



Sources of guns to dangerous people: What we learn by asking them



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ABSTRACT

Gun violence exacts a lethal toll on public health. This paper focuses on reducing access to firearms by dangerous offenders, contributing original empirical data on the gun transactions that arm offenders in Chicago. Conducted in the fall of 2013, analysis of an open-ended survey of 99 inmates of Cook County Jail focuses on a subset of violence-prone individuals with the goal of improving law enforcement actions.

Among our principal findings:

*Our respondents (adult offenders living in Chicago or nearby) obtain most of their guns from their social network of personal connections. Rarely is the proximate source either direct purchase from a gun store, or theft.

*Only about 60% of guns in the possession of respondents were obtained by purchase or trade. Other common arrangements include sharing guns and holding guns for others.

*About one in seven respondents report selling guns, but in only a few cases as a regular source of income.

*Gangs continue to play some role in Chicago in organizing gun buys and in distributing guns to members as needed.

*The Chicago Police Department has a considerable effect on the workings of the underground gun market through deterrence. Transactions with strangers and less-trusted associates are limited by concerns over arrest risk (if the buyer should happen to be an undercover officer or a snitch), and about being caught with a “dirty” gun (one that has been fired in a crime).

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Introduction

Gun violence imposes a lethal toll on public health (Hemenway, 2006; Dahlberg and Mercy, 2009; Hemenway and Miller, 2013). In assaults that result in injury, the use of a gun rather than other commonly-used weapons increases case-fatality rates by more than a factor of ten (Zimring, 1968, 1972; Cook, 1991).¹ Reducing gun use in violent crime would save lives.

Law enforcement in general, and the police in particular, have lead responsibility to combat gun crime and thus to prevent gunshot injuries. Attention to social and policy determinants of health requires the public health community to explore the efficacy of law enforcement approaches to violence prevention. Evidence-based policing against gun misuse is surely no less important from a public health perspective than, say, evidence-based emergency medical response to gunshot cases.

Among the broad policy approaches to reducing gun use in violent crime are (1) to deter criminal uses of guns, including illegal carrying, brandishing, and firing, through the targeted use of law enforcement resources and (2) to reduce gun availability to dangerous people by enforcing regulations intended to restrict transfer of guns to those who are prohibited from possessing them. These two domains of law-enforcement action may be identified respectively with “demand” and “supply,” although it may be more precise to identify them as “use” and “access” (Wellford et al., 2004; Cook and Ludwig, 2006).

This paper focuses on the latter approach of curtailing supply and thereby reducing access by dangerous offenders. Our original empirical contribution is to provide new data on gun transactions that arm offenders in Chicago, with the goal of providing information useful in refining law-enforcement tactics. The data are from an open-ended survey of 99 inmates of Cook County Jail, conducted in fall, 2013. It should be emphasized that while generally law abiding people own most guns in the United States, we are focused on the relatively small subset of gun possessors who are prone to criminal violence.

A recent report of the National Academy of Sciences identified the “...pressing need to obtain up-to-date, accurate information about how many guns are owned in the United States, their distribution and types, how people acquire them, and how they are used (Leshner et al., 2013).” To that end, the panel recommended that research be

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¹ In 2013, the case fatality rate for assault cases treated in the hospital and involving cutting or piercing injuries was 1.2%. The case fatality rate for such cases involving gunshot wounds was 15.3%. The ratio is 12.7. Figures computed from on-line data available from WISQARS.

conducted to “characterize the scope of and motivations for gun acquisition, ownership, and use, and how they are distributed across subpopulations (p. 4).” Offenders are mentioned as a subpopulation of particular interest.

The Cook County Jail (CCJ) Pilot Survey addresses this need by providing information on illicit firearm transactions by offenders with records of violence and gang involvement. The pilot survey included questions on guns to which the respondents had access during the six months prior to their arrest and incarceration, with a particular focus on the type, source, and nature of the transaction that provided access to the respondent. The survey was conducted as a structured conversation. It provides some sense of the variety of circumstances and arrangements by which dangerous people become armed in Chicago.

The CCJ Pilot Survey is by no means the first survey of offenders to ask about gun transactions. The US Department of Justice has conducted surveys of state and federal prisoners, as well as arrestees, that include relevant items.² Several one-shot surveys are also reported in the literature (e.g., Wright and Rossi, 1986). The CCJ Pilot Survey, like previous surveys, demonstrates that a large percentage of respondents are willing to provide information about (mainly-illegal) gun transactions. Results from CCJ inmates are generally consistent with those of comparable surveys of offender populations. While not all respondents give truthful responses, and some refuse to respond at all, we believe that the information generated from this type of survey provides a reasonably accurate characterization of the “retail” aspect of Chicago’s underground gun market. Due to small sample size ($n = 99$) and limitations of the open-ended survey method, our characterization is more qualitative than quantitative. It is deemed a “pilot” survey in that it was intended to inform the development of a subsequent closed-ended offender survey.

