

**Mayor's Office of Criminal Justice**

**I. Introduction**

This serves as the second annual Firearm Trafficking Report submitted by the New York City Mayor's Office of Criminal Justice ("MOCJ") to the Mayor and the Speaker of the New York City Council, in compliance with Local Law 90 of 2022 ("Local Law 90" or "LL90"), which amended and added a new section (10-316) to Section 1, Chapter 3 of Title 10 of the Administrative Code of the City of New York. In accordance with LL90, the New York City Police Department ("NYPD") has provided data where permissible under federal law regarding the collection of trafficked firearms during the period of January 2022 through December 2022. Please note that the first annual report, submitted last year, covered 18 months of data (July 2020 through December 2021). In this report and going forward, the data will cover one calendar year (January – December 2022).

**II. Executive Summary**

As detailed throughout this report, findings from the data indicate that trafficked firearms<sup>1</sup> are most prominently found in the highest rated precincts for shooting incidents and that trafficked firearms consist largely of pistols. These firearms appear to be entering New York City ("NYC" or "the city") through private means and originate in states with more relaxed gun laws.

The main impediment to collecting and accessing data that may inform both policy and law enforcement solutions to gun trafficking patterns in NYC is federal legislation<sup>23</sup> that limits the collection, use, and disclosure of firearms data for any use, including research, outside of criminal investigations or prosecutions and confined only to large-scale aggregate publications of data held by the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). Federal limitations make it difficult for legislators and law enforcement to conduct research on patterns and trends of gun movement into and within NYC that could be used to provide additional support on effective strategies and targeted interventions.

The first part of this report (Questions 1-2) provides an overview of guns recovered in NYC and their connection to crime, including gun violence. The findings are similar to those in last year's report and indicate that trafficked firearms are most prominent in the precincts with the highest rates of shooting incidents and that trafficked firearms consist largely of pistols. The notable

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<sup>1</sup> In this report, trafficked guns are defined as guns that were purchased with the intent to sell or transfer illegally, meaning it moved from the legal to the illegal marketplace through an illegal method or for an illegal purpose.

<sup>2</sup> For a detailed overview of the Tiahrt Amendments and the effect of their 2008 revisions see: Krouse, W.J. "Gun Control: Statutory Disclosure Limitations on ATF Firearms Trace Data and Multiple Handgun Sales Reports." *Congressional Research Service*. 2009. (<https://sgp.fas.org/crs/misc/RS22458.pdf>).

<sup>3</sup> CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012, P.L. 112-55, 125 Stat. 552 (2011); Consolidated Appropriations Resolution, 2003, P.L. 108-7, 117 Stat. 11 (2003); CONSOLIDATED APPROPRIATIONS ACT, 2008, P.L. 110-161, 121 Stat. 1844 (2007); CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012, P.L. 112-55, 125 Stat. 552 (2011).

difference is the significant increase in the number of guns recovered in NYC that were also able to be connected to crime, but the percentage of those that were also connected to a crime nearly doubled, going from 35% to 71%. The second part of this report (Questions 3-7) assesses the efficacy of laws, policies, or programs aimed at combatting the trafficking of illegal firearms and reducing firearms-related violence. The recommendations made in this report are similar to those in the first annual report, as not much has changed in terms of the federal limitations to access the data necessary to research and analyze patterns and trends of gun movement. Recommendations include advocating for changes to federal legislation which limit data tracking and ways that enhanced data tracking and new technology tools could be explored to their full potential and inform resource allocation.

