

PART IX:

Investigation Outcomes

ATF prioritizes public safety when conducting firearm trafficking investigations. Determining how public safety is best served involves the assessment of a variety of factors. This section presents an analysis on firearm trafficking investigation outcomes across the 9,708 cases in the study period.

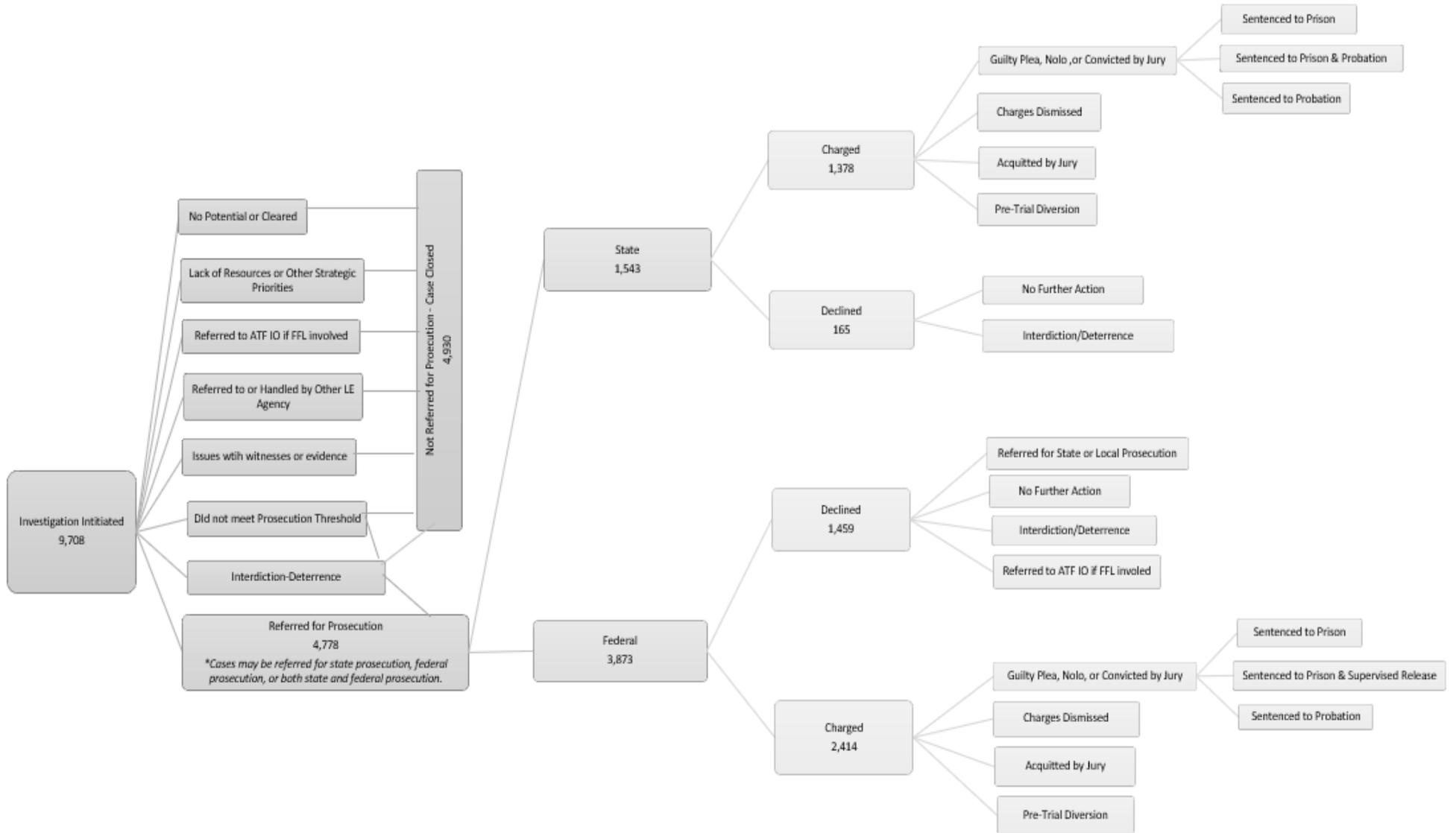
Investigation outcomes range from prosecution and conviction of one or more defendants to investigations that are concluded without referral for prosecution. Firearm trafficking investigations may not result in the referral of a defendant(s) for prosecution, for reasons including, but not limited to the following: (1) successful use of an interdiction or deterrence technique halts the trafficking activity, (2) there is no violation identified, (3) a suspect is not identified, (4) the participants lack the requisite criminal intent, (5) resource or strategic priorities preclude further action, or (6) the conduct established in the investigation does not meet the applicable prosecution thresholds. In instances where no referral for prosecution is made, the SA may either close the case, refer the matter to another law enforcement agency, refer the matter to ATF Industry Operations (ATF IO) for regulatory follow-up, or utilize additional interdiction and deterrence methods.

ATF refers defendants for prosecution based on an assessment of several factors. As a threshold matter, ATF reviews the evidence developed in the investigation to ensure, from its perspective, that the evidence is sufficient to establish a subject has knowingly committed a violation or violations of the law. After this threshold determination, ATF assesses whether a prosecution referral aligns with its strategic priorities. Finally, ATF determines whether, from its perspective, cases meeting these internal criteria also fall within established prosecution thresholds for either the U.S. Attorney's Office with jurisdiction or state-level counterpart. The prosecutor's office then conducts its own assessment of relevant case intake factors and determines whether to accept or decline the ATF referral for prosecution. Each prosecutor's office, whether federal or state, sets prosecution priorities based on a wide variety of local factors that may differ greatly between jurisdictions and locations.

Investigation outcomes for cases accepted for prosecution include guilty pleas, conviction by jury trial, dismissal of charges, acquittal by jury trial, and pre-trial diversion. In cases resulting in convictions, defendants are sentenced to either prison and supervised release or probation. Declination outcomes include closure of the investigation, referral to another jurisdiction for prosecution (generally involving state prosecution following a federal declination), and the use of additional interdiction and deterrence techniques. Figure IO-01 displays the progression of a firearm trafficking investigation through the range of potential outcomes.

The data presented in this Part was obtained from SA responses to the study survey, except for data presented under the Prosecutorial Support and Judicial Outcomes section which was obtained from the ATF case management system.

Figure IO-01: Progression of Firearm Trafficking Investigation Outcomes

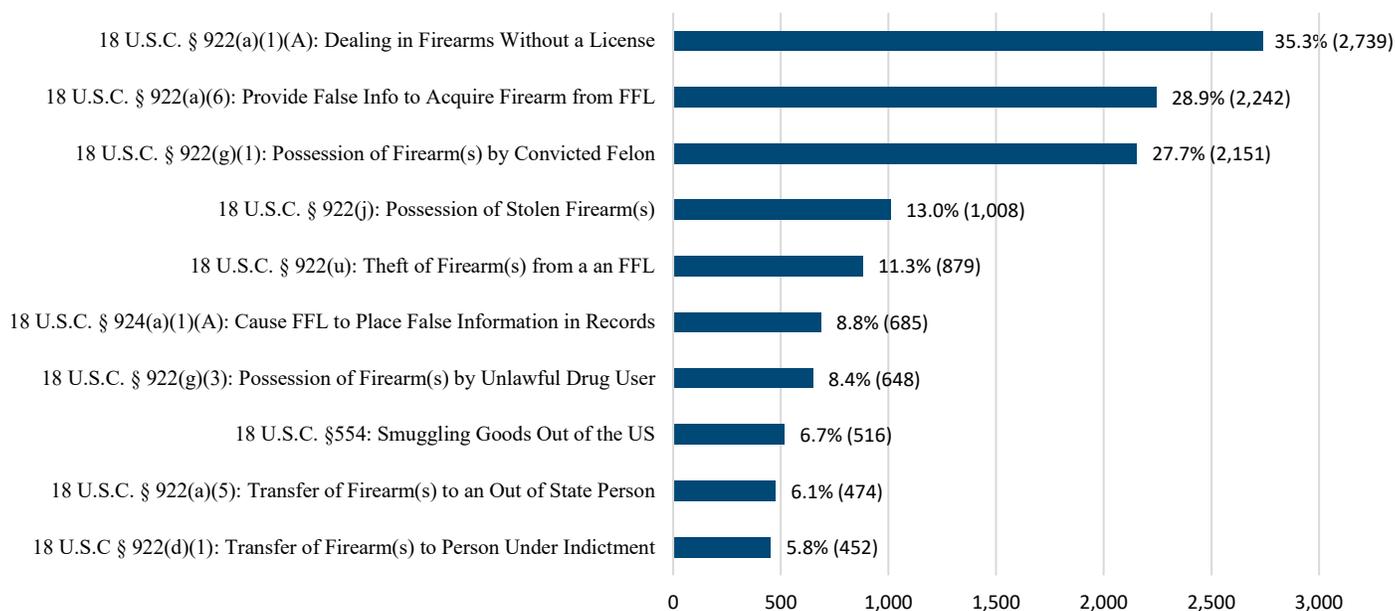


Violations of Federal Law Identified

Suspected violations of federal law are identified during the investigatory phase. Depending on a number of factors, primarily involving the development of evidence, suspected violations may or may not be referred for prosecution. SAs identified 18,114 statutory criminal violations across nearly 80% (7,756 of 9,708) of cases. Multiple violations may be identified in each firearm trafficking investigation.

Figure IO-02 identifies the number of cases for the ten most frequent statutory violations identified during firearm trafficking investigations. The three most frequently identified violations of federal law were: dealing in firearms without a license (18 U.S.C. § 922(a)(1)(A)), identified in slightly more than 35% (2,739 of 7,756) of cases; providing false information to an FFL (18 U.S.C. § 922(a)(6)), identified in almost 29% (2,242 of 7,756) of cases; and possession of a firearm(s) by a convicted felon (18 U.S.C. § 922(g)(1)) identified in almost 28% (2,151 of 7,756) of cases. At least one of these top ten violations was identified in nearly 90% (6,946 of 7,756) of these cases. As shown in Part VI of this report, convicted felons are often involved in firearm trafficking cases as either the trafficker, the end user, or both.

Figure IO-02: Number and Percentage of Cases by Top Ten Statutory Violations Identified, 2017 - 2021 (N=7,756)



Note: Categories are not mutually exclusive.

See Table IO-01 in Appendix IO – Investigation Outcomes for a display of the total number and percentage of all statutory violations identified in each firearm trafficking case.

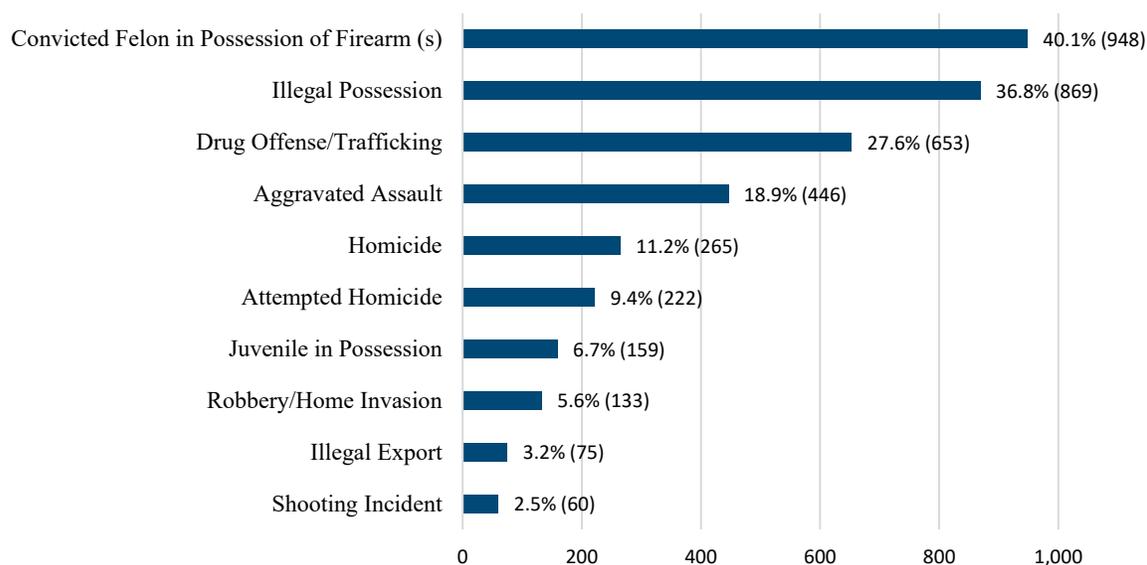
Statutory violations were also grouped into categories, including but not limited to, Gun Control Act (GCA), Firearms Import/Export, and National Firearms Act (NFA) violations. See Table IO-02 and Table IO-03 in Appendix IO – Investigation Outcomes for a description of each statutory violation category and the total number of cases by each category respectively. Within each firearm trafficking investigation, there may be multiple categories represented. Slightly more than 92% (7,149 of 7,756) of these cases included at least one Gun Control Act (GCA) statutory violation.

Criminal Activity Overlap

Use of Trafficked Firearms in Crimes

Firearm trafficking investigations are conducted with two primary goals: First, to prevent the diversion of firearms into unlawful commerce, thereby precluding their further criminal use, particularly in violent crimes. Second, to hold traffickers and accomplices accountable for attempted and actual diversion. Law enforcement, however, is most often not aware of a specific trafficking scheme until a trafficked firearm is recovered in a crime, including fatal and non-fatal shootings. Of the 9,708 investigations in the study period, SAs indicated that crimes were known to have been committed with trafficked firearms in 2,363 cases (24.3%). In the 2,363 cases, 3,950 crimes were identified. There can be multiple crimes identified in each firearm trafficking investigation. Figure IO-03 identifies the top ten crimes in which trafficked firearms were used. The most prevalent crime was “convicted felon in possession of firearm” cited in more than 40% (948) of these cases (2,363).

Figure IO-03: Top Ten Crimes Identified, 2017 – 2021 (N=2,363)



Note: Categories are not mutually exclusive.

See Table IO-04 in Appendix IO – Investigation Outcomes for a display of the total number and percentage of cases for all crimes identified.

Table IO-05 identifies the number and percentage of cases involving the top five firearm trafficking channels and the types of crimes associated with trafficked firearms in those cases.

Table IO-05: Cases by Trafficking Channel and Use in a Crime, 2017 – 2021

| Unlicensed Dealing (N=530) | | | Straw Purchaser (N=661) | | | FFL Theft (N=170) | | |
|----------------------------|-----------------|---------|--------------------------|-----------------|---------|--------------------------|-----------------|---------|
| Crime | Number of Cases | % Cases | Crime | Number of Cases | % Cases | Crime | Number of Cases | % Cases |
| Illegal Possession | 146 | 27.5% | Illegal Possession | 189 | 28.6% | Felon in Possession | 59 | 34.7% |
| Felon in Possession | 136 | 25.7% | Felon in Possession | 187 | 28.3% | Illegal Possession | 44 | 25.9% |
| Drug Offense/Trafficking | 100 | 18.9% | Drug Offense/Trafficking | 95 | 14.4% | Juvenile in Possession | 21 | 12.4% |
| Homicide | 45 | 8.5% | Aggravated Assault | 73 | 11.0% | Drug Offense/Trafficking | 15 | 8.8% |
| Aggravated Assault | 45 | 8.5% | Homicide | 48 | 7.3% | Aggravated Assault | 8 | 4.7% |

| Private Person Theft (N=97) | | | Illegal Export (N=78) | | |
|-----------------------------|-----------------|---------|--------------------------|-----------------|---------|
| Crime | Number of Cases | % Cases | Crime | Number of Cases | % Cases |
| Drug Offense/Trafficking | 25 | 25.8% | Illegal Possession | 39 | 50.0% |
| Felon in Possession | 23 | 23.7% | Drug Offense/Trafficking | 19 | 24.4% |
| Illegal Possession | 17 | 17.5% | Felon in Possession | 6 | 7.7% |
| Attempted Homicide | 8 | 8.3% | Homicide | 4 | 5.1% |
| Homicide | 6 | 6.2% | Attempted Homicide | 4 | 5.1% |
| Aggravated Assault | 6 | 6.2% | | | |
| Robbery/Home Invasion | 6 | 6.2% | | | |

Note: Categories are not mutually exclusive.

