Law enforcement gains

Thousands of rifles, shotguns, machine guns and other firearms from criminals across the United States (U.S.) are seized by police officers every year. However, not all of these weapons end up being destroyed. Although not by choice, some agencies do destroy them but some have the authority to sell them instead. Since 2009, there have been at least 11 states in the U.S. that have passed laws that both stimulate or send orders to police departments to sell confiscated or recovered guns. Furthermore, according to an exclusive CNN Money analyst, some of the states ban police from destroying these weapons. It is not easy to find out how many states have a history of pushing the police department to trade confiscated guns. On the other hand, agencies in only a small number of states were actually forced to trade them prior to 2009. For example, Kentucky was the first state to ban the destruction of firearms in 1998. This law has served as an inspiration of legislation for the rest of the states. It is the National Rifle Association (NRA) that stands behind these special interests and claims that by destroying the firearms, the police department would not only eliminate well-functioning guns, but also they would throw away a potential source of revenue. However, "whether it was seized from a crime scene, taken during a routine traffic stop, found abandoned or recovered in some other way, a gun is held by police until any criminal investigation or court proceeding has taken place."[1] After certain procedures, police look for the lawful owner of the gun. A number of law enforcement agencies in Chicago, New York and Los Angeles, as well as the U.S Department of Justice destroy the guns. However, in some states, the law requires only to destroy non-working, unsafe or illegal guns. In some cases the police department allows the destruction of those weapons that have been used in violent crimes. In other cases, in other states it is legal to donate seized guns to other government agencies or retain them for their own use.

The way police departments sell guns varies. Some only sell to federally-licensed gun dealers, which ranges from online gun markets to brick-and-mortar firearm stores. Other law enforcement agencies trade the firearms right to the public through auction, oftentimes at a big discount in comparison to the actual value of a new gun from a gun store. The weapons sold by the police are usually highly discounted and are often the less expensive models favored by criminals. CNNMoney found some of these weapons on sale for around 75% less than what they would new one be offered for in a licensed gun store.[2] Usually, police take a reactive approach when handling gun crimes. These approaches include "investigating violent gun crimes and making arrests for illegal possession or carrying when they encounter violations during routine activities (such as answering calls for service)."[3] On the other hand, the proactive strategies that the law enforcement employs has been designed to emphasize the targeting of gun crimes. These include:

- "disrupting the illegal supply of firearms through investigation of illicit gun trafficking, gun theft, and suspicious activities by retail gun dealers;

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1 Hicken, Blake Ellis and Melanie. 2015. "New Laws Force Police to Put Guns Back on the Street." CNNMoney. October 21, 2015. https://money.cnn.com/2015/10/21/news/police-selling-seized-guns/index.html.

2 Ibid.

3 Koper, Christopher S., and Evan Mayo-Wilson. 2012. "Police Strategies to Reduce Illegal Possession and Carrying of Firearms: Effects on Gun Crime." *Campbell Systematic Reviews* 8 (1): 1–53. https://doi.org/10.4073/csr.2012.11.

- focusing intensive investigative and enforcement activities on violent gun offenders and people at high-risk for gun violence (such as gang members and career gun offenders);
- implementing educational and preventive activities in conjunction with schools and other community groups (e.g., teaching students about gun safety) and
- collaborating with other criminal justice, government, and community organizations on comprehensive initiatives that combine various enforcement, prosecutorial, and prevention activities."[4]

Law enforcement activities are typically divided between standard (or traditional) law enforcement activities and proactive strategies. While standard law enforcement approaches include monitoring and reacting to the ongoing law violations; the latter one involves a range of activities that seek to stop crime before they occur.[5]

What does seizure of firearms mean?

The basis for seizure of firearms approach and drawing attention to the connection between illicit trafficking and confiscation, can be found in article 6 of the Firearms Protocol. The article states that "States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked."[6] Nevertheless, the Protocol states that "States shall seize firearms, their parts and components and ammunition that have been illicitly trafficked or manufactured."[7] The Protocol also mentions that "States may also seize and destroy firearms that are suspected of being trafficked or illicitly manufactured while an investigation is being undertaken, as a measure to prevent these firearms from being trafficked elsewhere."[8] As the United Nations Office on Drugs and Crime (UNODC) study on firearms (2015) puts it, seizures are known for being the best available measure of transnational firearms trafficking at the present time. It is not advised to regard the seizure as intercepted items coming from illegal shipment as they might be ruled eventually legal and returned to their port of origin, or to their proper owner. National legislation and regulations usually cross the boundary of Firearms Protocol provisions, as they often establish legal grounds for seizures that may not be limited to illicit manufacturing and trafficking. In reality, firearms, their parts and components, and ammunition may be seized for several other reasons. They can be seized either from suspicion of them being used in criminal offences, from administrative violations, commercial sale, import, transit or export. As a consequence, the offence associated with the seizure can be greatly depending on the domestic legal framework and dominant law enforcement practices.

