



HOW THE TIAHRT PROVISION HURTS EFFORTS TO STOP GUN CRIME

The Tiahrt Provision (named after its chief sponsor Rep. Todd Tiahrt, R-KS) is a rider in appropriations legislation funding the Justice Department that places severe limits on the disclosure of crime gun trace data by the ATF. It has appeared in the DOJ appropriations bill in various forms since fiscal year 2004.

✓ **Crime Gun Trace Data Is an Invaluable Resource**

The crime gun trace information affected by the Tiahrt Provision is a continuously updated database with more than two million ATF traces of guns confiscated by the authorities in connection with criminal investigations. Each “trace” tells the sales history of the crime gun involved, identifying the dealer who sold the gun and other information indicating whether the gun may have been trafficked. The data has been an invaluable resource for ATF, other law enforcement agencies, and the public in determining the sources of crime guns. For example, the trace data has established that almost 60% of crime guns originate with 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.

✓ **The Tiahrt Provision Significantly Restricts Disclosing Crime Gun Trace Data**

1. Prior to the passage of the Tiahrt Provision, law enforcement agencies could get access to crime gun trace data to assist in developing effective strategies against gun trafficking and illegal guns, without unjustified restrictions.
2. The Tiahrt Provision prevents law enforcement agencies from obtaining crime gun trace data unless it pertains to a specific criminal investigation or prosecution and then, it limits the information to the agency's geographic jurisdiction. This makes it extremely difficult for a local law enforcement agency to identify gun trafficking patterns. And this limitation on the data law enforcement can obtain also makes it difficult to develop preventative strategies to stop gun crimes and better utilize resources.
3. The Tiahrt Provision also prevents 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 prevented ATF's regular issuance of crime gun trace reports under the Youth Crime Gun Interdiction Initiative, which had been invaluable in educating law enforcement, and the public, about the diversion of guns from licensed dealers into the illegal market.

✓ **Disclosing Crime Gun Trace Data Does Not Hurt Law Enforcement Efforts**

These restrictions on trace data disclosure are *not* needed to protect the identities of undercover agents and the integrity of ongoing investigations. For many years prior to the Tiahrt Provision, ATF has disclosed crime gun trace data to the public, while withholding any information that could compromise law enforcement investigations or threaten the safety of law enforcement personnel. There is no evidence that past ATF disclosures of trace data have had an adverse impact on law enforcement.