Use of Trafficked Firearms in Shooting Incidents

Trafficked firearms are frequently used in crimes, including shooting incidents. SAs were asked to report whether the investigation indicated that any of the trafficked firearms were used in one or more shootings. SAs reported that use in a shooting was unknown in approximately 34% (3,253 of 9,708) of investigations. Conversely, SAs were able to report whether trafficked firearms were or were not used in shootings in approximately 66% (6,455 of 9,708) of cases. In these 6,455 investigations, SAs indicated that a trafficked firearm was used in a shooting in 15.1% (974) of cases.

Table IO-06 identifies the number and percentage of investigations that indicated a trafficked firearm was used in a shooting by firearm trafficking channel. Cases in which SAs did not know if trafficked firearms were used in shootings are excluded. Firearms trafficked in cases involving a straw purchaser were used in shootings more often than those trafficked through any other channel.

Table IO-06: Total Number of Cases by Trafficking Channel and Use in Shootings, 2017 – 2021

| Trafficking Channel | Total Number of Cases Excluding Unknown Use | Number of Cases w/ a Firearm Used in a Shooting | % Cases w/ a Firearm Used in a Shooting |
|----------------------|---|---|---|
| Straw Purchaser | 2,285 | 536 | 23.5% |
| Unlicensed Dealing | 2,241 | 368 | 16.4% |
| Private Person Theft | 484 | 76 | 15.7% |
| FFL Theft | 895 | 59 | 6.6% |
| Illegal Export | 375 | 44 | 11.7% |

Note: Categories are not mutually exclusive.

Relevant National Integrated Ballistics Identification Network (NIBIN) Data

ATF’s NIBIN program provides national automated ballistic imaging services to law enforcement agencies across the country. See [NFCTA Volume II, Part I](#) for a detailed description of NIBIN. NIBIN imaging technology captures the unique markings that firearms make on ammunition cartridge cases as they are fired; the system then conducts automated comparison analysis of other images in the network to identify potential preliminary matches which are then reviewed by highly trained NIBIN technicians. Technician-identified NIBIN matches are often referred to by law enforcement as NIBIN “leads”¹, indicating the recovered casings were likely fired from the same firearm. Through comparison of a test-fired cartridge case from a recovered firearm, NIBIN also allows the matching of an image from a recovered cartridge case, linking the recovered firearm to the shooting. Among the 974 firearm trafficking cases involving at least one shooting, more than 63% (619) were associated with a NIBIN lead.

Cases Referred for Federal Prosecution

Firearm trafficking investigations are frequently complex, lengthy, and involve the analysis of a substantial volume of evidence. For a SA to refer a defendant to the U.S. Attorney’s Office for federal prosecution, the following conditions must be established: (1) the evidence developed during the investigation supports each of the elements required to prove a firearm trafficking violation, including the requisite criminal intent; (2) the case is within ATF’s strategic priorities; and (3) the case meets established U.S. Attorney’s Office prosecution thresholds.² There can be more than one defendant referred for federal prosecution in a case. Almost 40% (3,873 of 9,708) of investigations in the study period involved the referral of at least one defendant for federal prosecution.

The geographic jurisdiction of each ATF field division includes multiple U.S. Attorney’s Offices. Consequently, federal prosecution referral statistics for each field division involve several U.S. Attorney’s Offices, each of which sets its own prosecution guidelines. Table IO-07a presents the ten ATF field divisions with the most trafficking cases referred ordered by the percentage of trafficking cases referred. These ten ATF field divisions accounted for more than 51% (1,983) of the total cases (3,873) where at least one defendant was referred for prosecution. The Dallas field division had the highest percentage of cases referred for federal prosecution at nearly 57%.

Table IO-07a: Total Cases Referred for Federal Prosecution by Top Ten ATF Field Divisions, 2017 – 2021

| ATF Field Division | Total Cases | Number of Cases Referred | % Cases within ATF Field Division |
|---------------------------|--------------------|---------------------------------|--|
| Dallas | 563 | 319 | 56.7% |
| Nashville | 360 | 174 | 48.3% |
| Kansas City | 378 | 181 | 47.9% |
| Chicago | 685 | 327 | 47.7% |
| Boston | 479 | 226 | 47.2% |
| Washington | 350 | 156 | 44.6% |
| Houston | 831 | 349 | 42.0% |
| Philadelphia | 438 | 158 | 36.1% |
| New York | 613 | 204 | 33.3% |
| Phoenix | 1,096 | 219 | 20.0% |
| All Other Divisions | 3,915 | 1,560 | 39.8% |
| Total | 9,708 | 3,873 | 39.9% |

See Table IO-07 in Appendix IO – Investigation Outcomes for a display of all cases referred for federal prosecution across all ATF field divisions.

Cases Not Referred for Federal Prosecution

There are a variety of reasons why cases do not result in a referral for federal prosecution. Among the 9,708 firearm trafficking cases in the study, more than 60% (5,835) were not referred for federal prosecution. The survey completed by the SAs provided 11 reasons as to why cases were not referred for federal prosecution to select, including an "other" category. After review, responses in the “other” category were grouped together resulting in the designation of an additional 15 categories. There can be more than one reason cited per case. A reason for not referring the case for federal prosecution was reported by SAs in almost 95% (5,529 of 5,835) of these cases. Table IO-08 describes the reasons cited for why cases may not be referred for federal prosecution.

Table IO-08: Reasons Cases Were Not Referred for Federal Prosecution

| Reasons Cases Were Not Referred for Federal Prosecution | Description |
|---|---|
| 5 Year Statute of Limitations Expired | The statute of limitations for most federal firearms violations is five years from the date of commission of the violation. If the investigation does not develop a suspect(s) and evidence of a violation of law within that time, a referral for federal prosecution cannot be made because the crime is no longer prosecutable. |
| COVID-19 | The period of study includes the COVID-19 pandemic. The pandemic impeded investigations in a variety of ways including restrictions on in-person interviews and the availability of persons to produce records, information, and other evidence required to prove a violation of law which resulted in outcomes other than a referral for federal prosecution. This category was derived from SA responses in the “other” category. |
| Did Not Meet Prosecution Threshold Guidelines | U.S. Attorney’s Offices generally establish minimum thresholds that must exist before they will accept a case for prosecution in order to manage limited prosecutorial resources (e.g., a minimum number of firearms trafficked). If an investigation did not meet established thresholds, the case was not referred for federal prosecution. |
| Documented Under Another ATF Investigation | The suspect(s) of the investigation was also the subject of a separate ATF investigation that was determined to take priority, and therefore, no referral for federal prosecution was made. This category was derived from SA responses in the “other” category. |
| Insufficient Evidence | The investigation did not yield evidence sufficient to establish the elements of proof required for the violation(s) being investigated and therefore was not referred for federal prosecution. |
| Interdiction/Deterrence | ATF concluded the investigation using interdiction or deterrence techniques rather than a referral for federal prosecution. |
| Investigation Led by Another Agency | The investigation was led by another federal law enforcement agency that determined there would be no referral for federal prosecution. This category was derived from SA responses in the “other” category. |
| Lack of ATF Resources | The ATF field division or local field office did not have the staffing or resources available to conduct and complete the investigation so the case was not referred for federal prosecution. |
| No Criminal Violations Identified After Investigation | The investigation did not result in the development and identification of a criminal violation and therefore was not referred for federal prosecution. |
| No Suspect Identified | The investigation did not result in the development and identification of a suspect and therefore was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |
| Open Investigation | At the time of the survey, certain aspects of the investigation remained open and unresolved and therefore was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |
| Other Management Priorities | The ATF field division or local office may have other unique workload requirements and challenges that were prioritized, and therefore, the case was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |
| Problems with Evidence, Witnesses, or Investigation | The investigation involved challenges related to evidence or witnesses and therefore was not referred for federal prosecution. |

| | |
|--|---|
| Prosecuted for Another Crime | The suspect(s) also became subject to prosecution in another separate case for crimes, which took priority, from the firearms trafficking case and therefore, was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |
| No Referral Due to Prosecution by Another Jurisdiction (Foreign, State, Local) | The suspect(s) became subject to prosecution by another state, local, or international authority which took priority over a referral for federal prosecution in the ATF firearms trafficking investigation. |
| Referred to Another Law Enforcement Agency | The investigation involved evidence of crimes outside ATF’s jurisdiction, and thus, was referred to another law enforcement agency for further investigation. This category was derived from SA responses in the “other” category. |
| Regulatory Response | The investigation involved a licensed industry member regulated by ATF. The matter was handled through the regulatory process rather than a referral for federal criminal prosecution. This category was derived from SA responses in the “other” category. |
| Source/Informant | The investigation involved evidentiary problems with a source of information or confidential informant; therefore, the case was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |
| Subject Considerations (Mental Competency, Age, Pregnancy) | The suspect(s) in the investigation had mental competency issues, serious health or medical issues, or age considerations; therefore, the case was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |
| Subject is a Juvenile | The suspect(s) in the investigation was a juvenile which involve substantial obstacles to federal prosecution, and therefore, the case was not referred for federal prosecution. |
| Subject(s) Arrested for Another Crime | The suspect(s) was arrested by another law enforcement agency which took priority over a referral for federal prosecution in the ATF firearms trafficking investigation. This category was derived from SA responses in the “other” category. |
| Subject(s) Outside U.S. Jurisdiction | The suspect(s) in the investigation was outside the jurisdiction of the U.S. thus precluding the application of certain investigative steps, and therefore, the case was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |
| Suspect(s) Deceased | The suspect(s) in the investigation died and therefore was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |
| Unable to Locate Suspect(s) | The suspect(s) in the investigation was unable to be located and interviewed and therefore was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |
| Unknown | No reason was provided. |
| Witness Safety Issues | The investigation involved challenges related to the safety of witnesses that became a higher priority and therefore was not referred for federal prosecution. This category was derived from SA responses in the “other” category. |

Table IO-09a identifies the top five reasons cases were not referred for federal prosecution. Insufficient evidence was the top reason cited accounting for nearly 46% (2,528 of 5,529) of cases not referred for federal prosecution. Significantly, almost 36% (1,969 of 5,529) of cases were not referred for federal prosecution because substantiated violations of law did not meet prosecution thresholds established by the U.S. Attorney’s Office. The use of interdiction or deterrence was cited as a reason a case was not referred

for prosecution in 13% (717 of 5,529) of cases. ATF utilizes interdiction or deterrence techniques as a matter of public safety to immediately interrupt firearms trafficking.

Table IO-09a: Top Five Reasons Cases Were Not Referred for Federal Prosecution, 2017 – 2021

| Reason | Number of Cases | % Cases |
|-------------------------------------|------------------------|----------------|
| Insufficient Evidence | 2,528 | 45.7% |
| Did Not Meet Prosecution Threshold | 1,969 | 35.6% |
| No Criminal Violations Identified | 801 | 14.5% |
| Interdiction/Deterrence Used | 717 | 13.0% |
| Prosecution by Another Jurisdiction | 559 | 10.1% |

Note: Categories are not mutually exclusive.

The lack of referrals due to insufficient evidence or not meeting prosecutorial thresholds were overwhelmingly the top two reasons cited by each of ATF’s 25 field divisions. See Table IO-09 in Appendix IO – Investigation Outcomes for a display of the number and percentage of all reasons cases were not referred for prosecution.

Federal Prosecutorial Decisions

Of the 9,708 firearm trafficking cases in the study, almost 40% (3,873) involved at least one defendant referred for federal prosecution. Of the cases referred, over 62% (2,414 of 3,873) were accepted for prosecution, while nearly 38% (1,459 of 3,873) were declined for federal prosecution by the U.S. Attorney’s Office.

U.S. Attorney’s Offices and the U.S Courts are organized into federal judicial districts. There are 94 [federal judicial districts](#) with at least one in every state. Table IO-10 provides all federal judicial districts and the number of cases referred, accepted, and declined.

Table IO-10: Total Cases Declined and Accepted for Federal Prosecution by Federal Judicial Districts, 2017 – 2021

| Judicial District | Number of Cases Declined | Number of Cases Accepted | Total Cases Referred | % Cases Accepted |
|-------------------------------|---------------------------------|---------------------------------|-----------------------------|-------------------------|
| Alabama, Middle District | 1 | 5 | 6 | 83.3% |
| Alabama, Northern District | 28 | 78 | 106 | 73.6% |
| Alabama, Southern District | 1 | 7 | 8 | 87.5% |
| Alaska | 0 | 2 | 2 | 100.0% |
| Arizona | 96 | 144 | 240 | 60.0% |
| Arkansas, Eastern District | 6 | 4 | 10 | 40.0% |
| Arkansas, Western District | 2 | 5 | 7 | 71.4% |
| California, Central District | 14 | 60 | 74 | 81.1% |
| California, Eastern District | 34 | 30 | 64 | 46.9% |
| California, Northern District | 5 | 12 | 17 | 70.6% |
| California, Southern District | 7 | 14 | 21 | 66.7% |
| Colorado | 6 | 22 | 28 | 78.6% |
| Connecticut | 4 | 21 | 25 | 84.0% |
| Delaware | 22 | 12 | 34 | 35.3% |
| District of Columbia | 4 | 12 | 16 | 75.0% |
| Florida, Middle District | 44 | 53 | 97 | 54.6% |
| Florida, Northern District | 3 | 13 | 16 | 81.3% |
| Florida, Southern District | 48 | 44 | 92 | 47.8% |
| Georgia, Middle District | 2 | 5 | 7 | 71.4% |
| Georgia, Northern District | 35 | 62 | 97 | 63.9% |
| Georgia, Southern District | 6 | 8 | 14 | 57.1% |