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4 Ibid.

5 "Law Enforcement Approaches to Reduce Community Gun Violence." RAND. April 22, 2020. https://www.rand.org/research/gun-policy/analysis/essays/law-enforcement-approaches-for-reducing-gun-violence.html.

6 United Nations Office on Drugs and Crime. 2015. "UNODC Study on Firearms." 2015. https://www.unodc.org/documents/firearms-protocol/UNODC_Study_on_Firearms_WEB.pdf.

7 Ibid.

8 Ibid.

Furthermore, seizure can be also found in article 2 (f) of the Organized Crime Convention. Additionally, seizure can precede final confiscation or forfeiture, which is defined by the same article 2 (g) of the Convention. It is up to the authorization of states who hold the prerogative of adopting laws and regulations that define seizures within their domestic legal system. As a matter of fact, the definition of seizure is more complex than the one of confiscation and the definition is not officially standardized. Norms for seizing firearms and ammunition usually greatly differ from country to country.

Law enforcement is the primary agency of all other agencies and personnel involved, and the seizures usually rest on them. Law enforcement officials may be legally justified to seize a gun on one hand, but on the other hand they may be inhibited in other ostensibly comparable situations. Law and regulations may also impact the recording of seizures. In other words, a firearm impounded by a law enforcement officer may not automatically be regarded as a seizure. In comparison, a death cannot be regarded as a homicide until certain conditions are met and satisfied which depends on domestic rules and practices. Thus, a firearm impounded by authorities cannot be automatically regarded as seized.

Seizure data that focus on trafficking firearms are also collected by the World Customs Organization (WCO). To support the efficiency of the WCO in regards to the international customs enforcement community in gathering data and information, the WCO Customs Enforcement Network (CEN) was developed. The CEN serves as a database of seizures and offences and in 2013, the network recorded a total of 4,902 weapon cases, involving more than 1.4 million individual items.

Classification by concealment method

Concealment method	Number of cases	Quantity (pieces)
In freight	595	60 0773
In baggage	940	39 8412
In transport	983	196 201
Not concealed	340	75 211
Unknown	1218	72 289
In premises	79	48 348
On the person	142	28 283
In mail	603	19 828
On market places	2	14
Total	4902	1 439 359

Classification by seizure location

Concealment method	Number of cases	Quantity (pieces)
Land boundary	1317	65 5858
Seaport	352	481 297
Inland	1362	160 018
Airport	1154	127 287
Mail centre	688	10 629
Rail	22	4 238
River	5	29
Unknown	2	3
Total	4902	1 439 359

These figures portray an overview of the seized firearms, their parts and components and ammunition that the CEN reported in 2012. The tables show that the weapons were mostly found in freight in baggage as such efforts were made when transferring them across land borders and seaports.[9]

9 Ibid.

Furthermore, according to the Gunbusters USA, in recent years, there has been a considerable increase in the amount of firearms seized by or surrendered to law enforcement agencies. Although seizure and recovery numbers have not been disclosed to the general public, around 408,76 crime guns were traced based on the public ATF data records. Furthermore, it is estimated that over a million guns are recovered each year by law enforcement in the United States, which does not include those obtained through agency buy-back programs. Some agencies size guns and store them for years or decades before a decision is made to dispose of them. Other agencies destroy the confiscated and surrendered firearms by sawing in-half, cutting them with an acetylene torch or crushing them with a sledge hammer which are all quite dangerous methods. There are also some agencies who transport weapons to car shredders or foundries, which require significant resources, risking them being lost or stolen during the process. As the Gunbusters USA puts it, "due to the federal air pollution mandates, a number of foundries willing to destroy firearms are declining."[10]

There is an apparent variation in annual seizures. Over 10,000 firearms were reported per year by Brazil, Colombia, Iraq and Mexico. However, fluctuations in firearms seizures occur every year. What causes such changes cannot be determined from the data available and further research is necessary to be done. The reason behind the wide spectrum of possible variations varies. They could occur due to:

- Variations in national record-keeping or reporting practices
- Short-term exceptional events and circumstances
- Long-term process shaping the seizure environment, including:
    - Changes in Government regulations or law
    - Changes in the policies of enforcement agencies
    - Changes in the resources of enforcement agencies
    - Change in domestic demand (crime or armed conflict)
    - Changes in domestic supply or availability
    - Changes in foreign demand
    - Changes in the organizational ability of traders and brokers[11]

Meanwhile on the European continent, on July 24th 2020, the European Commission adopted a new Action Plan on Firearms Trafficking, as part of the Security Union Strategy. As the new threats have been emerging within the EU, new activities to counter firearms trafficking have been employed by the EU. This new plan includes also the "improving knowledge of the threat, addressing the lack of comparable statistics on firearms events and seizures across the EU."[12] Among the main objectives of the new plan is to:

1. Close legal loopholes used by criminals
2. Support law enforcement cooperation (firearms seizures)

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10 "Background. Seeing the Need." n.d. Gunbusters. Accessed August 12, 2020. https://www.gunbustersusa.com/about.html.

11 United Nations Office on Drugs and Crime. 2015. "UNODC Study on Firearms." 2015. https://www.unodc.org/documents/firearms-protocol/UNODC_Study_on_Firearms_WEB.pdf.

12 "Trafficking in Firearms." 2016. Text. Migration and Home Affairs - European Commission. December 6, 2016. https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-firearms_en.

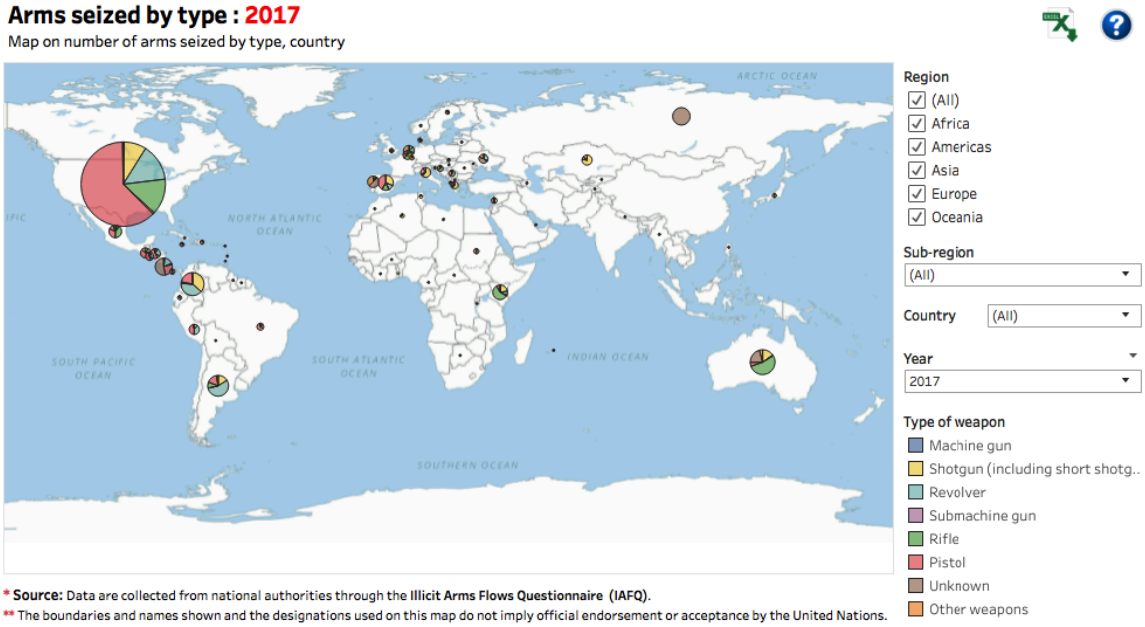
3. Provide financial support to law enforcement and research[13]

One of the most comprehensive inter-governmental organizations Interpol has designed a database called Illicit Arms Records and tracing Management Systems (iARMS) which contains more than a million records on illicit firearms. The database helps police worldwide to record illicit firearms and can search seized weapons to check if they have been reported as lost, stolen, trafficked or smuggled. This database is crucial to help trace illicit seized firearms.[14] Europol, European Union law enforcement agency, is one of the entities focusing on the increase of cooperation among the European Union Member States, and fighting criminal networks that are involved in illegal weapons and explosive trafficking. The agency's Analysis Project (AP) Weapons and Explosives aims to address criminal organizations and individuals involved in the illegal manufacturing, possession and trafficking of small arms and light weapons; ammunition, its parts and components, explosives, and so on.[15]

Following are the UNODC comprehensive statistics of the illicit firearms seized based on various aspects.