### III. Annual Report Responses to Local Law 90 Questions 1-7

The newly added NYC Administrative Code §§ 10-316 requires a study and report responsive to the questions **below** for the preceding calendar year (January 2022 through December 2022):

1. For each firearm seized or surrendered in the city and obtained by the police department: (a) whether the firearm was connected to a crime; (b) where the firearm originated from, including where it was first sold, manufactured, imported or assembled; (c) the date such firearm was seized or surrendered and the date such firearm was last sold legally; (d) the location of such seizure, including latitude and longitude if available, but in all cases at least as specific as the nearest intersection; (e) the type of such firearm; (f) the manufacturer or importer of such firearm; (g) whether the firearm was a ghost gun or a firearm created using a three-dimensional printer and if so, the entities that produced such firearm or parts thereof; (h) the dealer of such firearm and whether such dealer was licensed; and (i) whether the firearm was registered in any registry, including the national firearms registration and transfer record.

Please see Appendix A for the full data set of the requested NYPD data, where accessible or permissible under federal law. NYPD was able to provide data regarding when, where, and what type of firearms were seized or surrendered in the city, the status of the firearms license, and the volume of ‘crime guns’<sup>4</sup> obtained by the police department for the previous calendar year, between January 2022 through December 2022. The NYPD does not have data responsive to the following:

- Section 1(b). Pursuant to federal law, NYPD does not have lawful access to the ATF data that would identify where a firearm originated from, including where it was first sold, manufactured, imported, or assembled.
- Section 1(g). At this time, the NYPD does not have the capacity to separate ghost gun data, specifically whether the firearm was a ghost gun or a firearm created using a three-dimensional printer and if so, the entities that produced such firearm or parts thereof.

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<sup>4</sup>Crime guns are defined as guns recovered by law enforcement in connection with a crime. Office of the NY Attorney General “Target on Trafficking: New York Crime Gun Analysis under “Background.” (<https://targettrafficking.ag.ny.gov/#pa>)

NYPD is still working on the capability to generate, test, control for, and run the data. MOCJ and NYPD anticipate being able to include this data in next year's report.

Below are MOCJ's summary charts of the NYPD data and major findings.

**a. High Priority Precincts for Firearms Seized or Surrendered and Connected to Crimes**

Number of Seized or Surrendered Guns by NYC Precinct, January 2022- December 2022*			
# Seized or Surrendered	# Connected to Crime	Top 10 Precincts for Seized	Top 10 for Seized & Connected to Crime
6,772  (+8% up from last year's report)	4,868 (71%)  (as compared to 35% in last year's report)	<b>BK/75 (276)**</b> BK/77 (270) QNS/113 (229) MN/23 (223) BK/67 (220) <b>BK/73 (201)**</b> BX/43 (200) BX/46 (183) BX/48 (182) <b>BX/42 (180)**</b>	BX/46 (91%) <b>BX/42 (89%)**</b> BX/48 (87%) BK/77 (86%) BK/67 (86%) <b>BK/73 (81%)**</b> BX/43 (79%) <b>BK/75 (77%)**</b> QNS/113 (77%) MN/23 (61%)

\*This chart is a summary of the data found in Appendix A produced by MOCJ.

\*\*Gun Violence Prevention Task Force Priority Precinct<sup>5</sup>

As the data reflects, most of the precincts that report high volumes of seized firearms also report a higher connection to those guns and the commission of a crime. Furthermore, there is a high concentration of seized guns and crime guns in Brooklyn and the Bronx, with only one Queens and one Manhattan precinct making the top 10 list. This was the same case in last year's report. The change from 2021 (last year's report) to 2022 (this year's report): three of the four Bronx precincts changed to adjacent precincts the following year. Otherwise, the same Brooklyn (4), Manhattan (1), and Queens (1) precincts have the highest concentrations of seized and crime guns. These precincts are also all within the top 30 for shootings and murders/homicides by precinct in 2023 and 2024. Eight of these precincts are in the top 10 precincts for shooting incidents, with MN/23<sup>rd</sup> and QNS/113<sup>th</sup> as the exceptions. Four Brooklyn precincts account for nearly half (45%) of all of the top 10 shootings, concentrated in the 73<sup>rd</sup>/Brownsville and 75<sup>th</sup>/East New York in Brooklyn which accounted for nearly a third (30%). Two Brooklyn precincts - 75<sup>th</sup>/East New York and 77<sup>th</sup>/Crown Heights- lead the precincts for the highest number of guns seized or surrendered. And two Bronx precincts - 46<sup>th</sup>/Fordham, University/Morris Heights, Mount Hope and 42<sup>nd</sup>/Morrisania - top the list for illegal firearms seized or surrendered and connected to a crime.