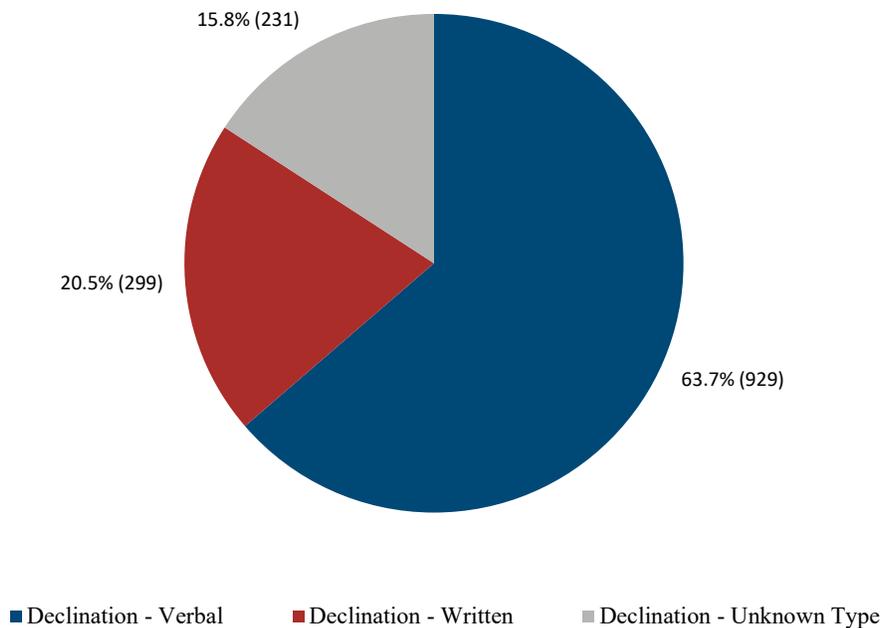
| | | | | |
|----------------------------------|----|-----|-----|--------|
| Idaho | 2 | 7 | 9 | 77.8% |
| Illinois, Central District | 4 | 14 | 18 | 77.8% |
| Illinois, Northern District | 77 | 63 | 140 | 45.0% |
| Illinois, Southern District | 4 | 7 | 11 | 63.6% |
| Indiana, Northern District | 41 | 58 | 99 | 58.6% |
| Indiana, Southern District | 33 | 12 | 45 | 26.7% |
| International Judicial District | 18 | 35 | 53 | 66.0% |
| Iowa, Northern District | 5 | 16 | 21 | 76.2% |
| Iowa, Southern District | 2 | 16 | 18 | 88.9% |
| Kansas | 14 | 9 | 23 | 39.1% |
| Kentucky, Eastern District | 4 | 18 | 22 | 81.8% |
| Kentucky, Western District | 18 | 21 | 39 | 53.8% |
| Louisiana, Eastern District | 4 | 7 | 11 | 63.6% |
| Louisiana, Middle District | 3 | 10 | 13 | 76.9% |
| Louisiana, Western District | 2 | 10 | 12 | 83.3% |
| Maine | 14 | 14 | 28 | 50.0% |
| Maryland | 44 | 52 | 96 | 54.2% |
| Massachusetts | 45 | 29 | 74 | 39.2% |
| Michigan, Eastern District | 19 | 30 | 49 | 61.2% |
| Michigan, Western District | 19 | 41 | 60 | 68.3% |
| Minnesota | 14 | 12 | 26 | 46.2% |
| Mississippi, Northern District | 2 | 15 | 17 | 88.2% |
| Mississippi, Southern District | 2 | 8 | 10 | 80.0% |
| Missouri, Eastern District | 24 | 33 | 57 | 57.9% |
| Missouri, Western District | 17 | 24 | 41 | 58.5% |
| Montana | 10 | 39 | 49 | 79.6% |
| Nebraska | 1 | 12 | 13 | 92.3% |
| Nevada | 36 | 15 | 51 | 29.4% |
| New Hampshire | 16 | 15 | 31 | 48.4% |
| New Jersey | 23 | 21 | 44 | 47.7% |
| New Mexico | 8 | 12 | 20 | 60.0% |
| New York, Eastern District | 27 | 47 | 74 | 63.5% |
| New York, Northern District | 13 | 13 | 26 | 50.0% |
| New York, Southern District | 28 | 37 | 65 | 56.9% |
| New York, Western District | 16 | 25 | 41 | 61.0% |
| North Carolina, Eastern District | 9 | 12 | 21 | 57.1% |
| North Carolina, Middle District | 3 | 18 | 21 | 85.7% |
| North Carolina, Western District | 4 | 11 | 15 | 73.3% |
| North Dakota | 4 | 5 | 9 | 55.6% |
| Ohio, Northern District | 24 | 27 | 51 | 52.9% |
| Ohio, Southern District | 21 | 14 | 35 | 40.0% |
| Oklahoma, Eastern District | 1 | 2 | 3 | 66.7% |
| Oklahoma, Northern District | 1 | 5 | 6 | 83.3% |
| Oklahoma, Western District | 3 | 11 | 14 | 78.6% |
| Oregon | 5 | 10 | 15 | 66.7% |
| Pennsylvania, Eastern District | 35 | 53 | 88 | 60.2% |
| Pennsylvania, Middle District | 2 | 16 | 18 | 88.9% |
| Pennsylvania, Western District | 24 | 28 | 52 | 53.8% |
| Puerto Rico | 2 | 21 | 23 | 91.3% |
| Rhode Island | 6 | 14 | 20 | 70.0% |
| South Carolina | 10 | 19 | 29 | 65.5% |
| South Dakota | 4 | 16 | 20 | 80.0% |
| Tennessee, Eastern District | 6 | 9 | 15 | 60.0% |
| Tennessee, Middle District | 2 | 8 | 10 | 80.0% |
| Tennessee, Western District | 10 | 20 | 30 | 66.7% |
| Texas, Eastern District | 10 | 48 | 58 | 82.8% |
| Texas, Northern District | 37 | 82 | 119 | 68.9% |
| Texas, Southern District | 50 | 168 | 218 | 77.1% |
| Texas, Western District | 78 | 135 | 213 | 63.4% |
| Utah | 0 | 6 | 6 | 100.0% |
| Vermont | 13 | 35 | 48 | 72.9% |
| Virgin Islands | 1 | 2 | 3 | 66.7% |

| | | | | |
|----------------------------------|--------------|--------------|--------------|--------------|
| Virginia, Eastern District | 31 | 55 | 86 | 64.0% |
| Virginia, Western District | 14 | 20 | 34 | 58.8% |
| Washington, Eastern District | 0 | 5 | 5 | 100.0% |
| Washington, Western District | 4 | 14 | 18 | 77.8% |
| West Virginia, Northern District | 8 | 48 | 56 | 85.7% |
| West Virginia, Southern District | 8 | 26 | 34 | 76.5% |
| Wisconsin, Eastern District | 40 | 30 | 70 | 42.9% |
| Wisconsin, Western District | 10 | 4 | 14 | 28.6% |
| Wyoming | 2 | 7 | 9 | 77.8% |
| Total | 1,459 | 2,414 | 3,873 | 62.3% |

Declination Types

For declined cases, the U.S. Attorney’s Office may advise the SA verbally or in writing of the declination. Figure IO-04 presents the number and percentage of firearm trafficking cases declined for federal prosecution by declination type. Verbal declination accounted for more than 63% of all declined cases.

Figure IO-04: Number and Percentage of Cases Declined for Federal Prosecution by Declination Type, 2017 – 2021



Reasons Cases Declined or Not Accepted for Prosecution

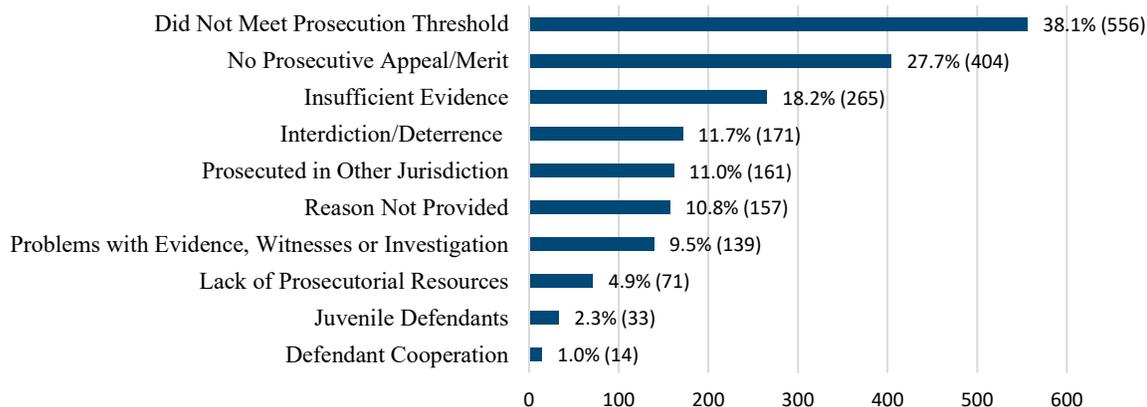
The survey completed by SAs provided ten reasons as to why cases were declined or not accepted for prosecution including an "other" category. After review, responses in the “other” category were grouped together resulting in the designation of an additional four categories. There can be more than one reason cited per case. Table IO-11 describes the reasons cited by the U.S. Attorney’s Office for declining or not accepting the case for federal prosecution.

Table IO-11: Reasons Cases were Declined or Otherwise not Accepted for Federal Prosecution

| Reasons Cases were Declined or Not Accepted for Federal Prosecution | Description |
|---|--|
| 5 Year Statute of Limitations Expired | The statute of limitations for most federal firearms violations is five years from the date of commission of the violation. If the investigation did not result in an indictable violation of law within that time, the case was declined for federal prosecution because the crime was no longer prosecutable. |
| Death of Defendant | The suspect(s) in the investigation died, and therefore, federal prosecution was declined. This category was derived from SA responses in the “other” category. |
| Defendant Cooperation | The defendant in the case provided substantial cooperation and assistance to the government, and therefore, federal prosecution was declined. This category was derived from SA responses in the “other” category. |
| Did Not Meet Prosecution Threshold | U.S. Attorney’s Offices generally establish minimum thresholds that must exist before they will accept a case for prosecution to manage limited prosecutorial resources (e.g., a minimum number of firearms trafficked). If an investigation did not meet established thresholds, the case was not declined for federal prosecution. Appears as “Did not meet prosecution threshold guidelines” in survey. |
| Insufficient Evidence | The U.S. Attorney’s Office stated the investigation did not yield evidence sufficient to establish the elements of proof required for the violation(s) being investigated, and therefore, federal prosecution was declined. |
| Interdiction/Deterrence | The U.S. Attorney’s Office concluded interdiction or deterrence techniques should be used, and therefore, federal prosecution was declined. |
| Lack of Prosecutive Appeal or Merit | The U.S. Attorney’s Office advised that prosecution of the case either: (a) did not align with resource priorities in the judicial district or (b) did not warrant federal prosecution due to evidentiary or factual considerations. |
| Lack of Prosecutorial Resources | The U.S. Attorney’s Office advised they did not have the staffing or resources available to conduct a prosecution, and therefore, federal prosecution was declined. |
| Other | Reasons for declination of federal prosecution not otherwise listed in this table. |
| Pretrial Diversion | The U.S. Attorney’s Office determined the defendant should be placed in pretrial diversion, and therefore, federal prosecution was declined. This category was derived from SA responses in the “other” category. |
| Problems with Evidence, Witnesses, or Investigation | The investigation involved challenges related to evidence or witnesses, and therefore, federal prosecution was declined. |
| Prosecution in Other Case or Jurisdiction (Foreign, State, Local) | The suspect(s) became subject to prosecution by another state, local, or international authority which took priority, and therefore, federal prosecution was declined. This category was derived from SA responses in the “other” category. |
| Reason Not Provided | No reason for declination of federal prosecution was provided by the U.S. Attorney’s Office. This category was derived from SA responses in the “other” category. |
| Subject is a Juvenile | A suspect in the investigation was a juvenile which created substantial obstacles for federal prosecution, and therefore, federal prosecution was declined. Appears as, “Case closed, juvenile involved” in survey. |

Figure IO-5 shows the number and percentage of firearm trafficking cases declined or not accepted for federal prosecution by the U.S. Attorney’s Office by the top ten reasons. Not meeting the prosecution threshold was the most frequently cited reason in slightly more than 38% (556 of 1,459) of declined cases.

Figure IO-05: Number and Percentage of Cases Declined for Federal Prosecution by Top Ten Reasons Cited, 2017 – 2021



Note: Categories are not mutually exclusive.

See Table IO-12 in Appendix IO – Investigation Outcomes for a list of all reasons cited by the U.S. Attorney’s Office for declining or not accepting the case for federal prosecution.

Cases Accepted for Prosecution

Almost 40% (3,873 of 9,708) of the cases in the study involved at least one defendant referred for federal prosecution. Approximately 62% (2,414 of 3,873) of the referred firearm trafficking cases were accepted for federal prosecution by the U.S. Attorney’s Office.

Table IO-13 shows the top ten federal judicial districts, with at least 20 cases referred, by the greatest percentage of cases accepted for federal prosecution during the study period. The top ten federal judicial districts accounted for 22% (531 of 2,414) of all cases accepted for federal prosecution. The federal judicial district of Puerto Rico had the highest percentage of cases accepted for federal prosecution at 91% (21 of 23).

Table IO-13: Number and Percentage of Cases Accepted for Federal Prosecution for the Top Ten Federal Judicial Districts with More Than 20 Cases Referred, 2017 – 2021

| Federal Judicial District | Number of Cases Referred | Number of Cases Accepted | % Cases Accepted in Judicial District |
|----------------------------------|--------------------------|--------------------------|---------------------------------------|
| Puerto Rico | 23 | 21 | 91.3% |
| West Virginia, Northern District | 56 | 48 | 85.7% |
| Connecticut | 25 | 21 | 84.0% |
| Texas, Eastern District | 58 | 48 | 82.8% |
| California, Central District | 74 | 60 | 81.1% |
| Montana | 49 | 39 | 79.6% |
| Colorado | 28 | 22 | 78.6% |
| Texas, Southern District | 218 | 168 | 77.1% |
| West Virginia, Southern District | 34 | 26 | 76.5% |
| Alabama, Northern District | 106 | 78 | 73.6% |

See Table IO-10 for a list of cases declined and accepted for federal prosecution across all federal judicial districts.

Cases Referred for State or Local Prosecution

ATF SAs may refer a firearm trafficking case to a state or local prosecutor for a variety of reasons. Of the 9,708 firearm trafficking cases in the study, almost 16% (1,543) involved at least one defendant being referred for state or local prosecution. The survey completed by the SAs provided six reasons to select from as to why cases were referred for state or local prosecution rather than federal, including an "other" category. After review, some responses in the "other" category were grouped together resulting in the designation of an additional seven categories. Table IO-14 identifies reasons why firearms trafficking cases were referred for state or local prosecution.

Table IO-14: Description of Reasons Cases are Referred for State or Local Prosecution

| Reason for Referral to State or Local Prosecution | Description |
|--|--|
| Advantages of State Evidentiary Rules | The rules of evidence and procedure at the state level made charging and prosecution more advantageous than in federal court. |
| Below Federal Prosecution Threshold | The case did not meet the prosecution threshold established by the U.S Attorney's Office and pursuit of a state prosecution was undertaken. This category was derived from SA responses in the "other" category. |
| Dual Federal and State Prosecutions | Consistent with Constitutional limitations, the case was prosecuted in both state and federal court. |
| Due to Witness/Confidential Informant Considerations | The investigation involved challenges related to the safety, anonymity, or other concerns for a witness or confidential informant that were more appropriately addressed through a state prosecution. This category was derived from SA responses in the "other" category. |
| Federal Declination | The U.S Attorney's Office declined federal prosecution and a referral for state prosecution was pursued as an alternative. |
| Foreign Jurisdiction | The case involved criminal violations outside the U.S. and deferral was made to the foreign country for appropriate investigation and potential prosecution. This category was derived from SA responses in the "other" category. |
| Investigation Involved Juvenile Suspect(s) | A suspect in the investigation was a juvenile, creating substantial obstacles for federal prosecution. Consequently, referral for state or local prosecution. This category was derived from SA responses in the "other" category. |
| More Timely State Process | The state judicial processing timeline made charging and prosecution more advantageous than in federal court. This category was derived from SA responses in the "other" category. |
| Primarily State or Local Investigation | The investigation was primarily focused on state criminal violation(s) and/or conducted primarily by state or local officers, and therefore, the case was brought to state court for prosecution. This category was derived from SA responses in the "other" category. |
| Sentencing (e.g., Stricter State Penalties) | The state sentencing statutes were more advantageous than in federal court. |
| State Statute Better Suited to Criminal Conduct | The state statute made charging and prosecution in state court more advantageous than federal court. |
| Other | Reasons not otherwise listed in this table. |

SAs identified the reason for a state or local prosecution referral in 99% (1,529 of 1,543) of those cases. Figure IO-06 displays the percentage and number of cases for the top ten reasons why ATF SAs referred firearm trafficking cases for state or local prosecution. A state statute was better suited to the criminal conduct was the top reason cited, accounting for nearly 42% (635 of 1,529) of all cases referred for state or local prosecution. Declination of federal prosecution by a U.S. Attorney’s Office was the second most cited reason accounting for slightly more than 20% (310 of 1,529) of cases referred for state or local prosecution.