Arms seized by type

Following are all guns that were temporarily seized in 2017 by a competent authority in relation to a suspected criminal offence or administrative violation related to these items.



13 Ibid.

14 "Illicit Arms Records and Tracing Management System (IARMS)." n.d. Accessed August 12, 2020. https://www.interpol.int/Crimes/Firearms-trafficking/Illicit-Arms-Records-and-tracing-Management-System-iARMS.

15 "Illicit Firearms Trafficking." n.d. Europol. Accessed August 12, 2020. https://www.europol.europa.eu/crime-areas-and-trends/crime-areas/illicit-firearms-trafficking.

Photo number 1. Source: United Nations Office on Drugs and Crime[16]

Arms sized, found and surrendered by type of making

A properly marked gun has "a unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture."[17]

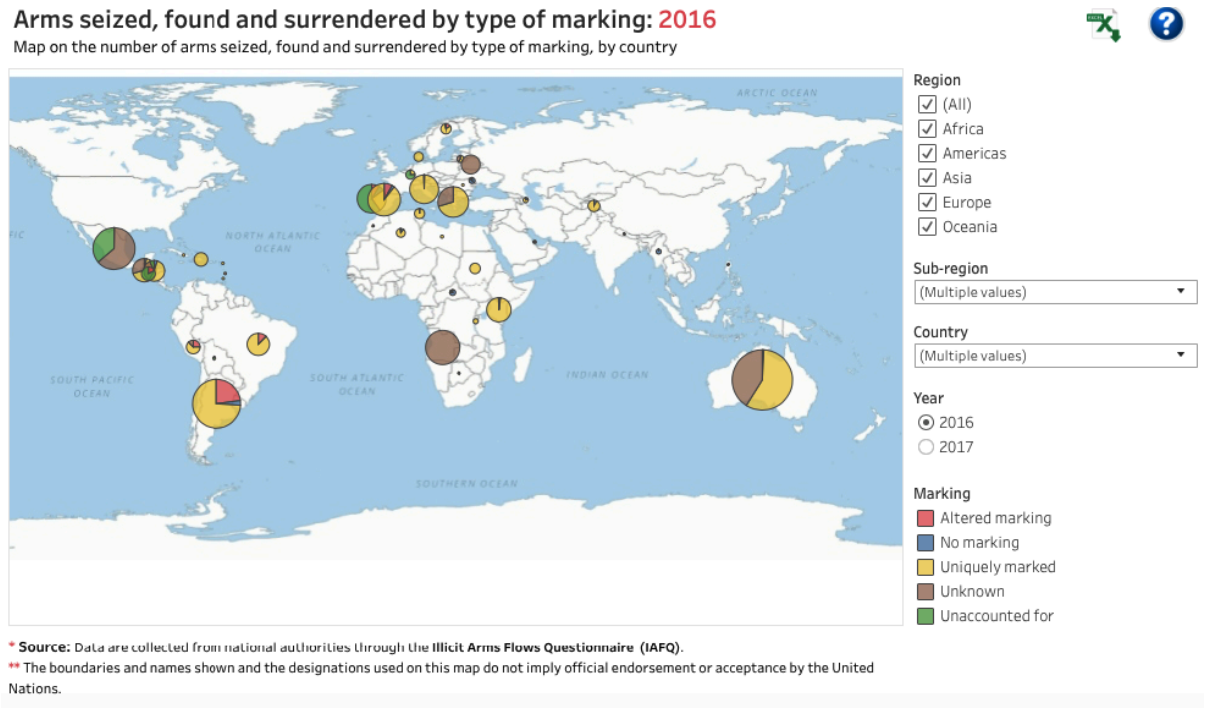


Photo number 2. Source: United Nations Office on Drugs and Crime[18]

Arms seized by legal justification of seizure

This data shows legally seized arms with altered markings, illicit manufacture, illicit possession, illicit trafficking and illicit use.

