

## Gun retailers take a hard line on illegal firearm sales, survey finds

March 11 2013

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A scientific survey of more than 1,600 gun retailers in the U.S. has found that gun buyers frequently try to make illegal purchases and that gun retailers take a dim view of fellow sellers who engage in illegal activity—regardless of whether they are actively breaking the law or simply looking the other way.

The survey, conducted in 2011 by Garen Wintemute, professor of emergency medicine and director of the UC Davis Violence Prevention Research Program, is believed to be the first scientific study of a large group of gun retailers to determine their attitudes on illegal gun sales—such as "straw" or surrogate purchases, and undocumented purchases—and other criminal activity among buyers and retailers.

The research appears online March 11 in the journal *Injury Prevention* and is a follow up to initial results Wintemute published in September 2012 in the *Journal of Urban Health* on the characteristics of federally licensed firearms dealers, pawnbrokers and their establishments.

"There is a continuing debate on the commerce of firearms: which ones should be sold and who they should be sold to. But no one has ever gotten the opinions of the people doing the selling," Wintemute said. "We wanted to collect detailed information about firearm retailers and get their sense of how often illegal activity occurs and what should be done about the problem."

Wintemute surveyed 1,601 of 9,720 dealers, pawnbrokers and gunsmiths

who sold 50 or more firearms each year. The survey asked retailers how often they thought customers were trying to make straw purchases, or buying a gun for someone who is ineligible to own one. The survey also asked how often customers tried to purchase a gun without filling out appropriate forms or receiving a background check. Participants also were asked how often they had refused to make a sale or alerted other retailers about an attempted illegal purchase.

The survey showed that 67.3 percent had experienced an attempted straw purchase in the previous year, while 42.4 percent had experienced an attempted undocumented purchase. In all, participants reported 2,051 attempted straw purchases and 2,254 attempted undocumented purchases. Pawnbrokers reported greater numbers of both. The survey also found that theft was a common occurrence; more than 25 percent of respondents reported that they had experienced theft in the previous five years.

Extrapolating from this data, Wintemute estimates that the 9,720 retailers who were eligible for the study experienced nearly 34,000 attempted straw purchases and 37,000 attempted undocumented purchases.

Generally, participants refused to complete illegal sales but only notified law enforcement or alerted other retailers 75 percent of the time. However, when asked about sentencing, retailers often specified long sentences, for both customers and retailers.

For a retailer who sold 50 weapons to traffickers, the median recommended sentence was 10 years; the median fine was \$50,000. The retailers indicated they would impose the same sentences on buyers.

"The sentences they recommended were often harsher than current law," Wintemute said. "Many felt bad retailers should face stiffer sentences

than customers. Also, the survey gave participants the opportunity to let their peers off the hook: if they were in a tough community or afraid for their safety. But the retailers did not do that. They laid responsibility directly on the person who committed the crime."

In addition, 59.5 percent of respondents believed that retailers who often have firearms used in a crime traced back to their store are not asking enough questions and probably know these sales are illegal.

"Even after factoring in their sales volume, a small number of retailers sold a disproportionate share of the traced guns," Wintemute said. He also suggests this minority could be a prime focus for law enforcement.

At present, there are three bills before Congress that would clarify and strengthen laws to prevent straw purchases and other illegal sales activity. Wintemute believes retailers could help Congress and other legislative bodies devise equitable gun laws.

"I think gun retailers are a vastly underused resource," Wintemute said. "The majority do not want bad apples in their industry. We should look for ways to collaborate with them to identify and prosecute bad guys in their industry."

Provided by UC Davis

Citation: Gun retailers take a hard line on illegal firearm sales, survey finds (2013, March 11) retrieved 25 April 2024 from <https://phys.org/news/2013-03-gun-retailers-hard-line-illegal.html>

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