<sup>5</sup> The GVPTF is an interagency task force focused on reducing gun violence convened by Mayor Adams and co-chaired by the First Deputy Mayor and NYC Gun Violence Czar A.T. Mitchell. The Task Force prioritized six precincts to focus on based on NYPD CompStat data analysis of the top six precincts in New York City with the highest number of shooting incidents over a year.

Of note for the differences in this report's numbers (2022) as compared to last year's (2021) is the overall uptick and their connection to crime. Over 500 more illegal guns were seized or surrendered in 2022 as compared to in 2021. This is an 8% increase (6,772 vs. 6,242). A significantly higher volume of the illegal guns recovered were connected to crimes, nearly doubling from 2021 to 2022. Whereas in 2021 about a third (35%) of the illegal guns were connected to crimes, this increased to nearly two-thirds (71%) in 2022. It is too early to know what the cause or driver of this is. However, MOCJ and NYPD will continue to monitor and track the numbers and statistics, to evaluate what strategies had a positive impact on this. Further analysis and access to data (currently walled behind federal legislation) is required to get a better understanding of what impacted this uptick in the volume of illegal guns seized or surrendered and the percent also connected to crimes.

These findings align with NYPD CompStat shooting data which demonstrates that these same precincts in Brooklyn, the Bronx, Queens, and Manhattan have some of the highest rates of shooting incidents in NYC. This data indicates that there is a correlation between illegally trafficked guns and the problem of disproportionately elevated violent crime rates in Brooklyn and the Bronx.<sup>6</sup>

#### **b. Pistols are the Most Dominant Type of Traced Crime Guns in NYC**

Between 2021 and 2022 in NYC, pistols continued to be the most frequently traced crime guns.<sup>7</sup> Of the 4,868 illegal guns recovered and traced to crimes by the NYPD in NYC in 2022, pistols again accounted for the vast majority (76%) with revolvers again a distant second (12%). Rifles only accounted for 3% and shotguns for 2%. These percentages largely stayed the same from year to year.

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<sup>6</sup> This is in line with an earlier Braga study for firearms seized between 2010 and 2015 that found that in the Bronx and Brooklyn, crimes with guns were more likely to have been trafficked with 75% of firearms seized having been in the possession of illegal possessors. See Braga AA, Brunson RK, Cook PJ, Turchan B, Wade B. *Underground Gun Markets and the Flow of Illegal Guns into the Bronx and Brooklyn: A Mixed Methods Analysis*. J Urban Health. 2021 Oct;98(5):596-608.

<sup>7</sup> ATF defines a "pistol" as a "weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s)." 27 CFR § 478.11.

<b>Types of Traced Crime Guns in NYC, January 2022- December 2022*</b>		
<b>Firearm Type</b>	<b>Number</b>	<b>Percent</b>
PISTOL	3,719	76%
REVOLVER	585	12%
OTHER HANDGUN	219	4%
RIFLE	186	3%
SHOTGUN	78	2%
DERRINGER	41	.8%
OTHER LONG GUNS	27	.5%
OTHER PARTS & ACCESSORIES	13	.3%
<b>Total</b>	<b>4,868</b>	<b>100%</b>

\* This chart is a summary of the data found in Appendix A produced by MOCJ.

