

PART X:

National Illegal Firearm Recoveries

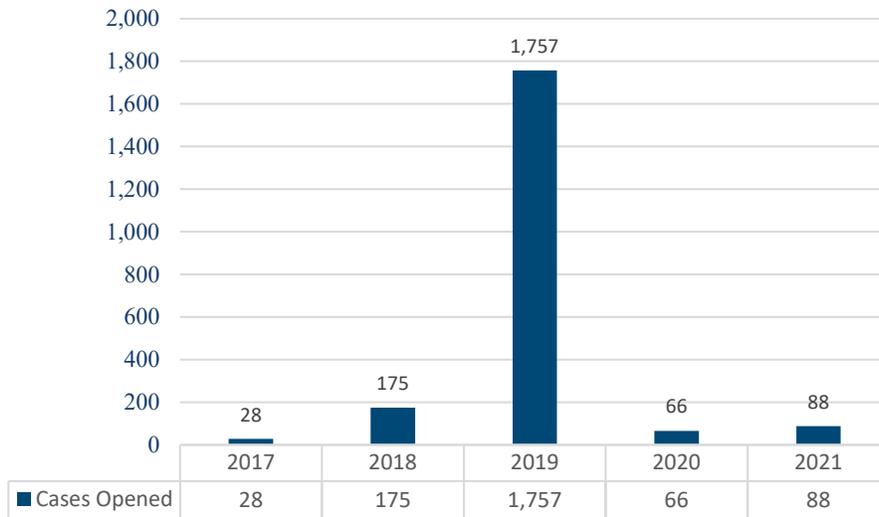
Background

ATF’s national illegal firearm recovery investigations involve the coordination of enforcement actions across field divisions and result in the recovery of significant numbers of illegally manufactured or illegally imported firearms and firearm parts that have been unlawfully transferred across the U.S. ATF prioritizes public safety; thus, these illegal firearms must be recovered to prevent their use in additional crimes. ATF SAs are tasked with locating the illegal firearm possessors and then taking the following actions: (1) retrieving the illegal firearms and/or firearm parts for forfeiture, (2) determining if the possessor was prohibited from possessing the firearms and parts, (3) determining if the possessor had a criminal role in obtaining or further transferring the illegal firearms, and (4) establishing whether the possessor had criminal intent. Of the 11,822¹ firearm trafficking cases eligible for inclusion in this study from 2017 to 2021, nearly 18% (2,114) were national illegal firearm recovery cases. Data presented in this section were collected from the ATF case management system.²

Case Overview

Between 2017 and 2021, a total of 2,114 national illegal recovery cases were initiated. Approximately 83% (1,757) of those investigations were opened in 2019 (Figure NR-01).³

Figure NR-01: Annual Volume of National Illegal Firearm Recovery Cases



National illegal firearm recovery cases were most often initiated by ATF field divisions in the Southeast (22.6%) and Central (21.9%) regions (Table NR-01). National illegal firearm recovery cases were opened at similar levels across the other regions.

Table NR-01: National Illegal Firearm Recovery Cases by Region, 2017 – 2021

Region	Number of Cases	% of Total Cases
Southeast	478	22.6%
Central	464	21.9%
Southwest	425	20.1%
Northwest	375	17.7%
Northeast	372	17.6%
Total	2,114	100.0%

Table NR-02a reflects the ATF field divisions with the largest numbers of national illegal firearm recovery cases initiated during the study period. The largest number of national illegal firearm recovery cases were opened in the San Francisco field division (199), accounting for slightly more than 9% of all cases.

Table NR-02a: National Illegal Firearm Recovery Cases by Top Five ATF Field Divisions, 2017 – 2021 ^(N = 2,114)

ATF Field Division	Number of Cases	% of Total Cases
San Francisco	198	9.4%
Tampa	137	6.5%
Chicago	135	6.4%
Seattle	132	6.2%
Houston	129	6.1%

See Table NR-02 in Appendix NR – National Illegal Firearm Recoveries for a listing of all ATF field divisions and the total number of national illegal firearm recovery cases between 2017 and 2021.

Volume and Type of Illegal Firearms

Volume of Illegal Firearms Recovered

Among the 2,114 national illegal firearm recovery cases opened during the study period, nearly 40% (840 of 2,114) resulted in the recovery of at least one illegal firearm. These cases yielded a total of 3,122 illegal firearms recovered by law enforcement, with an average of 3.7 firearms recovered per case (Table NR-03). Slightly more than 74% (2,314 of 3,122) of illegal firearms were recovered in 2019. Among all cases in 2019 with at least one illegal firearm recovered, an average of 3.8 firearms were recovered per investigation. The largest mean number of recovered illegal firearms per investigation occurred in 2017 (11.8), though this increased average was due to one case involving the recovery of 209 firearms.

