



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

Consent
May 1, 2007

Honorable Members of the
Law and Legislation Committee

Title: Legislative Position: Oppose Tiaht Amendments to the Department of Justice's Appropriations Bills

Location/Council District: Citywide

Recommendation: Staff recommends the Law & Legislation Committee adopt an oppose position to the addition of Tiaht amendments on bills relating to appropriations for the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Contact: Kimberly Riley, Administrative Officer, 808-0826

Presenters: Kimberly Riley, Administrative Officer

Department: Police

Division: Chief's Office

Organization No: 2111

Description/Analysis

Issue: Appropriations bills for ATF since fiscal year 2004 have had riders attached to them, which have been termed "Tiaht" amendments after Representative Todd Tiaht. The amendments significantly restrict the ability of ATF to share crime gun trace data with local law enforcement agencies.

Policy Considerations: Crime gun trace data is crucial to the fight against gun trafficking and illegal guns. The inability to use well-established and effective resources in our efforts to combat the growing problem of illegal guns in society is an unnecessary hindrance to law enforcement.

Environmental Considerations: None

Rationale for Recommendation: The Tiaht amendments prevent law enforcement agencies from accessing crime gun trace data information from ATF unless it pertains to a specific criminal investigation or prosecution and to the geographic jurisdiction of the law enforcement agency. For example, local law

enforcement agencies cannot obtain trace data to identify gun dealers in their communities exhibiting signs of gun trafficking.

Additionally, 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. Prior to the addition of Tiahrt amendments this information was releasable.

Financial Considerations: The crime gun trace data is already established, but it is not utilized to its full potential. There would be no additional cost to governmental entities to obtain this information, since it is already collected and stored by ATF.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: Kimberly Riley
Kimberly Riley
Administrative Officer

Approved by: Albert Nájera
Albert Nájera
Chief of Police

Recommendation Approved:

Gustavo F. Vina
GUSTAVO F. VINA
Assistant City Manager

Ref: COP 4-20

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Attachment 1

Background

A crime gun is any firearm that is illegally possessed, used in a crime, or suspected to have been used in a crime. An abandoned firearm may also be categorized as a crime gun if it is suspected to have been used in a crime or illegally possessed. ATF's database contains over 2 million traces of guns confiscated by authorities. Each "trace" represented in the database tells the sales history of the crime gun involved, thus providing the identification of the dealer who sold the gun and other information indicating whether the gun may have been trafficked out of the gun shop. The data has been an invaluable resource for ATF, other law enforcement agencies, and the public in determining the source of crime guns. For example, trace data from the year 2000, prior to the Tiahrt amendments, established that more than 50% of crime guns originated from only about 1% of gun dealers. This suggests that the illegal gun problem is largely due to the conduct of a small minority of licensed dealers. This information source has the potential of providing key indications of illegal gun trafficking. Unfortunately, the annual Tiahrt amendments limit this additional tool for law enforcement.

May 1, 2007

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

Subject: Oppose Tiahrt Amendments in Department of Justice's Appropriations Bills

The City of Sacramento writes to express our opposition to a provision in recent appropriations legislation funding the Department of Justice 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. We urge that it not be included in the appropriations bill for fiscal year 2008.

The Tiahrt amendments put new and unjustified limits on ATF's disclosure of crime gun trace data to law enforcement agencies and organization. Prior to the Tiahrt restrictions, law enforcement agencies could gain 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 for a specific criminal investigation or procedure. 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. The Tiahrt amendments thereby have functioned to limit an effective law enforcement tool against gun trafficking.

Thank you for your consideration of this matter.

Sincerely,

Sandy Sheedy, Chair
Law and Legislation Committee

cc: Senator Dianne Feinstein
Senator Barbara Boxer
Congresswoman Doris Matsui
Mayor Fargo and Members of the City Council
John Freshman