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16 "Firearms Seized by Type." 2017. United Nations Office on Drugs and Crime. 2017. https://public.tableau.com/views/Firearmdseized/Firearms-Seizure?:embed=y&:showVizHome=no&:host_url=https%3A%2F%2Fpublic.tableau.com%2F&:embed_code_version=3&:tabs=no&:toolbar=yes&:animate_transition=yes&:display_static_image=no&:display_spinner=no&:display_overlay=yes&:display_count=yes&publish=yes&:loadOrderID=0.

17 "Arms Seized, Found and Surrendered by Type of Marking." n.d. United Nations Office on Drugs and Crime. Accessed August 12, 2020. https://public.tableau.com/shared/PPKJBY3RK?:embed=y&:showVizHome=no&:host_url=https%3A%2F%2Fpublic.tableau.com%2F&:embed_code_version=3&:toolbar=no&:animate_transition=yes&:display_static_image=no&:display_spinner=no&:display_overlay=yes&:display_count=yes&:loadOrderID=0.

18 Ibid.

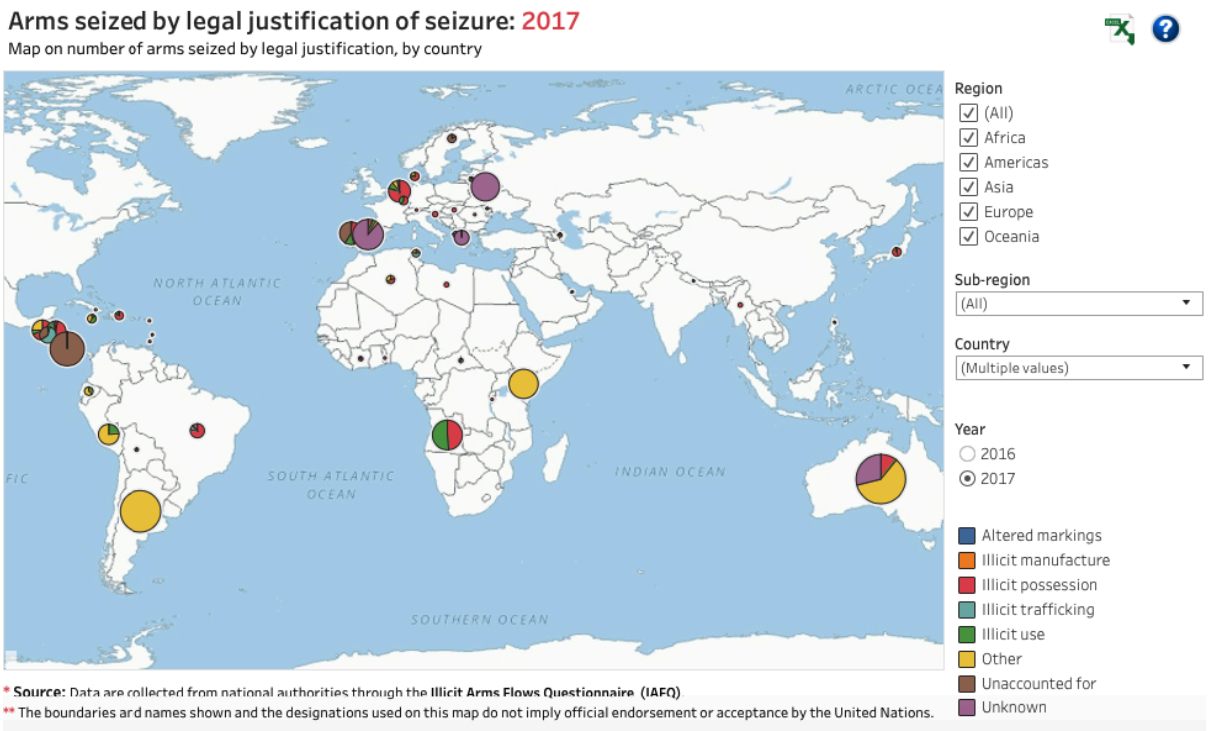


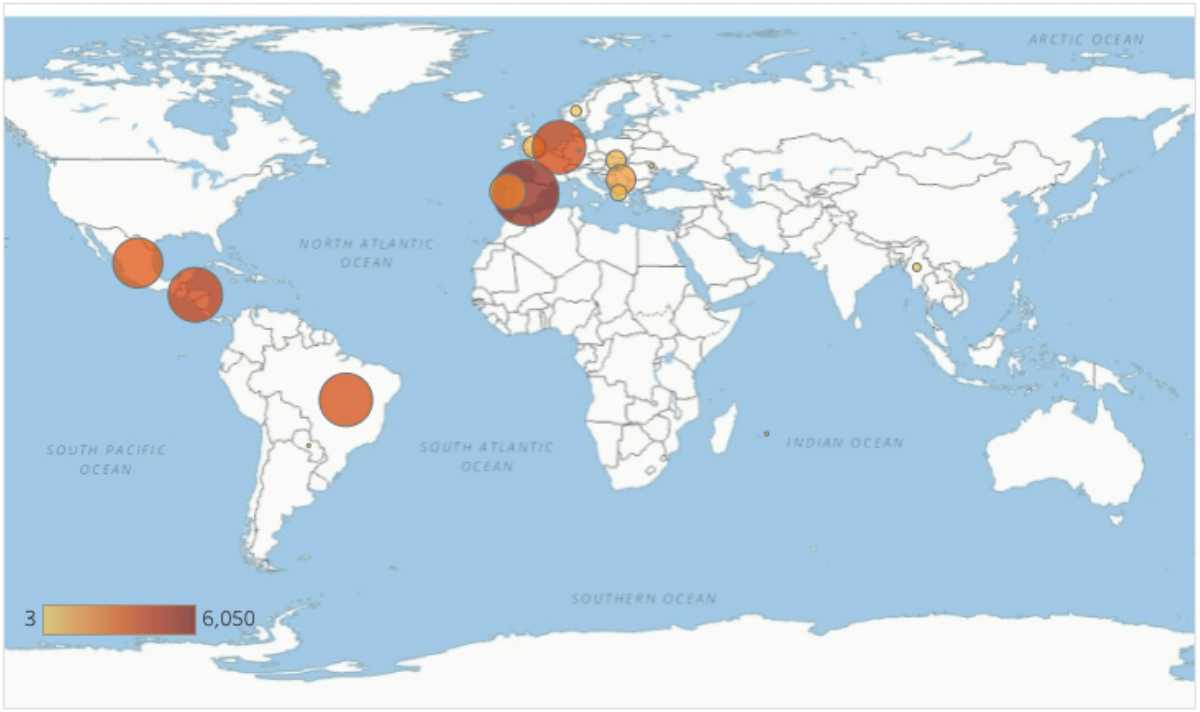
Photo number 2. Source: United Nations Office on Drugs and Crime[19]

Cases (instances) of arms seizures

19 "Arms Seized by Legal Justification of Seizure." n.d. United Nations Office on Drugs and Crime. Accessed August 12, 2020. https://public.tableau.com/views/Legaljustificationofseizure/Firearms-legal?:embed=y&:showVizHome=no&:host_url=https%3A%2F%2Fpublic.tableau.com%2F&:embed_code_version=3&:tabs=no&:toolbar=yes&:animate_transition=yes&:display_static_image=no&:display_spinner=no&:display_overlay=yes&:display_count=yes&:loadOrderID=0.

Cases (instances) of arms seizures: 2017