Table NR-03: Annual Volume of Illegal Firearms Recovered in National Recovery Cases

Year	Number of Cases	Number of Firearms	Mean
2017	20	236	11.8
2018	126	383	3.0
2019	615	2,314	3.8
2020	37	72	1.9
2021	42	117	2.8
Total	2,114	3,122	3.7

As reflected in Table NR-04, the 840 national illegal firearm recovery cases with at least one firearm recovered usually involved a small number of firearms. Approximately 89% of these cases involved five

or fewer trafficked firearms and accounted for more than 43% of the total number of firearms involved in all national illegal firearm recovery cases between 2017 and 2021. Only five cases (0.6% of 840) involved recoveries of more than 50 illegal firearms, but these cases accounted for almost 24% of illegal firearms recovered.

Table NR-04: Total Number of Cases and Volume of Illegal Firearms Recovered by Grouping Range, 2017 – 2021

Grouping Range	Number of Cases	% Total Cases	Number of Firearms	Median	Mean	% Total Firearms
1 - 5	748	89.0%	1,348	1	1.8	43.2%
6 - 10	53	6.3%	414	8	7.8	13.3%
11 - 20	23	2.7%	320	13	13.9	10.2%
21 - 50	11	1.3%	298	26	27.1	9.5%
51 - 100	3	0.4%	204	69	68.0	6.5%
101 - 250	1	0.1%	208	208	208.0	6.7%
251 or greater	1	0.1%	330	330	330.0	10.6%
Total	840	100.0%	3,122	2	3.7	100.0%

Across the five regions, the Central region recovered the largest number of illegal firearms (997 of 3,122), accounting for nearly 32% of these recoveries (Table NR-05). ATF field divisions in the Central region also had the highest mean number of firearms recovered per investigation (5.1).

Table NR-05: Volume of Illegal Firearms Recovered by Region, 2017 – 2021 (N = 3,122)

Region	Number of Firearms	% Total Firearms	Median per Case	Mean per Case
Central	997	31.9%	2	5.1
Southwest	639	20.5%	2	4.7
Southeast	588	18.8%	1	2.4
Northwest	474	15.2%	2	4.1
Northeast	424	13.6%	1	2.9

Across ATF field divisions, the Chicago field division recovered the largest number of illegal firearms (459 of 3,122), accounting for nearly 15% of these recoveries (Table NR-06a). The Chicago field division also had the highest mean number of illegal firearms recovered per investigation (8.3). The Houston field division recovered the second highest number of illegal firearms (399), accounting for nearly 13% of these recoveries.

Table NR-06a: Volume of Illegal Firearms Recovered by Top Five Field Divisions, 2017 – 2021 (N = 3,122)

ATF Field Division	Number of Firearms	% Total Firearms	Median per Case	Mean per Case
Chicago	459	14.7%	2	8.3
Houston	399	12.8%	2	6.4
San Francisco	292	9.4%	2	6.3
Phoenix	168	5.4%	2	4.5
Detroit	162	5.2%	2	5.4

See Table NR-06 in Appendix NR – National Illegal Firearm Recoveries for a listing of ATF field divisions and volume of illegal firearms recovered between 2017 and 2021.

Illegal Firearms by Weapon Type⁴

Machinegun conversion devices were the most frequently recovered type of illegal firearm, accounting for almost 55% (1,704 of 3,122) of the firearms recovered in national illegal firearm recovery cases (Table NR-07). Silencers were the second most prevalent weapon type (16.4%), followed by machineguns and machinegun parts (11.7%), handguns (8.2%), and rifles (4.9%), respectively.

Table NR-07: Total Number and Percentage of Illegal Firearms Recovered by Weapon Type, 2017 – 2021

Weapon Type	Number of Firearms	% Total Firearms
Machinegun conversion device	1,704	54.6%
Silencers	512	16.4%
Machinegun / Machinegun parts	365	11.7%
Handguns	256	8.2%
Rifles	152	4.9%
Any other weapon	39	1.2%
Frame or receiver	38	1.2%
Shotguns	37	1.2%
Short-barreled rifles/shotguns	16	0.5%
Weapon made from rifle / shotgun	3	0.1%
Total	3,122	100.0%

Investigation and Judicial Outcomes

The primary goal of national illegal firearm recovery cases is: (1) the recovery of the illegal firearm to protect the public and (2) identification and prosecution of the unlawful suppliers. In these cases, ATF will only refer a possessor for prosecution when the SA develops evidence of criminal intent, or the possessor is prohibited.