Figure IO-06: Top Ten Reasons Cases are Referred for State or Local Prosecution, 2017 – 2021



Note: Categories are not mutually exclusive.

See Table IO-15 in Appendix IO – Investigation Outcomes for a list of cases referred for state or local prosecution for all reasons.

State and Local Prosecutorial Decisions

Cases Accepted for State or Local Prosecution

Nearly 16% (1,543 of 9,708) of cases were referred for state or local prosecution. Of these cases, more than 89% (1,378 of 1,543) were accepted for state or local prosecution. One factor that likely resulted in a higher acceptance rate among state prosecutors’ offices during the study period was the pre-BSCA absence of federal charges directly addressing straw purchases and firearm trafficking. Absent those federal statutory tools, state prosecution offices often had a broader range of potential firearm-related charges that could be readily filed to disrupt criminal activity associated with trafficking (while not directly charging the trafficking offenses).

Table IO-16a identifies the ten ATF field divisions with the most cases referred for state or local prosecution. The ten ATF field divisions accounted for more than 58% (903 of 1,543) of the total cases referred and more than 58% (802 of 1,378) of the cases that were accepted for state or local prosecution. Among the top ten ATF field divisions referring cases for state or local prosecution, the Boston and Tampa field divisions had the highest percentage of cases accepted at more than 94%.

Table IO-16a: Cases Accepted for State/Local Prosecution by Top Ten ATF Field Divisions, 2017 – 2021

| ATF Field Division | Number of Cases Referred for State/Local Prosecution | Number of Cases Accepted for State/Local Prosecution | % State/Local Prosecution Acceptance |
|---------------------------|---|---|---|
| Boston | 88 | 83 | 94.3% |
| Tampa | 70 | 66 | 94.3% |
| Nashville | 79 | 74 | 93.7% |
| Philadelphia | 101 | 92 | 91.1% |
| New York | 163 | 146 | 89.6% |
| Dallas | 64 | 57 | 89.1% |
| Houston | 69 | 60 | 87.0% |
| Phoenix | 96 | 83 | 86.5% |
| Baltimore | 86 | 71 | 82.6% |
| Chicago | 87 | 70 | 80.5% |
| All Other Divisions | 640 | 576 | 90.0% |
| Total | 1,543 | 1,378 | 89.3% |

See Table IO-16 in Appendix IO – Investigation Outcomes for a display of all cases accepted for state or local prosecution by ATF field division.

Prosecutorial Support and Judicial Outcomes

The criminal judicial process includes arrest, indictment, conviction, and sentencing. Data in this section comes from SA responses to the study survey as well as ATF’s case management system. The phrase “effective sentence” includes any sentence imposed for probation, prison, and supervised release. In a case where a defendant is convicted on more than one charge, the “effective sentence” represents the longest term of probation, prison, or supervised release, imposed by the court.

Among the 9,708 firearm trafficking cases in the study, there were 5,820 federal and state subjects referred for prosecution.³ Of these referred subjects 74% (4,306 of 5,820) were indicted. Of all indicted defendants, (4,306 of 5,820), approximately 92% were convicted (3,978 of 4,306). As of June 2023 (when the data was extracted, see Part I for details), 99% (3,952 of 3,978) of convicted defendants have been sentenced.

Table IO-17a displays the total number and percentage of defendants and judicial outcomes for the study period as well as by geographic region. The Northeast region had the most total subjects referred (1,544) as well as the highest percentage of defendants indicted (78%), convicted (92%) and sentenced (99%).

Table IO-17a: Number and Percentage of Defendants by Geographic Region and Judicial Outcome, 2017 – 2021

| Geographic Region | Number of Subjects Referred | Number of Defendants Indicted | % Defendants Indicted | Number of Defendants Convicted | % Defendants Convicted | Number of Defendants Sentenced | % Defendants Sentenced |
|--------------------------|------------------------------------|--------------------------------------|------------------------------|---------------------------------------|-------------------------------|---------------------------------------|-------------------------------|
| Northeast | 1,544 | 1,200 | 77.7% | 1,094 | 91.2% | 1,085 | 99.2% |
| Southwest | 1,519 | 1,141 | 75.1% | 1,069 | 93.7% | 1,061 | 99.3% |
| Central | 1,259 | 871 | 69.2% | 797 | 91.5% | 797 | 100.0% |
| Southeast | 1,025 | 744 | 72.6% | 682 | 91.7% | 676 | 99.1% |
| Northwest | 473 | 350 | 74.0% | 336 | 96.0% | 333 | 99.1% |
| Total | 5,820 | 4,306 | 74.0% | 3,978 | 92.4% | 3,952 | 99.3% |

See Table IO-17 in Appendix IO – Investigation Outcomes for the number and percentage of defendants by geographic region and judicial outcome through all types of sentencing (probation, prison, supervised release, life sentence).

Referred Subjects by Charges

Table IO-18a shows the number and percentage of firearm trafficking subjects referred for prosecution by the top ten charges recommended by ATF. There were 5,826 subjects referred for prosecution associated with 11,806 distinct recommended charges. An individual may be the subject of multiple charges as well as multiple charge counts. Slightly more than 26% (1,528 of 5,826) of all referred subjects were charged with possession of firearms by a convicted felon (18 U.S.C. § 922(g)(1)). The second most frequent charge was providing false information to an FFL when purchasing a firearm (18 U.S.C. § 922(a)(6)) accounting for slightly more than 18% (1,073 of 5,826) of referred subjects. This charge is commonly associated with straw purchasing.

Table IO-18a: Number and Percentage of Subjects Referred by Top Ten Charges, 2017 - 2021 (N=5,826)

| Charge | Number of Subjects Referred | % Subjects Referred |
|--|-----------------------------|---------------------|
| 18 U.S.C. § 922(g)(1) - Possession of firearm/ammunition by convicted felon | 1,528 | 26.2% |
| 18 U.S.C. § 922(a)(6) – Providing false information to FFL when buying firearms | 1,073 | 18.4% |
| 18 U.S.C. § 371 - Conspiracy to commit offense against U.S. | 769 | 13.2% |
| 18 U.S.C. § 924(a)(1)(A) - Cause FFL to falsify records | 662 | 11.4% |
| 21 U.S.C. § 841(a)(1) – Manufacture or distribute a controlled substance | 639 | 11.0% |
| 18 U.S.C. § 922(j) - Possession of stolen firearm | 488 | 8.4% |
| 18 U.S.C. § 922(a)(1)(A) - Dealing firearms without license | 439 | 7.5% |
| 18 U.S.C. § 924(c) - Use of firearm in Federal drug trafficking or violent crime | 416 | 7.1% |
| 18 U.S.C. § 922(u) - Theft of firearms from an FFL | 374 | 6.4% |
| 18 U.S.C. § 2 - Aiding and Abetting | 350 | 6.0% |

Note: Categories are not mutually exclusive.

See Table IO-18 in Appendix IO – Investigation Outcomes for the number and percentage of subjects referred for all charges and charge counts.

Subjects Referred by Jurisdiction

Figure IO-07 presents the number and percentage of firearm trafficking subjects referred for prosecution and criminal charges by federal or state jurisdiction. Federal cases accounted for more than 84% (9,991 of 11,806) of all criminal charges and more than 79% (4,739 of 5,826) of all subjects referred. A total of 126 subjects were referred in both federal and state court.

Figure IO-07: Number of Subjects Referred for Prosecution and Criminal Charges by Jurisdiction, 2017 – 2021

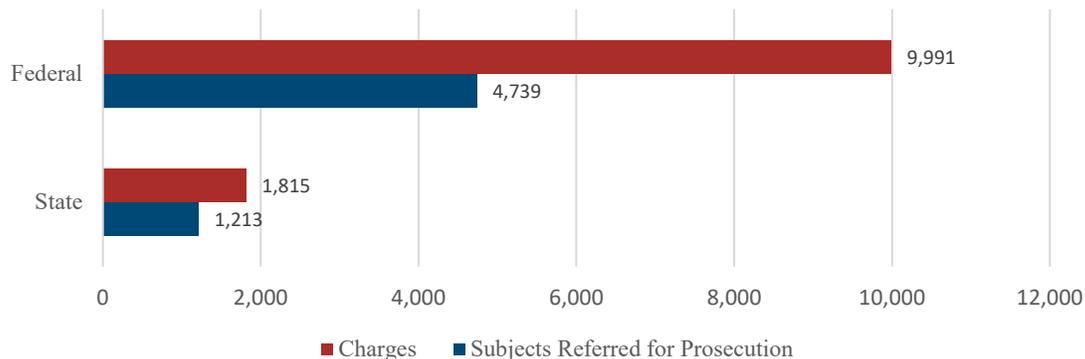


Table IO-19 shows the number and percentage of firearm trafficking subjects referred for prosecution by geographic region and federal or state jurisdiction. At 30%, (463 of 1,544) the Northeast region had the highest percentage of subjects referred for prosecution in state court.

Table IO-19: Number and Percentage of Subjects Referred for Prosecution by Geographic Region and Jurisdiction, 2017 – 2021⁴

| Geographic Region | Federal | | State | | Total | |
|-------------------|-----------------------------|-------------------------------|-----------------------------|-------------------------------|-----------------------------|------------------------------------|
| | Number of Subjects Referred | % Subjects Referred in Region | Number of Subjects Referred | % Subjects Referred in Region | Number of Subjects Referred | % Subjects Referred in All Regions |
| Northeast | 1,128 | 73.1% | 463 | 30.0% | 1,544 | 26.5% |
| Southwest | 1,329 | 87.5% | 211 | 13.9% | 1,519 | 26.1% |
| Central | 1,043 | 82.8% | 236 | 18.7% | 1,259 | 21.6% |
| Southeast | 858 | 83.7% | 189 | 18.4% | 1,025 | 17.6% |
| Northwest | 375 | 79.3% | 114 | 24.1% | 473 | 8.1% |
| Total | 4,733 | 81.3% | 1,213 | 20.8% | 5,820 | 100.0% |

Defendant Sentencing

Defendant sentencing may result in several outcomes, including probation, prison, and prison with supervised release or parole. Probation is a period of court supervision without incarceration. Supervised release or parole may follow a term of incarceration and involve court supervision. This section includes outcomes from both federal and state prosecutions. All defendant sentences reported in this section represent effective sentences as previously described.

Defendant Probation Sentence

A convicted defendant may receive a sentence of probation rather than a prison sentence. Slightly less than 17% (659 of 3,979) of convicted defendants received a sentence of probation. Table IO-20 shows the number and percentage of convicted defendants by the length of probation sentence received. More than 80% (528 of 659) of these defendants were sentenced between one and 48 months of probation. The median probation sentence was 36 months, and the mean probation sentence was more than 38 months.

Table IO-20: Total Number and Percentage of Defendants by Probation Sentence, 2017 – 2021 (N=659)

| Length of Probation | Number of Defendants | % Defendants Sentenced to Probation |
|---------------------|----------------------|-------------------------------------|
| 1-24 Months | 266 | 40.4% |
| 25-48 Months | 262 | 39.8% |
| 49-72 Months | 108 | 16.4% |
| 73-96 Months | 4 | 0.6% |
| 97-120 Months | 7 | 1.1% |
| ≥ 121 Months | 12 | 1.9% |
| Total | 659 | |

Defendant Prison Sentence

Nearly 74% (2,933 of 3,979) of convicted defendants were sentenced to prison. Table IO-21 shows the number and percentage of defendants by the length of prison sentence received. The most common length of sentence, accounting for more than 35% (1,030 of 2,933) of all sentences, was

one to 24 months. The median prison sentence was 37 months, and the mean prison sentence was more than 53 months.

Table IO-21: Total Number and Percentage of Defendants by Prison Sentence Grouping, 2017 – 2021 (N=2,933)

| Length of Prison Sentence | Number of Defendants | % Defendants Sentenced to Prison |
|----------------------------------|-----------------------------|---|
| 1 to 24 Months | 1,030 | 35.1% |
| 25 to 48 Months | 727 | 24.8% |
| 49 to 72 Months | 515 | 17.6% |
| 73 to 96 Months | 257 | 8.8% |
| 97 to 120 Months | 211 | 7.2% |
| ≥ 121 Months | 193 | 6.6% |
| Total | 2,933 | |

Defendant Supervised Release and Parole Sentences

In the federal judicial system, terms of imprisonment are routinely followed by supervised release; in most state systems prison terms are often followed by a term of parole. In both instances, the post incarceration provision is considered part of the overall sentence. Table IO-22 shows the number and percentage of defendants by the length of supervised release or parole sentence received. More than 70% (1,746 of 2,486) of defendants were sentenced to between 25 and 48 months of supervised release or parole following the completion of their prison sentence. The median supervised release or parole sentence was 36 months, and the mean supervised release or parole sentence was nearly 37 months.

Table IO-22: Total Number and Percentage of Defendants by Length of Supervised Release or Parole, 2017 – 2021 (N=2,486)

| Length of Supervised Release or Parole | Number of Defendants | % Defendants Sentenced to Supervised Release |
|---|-----------------------------|---|
| 1-24 Months | 448 | 18.0% |
| 25-48 Months | 1,746 | 70.2% |
| 49-72 Months | 271 | 10.9% |
| 73-96 Months | 6 | 0.2% |
| 97-120 Months | 9 | 0.4% |
| ≥ 121 Months | 6 | 0.2% |
| Total | 2,486 | |

Summary

The three violations most frequently identified by SAs were dealing in firearms without a license (Title 18 U.S.C. § 922(a)(1)(A)), providing false information to an FFL which is associated with straw purchasing (Title 18 U.S.C. § 922(a)(6)), and convicted felon in possession of a firearm(s) (Title 18 U.S.C. § 922(g)(1)). In instances where trafficked firearms had been used in a crime, the most frequently identified violation was felon in possession of a firearm, in more than 40% (948 of 2,363) of the cases. Trafficked firearms were also used in aggravated assaults in nearly 19% of cases, homicide in approximately 11% of cases, and attempted homicide in more than 9% of cases.

Further, trafficked firearms were identified as having been used in shootings in 15% (974 of 6,455) of cases. Cases involving trafficking by a straw purchaser or unlicensed dealer were the top two trafficking channels associated with trafficked firearms used in shootings.

For the 60% (5,835 of 9,708) of cases not referred for prosecution, the three reasons most frequently identified were: insufficient evidence, did not meet established prosecution threshold, and the investigation did establish a criminal violation.