### c. Findings Per the ATF's Reported Traced Crime Guns Data

Both the concentration of trafficked guns into high gun violence precincts, as well as the proliferation of pistols over other types of guns used in a crime, align with national trends, as per MOCJ's review of the ATF's publicly reported data on trafficked weapons.<sup>8</sup>

## 2. A review of the ways firearms are illegally transported into the city via roadways on/connected to Interstate 95 and seaports or bodies of water:

A 2016 New York State Attorney General analysis found that almost half of out-of-state guns in NYC originate in six states<sup>9</sup> known to have more relaxed gun laws that are then carried into New York State.<sup>10</sup> Per NYPD data analysis, most firearms purchased legally outside of New York and transported illegally into New York primarily enter the city through private transportation and privately run bus companies.

Federal restrictions limit NYC's ability to collect useful data and conduct research about the way that these firearms may be trafficked into the city via firearms dealers and buyers. For example, the collection of data on the inventories of legal dealers is prohibited,<sup>11</sup> which makes it difficult to detect whether rogue gun dealers or guns stolen from legal dealers are a contributor to gun trafficking into NYC through Interstate 95.

<sup>8</sup> "PART III: Crime Guns Recovered and Traced Within the United States and Its Territories." ATF Report. p.16-17.

<sup>9</sup> From the New York Attorney General's crime gun analysis Target on Trafficking, those six states are Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, and Florida.

<sup>10</sup> <https://targettrafficking.ag.ny.gov/#part1>. This is supported in the ATF data for New York, see: <https://www.atf.gov/resource-center/firearms-trace-data-new-york-2020>

<sup>11</sup> CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012, P.L. 112-55, 125 Stat. 552, 610 (2011).

3. A review of the ways states and municipalities collaborate to prevent illegal transportation of firearms along with recommendations to strengthen collaboration:

- a. **Recommendations for strengthening collaboration between the Mayor's Office of Criminal Justice, the Police Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and other relevant state and federal agencies:**

MOCJ and the NYPD are focused on working with all city, state and federal partners to improve trace capacity and data sharing with other jurisdictions where possible. That said, without vital information sharing and tracking, including for research, the city cannot maximize the use of its resources to better combat illegal gun trafficking.

Accordingly, MOCJ recommends developing a cohesive federal advocacy strategy in tandem with strengthening and expanding the city's ability to use existing resources through:

- **Municipal coalition building to advocate for change at the federal level.** Working with our sister cities and municipalities to encourage state legislatures and governments to require permits and eliminate barriers to data sharing and collecting. As reflected in this report, NYC's illegal guns largely originate in other jurisdictions. Federal restrictions limit the ability to use and distribute trace data that may aid the establishment of effective policies to prevent illegal guns from being used in a crime. The ability to access and analyze information originating in those jurisdictions is vital to a strong precision strategy.

Furthermore, federal restrictions can impede the enforcement of gun laws. For example, the requirement that all gun purchaser records be destroyed within 24 hours of approval, as well as the prohibition on reporting of gun dealer inventories, remove invaluable tools for law enforcement by eliminating the ability to identify jurisdictions that may contribute to the flow of illegal firearms into the city.<sup>12</sup>

- **Enhanced Data Tracking.** Federal, state, local law enforcement and criminal justice organizations meet on a regular basis to discuss investments and strategies with a particular focus on gun crimes and gun violence. To further improve the City's overall operational efficiency, MOCJ proposes expanding upon these collaborative approaches. Together with existing law enforcement partners at the state and local levels, the goal would be to create a centralized database containing firearms trafficking summary trace data and other related gun violence data, including any data covered by this report so that such data is easily accessible in real time. In the coming year, MOCJ and NYPD will continue to explore how to build on existing collaborations to streamline and improve data collection and sharing.

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<sup>12</sup> CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012, P.L. 112-55, 125 Stat. 552, 610, 632 (2011).

