Keeping Firearms Out of the Wrong Hands
– Addressing Theft and Diversion Through Reporting of Lost and Stolen Firearms
Gun Crime in the U.S.

- ~48,000 firearm-related deaths in U.S. in 2022
  - Approx. 40% were firearm homicides
- NIBRS data reported 19,200 homicides in 2022
  - 77% firearms-related
- ~70% of medically treated firearm injuries were firearm-related assaults
- Firearms violence disproportionately impacts communities of color
How Criminals Gain Access to Firearms
Stolen/Lost Firearms as a Source of Crime Guns

- **Chicago study**
  - ~2.8% recovered and traced guns reported stolen in Chicago

- **Inmate surveys**
  - ~4% reported stealing firearm
  - 1/3 received firearms from street sources
    - Unknown how many obtained from theft

- **California study of private losses/thefts**
  - Lost: 2.99x more likely to be used in crime
  - Stolen: 8.93x more likely to be used in crime
Scope of Stolen Firearms

- Private vs. FFLs vs. Interstate
  - Different reporting requirements

- ~205,000 thefts from private sources per year
  - Likely undercounted

- ~6,900 thefts from FFLs per year

- ~2,600 thefts from interstate shipments per year
Mandatory Reporting Laws

- Reporting lost/stolen firearms might:
  - Encourage owners to secure/safely store their firearms
  - Deter straw purchasers
  - Aid law enforcement outcomes
  - Improve understanding and awareness of the problem

- Mandatory reporting of lost/stolen firearms associated with less interstate gun trafficking (Kahane, 2013; Knight, 2013 Webster et al., 2013)
  - More research needed (RAND, 2023)
Lost & Stolen Firearm Reporting Laws

- Laws established in 15 states and municipalities
- Variations in reporting times and penalties for failing to report
- States tend to rely on progressive sanctions from essentially no penalty to small ($25) fines for 1st offenses, to misdemeanors and inability to register a firearm on 2nd the 3rd offenses.
- Some states establish implementation requirements, notice provisions, etc.
States with Lost and Stolen Firearm Reporting Laws & Their Reporting Timelines

Figure 2: State Reporting Requirements

- No Reporting Requirement
- Within 24 hours
- 24-72 hours
- 5-7 days
Goals of the NPI Study

- Assess lost and stolen firearm reporting laws, their implementation, and use
- Identify opportunities to improve lost and stolen firearm reporting policies and laws
- Identify ways to improve lost and stolen firearm reporting
What We Did

The mixed methods study included the following:

- Review of literature on lost and stolen firearms, the relationship between theft and violent crime, and reporting laws
- Analysis of state statutes (as of Dec. 2023)
- Interviews with police executives in states with reporting laws in place
- Focus group of police executives, command staff, and investigators on firearm theft, reporting, and enforcement
  - Participating agencies varied in size (<50 and +1,000 officers) and location across the U.S.
Key Takeaways

- Approaches vary widely and are generally not well understood. Few best practices have been identified.
- Implementation and use of the laws are likely weak at best.
- Poor implementation may inhibit our ability to assess any effects, to the extent that effects exist.
- The policy has potential for broader impact in reducing harm, theft, and crime.
What We Found

- Timely reporting can deter some firearm diversion and provide opportunities for more effective investigation and recovery.

- The statutory approaches used by many states may undermine the potential value of the laws while over-relying on fines and fees and the criminal justice system (specifically law enforcement). In some states, violations are punishable by fines of $25 to a few hundred dollars. In others, it’s a misdemeanor. In contrast, a feature in Oregon’s law may hold opportunity.

- Implementation appears to have been significantly overlooked or ignored in the legislative process.
What We Found

- Some, including those in policing, may question the legitimacy of the laws, due to a perception that most firearm owners who are the victims of theft do not intentionally fail to report but are “victimized” again when they are the subject of enforcement for not reporting a lost or stolen firearm.

- Promotion and use of the laws may deter straw purchasing in some scenarios, as demonstrated in prior research.

- The growing prevalence of privately manufactured firearms (PMFs) in crime may create additional challenges for these laws in the not-too-distant future.
What We Learned from Law Enforcement

- Agencies report wide variation in recovery of lost or stolen firearms though none reported that recovered crime guns were most often stolen. Similarly, none reported receiving any significant number of lost or stolen firearm reports.

- The lack of resources (especially investigative staffing) may be a barrier to use of the law and enforcement.

- Law enforcement systems (i.e., UCR/NIBRS, NCIC Gun File) or failure to use them appropriately may make investigation and awareness more challenging, as noted by ATF in its National Firearms Commerce and Trafficking Assessment.
What We Learned from Law Enforcement

- The intent of the law is not well understood and may be seen as politically driven and focused on less important public safety problems. Lack of awareness around “what works” and markets is also key.

- A “whole of community” approach offers a wider perspective, particularly prevention, without relying on law enforcement’s limited tools to address the issue.

- Problem-oriented policing approaches should not be overlooked, e.g., stolen firearm portals “Save-A-Casing” programs.
Recommendations for Policy Change

- Reconsider relying on fine-based penalty systems.
- Follow Oregon’s lead in defining the failure to report as “negligence” in situations where the firearm is used in a crime, opening the door to enhanced civil liability exposure.*
- Consider requiring notice of the law be acknowledged by sellers and purchasers and documentation be retained by both parties.
- Spell out the responsibilities of law enforcement when receiving lost and stolen firearm reports.
Recommendations for Better Implementation

- Establish protocols and training for officers to ensure statutory requirements are followed, and that critical systems, tools, and data support investigation, recovery, and prevention of crime.

- Assess and address gaps in law enforcement reporting system capabilities.

- Develop programs to deter theft, promote safe storage and lost and stolen firearm reporting, e.g., “Save-A-Casing” and Stolen Firearm Registries

- Encourage the use of problem-oriented policing strategies to address firearm theft and diversion.
Recommendations for Federal Response

- Consider providing funding for publicly accessible state-level stolen firearm registries and programs such as “Save-A-Casing.”

- Improve awareness of the NCIC Gun File and how the system supports stolen firearm recovery.

- Prioritize research on the role of firearm theft on gun violence and mandatory reporting laws.
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- Public release and dissemination to 200+ policymakers at state and local levels to encourage re-examination of state laws and changes in practices needed.