Of the 3,873 cases with at least one subject referred for federal prosecution, the deciding U.S Attorney's Office declined prosecution in approximately 38% (1,459) of cases. The two reasons U.S. Attorney's Offices most frequently provided for declining prosecution were failure to meet the established prosecution thresholds and lack of prosecutive appeal or merit.

In 1,543 cases, at least one subject was referred for state or local prosecution. The two most frequent reasons for a state rather than federal prosecution referral were: the state statute was better suited to the criminal conduct and declination by the federal prosecutor. Among the cases referred for state or local prosecution, more than 89% (1,378) were accepted for prosecution.

The most frequent charge recommended by ATF against subjects referred for prosecution was possession of a firearm by a convicted felon (18 U.S.C. § 922(g)(1)), representing slightly more than 26% (1,528 of 5,826) of subjects referred. The felon in possession charge is frequently used for several reasons: (1) focusing resources on individuals with high-risk criminal histories, (2) the evidentiary standard to prove possession by a convicted felon is less complicated than the evidentiary standard to prove firearm trafficking or straw purchasing, and (3) there are enhanced penalties for felons in possession of firearms as compared to sentences for most firearm trafficking charges. Providing false information to an FFL when buying firearms (18 U.S.C. § 922(a)(6)) was another frequently recommended charge, involving slightly more than 18% (1,073 of 5,826) of subjects referred.

Of the 5,826 subjects referred for federal or state prosecutions in the study period, 74% were indicted. Of the indicted defendants, more than 92% were convicted. Of the convicted defendants in the study period, more than 99% have been sentenced.

Among convicted defendants, the most common probationary sentence ranged from one to 48 months, accounting for approximately 80% (528 of 659). Among convicted defendants sentenced to prison, the most frequent sentence range was one to 24 months accounting for approximately 35% (1,030 of 2,933) of defendants. The most frequent supervised release sentence was a period of 25 to 48 months, accounting for more than 70% (1,746 of 2,486) of defendants.

APPENDIX IO – INVESTIGATION OUTCOMES

Table IO-01: Type and Number of Statutory Violations Identified, 2017 – 2021

| Statute | Description of Violation | Number of Violations | % Total Violations |
|------------------------------|---|-------------------------|--------------------|
| 18 U.S.C. § 922(a)(1)(A) | Dealing firearms without license | 2,739 | 35.3% |
| 18 U.S.C. § 922(a)(6) | Providing false information to an FFL during the acquisition of a firearm | 2,242 | 28.9% |
| 18 U.S.C. § 922(g)(1) | Possession of firearm/ammunition by convicted felon | 2,151 | 27.7% |
| 18 U.S.C. § 922(j) | Possession of stolen firearm | 1,008 | 13.0% |
| 18 U.S.C. § 922(u) | Theft of firearm from FFL | 879 | 11.3% |
| 18 U.S.C. § 924(a)(1)(A) | Cause FFL to falsify records | 685 | 8.8% |
| 18 U.S.C. § 922(g)(3) | Possession of firearm by drug user | 648 | 8.4% |
| 18 U.S.C. § 554 | Smuggling goods from the U.S. | 516 | 6.7% |
| 18 U.S.C. § 922(a)(5) | Transfer firearm to out-of-state resident | 474 | 6.1% |
| 18 U.S.C. § 922(d)(1) | Transfer of firearms to felon or person under indictment | 452 | 5.8% |
| 18 U.S.C. § 924(c) | Use of firearm in federal drug/violent crime | 411 | 5.3% |
| 21 U.S.C. § 841(a)(1) | Manufacture, distribute, or possess controlled substance | 389 | 5.0% |
| 18 U.S.C. § 922(i) | Transporting a stolen firearm or ammunition | 337 | 4.3% |
| Firearms Other | Firearms Other | 307 | 4.0% |
| 18 U.S.C. § 371 | Conspiracy to commit offense against U.S. | 297 | 3.8% |
| 18 U.S.C. § 924 (m) | Firearms theft from an FFL | 284 | 3.7% |
| 18 U.S.C. § 922(a)(3) | Unlawful interstate receipt of firearms | 258 | 3.3% |
| 26 U.S.C. § 5861(d) | Receive/possess NFA firearm not registered in NFRTR | 207 | 2.7% |
| 18 U.S.C. § 2 | Aiding and abetting | 183 | 2.4% |
| Larceny/Theft/Burglary State | State larceny/theft/burglary | 181 | 2.3% |
| 18 U.S.C. § 922(d)(3) | Transfer of firearms to substance abuser | 172 | 2.2% |
| 21 U.S.C. § 846 | Drug conspiracy | 157 | 2.0% |
| Narcotics Fed/State | Narcotics fed/state | 145 | 1.9% |
| 18 U.S.C. § 1001 | False statements to government | 134 | 1.7% |
| 18 U.S.C. § 922(o) | Possess/transfer machinegun unlawfully | 130 | 1.7% |
| 18 U.S.C. § 924(l) | Firearms theft affecting interstate commerce | 121 | 1.6% |
| 26 U.S.C. § 5861 | NFA violations | 120 | 1.5% |
| 18 U.S.C. § 922(g)(5) | Possession of firearm by illegal alien | 114 | 1.5% |
| Other General | Other general criminal charge | 109 | 1.4% |
| Receiving Stolen State | Receiving stolen property - state | 108 | 1.4% |
| 18 U.S.C. § 922(x)(2) | Possession by juvenile | 102 | 1.3% |
| 22 U.S.C. § 2778 | Arms Export Control Act (AECA) | 77 | 1.0% |
| 26 U.S.C. § 5861(c) | Receive/possess NFA firearm made in violation | 74 | 1.0% |
| 26 U.S.C. § 5861(e) | Transfer of an NFA firearm in violation of statute | 74 | 1.0% |
| Armed Drug/VC | Armed drug trafficking/violent crime | 72 | 0.9% |
| 18 U.S.C. § 922(e) | Failure to notify a common carrier of a firearm shipment | 70 | 0.9% |
| 18 U.S.C. § 922(g)(9) | Possession of firearm after domestic abuse charge | 70 | 0.9% |
| 26 U.S.C. § 5861(f) | Manufacturing NFA weapon without paying special occupational tax | 69 | 0.9% |
| 18 U.S.C. § 924(n) | Interstate travel in furtherance of 922(a)(1)(A) | 67 | 0.9% |

| | | | |
|-----------------------------|--|----|------|
| 18 U.S.C. § 924(b) | Transfer firearm w/intent to commit felony | 66 | 0.9% |
| 18 U.S.C. § 924(h) | Transfer firearm to be used to commit crime of violence / drug trafficking | 62 | 0.8% |
| 26 U.S.C. § 5861(b) | Receive/possess NFA firearm transferred in violation of chapter | 59 | 0.8% |
| 26 U.S.C. § 5861(i) | Receive/possess NFA firearm not identified by serial number | 59 | 0.8% |
| 18 U.S.C. § 922(k) | Receiving/shipping/transporting firearm with obliterated serial number | 58 | 0.7% |
| 18 U.S.C. § 922(n) | Receiving/shipping/transporting a firearm while under indictment | 50 | 0.6% |
| 18 U.S.C. § 922(d)(5) | Transfer of firearms to illegal alien | 47 | 0.6% |
| 26 U.S.C. § 5861(a) | Dealing in NFA firearms without having paid special occupational tax | 47 | 0.6% |
| 18 U.S.C. § 922(a)(2) | FFL transfer firearm interstate to non-FFL | 46 | 0.6% |
| 18 U.S.C. § 922(b)(5) | Unlawful FFL record keeping | 46 | 0.6% |
| 26 U.S.C. § 5861(j) | Transport/deliver/receive NFA firearm in interstate commerce which had not been registered | 44 | 0.6% |
| 18 U.S.C. § 1951 | Interference with commerce by threats/violence/robbery (Hobbs Act) | 39 | 0.5% |
| 18 U.S.C. § 922(x)(1) | Transfer or firearm to juvenile | 39 | 0.5% |
| 18 U.S.C. § 924(o) | Conspire to commit an offense under 18 U.S.C. 924(c) | 37 | 0.5% |
| Murder Fed/State | Murder federal/state | 37 | 0.5% |
| 18 U.S.C. § 922(b)(3) | FFL transfer of a firearm to out-of-state resident | 36 | 0.5% |
| 18 U.S.C. § 922(g)(2) | Possession of firearm by fugitive | 36 | 0.5% |
| 21 U.S.C. § 841(c)(2) | Possess/distribute chemical used to manufacture drugs | 33 | 0.4% |
| 18 U.S.C. § 922(g)(5)(B) | Ship/transport to or possess/receive any firearms/ammunition by any person under non-immigrant visa | 32 | 0.4% |
| Parole/Probation Violations | Parole, probation, or supervised release violations | 31 | 0.4% |
| 18 U.S.C. § 922(d)(5)(B) | Sale/Disposition of any firearms/ammunition to any person under a non-immigrant visa | 29 | 0.4% |
| 18 U.S.C. § 924(e) | Possession of firearm/ammunition by convicted felon with 3 or more prior felony convictions for drug trafficking or crimes of violence (Armed Career Criminal) | 28 | 0.4% |
| 26 U.S.C. § 5861(h) | Receive/possess NFA firearm without serial number obliterated/altered | 27 | 0.3% |
| 21 U.S.C. § 844(a) | Possession of a controlled substance (misdemeanor) | 26 | 0.3% |
| 26 U.S.C. § 5861(k) | Receive/possess NFA firearm imported in violation | 24 | 0.3% |
| 18 U.S.C. § 922(b)(2) | Sale/transfer of firearms by FFL in violation of state law | 23 | 0.3% |
| 18 U.S.C. § 922(m) | FFL omit or falsify required information | 23 | 0.3% |
| 18 U.S.C. § 922(d)(2) | Transfer of firearms to fugitive | 20 | 0.3% |
| 18 U.S.C. § 922(d)(9) | Transfer of firearms to person with domestic violence conviction | 20 | 0.3% |
| 18 U.S.C. § 545 | Smuggling goods into the U.S. | 19 | 0.2% |
| 21 U.S.C. § 843(b) | Use of a communication device in furtherance of drug trafficking | 18 | 0.2% |
| 18 U.S.C. § 2111 | Robbery by force, violence, or intimidation | 17 | 0.2% |
| 18 U.S.C. § 922(g)(4) | Possession of firearm by mental defective | 16 | 0.2% |
| 18 U.S.C. § 1956(a)(1) | Money laundering | 15 | 0.2% |
| 18 U.S.C. § 922(g)(8) | Possession of firearm while under domestic violence restraining order | 15 | 0.2% |
| 8 U.S.C. § 1325(a)(1) | Immigration violation | 14 | 0.2% |
| 18 U.S.C. § 1343 | Fraud by wire, radio, or television | 13 | 0.2% |
| 18 U.S.C. § 922(s) | FFL sell firearm without "Brady" check | 12 | 0.2% |
| Mail/Wire Fraud | Mail/wire fraud | 12 | 0.2% |
| 18 U.S.C. § 1341 | Mail fraud | 11 | 0.1% |
| 18 U.S.C. § 982 | Criminal forfeiture of real or personal property | 11 | 0.1% |
| 21 U.S.C. § 856 | Unlawful to maintain any place for manufacturing/distributing/using a controlled substance | 11 | 0.1% |
| 18 U.S.C. § 4 | Misprision of a felony | 10 | 0.1% |
| 18 U.S.C. § 2119 | Carjacking | 9 | 0.1% |
| 18 U.S.C. § 111 | Assaulting, resisting, or impeding certain officers or employees | 8 | 0.1% |
| 18 U.S.C. § 1513 | Threatening a witness | 8 | 0.1% |
| 18 U.S.C. § 1956(h) | Conspiracy to commit money laundering | 8 | 0.1% |
| 18 U.S.C. § 844(h) | Use explosives or fire during felony | 8 | 0.1% |
| 18 U.S.C. § 1344 | Bank fraud | 7 | 0.1% |

| | | | |
|------------------------|--|--------------|------|
| 18 U.S.C. § 1503 | Obstruction of justice | 7 | 0.1% |
| 18 U.S.C. § 1512 | Tampering with a witness | 7 | 0.1% |
| 21 U.S.C. § 963 | Attempt or conspiracy to import/export controlled substances | 7 | 0.1% |
| Explosives Other | Explosives - other charge not listed | 7 | 0.1% |
| 18 U.S.C. § 844(h)(1) | Using explosives or fire to commit felony | 6 | 0.1% |
| 8 U.S.C. § 1326 | Re-Entry into U.S. by removed/deported alien | 6 | 0.1% |
| 21 U.S.C. § 952 | Importation of controlled substances | 5 | 0.1% |
| RICO | RICO | 5 | 0.1% |
| 18 U.S.C. § 1201 | Kidnapping | 4 | 0.1% |
| 18 U.S.C. § 922(d)(8) | Transfer of firearm to person under a restraining order | 4 | 0.1% |
| 18 U.S.C. § 922(q) | Possess/shoot firearm in school zone | 4 | 0.1% |
| 18 U.S.C. § 924(j) | Person causes death of someone through the use of a firearm while violating 18 U.S.C. 924(c) | 4 | 0.1% |
| 21 U.S.C. § 843(a)(6) | Possession of material to make controlled substances (i.e., meth) | 4 | 0.1% |
| Arson Other | Arson Other | 4 | 0.1% |
| Solicitation Fed/State | Solicitation fed/state | 4 | 0.1% |
| 15 U.S.C. § 376 | Jenkins Act - tobacco | 3 | 0.0% |
| 18 U.S.C. § 1791(a)(2) | Possessing a prohibited object in prison | 3 | 0.0% |
| 18 U.S.C. § 2113 | Bank robbery | 3 | 0.0% |
| 18 U.S.C. § 922(d)(6) | Transfer of firearm to person having a dishonorable discharge | 3 | 0.0% |
| 18 U.S.C. § 922(v)(1) | Make/possess/transfer illegal assault weapon/firearm | 3 | 0.0% |
| 31 U.S.C. § 5324(a) | Structuring transaction at financial institution | 3 | 0.0% |
| 18 U.S.C. § 1958 | Use of interstate commerce in commission of murder for hire | 2 | 0.0% |
| 18 U.S.C. § 1959 | Violent crimes in aid of racketeering activity | 2 | 0.0% |
| 18 U.S.C. § 241 | Conspiracy against rights | 2 | 0.0% |
| 18 U.S.C. § 544 | Relanding of goods | 2 | 0.0% |
| 18 U.S.C. § 842(a)(1) | Deal explosives without license | 2 | 0.0% |
| 18 U.S.C. § 922(g)(6) | Possession of firearm after dishonorable discharge | 2 | 0.0% |
| 21 U.S.C. § 848(a) | Continuing criminal enterprise (CCE) | 2 | 0.0% |
| 21 U.S.C. § 860 | Possession with intent to distribute narcotics within 1000 feet of school zone | 2 | 0.0% |
| 26 U.S.C. § 5861(l) | Make/cause false entry on any NFA application or record | 2 | 0.0% |
| 18 U.S.C. § 473 | Dealing in counterfeit obligations or securities | 1 | 0.0% |
| Total | | 7,756 | |

Note: Categories are not mutually exclusive.

