives Association  
Massachusetts Chiefs of Police Association  
Michigan Association of Chiefs of Police

**State Law Enforcement Associations,  
Cont...**

Minnesota Chiefs of Police Association

New England Assoc. of Chiefs of Police

Representing: Maine  
Connecticut  
Rhode Island  
New Hampshire  
Vermont  
Massachusetts

New Jersey: Essex County Chiefs of Police Association

New Mexico Association of Chiefs of Police

New York State Assoc. of Chiefs of Police

Oregon Association of Chiefs of Police

Rhode Island Police Chiefs Association

Texas Chiefs of Police Association

Virginia Association of Chiefs of Police

Washington Association of Sheriffs and Police Chiefs (Washington State)

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Delaware River Post Authority  
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