Map on number of cases (instances) of arms seizures, by country



* **Source:** Data are collected from national authorities through the **Illicit Arms Flows Questionnaire (IAFQ)**.

** The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

This graph demonstrates a single act of seizing arms, their parts and components or ammunition, regardless of how many items are seized as a whole. For instance, "the seizure of a shipment containing 200 arms and 500 rounds of ammunition being trafficked illicitly via sea one case or instance, despite the fact that 700 items are being apprehended."[20]

Findings of the UNODC study show that there is a predominance of pistols and military type weapons among the arms seized based on records from 2015. Most of the arms seized in Mexico are "shotguns, AK-47, AR 15-type rifles, and a small number of machine and sub-machine guns."[21] Furthermore, the report also argues that based on the statements from the Government officials, criminal organized groups favor to a large extent the variant AK-47, AR 15 guns, as well as pistols.[22]

Recycling

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20 "Cases (Instances) of Arms Seizures." n.d. United Nations Office on Drugs and Crime. Accessed August 12, 2020. https://public.tableau.com/views/Seizurecasesinstances_15700161003240/Firearms-Cases?:embed=y&:showVizHome=no&:host_url=https%3A%2F%2Fpublic.tableau.com%2F&:embed_code_version=3&:tabs=no&:toolbar=no&:animate_transition=yes&:display_static_image=no&:display_spinner=no&:display_overlay=yes&:display_count=yes&:loadOrderID=0.