Table IO-02: Description of Statutory Violation Categories

| Statutory Violation Category | Description |
|---|---|
| Federal Drug Statute Violation | A violation of the Federal drug trafficking statutes contained in Title 21 U.S.C. of the Controlled Substances Act (CSA). |
| Federal Explosives Statute Violation | A violation of the federal explosives statutes contained in Title 18 U.S.C.. |
| Federal Financial Crime Statute Violation | A violation of a federal financial crime statutes contained in Titles 18 and 26 of U.S.C. such as money laundering, structuring, or tax evasion. |
| Federal Statute Violation - General Non-Violent | A violation of a non-violent Federal statute such as fraud, false statement, or aiding and abetting. |
| Federal Statute Violation -Violent | A violation of a violent Federal statute such as armed robbery, kidnapping, or carjacking. |
| Firearms Import/Export Statute Violation | A violation of the federal firearms importation and exportation statutes which includes statutes within the GCA as well as Title 22 U.S.C. contained in the Arms Export Control Act (AECA). |
| Gun Control Act (GCA) Statute Violation | A violation of the federal GCA of 1968 statutes contained in Title 18 U.S.C., as amended by the Firearm Owners Protection Act of 1986. |
| Immigration Statute Violation | A violation of the federal immigration statutes contained in Titles 8 and 18 of U.S.C.. |
| National Firearms Act (NFA) Statute Violation | A violation of Title 26 U.S.C. contained in the NFA statutes. |
| State Statute Violation - General Non-Violent | A violation of a non-violent State statute such as theft, fraud, or illegal possession. |
| State Statute Violation - Violent | A violation of a violent State statute such as homicide, kidnapping, or aggravated assault. |

Table IO-03: Number and Percentage of Cases by Statutory Violation Categories, 2017 – 2021

| Violation Statute | Description of Violation | Number of Violations | % Total Violations |
|--------------------------------|--|----------------------|--------------------|
| GCA Violations | | 7,149 | 92.2% |
| 18 U.S.C. § 922(a)(1)(A) | Dealing firearms without license | 2739 | 35.3% |
| 18 U.S.C. § 922(a)(6) | Falsified information when buying firearms | 2242 | 28.9% |
| 18 U.S.C. § 922(g)(1) | Possession of firearm/ammunition by convicted felon | 2151 | 27.7% |
| 18 U.S.C. § 922(j) | Possession of stolen firearm | 1008 | 13.0% |
| 18 U.S.C. § 922(u) | Theft of firearm from FFL | 879 | 11.3% |
| 18 U.S.C. § 924(a)(1)(A) | Cause FFL to falsify records | 685 | 8.8% |
| 18 U.S.C. § 922(g)(3) | Possession of firearm by drug user | 648 | 8.4% |
| 18 U.S.C. § 922(a)(5) | Transfer firearm to out-of-state resident | 474 | 6.1% |
| 18 U.S.C. § 922(d)(1) | Sale of firearms to felon or person under indictment | 452 | 5.8% |
| 18 U.S.C. § 924(c) | Use of firearm in federal drug/violent crime | 411 | 5.3% |
| 18 U.S.C. § 922(i) | Transporting a stolen firearm or ammunition | 337 | 4.3% |
| 18 U.S.C. § 924 (m) | Firearms theft from a licensee | 284 | 3.7% |
| 18 U.S.C. § 922(a)(3) | Unlawful interstate receipt of firearms | 258 | 3.3% |
| 18 U.S.C. § 922(d)(3) | Sale of firearms to substance abuser | 172 | 2.2% |
| 18 U.S.C. § 922(o) | Possess/transfer machinegun unlawfully | 130 | 1.7% |
| 18 U.S.C. § 924(l) | Firearms theft affecting interstate commerce | 121 | 1.6% |
| 18 U.S.C. § 922(g)(5) | Possession of firearm by illegal alien | 114 | 1.5% |
| 18 U.S.C. § 922(x)(2) | Possession by juvenile | 102 | 1.3% |
| 18 U.S.C. § 922(e) | Carrier not notified of firearm shipment | 70 | 0.9% |
| 18 U.S.C. § 922(g)(9) | Possession of firearm after domestic abuse charge | 70 | 0.9% |
| 18 U.S.C. § 924(n) | Interstate travel in furtherance of 18 U.S.C. § 922(a)(1)(A) | 67 | 0.9% |
| 18 U.S.C. § 924(b) | Transfer firearm w/intent to commit felony | 66 | 0.9% |
| 18 U.S.C. § 924(h) | Transfer firearm to be used to commit crime of violence / drug trafficking | 62 | 0.8% |
| 18 U.S.C. § 922(k) | Receive/ship/transfer firearm with obliterated serial number | 58 | 0.7% |
| 18 U.S.C. § 922(n) | Receive/ship/transfer firearm after indictment | 50 | 0.6% |
| 18 U.S.C. § 922(d)(5) | Sale of firearms to illegal alien | 47 | 0.6% |
| 18 U.S.C. § 922(a)(2) | Unlawful FFL recordkeeping | 46 | 0.6% |
| 18 U.S.C. § 922(b)(5) | FFL transfer firearm interstate to non-FFL | 46 | 0.6% |
| 18 U.S.C. § 922(x)(1) | Sale to juvenile | 39 | 0.5% |
| 18 U.S.C. § 924(o) | Conspire to commit an offense under 18 U.S.C. § 924 | 37 | 0.5% |
| 18 U.S.C. § 922(b)(3) | Possession of firearm by fugitive | 36 | 0.5% |
| 18 U.S.C. § 922(g)(2) | FFL transfer firearm to out-of-state resident | 36 | 0.5% |
| 18 U.S.C. § 922(g)(5)(B) | Ship/transport to or possess/receive any firearms/ammunition by any person under non-immigrant visa | 32 | 0.4% |
| 18 U.S.C. § 922(d)(5)(B) | Sale/disposition of any firearms/ammunition to any person under a non-immigrant visa | 29 | 0.4% |
| 18 U.S.C. § 924(e) | Armed career criminal | 28 | 0.4% |
| 18 U.S.C. § 922(b)(2) | FFL omit or falsify required information | 23 | 0.3% |
| 18 U.S.C. § 922(m) | Sale of firearms by FFL in violation of state law | 23 | 0.3% |
| 18 U.S.C. § 922(d)(9) | Sale of firearms to person with domestic violence conviction | 20 | 0.3% |
| 18 U.S.C. § 922(d)(2) | Sale of firearms to fugitive | 20 | 0.3% |
| 18 U.S.C. § 922(g)(4) | Possession of firearm by mental defective | 16 | 0.2% |
| 18 U.S.C. § 922(g)(8) | Possession of firearm while under restraining order | 15 | 0.2% |
| 18 U.S.C. § 922(s) | FFL sell firearm without "Brady" check | 12 | 0.2% |
| 18 U.S.C. § 922(d)(8) | Person causes death of someone through the use of a firearm while in the course of violating 18 U.S.C. § 924 | 4 | 0.1% |
| 18 U.S.C. § 924(j) | Sale of firearms to person under a restraining order | 4 | 0.1% |
| 18 U.S.C. § 922(q) | Possess/shoot firearm in school zone | 4 | 0.1% |
| 18 U.S.C. § 922(v)(1) | Sale of firearms to person having a dishonorable discharge | 3 | 0.0% |
| 18 U.S.C. § 922(d)(6) | Make/possess/transfer illegal assault firearm | 3 | 0.0% |
| 18 U.S.C. § 922(g)(6) | Possession of firearm after dishonorable discharge | 2 | 0.0% |
| Import/Export Violation | | 569 | 7.3% |
| 18 U.S.C. § 554 | Smuggling goods from the U.S. | 516 | 6.7% |
| 22 U.S.C. § 2778 | Arms Export Control Act | 77 | 1.0% |

| | | | |
|--|--|------------|-------------|
| 18 U.S.C. § 545 | Smuggling goods into the U.S. | 19 | 0.2% |
| 18 U.S.C. § 544 | Relanding of goods | 2 | 0.0% |
| Federal Statute Violation (General) | | 515 | 6.6% |
| 18 U.S.C. § 371 | Conspiracy to commit offense against U.S. | 297 | 3.8% |
| 18 U.S.C. § (2) | Aiding and abetting | 183 | 2.4% |
| 18 U.S.C. § 1001 | False statement | 134 | 1.7% |
| 18 U.S.C. § 982 | Criminal forfeiture of real or personal property | 11 | 0.1% |
| 18 U.S.C. § (4) | Misprision of a felony | 10 | 0.1% |
| 18 U.S.C. § 1512 | Obstruction of justice | 7 | 0.1% |
| 18 U.S.C. § 1503 | Tampering with a witness | 7 | 0.1% |
| 15 U.S.C. § 376 | Jenkins Act - tobacco | 3 | 0.0% |
| 18 U.S.C. § 241 | Conspiracy against rights | 2 | 0.0% |
| State Statute (General) | | 477 | 6.2% |
| Larceny/Theft/Burglary State | Larceny/theft/burglary – state level | 181 | 2.3% |
| Narcotics Fed/State | Narcotics – state level | 145 | 1.9% |
| Other General | Other general | 109 | 1.4% |
| Receiving Stolen State | Receiving stolen – state level | 108 | 1.4% |
| Parole/Probation Violations | Parole/probation violations | 31 | 0.4% |
| Mail/Wire Fraud | Mail/wire fraud | 12 | 0.2% |
| RICO | RICO | 5 | 0.1% |
| Solicitation Fed/State | Solicitation – state level | 4 | 0.1% |
| Federal Drug Statute | | 468 | 6.0% |
| 21 U.S.C. § 841(a)(1) | Manufacture, distribute, or possess controlled substance | 389 | 5.0% |
| 21 U.S.C. § 846 | Drug conspiracy | 157 | 2.0% |
| 21 U.S.C. § 841(c)(2) | Possess/distribute chemical used to manufacture drugs | 33 | 0.4% |
| 21 U.S.C. § 844(a) | Possession of a controlled substance (misdemeanor) | 26 | 0.3% |
| 21 U.S.C. § 843(b) | Use of a communication device in furtherance of drug trafficking | 18 | 0.2% |
| 21 U.S.C. § 856 | Unlawful to maintain any place for manufacturing/distributing/using a controlled substance | 11 | 0.1% |
| 21 U.S.C. § 963 | Attempt or conspiracy to import or export controlled substances | 7 | 0.1% |
| 21 U.S.C. § 952 | Importation of controlled substances | 5 | 0.1% |
| 21 U.S.C. § 843(a)(6) | Possession of material to make controlled substances (i.e., meth) | 4 | 0.1% |
| 21 U.S.C. § 860 | Possession with intent to distribute narcotics within 1000 feet of school zone | 2 | 0.0% |
| 21 U.S.C. § 848(a) | Continuing criminal enterprise (CCE) | 2 | 0.0% |
| State Statute (Violent) | | 398 | 5.1% |
| Firearms Other | Firearms - other | 307 | 4.0% |
| Armed Drug/VC | Armed drug/violent crime | 72 | 0.9% |
| Murder Fed/State | Murder – state level | 37 | 0.5% |
| Explosives Other | Explosives - other | 7 | 0.1% |
| Arson Other | Arson - other | 4 | 0.1% |
| NFA Violation | | 323 | 4.2% |
| 26 U.S.C. § 5861(d) | Receive/possess NFA firearm not registered in NFRTR | 207 | 2.7% |
| 26 U.S.C. § 5861 | NFA violations | 120 | 1.5% |
| 26 U.S.C. § 5861(e) | Transfer a NFA firearm in violation | 74 | 1.0% |
| 26 U.S.C. § 5861(e) | Receive/possess NFA firearm made in violation | 74 | 1.0% |
| 26 U.S.C. § 5861(f) | Manufacturing NFA weapon without paying special occupational tax | 69 | 0.9% |
| 26 U.S.C. § 5861(i) | Receive/possess NFA firearm not identified by serial number | 59 | 0.8% |
| 26 U.S.C. § 5861(b) | Receive/possess NFA firearm transferred in violation of chapter | 59 | 0.8% |
| 26 U.S.C. § 5861(a) | Dealing in NFA firearms without having paid SOT | 47 | 0.6% |
| 26 U.S.C. § 5861(j) | Transport/deliver/receive NFA firearm in interstate commerce which had not been registered | 44 | 0.6% |
| 26 U.S.C. § 5861(h) | Receive/possess NFA firearm without serial number obliterated/altered | 27 | 0.3% |
| 26 U.S.C. § 5861(k) | Receive/possess NFA firearm imported in violation | 24 | 0.3% |
| 26 U.S.C. § 5861(l) | Make/cause false entry on any NFA application or record | 2 | 0.0% |
| Federal Statute Violation (Violent) | | 79 | 1.0% |
| 18 U.S.C. § 1951 | Interference with commerce by threats/violence/robbery (Hobbs Act) | 39 | 0.5% |
| 18 U.S.C. § 2111 | Robbery by force, violence, or intimidation | 17 | 0.2% |
| 18 U.S.C. § 2119 | Carjacking | 9 | 0.1% |
| 18 U.S.C. § 1513 | Assaulting, resisting, or impeding certain officers or employees | 8 | 0.1% |

| | | | |
|---|---|-----------|-------------|
| 18 U.S.C. § 111 | Threatening a witness | 8 | 0.1% |
| 18 U.S.C. § 1201 | Kidnapping | 4 | 0.1% |
| 18 U.S.C. § 1791(a)(2) | Bank robbery | 3 | 0.0% |
| 18 U.S.C. § 2113 | Possessing a prohibited object in prison | 3 | 0.0% |
| 18 U.S.C. § 1959 | Violent crimes in aid of racketeering activity | 2 | 0.0% |
| 18 U.S.C. § 1958 | Use of interstate commerce in commission of murder for hire | 2 | 0.0% |
| Federal Financial Crime Violation | | 43 | 0.6% |
| 18 U.S.C. § 1956(a)(1) | Money laundering | 15 | 0.2% |
| 18 U.S.C. § 1343 | Fraud by wire, radio, or television | 13 | 0.2% |
| 18 U.S.C. § 1341 | Mail fraud | 11 | 0.1% |
| 18 U.S.C. § 1956(h) | Conspiracy to commit money laundering | 8 | 0.1% |
| 18 U.S.C. § 1344 | Bank fraud | 7 | 0.1% |
| 31 U.S.C. § 5324(a) | Structuring transaction at financial institution | 3 | 0.0% |
| 18 U.S.C. § 473 | Dealing in counterfeit obligations or securities | 1 | 0.0% |
| Immigration Violation | | 16 | 0.2% |
| 8 U.S.C. § 1325(a)(1) | Immigration violation | 14 | 0.2% |
| 8 U.S.C. § 1326 | Re-entry into U.S. by removed/deported alien | 6 | 0.1% |
| Federal Explosives Statute Violation | | 15 | 0.2% |
| 18 U.S.C. § 844(h) | Used/carried during felony | 8 | 0.1% |
| 18 U.S.C. § 844(h)(1) | Using fire to commit felony | 6 | 0.1% |
| 18 U.S.C. § 842(a)(1) | Deal explosives without license | 2 | 0.0% |

Note: Categories are not mutually exclusive.