- b. Recommendations for strengthening law enforcement's ability to trace firearms, including whether increase microstamping would be feasible and effective:

### ***Microstamping***

Microstamping laws enable law enforcement to solve more gun crimes by following the chain of custody of a firearm used in a crime.<sup>13</sup> State law currently requires that the New York State Department of Criminal Justice Services ("DCJS") study the feasibility of microstamping.<sup>14</sup> If deemed feasible, this would establish a mandate for newly purchased handguns only. The NYPD suggests that microstamping ammunition would enable law enforcement to track who purchased the ammunition, enhancing any investigations regarding NIBIN/Loaded gun cases. If deemed feasible, the city would need to engage in further research to determine if microstamping would be effective given the limitations of state or local laws and the large percentage of guns that originate from out-of-state, as discussed in this report.

### ***Enhanced Data Tracking and Technology Tools***

Despite evidence that NYC's illegal guns are being trafficked from other states, federal law prohibits the creation of a comprehensive central database logging the registration of firearms, firearms purchasers, or firearms transactions, with few exceptions.<sup>15</sup> For example, although the National Instant Criminal Background Check System ("NICS") is an imperative tool for conducting background checks on potential firearms purchasers to verify the purchaser is not federally or state prohibited from possessing or receiving a firearm, federal law prohibits using the NICS to create a database of registered firearms or firearm owners.<sup>16</sup> Such a database could be a useful method of curbing illegal gun activity and encouraging responsible gun practices by helping law enforcement quickly and reliably trace firearms.

New technology solutions can be further used to help identify suspects and those carrying guns. For example, the ATF's National Integrated Ballistics Information Network (NIBIN), housed within the NIBIN Enforcement Support System (NESS), provides federal, state, tribal, and local law enforcement with NIBIN hits and leads linking ballistic evidence between crime scenes and firearms recovered by law enforcement. The NYPD's use of the ATF system has drastically reduced the amount of time needed to analyze ballistic material, from weeks to days.

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<sup>13</sup> See A.B. 7926, 244th Sess., at 2 (N.Y. 2021) ("Widespread use of microstamping technology would help ensure public safety and prevent crime. . . . Incorporating microstamping features in more handgun models sold in New York would likely reduce' interpersonal gun violence in this state by aiding law enforcement efforts to solve and deter shootings, homicides, and other gun-related crimes, and prevent cycles of retributive violence from occurring.").

<sup>14</sup> Please note that the report has not yet been produced.

<sup>15</sup> See, e.g., 18 U.S.C. § 926(a) (prohibiting the establishment of "any system of registration of firearms, firearms owners, or firearms transactions or dispositions" by the Attorney General under this chapter).

<sup>16</sup> See 28 C.F.R. § 25.9(b)(3) ("The NICS, including the NICS Audit Log, may not be used by any Department, agency, officer, or employee of the United States to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited from receiving a firearm by 18 U.S.C. 922(g) or (n) or by state law."); see also Registration, Giffords Law Center, [https://giffords.org/lawcenter/gun-laws/policy-areas/owner-responsibilities/registration/#footnote\\_4\\_5607](https://giffords.org/lawcenter/gun-laws/policy-areas/owner-responsibilities/registration/#footnote_4_5607).

The NYPD and ATF's NESS/NIBIN Enhancement pilot, referred to as "Gun Track," has built out a mapping dashboard to map ballistics trends and patterns as an analytical tool for prioritizing cases and case processing best practices. Gun Track can help trace ballistics to guns used in different boroughs and incidents that occurred at different time periods.<sup>17</sup> Through this mapping tool, law enforcement is able to quickly pinpoint ballistics connections for escalation and coordination across jurisdictional lines, further enhancing collaboration across city and state law enforcement agencies and the federal government as needed.

MOCJ recommends exploring further ways to use NIBIN to its full potential by building on the mapping dashboard pilot through coordinated citywide reviews and strategic responses. Additionally, dedicating resources to the NYPD for tracking and coordinating citywide efforts and strategic responses for timely review and continuing to work with the city's District Attorneys and Special Narcotics Prosecutor are essential. While further evaluation and data analysis would be needed, this could help increase the number of cases processed and be an effective crime reduction strategy worth further exploration.