Investigation Outcomes

Across the 2,114 national illegal firearm recovery cases, there were 93 cases with at least one subject referred for prosecution. In total, these 93 cases involved 115 subjects referred for prosecution (Table NR-08).

Table NR-08: Total Number and Percentage of Subjects Referred in National Illegal Firearm Recovery Cases, 2017 – 2021

Year	Number of Cases	% Total Cases	Number of Subjects Referred	% Total Subjects Referred
2017	6	6.5%	8	7.0%
2018	10	10.8%	17	14.8%
2019	70	75.3%	82	71.3%
2020	5	5.4%	6	5.2%
2021	2	2.2%	2	1.7%
Total	93	100.0%	115	100.0%

As reflected in Table NR-09, 74% (70 of 115) of the subjects referred were indicted. Of the defendants indicted, 90% (63 of 70) were convicted. All 63 defendants convicted during the study period have been sentenced.

Table NR-09: Total Number of Subjects Referred and Investigation Outcomes in National Illegal Firearm Recovery Cases

Year	Total Number of Subjects Referred	Number of Defendants Indicted	% Defendants Indicted	Number of Defendants Convicted	% Defendants Convicted	Number of Defendants Sentenced	% Defendants Sentenced
2017	8	6	75.0%	6	75.0%	6	75.0%
2018	17	11	64.7%	10	58.8%	10	58.8%
2019	82	48	58.5%	44	53.7%	44	53.7%
2020	6	4	66.7%	3	50.0%	3	50.0%
2021	2	1	50.0%	0	0.0%	0	0.0%
Total	115	70	60.9%	63	54.8%	63	54.8%

Criminal Charges

Table NR-10 shows the top five charges associated with subjects referred for prosecution in national illegal firearm recovery cases. A total of 255 charges were associated with the 115 subjects referred in these cases. A referred subject may be the subject of multiple charges as well as multiple charge counts. Unlawful possession of a machinegun (18 U.S.C. §922(o)) was the most frequently filed charge, representing nearly 30% (34 of 115) of subjects referred. The next most common charges were felon in possession (18 U.S.C. §922(g)(1)) and receiving or possessing an unregistered NFA firearm (26 U.S.C. §5861(d)), each of which accounted for 24% (27 of 115) of subjects referred.

Table NR-10: Top Five Charges Associated with Subjects Referred for National Illegal Firearm Recovery Cases, 2017 – 2021 (N = 115)

Charge	Number of Subjects Referred	% Total Subjects Referred
18 U.S.C. §922(o) - Possess/transfer machinegun unlawfully	34	29.6%
18 U.S.C. §922(g)(1) - Possession of firearm/ammunition by convicted felon	27	23.5%
26 U.S.C. §5861(d) - Receive/possess NFA firearm not registered in NFRTR	27	23.5%
26 U.S.C. §5861(k) – Receive/possess NFA firearm imported in violation	11	9.6%
18 U.S.C. §922(a)(6) – Falsified information when buying firearms	8	7.0%
21 U.S.C. §841(a)(1) – Controlled substance offense	8	7.0%

Note: Categories are not mutually exclusive.

Judicial Outcomes

Table NR-11 shows the number and percentage of subjects referred and the associated criminal charges by federal or state jurisdiction. The federal cases accounted for more than 93% (239 of 255) of criminal charges and nearly 90% (103 of 115) of subjects referred. Two subjects were referred to both federal and state court.

Table NR-11: Total Number and Percentage of Subjects Referred and Charges by Jurisdiction, 2017 – 2021

Venue	Number of Subjects Referred (N=115)	% Total Subjects Referred	Number of Charges (N=255)	% Total Charges
Federal	103	89.6%	239	93.7%
State	14	12.2%	16	6.3%

Note: Categories are not mutually exclusive.

Among the 63 defendants sentenced, nearly 64% (40 of 63) were sentenced to prison, while approximately 25% (16 of 63) were sentenced to probation (Table NR-12).

Table NR-12: Total Number and Percentage of Defendants by Sentence Type, 2017 – 2021 ^(N = 63)

<u>Sentence Type</u>	<u>Number of Defendants</u>	<u>% Total Defendants</u>
Supervised Release	41	65.1%
Prison	40	63.5%
Probation	16	25.4%

Note: Categories are not mutually exclusive.

