

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

Major Cities Chiefs Association

Police Executive Research Foundation

Police Foundation

Hispanic American Police Command
Officers Association (HAPCOA)

National Black Police Association

School Safety Advocacy Council

State Law Enforcement Associations:

California Association of Chiefs of Police

Connecticut Association of Chiefs of Police

Delaware Police Chiefs Council

Illinois Association of Chiefs of Police

Maine Association of Chiefs of Police

Massachusetts Assoc. of Chiefs of Police

Michigan Association of Chiefs of Police

Minnesota Association of Chiefs of Police

New England Assoc. of Chiefs of Police

New Mexico Association of Chiefs of Police

New York Association of Chiefs of Police

Oregon Association of Chiefs of Police

Rhode Island Police Chiefs Association

Texas Association of Chiefs of Police

Virginia Association of Chiefs of Police

Washington Association of Sheriffs and
Police Chiefs (Washington State)

Louisville Metro Police Department

ALASKA

Chief Thomas Clemons
Seward Police Department
Seward, Alaska

ARIZONA:

Chief Michael T. Frazier
Phoenix Police Department
Phoenix, AZ

CALIFORNIA:

Sheriff Leroy Baca
Los Angeles County Sheriffs Office
Los Angeles, CA

Chief Anthony Batts
Long Beach Police Department
Long Beach, CA

Chief Jim Copsey
Grover Beach Police Department
Grover Beach, CA

Chief Robert Davis
San Jose Police Department
San Jose, CA

Chief Paul D. Day
Sonoma Police Department
Sonoma, CA

Chief Heather Fong
San Francisco Police Department
San Francisco, CA

Chief Ken James
Emeryville Police Department
Emeryville, CA

Chief William Lansdowne
San Diego Police Department
San Diego, CA

CALIFORNIA continued:

Chief Pat Miller
Ventura Police Department
Ventura, CA

Chief Wayne Tucker
Oakland Police Department
Oakland, CA

Chief Paul M. Walters
Santa Ana Police Department
Santa Ana, CA

Chief Dan Watson
South Pasadena Police Department
South Pasadena, CA

Chief Jeffrey D. Weaver
Sebastopol Police Department
Sebastopol, CA

Chief Richard Word
Vacaville Police Department
Vacaville, CA

COLORADO:

Chief Gerald R. Whitman
Denver Police Department
Denver, CO

CONNECTICUT:

Chief Edmund Mosca
Old Saybrook Police Department
Old Saybrook, CT

DISTRICT OF COLUMBIA:

Hubert Williams, President
The Police Foundation
Washington, D.C.

FLORIDA:

Curt Lavarello, Executive Director
School Safety Advocacy Council
Sarasota, FL

Chief William Berger
Palm Bay Police Department
Palm Bay, FL

Director Robert Parker
Miami-Dade Police Department
Miami-Dade, FL

Sheriff John H. Rutherford
Jacksonville Sheriff's Office
Jacksonville, FL

GEORGIA:

Chief Richard Pennington
Atlanta Police Department
Atlanta, GA

ILLINOIS:

Chief Lawrence Brunson
Homewood Police Department
Homewood, IL

Superintendent Philip Cline
Chicago Police Department
Chicago, IL

Chief Robert D. Jones
Gurnee Police Dept.
Gurnee, IL

Chief Russell Laine
Algonguin Police Department
Algonguin, IL

Chief Patrick O'Connor
Village of Worth Police Department
Village of Worth, IL

INDIANA:

Chief George G. Kehl
Fishers Police Department
Fishers, IN

KENTUCKY:

Chief Robert C. White
Louisville Metro Police Department
Louisville, KY

MAINE:

Chief Butch Asselin
Skowhegan Police Dept
Skowhegan, ME

Chief Edward J. Googins
South Portland Police Department
South Portland, ME

MARYLAND:

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Greenbelt Police Department
Greenbelt, MD

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Baltimore Police Department
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Prince George's County Police Department
Prince George's County, MD

Chief J. Thomas Manger
Montgomery County Police Department
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Chief Peter L. Carnes
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Worcester Police Department
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Chief Ella Bully-Cummings
Detroit Police Department
Detroit, MI

Chief Ervin L. Portis
Jackson Police Department
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MINNESOTA:

Chief Timothy Dolan
Minneapolis Police Department
Minneapolis, MN

Chief Pete Jansky
St. Joseph Police Department
St. Joseph, MN

Chief Scott Knight
Chaska Police Department
Chaska, MN

MISSISSIPPI:

Chief Arthur R. Heun
Olive Branch Police Department
Olive Branch, MS

MISSOURI:

Chief Terry Milam
St. John Police Department
St. John, MO

Chief Carol Wolf
Hazelwood Police Department
Hazelwood, MO

NEBRASKA:

Chief Godfrey J. Brokenrope
Aurora Police Department
Aurora, NE

NEW HAMPSHIRE:

Chief Steven Savage
Plaistow Police Department
Plaistow, NH

Chief James Valiquet
Bradford Police Department
Bradford, NH

NEW MEXICO:

Chief Marty Vigil
Grants Police Department
Grants, NM

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Cleveland Police Department
Cleveland, OH

Chief Michael J. Navarre
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Toledo, OH

Chief Thomas Streicher
Cincinnati Police Department
Cincinnati, OH

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Chief William Citty
Oklahoma City Police Department
Oklahoma City, OK

OREGON:

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Beaverton Police Department
Beaverton, OR

DA Bob Hermann
Washington County District Attorney
Hillsboro, OR

Chief Rosanne M. Sizer
Portland Police Bureau
Portland, OR

Chief Vernon Wells
Independence Police Department
Independence, OR

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West Goshen TWP Police Department
West Goshen Township, PA

Superintendent Michael J. Chitwood
Upper Darby Police Department
Upper Darby, PA

Commissioner Sylvester Johnson
Philadelphia Police Department
Philadelphia, PA

Chief Stephen White
Doylestown Twp Police Department
Doylestown, PA

Chief Mark Whitman
York Police Department
York, PA

RHODE ISLAND:

Chief Vincent Vespia
South Kingston Police Department
Wakefield, RI

TENNESSEE:

Director Larry A Godwin
Memphis Police Department
Memphis, TN

Chief Sterling P Owen, IV
Knoxville Police Department
Knoxville, TN

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Bexar County Sheriff's Office
San Antonio, TX

Chief Richard D. Wiles
El Paso Police Department
El Paso, TX

Chief Yost Zakhary
Woodway Dept of Public Safety
Woodway, TX

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James City County Police Department
Williamsburg, VA

Chief A. M. Jacocke, Jr.
Virginia Beach Police Department
Virginia Beach, VA

Chief Bruce P. Marquis
Norfolk Police Department
Norfolk, VA

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Bellingham Police Department
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Chief R. Gil Kerlikowske
Seattle Police Department
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WISCONSIN:

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