**c. Recommendations for implementing a shared electronic tracking system to identify dealers who have sold a particular firearm:**

***eTrace***

eTrace<sup>18</sup> is a shared web-based firearms tracing and analysis system run by ATF's National Tracing Center.<sup>19</sup> It is used by federal, state, and local law enforcement agencies to trace the purchase and/or use history of firearms used in violent crimes. It helps trace guns used in a crime back to their original manufacturer, distributor, and/or first point of sale, aiding law enforcement in identifying suspects in violent crimes and gun trafficking activity, as well as potential dealers who may have sold a particular firearm. New York State currently requires that all firearms used in the commission of a crime be submitted to eTrace to track the movement history of the firearm.<sup>20</sup> However, this system is accessible only by authorized law enforcement agencies, and use of this system is generally limited to tracing firearms involved in criminal investigations. Thus, eTrace cannot provide dealer sale information outside of that context without federal legislative revision. This lack of transparency inhibits the use of this data for civil use, such as research that could aid law enforcement and local policy makers in identifying sources and trends of gun trafficking in New York City.

**d. Examining the value of establishing a firearm dealer code of conduct, including recommendations for provisions that should be included in code of conduct:**

It is unclear how effective a state or local dealer code of conduct in New York would be in curbing firearms trafficking into NYC. Although potentially helpful to commit firearms dealers to specific

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<sup>17</sup> Such as ballistics recovered in Staten Island for reckless endangerments that were tied to ballistics from two separate shooting incidents in two different boroughs a few months later.

<sup>18</sup> <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-ettrace-internet-based-firearms-tracing-and-analysis#:~:text=eTrace%20is%20a%20web%2Dbased,firearms%20used%20in%20violent%20crimes>

<sup>19</sup> ATF is the only federal agency with authorization to trace firearms.

<sup>20</sup> N.Y. Exec. Law § 230.



business practices on the city level, there are a few issues with enactment. First, firearms dealers in New York State are already required to obtain licenses from the ATF and the state to conduct business.<sup>21</sup> They must also undergo training developed by the Superintendent of State Police, which covers many of the issues inherent to gun trafficking.<sup>22</sup> Thus, implementing a code of conduct covering many of the same policies that are already part of federal and state trainings would be redundant.

Furthermore, it is unclear what effect a city or state code of conduct would have, if any, given that most illegal guns come into NYC from other states. However, it could be worth exploring developing multi-state or city coalitions that support specific deal practices, to establish a firearm code of conduct template for other states or city governments that helps outline a firearm dealers' obligations and how to implement those obligations, including detecting and preventing straw purchases, preventing theft, and more. Further, to the extent helpful, city or state authorities could reach out to federal authorities about federal codes of conduct and their potential impact on gun trafficking, as well as explore the factors that have an impact on obtaining or retaining a dealers' license and whether implications for the dealers' license might be more effective than a code of conduct.

#### **4. Recommendations for policies to prevent access to firearms by individuals who are likely to harm themselves or others:**

##### ***a. Orders of Protection: Domestic Violence and Extreme Risk***

The court can prevent access to firearms by people who are at a high risk of using them to hurt themselves or others by issuing an order of protection. This includes an order of protection for victims of domestic violence<sup>23</sup> as well as an Extreme Risk Order of Protection ("ERPO").<sup>24</sup> Thus, orders of protection are a current legal mechanism by which the justice system can prevent access to firearms by individuals likely to harm themselves or others where a person's safety is an issue. MOCJ recommends that city authorities create more awareness around ERPO as an option to help prevent access to firearms by such individuals.<sup>25</sup>

##### ***b. Domestic Violence Misdemeanors***

MOCJ recommends that city and state authorities develop a policy that would address the information gap inherent to the requirements of Criminal Procedure Law § 370.15 concerning firearm purchases for defendants convicted of a domestic violence misdemeanor. The statute requires the New York State Judiciary to notify the Division of Criminal Justice Services upon a

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<sup>21</sup> N.Y. Penal Law § 265.00(9); N.Y. Penal Law § 400.00.