Summary

National illegal firearm recovery cases involve immediate and known public safety risks and require a significant expenditure of ATF resources to investigate. The resources needed to investigate these cases require the utilization and coordination of ATF firearm technical experts, intelligence personnel, and SAs. Additionally, these cases require extensive collaboration among ATF Headquarters and field divisions to ensure all known illegal possessors are identified.

As evidenced by the minimal number of subjects referred for prosecution (115 out of 2,114 cases) the overall objective is the protection of public safety by the recovery of the illegal firearms, preventing their use in additional crimes, and not burdening the criminal justice process. There were 840 cases involving the recovery of at least one illegal firearm. In 83% of these cases (699 of 840) ATF recovered at least one firearm classified as a machinegun. Machinegun recoveries accounted for 67% (2,069⁵ of 3,122) of all illegal firearms recovered. By comparison, Table TVF-08, Part V, Type and Volume of Firearms Trafficked, shows that in all other trafficking cases (9,708), machineguns only account for 1.6% (2,146 of 126,575) of firearms suspected to be trafficked or recovered by law enforcement during the study period.

Appendix NR – National Illegal Firearm Recoveries

Table NR-02: National Illegal Firearm Recovery Cases by ATF Field Division, 2017 – 2021

ATF Field Division	Number of Cases	% Total Cases
Atlanta	76	3.6%
Baltimore	58	2.7%
Boston	89	4.2%
Charlotte	110	5.2%
Chicago	135	6.4%
Columbus	118	5.6%
Dallas	76	3.6%
Denver	45	2.1%
Detroit	42	2.0%
Houston	129	6.1%
Kansas City	74	3.5%
Los Angeles	119	5.6%
Louisville	56	2.6%
Miami	46	2.2%
Nashville	67	3.2%
New Orleans	42	2.0%
New York	52	2.5%
Newark	37	1.8%
Philadelphia	90	4.3%
Phoenix	101	4.8%
San Francisco	198	9.4%
Seattle	132	6.2%
St. Paul	39	1.8%
Tampa	137	6.5%
Washington	46	2.2%
Total	2,114	100.0%

Table NR-06: Volume of Illegal Firearms Recovered by ATF Field Division, 2017 – 2021

ATF Field Division	Number of Firearms	% Total Firearms	Median	Mean
Atlanta	103	3.3%	2	2.2
Baltimore	80	2.6%	2	3.5
Boston	99	3.2%	1	2.4
Charlotte	92	2.9%	1	2.2
Chicago	459	14.7%	2	8.3
Columbus	156	5.0%	2	2.9
Dallas	33	1.1%	1	1.7
Denver	24	0.8%	1	1.6
Detroit	162	5.2%	2	5.4
Houston	399	12.8%	2	6.4
Kansas City	101	3.2%	1	4.4
Los Angeles	39	1.2%	1	2.1
Louisville	95	3.0%	2	4.3
Miami	100	3.2%	1	3.6
Nashville	93	3.0%	2	2.4
New Orleans	41	1.3%	2	2.9
New York	50	1.6%	1	2.6
Newark	22	0.7%	1	1.5
Philadelphia	102	3.3%	1	3.4
Phoenix	168	5.4%	2	4.5
San Francisco	292	9.4%	2	6.3
Seattle	158	5.1%	2	2.8
St. Paul	24	0.8%	1	2.0
Tampa	159	5.1%	1	2.1
Washington	71	2.3%	1	3.7
Total	3,122	100.0%		

Endnotes

¹ The total case study population for this report includes 11,822 firearm trafficking investigations. As explained in Part I, Introduction and Methodology, because national illegal firearm recovery investigations are distinct from other types of trafficking investigations, the analysis in prior sections of this report excluded consideration of the 2,114 national illegal firearm recovery cases, instead focusing on remaining 9,708 investigations. The analysis in this section exclusively focuses on the 2,114 national illegal firearm recovery investigation.

² National illegal firearm recovery investigations can involve multiple cases opened in multiple field divisions as part of the national coordination effort to locate possessors and retrieve illegally manufactured or imported firearms. This overlap made data collection via the survey tool impractical and unreliable. As such, national retrieval investigations were analyzed separately.

³ In 2019, there were two large-scale parent investigations that accounted for the great majority of these national illegal firearm recovery cases. This included an investigation involving recovery of several thousand machinegun conversion devices ("switches") and an investigation involving the recovery of firearm parts stolen from ATF's National Firearms and Ammunition Disposal Branch.

⁴ When an illegal firearm was recovered from a prohibited person, any other firearms in that person's possession, such as handguns, shotguns, or rifles, were also seized. Though unlawfully possessed, these firearms were not otherwise illegal.

⁵ Combined machinegun conversion device and machinegun/machinegun parts.