

Firearm Forfeiture Report

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This report satisfies Minnesota Statute 4A.06.

Information available to lawmakers regarding the use of firearms in the commission of crime is limited. To facilitate informed policy decisions, the 1994 Minnesota Legislature issued a mandate to the Criminal Justice Statistics Center at Minnesota Planning to collect and report annual firearms-related data. The directive requested information on the number of people arrested, charged, convicted and sentenced for violations of each firearm-related law including the make, model and serial number of each gun involved, and a breakdown by county of the crimes committed. The lack of a centralized database system in the state precludes the Criminal Justice Statistics Center's ability to meet the requirements of the 1994 mandate. Two other state agencies received mandates to collect and report data on firearms:

■ **Minnesota Sentencing Guidelines Commission:** criminal complaints and prosecutions involving a firearm regarding whether the case was charged or dismissed; whether the defendant was convicted of the offense or a lesser offense; and whether the mandatory minimum sentence was imposed and executed or waived by the prosecutor or court.

■ **Minnesota State Auditor's Office:** firearm forfeiture information from law enforcement agencies including the make, model and serial number.

The Minnesota Sentencing Guidelines Commission and the Minnesota State Auditor's Office are currently publishing annual reports detailing information that satisfies their mandates. Due to the complexity of the Legislature's request and lack of relevant data, the Criminal Justice Statistics Center is not able to provide data that tracks offenders and the weapons they use in crime.

A centralized database linking weapon and offender data does not exist. Pieces of information related to each criminal incident are recorded in different data sets and stored in various locations across the state. Information on weapons used to commit crime is recorded by law enforcement officers at the time of arrest, documented on paper and kept in police files. Separate demographic information about the offender is compiled as well. The structure of these individual data sets precludes linking information from the same incident.

One outcome from this potpourri of data collection and storage is that Minnesota does not have a way to track firearms and offenders through the entire justice system, from the time of arrest through court activity to sentencing. In addition, any information about weapons used in crime will always exclude those situations where police know that an incident was gun-related, but were not able to recover the weapon used by the offender. Minnesota also has approximately 100 statutes relating to firearm use and possession that regulate everything from purchases and sales, possession, storage and transportation, hunting and sport use to imposing criminal penalties. Related statutory data is not collected or readily available, or is limited in scope.

With the objective of supplying the best possible data available, the Criminal Justice Statistics Center worked with legislators and agreed to complete an analysis of the data collected by the State Auditor as part of their mandate. The State Auditor was asked to collect state and county forfeiture data for each firearm: the make, model and

serial number; reason for forfeiture; and final disposition. The Auditor's data file does not contain information regarding offenders or state laws affecting firearm use and possession; however, it is the most complete and readily available data on firearms used in crime. It was agreed that the Criminal Justice Statistics Center would complete an independent analysis of the State Auditor's data to extract more in-depth statistical information. All data produced by the Criminal Justice Statistics Center is based upon the State Auditor's data set and in essence is available in their annual report *Criminal Forfeitures in the State of Minnesota*.

The firearm forfeiture data has a number of additional limitations. It can only provide a picture of firearms forfeited — meaning those that made it into police hands — and does not include information about those guns still sitting in the property room of the police department. A few days to several years may elapse between the time a gun is seized (taken into possession) and subsequently forfeited (law enforcement gain legal rights to the gun). This time lapse may occur when firearms are used as evidence in a lengthy court trial or when law enforcement agencies allow time to find the lawful owners of stolen guns. The varying timeline between each seizure and forfeiture affects the data available and does not necessarily provide a complete picture of only those guns used in crime during a given year. A change from one year to the next will not necessarily mean that more guns were being used in crime per se. For example, law enforcement agencies reported 1,272 forfeitures in 18 Minnesota counties during 1997, down from 1,810 forfeitures the previous year. This may be a reflection of the forfeiture process or simply may mean there were fewer forfeited guns, or fewer guns were physically recovered by law enforcement.

Furthermore, the forfeiture data does not describe only those guns used in criminal activity. Firearms may be forfeited for other circumstances including those abandoned or found, illegally possessed, found with a search warrant or used in a reckless discharge or suicide. Seizure also does not always result in forfeiture; guns that are seized and later returned to owners are not considered forfeited and are not included in the data set.

Aside from limitations already mentioned, other issues serve to weaken the value of the data. Not all law enforcement report their forfeitures or may not be aware that they are required to report. In addition, documentation techniques are not consistent across agencies and in some cases are not done correctly.

Other data sets and methods exist for gaining information on firearms. No one option fully satisfies the 1994 Legislative mandate, but each accomplishes in some way the goal of gaining better data related to guns.

Use alternative data sources

Firearm forfeiture data is the only readily available source of detailed information on gun attributes such as the make, model, caliber and action. Other types of firearms-related sources are Uniform Crime Reports, Supplementary Homicide Reports and Computerized Criminal History Record data.

- Uniform crime reports include limited weapon information for a few offenses and only pertain to those offenses that are known or reported to police. When available, law enforcement agencies document weapon use for murder, robbery and aggravated assault. This data set does not maintain information on offenders.
- Supplementary homicide report data only pertains to one offense: homicide. It contains detailed information regarding each homicide occurring in a particular year. Victim and offender demographic data is recorded as well as weapon type, victim-offender relationship and the circumstances surrounding the incident. This data set does not contain court, conviction or sentencing information.
- The state's computerized criminal history file contains information for all offense types but is limited to felony, and only certain gross misdemeanor and misdemeanor level cases. Offender demographics, weapon type, arrest, court, conviction and sentencing data is documented.

These data sets do not contain gun attributes such as caliber, action, make, model or serial number, or information on state laws affecting firearm use and possession. They cannot be used together to provide a complete picture of firearms-related crime; however, each offers a distinct dimension for focused analysis.

Computerize firearm data at the time of arrest

One of the main obstacles to fulfilling the Criminal Justice Statistics Center's legislative directive was the lack of a statewide computer system that links detailed firearm data to offenders and tracks the information through the criminal justice system. The Minnesota Sentencing Guidelines Commission also found it difficult to provide the data requested by lawmakers for similar reasons.

A task force could assess the feasibility of establishing such an electronic system. Current barriers include lack of technology, resource constraints, utility and overall cost for full implementation, equipment and training.

Conduct a pilot project to track guns

The Boston Gun Project studied the relationship of juvenile crime and use of firearms. Working with the Bureau of Alcohol, Tobacco and Firearms gun tracing data set, the study tracked the origin and ownership of firearms recovered by law enforcement. The complete database created for the project included detailed gun attribute information; date and state where the gun was first sold; location of the gun seizure; and additional demographics, where available, pertaining to the individual from whom the gun was taken. In addition, the project gained information through interviews with youth on probation, and analyzed homicide and other social data.

Focusing on firearm seizures would capture information on all firearms that pass through law enforcement hands and their relationship to crime; demographic and other data could be added to enhance the database. Such a project would provide Minnesota with detailed characteristics of offenders who use guns.