Table IO-04: All Crimes Identified, 2017 – 2021

| Crime | Number of Cases | % Total Cases |
|--------------------------|------------------------|----------------------|
| Felon in Possession | 948 | 40.1% |
| Illegal Possession | 869 | 36.8% |
| Drug Offense/Trafficking | 653 | 27.6% |
| Aggravated Assault | 446 | 18.9% |
| Homicide | 265 | 11.2% |
| Attempted Homicide | 222 | 9.4% |
| Juvenile in Possession | 159 | 6.7% |
| Robbery/Home Invasion | 133 | 5.6% |
| Illegal Export | 75 | 3.2% |
| Shooting Incident | 60 | 2.5% |
| Hobbs Act Robbery | 34 | 1.4% |
| Domestic Violence | 32 | 1.4% |
| Carjacking | 30 | 1.3% |
| Kidnapping | 14 | 0.6% |
| Suicide | 8 | 0.3% |
| Rape/Sexual Assault | 2 | 0.1% |
| Total | 2,363 | |

Note: Categories are not mutually exclusive.

Table IO-07: Number and Percentage of All Cases Referred for Federal Prosecution by ATF Field Division, 2017 – 2021

| ATF Field Division | Total Number of Cases | Number of Cases Referred | % Cases Referred Within ATF Field Division |
|-----------------------------------|------------------------------|---------------------------------|---|
| Atlanta | 263 | 121 | 46.0% |
| Baltimore | 361 | 127 | 35.2% |
| Boston | 479 | 226 | 47.2% |
| Charlotte | 211 | 89 | 42.2% |
| Chicago | 685 | 327 | 47.7% |
| Columbus | 355 | 133 | 37.5% |
| Dallas | 563 | 319 | 56.7% |
| Denver | 175 | 92 | 52.6% |
| Detroit | 204 | 109 | 53.4% |
| Houston | 831 | 349 | 42.0% |
| International Affairs Division | 90 | 15 | 16.7% |
| Kansas City | 378 | 181 | 47.9% |
| Los Angeles | 319 | 135 | 42.3% |
| Louisville | 257 | 131 | 51.0% |
| Miami | 304 | 118 | 38.8% |
| Nashville | 360 | 174 | 48.3% |
| National Investigative Division | 2 | 0 | 0.0% |
| New Orleans | 258 | 78 | 30.2% |
| New York | 613 | 204 | 33.3% |
| Newark | 123 | 40 | 32.5% |
| Operational Intelligence Division | 7 | 2 | 28.6% |
| Philadelphia | 438 | 158 | 36.1% |
| Phoenix | 1,096 | 219 | 20.0% |
| San Francisco | 349 | 133 | 38.1% |
| Seattle | 158 | 47 | 29.7% |
| St. Paul | 160 | 72 | 45.0% |
| Tampa | 319 | 118 | 37.0% |
| Washington | 350 | 156 | 44.6% |
| Total | 9,708 | 3,873 | 39.9% |

Table IO-09: Total Number of Cases Not Referred for Federal Prosecution by All Reasons and ATF Field Divisions, 2017 – 2021

| Reason | ATF Field Divisions | | | | | | | | | | | | | | | | | | | | Total | | | | | | | | |
|--|---------------------|------------|------------|------------|------------|------------|------------|-----------|-----------|------------|--------------------------------|-------------|-------------|------------|------------|------------|---------------------------------|-------------|------------|-----------|----------|-----------------------------------|--------------|------------|---------------|-----------|------------|------------|--------------|
| | Atlanta | Baltimore | Boston | Charlotte | Chicago | Columbus | Dallas | Denver | Detroit | Houston | International Affairs Division | Kansas City | Los Angeles | Louisville | Miami | Nashville | National Investigative Division | New Orleans | New York | Newark | | Operational Intelligence Division | Philadelphia | Phoenix | San Francisco | Seattle | St. Paul | Tampa | Washington |
| 5-year SOL expired | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 0 | 1 | 1 | 16 |
| COVID | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 7 |
| Did not meet prosecution threshold | 56 | 80 | 66 | 29 | 106 | 90 | 72 | 20 | 25 | 118 | 3 | 40 | 67 | 49 | 63 | 52 | 1 | 29 | 176 | 26 | 0 | 93 | 420 | 96 | 32 | 26 | 55 | 79 | 1,969 |
| Documented under another ATF investigation | 2 | 2 | 1 | 4 | 8 | 3 | 4 | 0 | 2 | 15 | 12 | 0 | 4 | 2 | 8 | 0 | 0 | 5 | 11 | 4 | 0 | 3 | 7 | 0 | 0 | 0 | 6 | 4 | 107 |
| Insufficient evidence | 52 | 98 | 120 | 54 | 195 | 94 | 114 | 34 | 40 | 244 | 2 | 107 | 77 | 45 | 98 | 86 | 1 | 72 | 169 | 35 | 0 | 124 | 320 | 86 | 48 | 41 | 76 | 96 | 2,528 |
| Interdiction/deterrence used | 17 | 14 | 33 | 8 | 17 | 39 | 49 | 6 | 2 | 63 | 2 | 18 | 23 | 22 | 31 | 17 | 0 | 20 | 9 | 1 | 5 | 12 | 214 | 41 | 9 | 6 | 21 | 18 | 717 |
| Investigation led by another agency | 0 | 2 | 3 | 1 | 1 | 0 | 1 | 0 | 0 | 3 | 1 | 0 | 1 | 1 | 3 | 0 | 0 | 1 | 3 | 0 | 0 | 0 | 2 | 1 | 1 | 1 | 5 | 1 | 32 |
| Lack of ATF resources | 2 | 12 | 2 | 0 | 3 | 8 | 20 | 2 | 1 | 5 | 0 | 8 | 3 | 2 | 12 | 5 | 0 | 2 | 21 | 4 | 0 | 4 | 92 | 14 | 10 | 0 | 1 | 2 | 235 |
| No criminal violations identified | 12 | 44 | 60 | 6 | 52 | 28 | 33 | 11 | 12 | 96 | 4 | 24 | 28 | 16 | 37 | 23 | 0 | 33 | 42 | 15 | 0 | 33 | 98 | 29 | 9 | 11 | 18 | 27 | 801 |
| No suspect identified | 7 | 3 | 2 | 11 | 0 | 1 | 11 | 3 | 5 | 16 | 0 | 9 | 2 | 3 | 1 | 11 | 0 | 10 | 4 | 0 | 0 | 2 | 6 | 3 | 10 | 4 | 8 | 3 | 135 |
| Open investigation | 3 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 7 |
| Other management priorities | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 4 |
| Problems with evidence, witnesses, or investigation | 12 | 23 | 17 | 8 | 33 | 13 | 18 | 7 | 3 | 42 | 1 | 13 | 22 | 9 | 5 | 17 | 0 | 7 | 35 | 6 | 0 | 23 | 30 | 30 | 8 | 1 | 15 | 17 | 415 |
| Prosecuted for another crime | 1 | 0 | 1 | 2 | 0 | 0 | 1 | 5 | 0 | 2 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 1 | 2 | 0 | 1 | 1 | 23 |
| Prosecution by another jurisdiction | 14 | 28 | 42 | 14 | 19 | 15 | 20 | 12 | 3 | 35 | 27 | 21 | 18 | 9 | 6 | 14 | 0 | 16 | 68 | 11 | 0 | 23 | 58 | 20 | 14 | 12 | 25 | 15 | 559 |
| Referred to another law enforcement agency | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 6 |
| Regulatory response | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 3 |
| Source/informant | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 6 | 0 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 4 | 0 | 0 | 2 | 1 | 22 |
| Subject considerations (mental competency, age, pregnancy) | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 7 |
| Subject is a juvenile | 13 | 4 | 2 | 12 | 11 | 12 | 7 | 6 | 11 | 17 | 0 | 11 | 0 | 2 | 1 | 13 | 0 | 24 | 4 | 1 | 0 | 4 | 6 | 3 | 3 | 4 | 10 | 4 | 185 |
| Subject(s) arrested for another crime | 0 | 0 | 2 | 2 | 0 | 0 | 3 | 0 | 0 | 1 | 0 | 1 | 3 | 1 | 0 | 0 | 0 | 2 | 1 | 1 | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 3 | 23 |
| Subject(s) outside U.S. jurisdiction | 0 | 0 | 0 | 0 | 1 | 0 | 3 | 0 | 0 | 2 | 3 | 0 | 0 | 1 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 18 |
| Suspect(s) deceased | 2 | 2 | 5 | 1 | 6 | 2 | 1 | 0 | 1 | 5 | 0 | 0 | 2 | 6 | 3 | 8 | 0 | 3 | 1 | 2 | 0 | 2 | 5 | 0 | 0 | 2 | 3 | 0 | 62 |
| Unable to locate suspect(s) | 1 | 4 | 1 | | 5 | 2 | 2 | 1 | 0 | 4 | 0 | 0 | 3 | 0 | 1 | 0 | 0 | 0 | 6 | 2 | 0 | 5 | 10 | 2 | 1 | 0 | 2 | 5 | 57 |
| Witness safety issues | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 3 |
| Total | 134 | 222 | 251 | 115 | 336 | 210 | 239 | 80 | 93 | 469 | 54 | 190 | 182 | 123 | 182 | 179 | 2 | 174 | 375 | 78 | 5 | 256 | 811 | 204 | 104 | 82 | 196 | 183 | 5,529 |

Note: Categories are not mutually exclusive

Table IO-12: Total Cases Declined for Federal Prosecution and Reasons Cited by U.S. Attorney’s Office, 2017 – 2021

| Reason | Number of Cases | % Total Cases |
|---|------------------------|----------------------|
| Did Not Meet Prosecution Threshold | 556 | 38.1% |
| Prosecutive Appeal/Merit | 404 | 27.7% |
| Insufficient Evidence | 265 | 18.2% |
| Interdiction/Deterrence | 171 | 11.7% |
| Prosecuted in Other Case or Jurisdiction | 161 | 11.0% |
| Reason Not Provided | 157 | 10.8% |
| Problems with Evidence, Witnesses, or Investigation | 139 | 9.5% |
| Prosecutorial Resources | 71 | 4.9% |
| Case Closed Juvenile | 33 | 2.3% |
| Defendant Cooperation | 14 | 1.0% |
| 5 Year Statute of Limitations Expired | 8 | 0.5% |
| Death of Defendant | 7 | 0.5% |
| Other | 6 | 0.4% |
| Pretrial Diversion | 2 | 0.1% |
| Total | 1,459 | |

Note: Categories are not mutually exclusive.

Table IO-15: Reasons Cases are Referred for State or Local Prosecution, 2017 – 2021

| Reason | Number of Cases | % Total Cases |
|---|------------------------|----------------------|
| State statute better suited to criminal conduct | 635 | 41.5% |
| Federal declination | 310 | 20.3% |
| Dual federal and state prosecutions | 193 | 12.6% |
| Sentencing (e.g., stricter state penalties) | 136 | 8.9% |
| Investigation involved juvenile suspect(s) | 89 | 5.8% |
| Advantages of state evidentiary rules | 64 | 4.2% |
| Primarily state or local investigation | 49 | 3.2% |
| Other | 16 | 1.0% |
| Due to witness/CI considerations | 14 | 0.9% |
| State process was more timely | 13 | 0.9% |
| Foreign jurisdiction | 7 | 0.5% |
| Below federal threshold | 3 | 0.2% |
| Total | 1,529 | |

Note: Categories are not mutually exclusive.

Table IO-16: Cases Accepted for State/local Prosecution by ATF Field Division, 2017 – 2021

| ATF Field Division | Number of Cases Referred for State/Local Prosecution | Number of Cases Accepted for State/Local Prosecution | % State/Local Prosecution Acceptance |
|---------------------------------|---|---|---|
| Atlanta | 45 | 44 | 97.80% |
| Baltimore | 86 | 71 | 82.60% |
| Boston | 88 | 83 | 94.30% |
| Charlotte | 53 | 52 | 98.10% |
| Chicago | 87 | 70 | 80.50% |
| Columbus | 50 | 43 | 86.00% |
| Dallas | 64 | 57 | 89.10% |
| Denver | 39 | 39 | 100.00% |
| Detroit | 38 | 36 | 94.70% |
| Houston | 69 | 60 | 87.00% |
| International Affairs Division | 4 | 4 | 100.00% |
| Kansas City | 50 | 47 | 94.00% |
| Los Angeles | 52 | 40 | 76.90% |
| Louisville | 34 | 31 | 91.20% |
| Miami | 29 | 26 | 89.70% |
| Nashville | 79 | 74 | 93.70% |
| National Investigative Division | 1 | 1 | 100.00% |
| New Orleans | 48 | 42 | 87.50% |
| New York | 163 | 146 | 89.60% |
| Newark | 20 | 18 | 90.00% |
| Philadelphia | 101 | 92 | 91.10% |
| Phoenix | 96 | 83 | 86.50% |
| San Francisco | 64 | 52 | 81.30% |
| Seattle | 25 | 24 | 96.00% |
| St. Paul | 33 | 29 | 87.90% |
| Tampa | 70 | 66 | 94.30% |
| Washington | 55 | 48 | 87.30% |
| Total | 1,543 | 1,378 | |

Table IO-17: Number and Percentage of Defendants by Geographic Region and All Judicial Outcome, 2017 – 2021

| Geographic Region | Number of Subjects Referred | Number of Defendants Indicted | % Defendants Indicted | Number of Defendants Convicted | % Defendants Convicted | Number of Defendants Sentenced | % Defendants Sentenced | Number of Defendants Sentenced to Prison | % Defendants Sentenced to Prison | Number of Defendants Sentenced to Probation | % Defendants Sentenced to Probation | Number of Defendants Sentenced to Supervised Release | % Defendants Sentenced to Supervised Release | Number of Defendants Sentenced to Life | % Defendants Sentenced to Life |
|-------------------|-----------------------------|-------------------------------|-----------------------|--------------------------------|------------------------|--------------------------------|------------------------|--|----------------------------------|---|-------------------------------------|--|--|--|--------------------------------|
| Northeast | 1,544 | 1,200 | 77.7% | 1,094 | 91.2% | 1,085 | 99.2% | 816 | 75.2% | 197 | 18.2% | 640 | 59.0% | 2 | 0.2% |
| Southwest | 1,519 | 1,141 | 75.1% | 1,069 | 93.7% | 1,061 | 99.3% | 790 | 74.5% | 173 | 16.3% | 679 | 64.0% | 8 | 0.8% |
| Central | 1,259 | 871 | 69.2% | 797 | 91.5% | 797 | 100.0% | 592 | 74.3% | 122 | 15.3% | 502 | 63.0% | 0 | 0.0% |
| Southeast | 1,025 | 744 | 72.6% | 682 | 91.7% | 676 | 99.1% | 551 | 81.5% | 115 | 17.0% | 453 | 67.0% | 2 | 0.3% |
| Northwest | 473 | 350 | 74.0% | 336 | 96.0% | 333 | 99.1% | 238 | 71.5% | 58 | 17.4% | 211 | 63.4% | 2 | 0.6% |

Note: Categories are not mutually exclusive.