<sup>22</sup> N.Y. Gen. Bus. Law § 875-e.

<sup>23</sup> <https://nycourts.gov/CourtHelp/Safety/OP.shtml>

<sup>24</sup> An ERPO is "a court order issued when a person may be dangerous to themselves or others. An ERPO prohibits a person from purchasing or possessing guns and requires the person to surrender any guns they already own or possess." <https://nycourts.gov/CourtHelp/Safety/ERPOabout.shtml>

<sup>25</sup> Note that an ERPO cannot order a person to stop their abusive behavior, nor can it order the subject of the order to stay away from the person who requested the order.

defendant's conviction of a qualifying offense.<sup>26</sup> These convictions are included in a database of those prohibited from possessing or purchasing firearms maintained by National Instant Criminal Background Check Systems ("NICS"). The number of qualifying offenses statewide reported to DCJS to-date is seemingly low and likely lower than the number of qualifying offenses.<sup>27</sup> We recommend that city and state authorities work together to find the cause of this information gap and thus enable localities to better identify those who should not possess a firearm.

### *c. Crime Victim Services*

MOCJ recommends increasing accessibility to trauma-informed therapeutic services and financial support within crime victim assistance programs. Research indicates that victims of gun violence are left with economic consequences in the form of health care bills, missed employment, and other costs that can contribute to broader cycles of violence.<sup>28</sup> Current services provide financial aid and trauma services,<sup>29</sup> however, these services are often focused on forms of victimization outside of gun violence and have restrictions that may make it difficult for victims of gun violence to make claims. As such, MOCJ recommends city and state authorities reassess these programs to ensure gun violence victims are not being inadvertently excluded from helpful services.

## **5. Recommendations for youth-related programs to discourage the use of firearms by minors:**

The city continues to work on a regular basis with non-governmental partners to provide programming to discourage the use of firearms by youth. These programs involve direct early intervention which is considered critical to a long-term strategy to reduce youth violence and crime. For example, the Summer Youth Employment Program (SYEP) engages youth in therapeutic services and helps end historical conflicts and cycles of retaliation. SYEP recently expanded to occur year-round and grew to 7,000 slots that focus on priority precincts for gun violence.<sup>30</sup> There are a number of city-funded youth programs that have shown success at engaging youth to discourage firearms use<sup>31</sup> – examples include the Atlas Program,<sup>32</sup> Project Pivot,<sup>33</sup> the Crisis Management

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<sup>26</sup> Conviction of domestic violence misdemeanor qualified as a "serious offense" pursuant to PL § 265.17 and renders the defendant ineligible to possess a firearm under state law.

<sup>27</sup> It is unclear at this stage where the disconnect is and could be due to a few different causes (for example, if CPL § 370.15 filings are not done in a timely manner).

<sup>28</sup> [https://8670822.fs1.hubspotusercontent-na1.net/hubfs/8670822/Reports/FAVC%20Report%2027\\_05%20Final%20\(1\).pdf?\\_hstc=53248631.ac6ebdaf269a4e651b4d3a206d95a648.1693260896293.1693260896293.1693260896293.1&\\_hssc=53248631.1.1693260896294&\\_hsfp=2180945085&hs](https://8670822.fs1.hubspotusercontent-na1.net/hubfs/8670822/Reports/FAVC%20Report%2027_05%20Final%20(1).pdf?_hstc=53248631.ac6ebdaf269a4e651b4d3a206d95a648.1693260896293.1693260896293.1693260896293.1&_hssc=53248631.1.1693260896294&_hsfp=2180945085&hs)

<sup>29</sup> Current services include New York City's Office of Victim Services (OVS), Office of Crime Victim Services (OCVS), and Crime Victim Assistance Program (CVAP).