21 "Country Fact Sheets." 2015. United Nations Office on Drugs and Crime. 2015. https://www.unodc.org/documents/firearms-protocol/Country_Factsheet_WEB.pdf.

22 Ibid.

There are a number of methods for firearms destruction. Decision on what method is the most suitable one depends on various factors, e.g. quantity of arms to be destroyed, their type and location, and the cost of their destruction. However, one of the most important aspects of the destruction is that whatever destruction method would be chosen, those arms that were once destroyed, are destroyed permanently and will never be used again in any circumstances. It is important to note that destruction is only allowed when all legal processes have been completed, as they might serve as evidence in legal proceedings. In cases where the firearms have been confiscated by States parties, it is a prerequisite to obtain an authorization before destroying them, as they would be regarded as state property. United Nations Office on Drugs and Crime lists the following methods of destruction:

Smelting and recycling
This is a method where firearms, their parts and components are smelted in an industrial furnace. Usually, before the process of smelting starts, all plastic or wood parts of the firearms must be removed and in some cases the remnant smelted material can be then resold. This process offers a number of advantages ranging from requiring the personnel to undergo limited training, the process is easy to perform, it is also cost-effective and labour-intensive and, most importantly, highly effective. The main challenge is that this process might not be as accessible, especially in developing countries.

Bandsaw
This method destroys firearms by cutting them using an industrial bandsaw. Although the process requires only a short training and it is easy to perform, the disadvantages prevail in the following: the process is labour-intensive and slow and prior to their cutting, the firearms must be cut in at least three places.

Burning
This method requires using kerosene and some other highly flammable substance to burn the firearms. Commonly, one of the flammable components in this process is wood which in a combination with the kerosene creates a large bonfire. On the positive side, the process is cheap, relatively simple requiring little or no training and it also serves as a tool for awareness-raising exercise. On the negative note, this method is labour-intensive and it also does not fully succeed in destroying the metal parts of the firearms completely. In addition, the process is not environmentally friendly.

Cement
This method is relatively cheap and easy as it casts firearms into cement blocks which must be subsequently buried under the ground. The downside of this process is that it is relatively possible, even though it would be very difficult, to recover the firearms. Also, the process of cementing them exercise.

Crushing by armoured fighting vehicle
This is a very easy but less effective method as it might be hard to destroy the firearms to the point where they would be completely unusable. In this process, it only requires armoured fighting vehicles to crush the firearms by driving back and forth over them which is a process that needs thorough visual inspection to ensure that the firearms are truly destroyed.

Crushing by hydraulic press
Hydraulic press is used in bending and partly crushing the firearms. The presses are usually large, heavy, with fixed installation machines. They also need affixion on a solid foundation, a sufficient power supply, and a “degree of maintenance associated with large industrial equipment.” Although the firearms might be significantly damaged, a strict verification is necessary to ensure that a collection of spare parts of firearms is not assembled. This

method is suitable for a destruction of large quantities of weapons, however, in some cases an additional method of destruction is required.

Cutting by oxyacetylene or plasma
This method uses high-temperature cutting technology, which is a cheap method with readily available equipment. Other advantages are that the method requires limited training and it is an effective method to succeed in destroying firearms. On the other hand, the method is labor-intensive and reduced in speed. Furthermore, there is a chance that small moving parts may not be destroyed properly.

Cutting by hydraulic shears
This process cuts firearms into pieces by using hydraulic shears. The advantages are limited training, availability and readiness of the technology, possibility of a high rate of production, reasonable initial input costs, and the process is also environmentally friendly.

Denotation
This is a very effective process to destroy firearms if done correctly. By using high explosives the process is a highly visual practice that is also used for raising public awareness. On the other hand, it is a labour-intensive method that conditions to be handled only by highly trained personnel. Furthermore, the explosives are a high cost substance and their denotation requires large open spaces to be performed in which is also one of the least environmentally friendly processes.