Regulatory context and results of other surveys on gun markets

Gun commerce is primarily regulated by the federal Gun Control Act of 1968,³ which stipulates that those in the business of manufacturing, importing, or selling guns must have a federal license (Zimring, 1975). Only those with federal firearms licenses (FFLs) may receive direct interstate shipments of guns. So with few exceptions, the supply chain of new guns is characterized by transfers between licensees, up to and including the first retail sale. Federal regulations require that before an FFL may transfer a gun to a customer, the customer must show identification and fill out a 4473 form that states that he or she is not disqualified from owning a gun due to a felony conviction or one of nine other conditions. State regulations may also apply, and FFL retailers are obligated to follow them. The dealer conducts a background check which accesses state and federal databases to confirm lack of disqualification, and then transfers the gun (Ludwig and Cook, 2000). The dealer is required to keep the 4473 form on file and to show it to federal investigators when asked.

Guns are durable, and there is an active retail market for used guns. In some cases, resales are through a licensed gun dealer, which must again follow federal rules governing transactions. But resales between unlicensed individuals (often called “private transactions”) are only loosely regulated by federal law, with one main exception – a gun cannot be shipped directly to an out-of-state purchaser unless that person has a retail license.⁴ Federal law also bans a knowing transfer to someone who is disqualified due to criminal record or other factors.⁵

Fig. 1 presents a schematic representation of one gun’s possible transaction history. This scheme illustrates the fact that guns may change hands several times following the first sale by an FFL, and that

some of those subsequent transactions, while typically not documented, may be legal (depending on state and local regulations). Those secondary transactions may include private sales (possibly at a gun show or through the internet), gifts to family members, a consignment sale through an FFL, or a collateral arrangement with a licensed pawnbroker. At some point, a transaction – possibly a theft or a sale – may transfer the gun to the hands of someone who is proscribed from gun possession due to criminal record or age. Subsequent transactions may then move the gun among other offenders, until it is ultimately lost or confiscated by the police.

Seventeen states, including Illinois, impose some regulation on private transfers that goes beyond the federal requirements (Law Center to Prevent Gun Violence, 2012; Wintemute, 2013). In Illinois, anyone who acquires a gun from any source must have a Firearm Owners Identification card (FOID), and as of 2013, anyone who transfers a gun privately must keep a record of that transfer for ten years (Illinois State Police Firearms Services Bureau, 2014). The City of Chicago imposes additional restrictions: together with Washington, D.C., it has been the most tightly regulated city in the nation. Chicago essentially banned residents from keeping handguns in city limits from 1982 to 2010, and now requires that handguns be registered. At the time of this Article, there are still no retail dealers in the city limits. So Chicago residents who want to shop at a gun store must travel to the suburbs or elsewhere (Bosman, 2014; Byrne and Ruthhart, 2014).

Without enforcement, regulations are bound to be ineffective. The Chicago Police Department has made gun enforcement a priority since the 1950s (Cook et al., 2007). Among other programs, the Chicago Police conduct regular undercover gun buys to help make a case against unlicensed dealers; trace all crime guns that they recover to determine the first retail source; and use a ballistics imaging system to match shells (usually picked up at crime scenes) to particular firearms.⁶ These practices are known to criminals and affect their behavior, as documented below.

National firearms surveys of offenders

As documented below, survey evidence provides strong evidence that the gun market is sharply differentiated by the characteristics of the individual who is seeking a gun. Adults who are entitled to possess a gun are more likely than not to buy from an FFL. On the other hand, those who are disqualified by age or criminal history are most likely to obtain their guns in off-the-books transactions, often from social connections such as family and acquaintances, or from “street” sources such as illicit brokers or drug dealers. While some of these illicit transactions are purchases, they also take a variety of other forms.

Documentation for sources of guns to the US public at large comes from a detailed national survey conducted in 1994 (Cook and Ludwig, 1996) known as the National Survey of Private Ownership of Firearms (NSPOF).⁷ Based on the NSPOF, it appears that about

⁶ The Chicago Police Department (CPD) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) currently participate in the CPD/ATF Firearms Joint Gun Trafficking Task Force, the objective of which is to conduct investigations into the source of crime guns recovered in Chicago (City of Chicago, 2014). The task force, working alongside CPD’s Chicago Anti-Gun Enforcement (CAGE) unit, undertakes regular undercover buys. Given the sensitive nature of undercover buys, we reference three 2013–2014 publically available investigations into crime gun sources involving explicit undercover gun purchasing (ATF, 2014a, 2014b). In April 2013 CPD conducted “five separate undercover gun purchases, buying a total of nine firearms” (Sun-Times Media Wire, 2013). Further, CPD since April 2013 has maintained an on-site ballistics laboratory to generate ballistics images from recovered crime guns with a response time of 4 h after data entry (Main, 2014; City of Chicago, 2012). The ballistics image matches to prior crimes are regularly conducted according to discussion with high-ranking law enforcement officials involved with the National Integrated Ballistics Imaging Network (NIBIN) in Chicago. Prior to April 2013, ATF’s Chicago office conducted Chicago ballistics imaging in coordination with the Illinois State Police (ISP).

⁷ A similar survey was conducted in 2004 (Hepburn et al., 2007).

² Several of these surveys are analyzed in the next section.

³ Gun Control Act of 1968, Pub. L. No. 90-618, 82 Stat. 1213 (1968) (codified as amended at 18 U.S.C. §§ 921–28 (2012)).

⁴ 18 U.S.C. § 922 (b) (3) (2012).

⁵ Id. § 922 (d); 27 C.F.R. § 478.32.

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