Table IO-18: Number of Referred Subjects and Charge Count, 2017 – 2021

| Charge | Number of Subjects Referred | Number of Charges |
|--|-----------------------------|-------------------|
| 18 U.S.C. § 922(g)(1) - Possession of firearm/ammunition by convicted felon | 1,528 | 1,666 |
| 18 U.S.C. § 922(a)(6) - Provide false information to FFL during acquisition of firearm | 1,073 | 1,223 |
| 18 U.S.C. § 371 - Conspiracy to commit offense against U.S. | 769 | 790 |
| 18 U.S.C. § 924(a)(1)(A) - Cause FFL to make false entry in records | 662 | 795 |
| 21 U.S.C. § 841(a)(1) - Manufacture, distribute, or possess controlled substance | 639 | 774 |
| Firearms - other general charge | 543 | 654 |
| 18 U.S.C. § 922(j) - Possession of stolen firearm | 488 | 505 |
| 18 U.S.C. § 922(a)(1)(A) - Dealing firearms without license | 439 | 452 |
| 18 U.S.C. § 924(c) - Use of firearm in federal drug/violent crime | 416 | 441 |
| 18 U.S.C. § 922(u) - Theft of firearm from FFL | 374 | 390 |
| 18 U.S.C. § 2 - Aiding and abetting | 350 | 362 |
| 18 U.S.C. § 922(g)(3) - Possession of firearm by drug user | 263 | 267 |
| 21 U.S.C. § 846 - Drug trafficking conspiracy | 262 | 268 |
| Larceny/theft/burglary state charge | 236 | 316 |
| 18 U.S.C. § 554 - Smuggling goods from the United States | 232 | 235 |
| Other general charges | 227 | 291 |
| Narcotics - other federal or state charge | 197 | 245 |
| 26 U.S.C. § 5861(d) - Receive/possess NFA firearm not registered in NFRTR | 161 | 190 |
| 18 U.S.C. § 922(d)(1) - Sale of firearms to felon or person under indictment | 128 | 136 |
| 18 U.S.C. § 924(m) - Firearms theft from a licensee | 116 | 118 |
| 18 U.S.C. § 1001 - False statement to government | 94 | 96 |
| 18 U.S.C. § 922(g)(5) - Possession of firearm by illegal alien | 85 | 86 |
| 18 U.S.C. § 922(a)(5) - Transfer firearm to out-of-state resident | 84 | 90 |

| | | |
|---|----|----|
| 18 U.S.C. § 922(o) - Possess/transfer machinegun unlawfully | 74 | 79 |
| 18 U.S.C. § 922(n) - Possession of firearm by person under indictment | 65 | 70 |
| 18 U.S.C. § 1951 - Interference with commerce by threats/violence/robbery (Hobbs Act) | 61 | 75 |
| 18 U.S.C. § 922(k) - Possession of firearm with obliterated serial number | 55 | 66 |
| Armed drug trafficking / violent crime | 55 | 59 |
| Receiving stolen property - state charge | 47 | 52 |
| 18 U.S.C. § 922(a)(3) - Unlawful interstate receipt of firearms | 46 | 48 |
| 18 U.S.C. § 922(g)(9) - Possession of firearm by person convicted of misdemeanor domestic violence | 46 | 49 |
| 18 U.S.C. § 924(l) - Firearms theft affecting interstate commerce | 44 | 46 |
| 18 U.S.C. § 924(o) - Conspire to commit an offense under 18 U.S.C. 924(c) | 43 | 44 |
| 22 U.S.C. § 2778 - Arms Export Control Act (AECA) | 36 | 36 |
| Murder - federal or state charge | 32 | 33 |
| 18 U.S.C. § 922(e) - Failure to notify the common carrier of a firearm being shipped/transported | 31 | 31 |
| 18 U.S.C. § 922(i) - Transporting a stolen firearm or ammunition | 31 | 31 |
| 26 U.S.C. § 5861(e) - Transfer a NFA firearm in violation | 27 | 28 |
| 26 U.S.C. § 5861 - NFA violations | 25 | 26 |
| 18 U.S.C. § 924(n) - Interstate travel in furtherance of 922(a)(1)(A) | 22 | 23 |
| 18 U.S.C. § 922(g)(5)(B) - Possession of firearms/ammunition by any person under non-immigrant visa | 21 | 21 |
| 18 U.S.C. § 924(e) - Possession of firearm/ammunition by convicted felon with 3 or more prior felony convictions for drug trafficking or crimes of violence (armed career criminal) | 21 | 21 |
| 26 U.S.C. § 5861(i) - Receive/possess NFA firearm not identified by serial number | 20 | 33 |
| 18 U.S.C. § 922(d)(5) - Transfer of firearms to illegal alien | 19 | 19 |
| 18 U.S.C. § 922(g)(8) - Possession of firearm while under court issued restraining order | 18 | 18 |
| 18 U.S.C. § 924(b) - Transfer firearm with intent to commit felony | 18 | 18 |
| 26 U.S.C. § 5861(f) - Manufacturing NFA weapon without paying special occupational tax | 17 | 19 |
| 18 U.S.C. § 2119 - Car jacking | 16 | 16 |
| 18 U.S.C. § 922(a)(2) - FFL transfer of a firearm interstate to non-FFL | 16 | 16 |
| 18 U.S.C. § 4 - Misprision of a Felony | 15 | 15 |
| 18 U.S.C. § 922(d)(5)(B) - Transfer of firearms/ammunition to any person under a non-immigrant visa | 15 | 17 |
| 26 U.S.C. § 5861(c) - Receive/possess NFA firearm made in violation | 14 | 14 |
| 8 U.S.C. § 1326 - Re-entry into U.S. by removed/deported alien | 14 | 14 |
| 18 U.S.C. § 1343 - Fraud by wire, radio, or television | 13 | 13 |
| 18 U.S.C. § 922(m) - FFL omission of falsification of information required to be kept in records | 13 | 13 |
| 21 U.S.C. § 844(a) - Possession of a controlled substance (misdemeanor) | 13 | 15 |
| 26 U.S.C. § 5861(b) - Receive/possess NFA firearm transferred in violation of chapter | 13 | 13 |
| 18 U.S.C. § 1512 - Tampering with a witness | 11 | 11 |
| Parole/probation/supervised release violations | 11 | 11 |
| 18 U.S.C. § 1956(a)(1) - Money laundering | 10 | 10 |
| 18 U.S.C. § 922(x)(1) - Transfer of firearm to juvenile | 10 | 10 |
| 21 U.S.C. § 841(c)(2) - Possess/distribute chemical used to manufacture drugs | 10 | 10 |

| | | |
|--|----|----|
| 21 U.S.C. § 856 - Unlawful to maintain any place for manufacturing/distributing/using a controlled substance | 10 | 10 |
| 26 U.S.C. § 5861(j) - Transport/deliver/receive NFA firearm in interstate commerce which had not been registered | 10 | 10 |
| 18 U.S.C. § 922(d)(3) - Transfer of firearms to substance abuser | 9 | 9 |
| 18 U.S.C. § 922(a)(9) - Unlawful for a non-resident to receive a firearm unless for sporting purposes | 8 | 8 |
| 18 U.S.C. § 922(x)(2) - Possession by juvenile | 8 | 8 |
| 18 U.S.C. § 1503 - Obstruction of justice | 7 | 7 |
| 18 U.S.C. § 922(g)(2) - Possession of firearm by fugitive | 7 | 7 |
| 18 U.S.C. § 544 - Relanding of goods | 6 | 6 |
| 18 U.S.C. § 922(b)(5) - Unlawful FFL recordkeeping | 6 | 7 |
| 18 U.S.C. § 922(g)(4) - Possession of firearm by mental defective | 6 | 8 |
| 21 U.S.C. § 963 - Attempt or conspiracy to import/export-controlled substances | 6 | 6 |
| 18 U.S.C. § 111 - Assaulting, resisting, or impeding certain officers or employees | 5 | 6 |
| 18 U.S.C. § 1956(h) - Conspiracy to commit money laundering | 5 | 5 |
| 18 U.S.C. § 922(d)(9) - Transfer of firearms to person with domestic violence conviction | 5 | 5 |
| 21 U.S.C. § 843(b) - Use of a communication device in furtherance of drug trafficking | 5 | 5 |
| 21 U.S.C. § 952 - Importation of controlled substances | 5 | 5 |
| 26 U.S.C. § 5861(h) - Receive/possess NFA firearm without serial number obliterated/altered | 5 | 5 |
| 18 U.S.C. § 1341 - Mail fraud | 4 | 4 |
| 18 U.S.C. § 1344 - Bank fraud | 4 | 4 |
| 18 U.S.C. § 241 - Conspiracy against rights | 4 | 4 |
| 18 U.S.C. § 844(f) - Malicious damage – U.S. property | 4 | 4 |
| 18 U.S.C. § 922(b)(2) - Transfer of firearms by FFL in violation of state law | 4 | 4 |
| 18 U.S.C. § 922(d)(8) - Transfer of firearms to person under a restraining order | 4 | 4 |
| 18 U.S.C. § 922(q) - Possess or discharge firearm in school zone | 4 | 4 |
| 18 U.S.C. § 922(s) - FFL transfer of firearm without NICS background check | 4 | 4 |
| 26 U.S.C. § 5861(a) - Dealing in NFA firearms without having paid special occupational tax | 4 | 4 |
| 8 U.S.C. § 1325(a)(1) - Immigration violation | 4 | 4 |
| Arson other | 4 | 6 |
| Explosives other | 4 | 4 |
| RICO | 4 | 4 |
| 18 U.S.C. § 1201 - Kidnapping | 3 | 3 |
| 18 U.S.C. § 1715 - Mailing handgun/concealable firearm via us mail | 3 | 3 |
| 18 U.S.C. § 1791(a)(2) - Possessing a prohibited object in prison | 3 | 3 |
| 18 U.S.C. § 1952(a) - Interstate/foreign travel in aid of racketeering | 3 | 3 |
| 18 U.S.C. § 545 - Smuggling goods into the U.S. | 3 | 3 |
| 18 U.S.C. § 641 - Embezzle/steal/convert property of the U.S. | 3 | 3 |
| 18 U.S.C. § 844(h) - Used/carried explosives during felony | 3 | 3 |
| 18 U.S.C. § 922(b)(3) - FFL transfer firearm to out-of-state resident | 3 | 3 |
| 18 U.S.C. § 924(h) - Transfer firearm knowing it will be used to commit crime of violence / drug trafficking | 3 | 4 |
| 18 U.S.C. § 924(j) - Person causes death of someone through the use of a firearm while in the course of violating 924(c) | 3 | 3 |

| | | |
|--|---|---|
| 21 U.S.C. § 860 - Possession with intent to distribute narcotics within 1000 feet of school zone | 3 | 3 |
| 26 U.S.C. § 5861 (k) - Receive/possess NFA firearm imported in violation | 3 | 3 |
| 42 U.S.C. § 408(a)(7)(A) - Use of fraudulently obtained social security number | 3 | 3 |
| Solicitation - federal or state charge | 3 | 4 |
| 18 U.S.C. § 1513 - Threatening a witness | 2 | 3 |
| 18 U.S.C. § 1958 - Use of interstate commerce in commission of murder for hire | 2 | 2 |
| 18 U.S.C. § 2111 - Robbery by force, violence, or intimidation | 2 | 2 |
| 18 U.S.C. § 844(e) - Bomb threats | 2 | 2 |
| 18 U.S.C. § 844(h) (1) - Using fire to commit felony | 2 | 2 |
| 18 U.S.C. § 844(o) - Transfer explosives for use in crime of violence or drug trafficking crime | 2 | 2 |
| 18 U.S.C. § 922(a)(4) - Interstate shipment of NFA firearm/FFL to non-FFL | 2 | 2 |
| 18 U.S.C. § 922(d)(2) - Transfer of firearms to fugitive | 2 | 2 |
| 18 U.S.C. § 922(l) - Unlawful importation of firearm | 2 | 2 |
| 18 U.S.C. § 931 - Possession of body armor by a person with prior violent felony conviction | 2 | 2 |
| 21 U.S.C. § 813(a)(6) - Possession of material to make controlled substances (i.e. methamphetamine) | 2 | 2 |
| 26 U.S.C. § 5861(l)- Make/cause false entry on any NFA application or record | 2 | 2 |
| 31 U.S.C. § 5324(a) - Structuring financial transactions at a financial institution | 2 | 2 |
| Mail/wire fraud | 2 | 2 |
| 15 U.S.C. § 376 - Jenkins Act - tobacco | 1 | 1 |
| 18 U.S.C. § 1621 – Perjury | 1 | 1 |
| 18 U.S.C. § 1623 - False declaration before grand jury/court | 1 | 1 |
| 18 U.S.C. § 2113 - Bank robbery | 1 | 1 |
| 18 U.S.C. § 2314 - Transportation of stolen goods, securities moneys, fraudulent State tax stamps, articles used in counterfeiting | 1 | 1 |
| 18 U.S.C. § 3147 - Commission can offense while on pre-trial release | 1 | 1 |
| 18 U.S.C. § 3559(c) - 'Three Strikes ' law | 1 | 1 |
| 18 U.S.C. § 472 - Uttering counterfeit obligations or securities | 1 | 9 |
| 18 U.S.C. § 473 - Dealing in counterfeit obligations or securities | 1 | 1 |
| 18 U.S.C. § 842(a)(3) - Receive or transport explosives without explosives permit | 1 | 1 |
| 18 U.S.C. § 922(d)(6) - Transfer of firearms to person having a dishonorable discharge | 1 | 1 |
| 18 U.S.C. § 922(g)(6) - Possession of firearm by person dishonorably discharged from U.S. Military | 1 | 1 |
| 18 U.S.C. § 922(h) - Unlawful for employee of prohibited person to possess a firearm on their behalf | 1 | 1 |
| 18 U.S.C. § 922(v)(1) - Make/possess/transfer illegal assault weapon/firearm | 1 | 1 |
| 18 U.S.C. § 923(a) - Dealing firearms at location other than licensed premises | 1 | 1 |
| 18 U.S.C. § 924(g)(2) - Transfer firearm after interstate travel by individual who violates Controlled Substances Act | 1 | 1 |
| 18 U.S.C. § 981 – Civil forfeiture of real or personal property | 1 | 1 |
| 18 U.S.C. § 982 - Criminal forfeiture of real or personal property | 1 | 1 |
| 21 U.S.C. § 848(a) - Continuing Criminal Enterprise (CCE) | 1 | 1 |
| 26 U.S.C. § 5601(a)(4) - Operating illegal distillery | 1 | 1 |
| 18 U.S.C. § 922(d)(10) - Transfer of firearm within furtherance of a felony, crime of terrorism, or drug trafficking offense | 1 | 1 |

Note: Categories are not mutually exclusive.

ENDNOTES

¹ A NIBIN lead is an unconfirmed, potential association between pieces of firearm ballistic evidence that is based on a correlation review of the digital images in the NIBIN database by a trained NIBIN technician. A NIBIN lead is distinct from a NIBIN “hit.” As is further explained in the section entitled “NIBIN HITS and LEADS”. A NIBIN “hit” occurs when a certified firearms examiner conducts a microscope examination of the actual physical ballistic evidence (i.e., comparing two or more recovered casings or comparing a recovered casing(s) with a test-fire) to confirm those items of ballistic evidence had been fired from the same firearm and were a “match”. See, ATF NIBIN Fact sheet. September 2021. <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-national-integratedballistic-information-network>

² After ATF makes a prosecution referral to a U.S Attorney’s Office (USAO), that USAO conducts its own independent assessment of factors relevant to a decision on proceeding with or declining a prosecution (including, for example, the USAO’s strategic priorities). See [Justice Manual 9-27 \(Principles of Federal Prosecution\)](#). Due to the distinct roles of investigative agencies and prosecutor’s offices in our criminal justice system, ATF and USAOs at times reach opposite conclusions on whether a prosecution is supported by the evidence and warranted.

³ Six defendants associated with ATF headquarters divisions have not been included in this table as they represent less than 0.1% cases.

⁴ Six subjects referred for prosecution associated with ATF headquarters divisions have not been included in this table as they represent less than 0.1% cases.