Shredding
This process entails machinery that shreds the firearms which falls into the category of very effective methods. It also requires limited training and its technology is easily obtainable. In addition, it has a high production rate and is environmentally friendly. The downside of this process are the high costs at the initial purchase.[23] Additionally, there are approximately 220 shredders that are in operation in Europe, Canada and the USA. Costs for scrap material depends on a number of variables, which are to some extent negotiable. In some cases, price "may be a function of the tendering or contract system used by a given authority."[24]

As mentioned earlier, there are several common methods to destroy SALW for any given situation. Each State decides which method they will use based on numerous methodology considerations, which create the foundation for a management plan. Furthermore, every OSCE participating State that possesses SALW within their borders have their own procedures in place for their destruction. Exceptional variables dealing with SALW may focus on "security requirements, safety requirements, verification requirements, safety requirements and, of course, the type and quality of SALW from a recycling perspective."[25]

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23 "Technical Guide to the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime." 2011. United Nations Office on Drugs and Crime. 2011. https://www.unodc.org/documents/firearms-protocol/Publications/10-56148_Ebook.pdf.

24 "Handbook of Best Practices on Small Arms and Light Weapons Organization for Security and Co-Operation in Europe." 2003. Organization for Security and Co-Operation in Europe. 2003. https://reliefweb.int/sites/reliefweb.int/files/resources/1AAC6D57A6B89A46C1256DF1003B4872-OSCE_SALW_2003.pdf.

25 Ibid.

In certain cases, firearms might be recycled rather than destroyed completely. These weapons might be however obtained illicitly. In Germany and Austria, those guns that have been neutralized, or in other words, withdrawn from service are bought by the lot as scrapped firearms by wholesale firms and transform them to alarm pistols or to deactivated weapons decoration. This played well for the criminal gangs as they soon found out that these weapons could be restored back into lethal firearms. This illegal process has been going on for decades already in countries including the Netherlands, Sweden, Germany, the UK or Croatia. Also, it is important to mention one of the most advanced technologies that is becoming more prevalent in regards to the recycling of weapons. It is the 3D printing that has become popular among the gangs which is a new type of technology used to manufacture firearms and produce necessary components to reactivate deactivated fireguns. The first gun constructed with the help of 3D technology was in 2014, in the United States. The firearm was printed from individual printed components made from ABS plastic. 3D works on a principle of using layers of plastic to build solid objects. As this technology is becoming cheaper and more accessible on the market, the risks associated with the development of this technology rises along with its perilous use.[26]

There are several initiatives that are involved in destroying weapons and ammunition. One of them is a non-for-profit organization called HALO Trust, which was founded in Kabul, Afghanistan as a result of war in the late 80s in this country. Since its formation, HALO trust has significantly expanded to numerous countries all around the world. Except clearing landmines and explosives left behind by war, the organization also helps communities by means of destroying weapons and managing stockpiles. After a conflict ceases on its prevalence, the collection of forsaken small arms and light weapons is generally undertaken as part of a Demobilisation, Disarmament and Reintegration (DDR) process, where HALO plays an active role in disposal service. This means that HALO is responsible for “registering and certifying the weapons with police and military officials before destroying the weapons with hydraulic shears for large quantities or power saws for smaller amounts.” The groundbreaking method that HALO has been continuously employing is known as weapon-cutting shear. It is a portable tool that can be towed by a vehicle and is capable of chopping more than 500 weapons a day. As the machine is relatively portable and it is also of a small size, it allows weapon destruction to be performed in public settings as a result. This is crucial for “securing public trust and establishing transparency in communities transiting from conflict.”[27]

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26 “Theoretical Paper. Trafficking in Illicit Firearms: A Global and European Overview.” 2015. European Crime Prevention Network. 2015. https://eucpn.org/sites/default/files/document/files/theoretical_paper_-_trafficking_in_illicit_firearms.pdf.

27 “Weapons and Ammunition Disposal.” n.d. The HALO Trust. Accessed August 12, 2020. https://www.halotrust.org/what-we-do/our-work/managing-weapons-and-ammunition/weapons-and-ammunition-disposal/.

Extra:

Intro:
https://eucpn.org/sites/default/files/document/files/theoretical_paper_-_trafficking_in_illicit_firearms.pdf

Resources

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https://www.weforum.org/agenda/2019/03/there-are-more-than-1-billion-guns-in-the-world-and-this-is-who-owns-them/

Getty Images of confiscated weapons:
https://www.gettyimages.com/photos/confiscated-weapons?mediatype=photography&phrase=confiscated%20weapons&sort=mostpopular

6 Ways Artists are recycling guns for peace:
https://inhabitat.com/6-ways-artists-have-recycled-guns-for-peace/al-farrow-reliquaries-3-2/