<sup>30</sup> The press announcement detailing the expansion can be found here: <https://www.nyc.gov/office-of-the-mayor/news/081-22/new-york-city-mayor-eric-adams-record-100-000-summer-youth-employment-opportunities#/0>

<sup>31</sup> See the Mayor's Office to Prevent Gun Violence and Office of Neighborhood Safety's website for more detail on array of city funded programming to reduce gun violence:

<https://www.nyc.gov/site/peacenyc/resources/community-resources.page> and

<https://neighborhoodsafety.cityofnewyork.us/>

<sup>32</sup> <https://unitedwaynyc.org/atlasinitiative/>

<sup>33</sup> <https://www.schools.nyc.gov/school-life/school-environment/project-pivot>.

System (CMS) of Cure Violence sites, the Mayor’s Action Plan for Neighborhood Safety (MAP),<sup>34</sup> and Assertive Community Engagement and Successes (ACES), and Op WRAF (Operation Writing, Rapping, Acting, Filmmaking).<sup>35</sup> MOCJ recommends continuing and expanding these youth focused programs in order to discourage the use of firearms by minors.

## **6. Recommendations for crime prevention through environmental design improvements, including additional lighting in public spaces:**

Place-based interventions have been shown to reduce violence, improve the quality of public spaces and buildings, and serve as an effective way of decreasing community violence.<sup>36</sup> As such, community centers, parks, and playgrounds are essential safe spaces for city residents. MOCJ recommends leveraging and expanding existing community-based programs, such as Open Streets<sup>37</sup> and pop-up community programming in neighborhoods with high gun violence rates to increase place-based programming in community spaces. These programs have been successful in engaging the community on a local level as well as increasing overall neighborhood vibrancy.

## **7. Impediments to reporting additional relevant data to illegal firearms, including any legal restrictions on such reporting or the use of such data for such reporting:**

Federal law limits disclosure of the contents of the Firearms Tracing System solely to: “(1) a federal, state, local, or tribal law enforcement agency, or a federal, state, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a federal agency for a national security or intelligence purpose.”<sup>38</sup> As a result, even where firearms data may be collected, ATF is prevented from sharing such data with city agencies and institutions that are not part of law enforcement. This significantly limits the access to and use of firearms trace data for any purpose beyond active criminal investigations. For example, these restrictions limit the creation of academic scholarship examining the flow of firearms, outside the limited information provided by ATF. These restrictions also inhibit the ability of legislators to tailor legislative proposals around issues that could possibly be ascertained by more public reporting on data collected by ATF.

Further, the federal legislation prohibits ATF from requiring dealers to submit a physical inventory,<sup>39</sup> which creates an information gap on dealer inventories, especially when it comes to dealer claims that firearms have gone missing and making it more difficult to quickly identify the point of origin for a firearm. Finally, federal laws require the “destruction of any identifying information” of a

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<sup>34</sup> <https://neighborhoodsafety.cityofnewyork.us/> See also: Section 13-f of the city charter on the creation and reporting requirements associated with the Office of Neighborhood Safety.

<sup>35</sup> <https://www.cases.org/assertive-community-engagement-success-aces/>

<sup>36</sup> For example, higher investment in parks and community gardens in East Harlem and Washington Heights, Highbridge, and Hunts Point led to 530 fewer felonies per 100,000 residents. See Community Engagement Session, NYC Gun Violence Prevention Task Force. March 15, 2023. Prepared by HR&A.

<sup>37</sup> <https://www.nyc.gov/html/dot/html/pedestrians/openstreets.shtml>

<sup>38</sup> CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012, P.L. 112-55, 125 Stat. 552, 609 (2011).

<sup>39</sup> *Id.*, at 610.

person making a legal gun purchase “no more than 24 hours after the system advises a federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate” federal or state law.<sup>40</sup> These limitations only further impede ATF’s ability to collect and trace informative data with respect to firearms trafficking.

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<sup>40</sup> *Id.*, at 632.

## Appendix A

See attached excel labelled LL090 Firearms Trafficking Report 2023\_Appendix A