

# **Gun Points 1997**

Firearm Forfeitures in Minnesota

JULY 1998

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MINNESOTA PLANNING



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The Criminal Justice Center at Minnesota Planning provides criminal and juvenile justice information, conducts research and maintains databases for policy development.

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Upon request, *Gun Points 1997: Firearm Forfeitures in Minnesota* will be made available in an alternate format, such as Braille, large print or audio tape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for Minnesota Planning.

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An electronic copy of *Gun Points 1997: Firearm Forfeitures in Minnesota* and the 1997 Firearm Forfeiture data file is available on the Minnesota Planning web site: [www.mnplan.state.mn.us](http://www.mnplan.state.mn.us)

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# Gun Points 1997

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Firearm forfeiture report

# Glossary

Below are generally accepted definitions for terms in this report.

**Action:** mechanism by which a round of ammunition is loaded into the firing chamber of a gun. Actions may be manual such as a bolt, lever, pump or revolver; semiautomatic; or automatic.

**Automatic:** weapons that continuously fire ammunition as long as the trigger is depressed. Also known as a machine gun, an automatic is illegal to own unless manufactured prior to 1986.

**BB gun:** device that fires a metal pellet measuring .18 of an inch or less in diameter.

**Caliber or gauge:** numeric description of the diameter of a firearm barrel as well as the size of ammunition. Caliber most often refers to handguns and rifles, while gauge pertains to shotguns. Higher calibers and lower gauges indicate more powerful firearms.

**Firearm:** any device that is designed to or may be readily converted to expel any type of projectile. Types of firearms are handguns, rifles, shotguns, machine guns, homemade guns, and air, BB or pellet guns.

**Forfeiture:** gain legal rights to a firearm. Minnesota uses three law enforcement processes to forfeit guns: judicial action, summary and administrative.

**Handgun:** a firearm that can be held and fired with one hand. Revolvers, pistols and Saturday Night Specials are types of handguns.

**Metropolitan area:** includes the seven Minnesota counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

**Reckless discharge:** firing of a gun in a dangerous manner such as within city limits.

**Retained:** forfeited firearms that are kept for law enforcement purposes such as training or use in the line of duty.

**Rifle:** gun with a barrel length of 16 inches, usually fired from the shoulder. Rifles have grooves cut into the inside of the barrel causing the bullet to spin when discharged, increasing firing accuracy.

**Saturday Night Special:** inexpensive, low caliber, short-barreled handgun that fits in the palm of the hand. Because of their low quality and inaccuracy, these weapons have no sporting purpose.

**Sawed-off:** rifles with a barrel length altered to shorter than 16 inches or shotguns altered to less than 18 inches.

**Seizure:** official confiscation of a firearm by law enforcement. Seizure is the first step in the forfeiture process.

**Semiautomatic:** firearms that will fire one shot of ammunition per trigger pull.

**Silencer:** any instrument, attachment, weapon or appliance used to silence or muffle the firing of a gun.

**Shotgun:** firearm with a barrel length of 18 inches, discharged with both hands from the shoulder. Shotguns have a smooth barrel and fire cartridges containing multiple metal pellets or slugs.

**Trigger activator:** a manual or power driven firearm attachment designed to increase the rate at which the trigger may be pulled, thereby increasing the rate of ammunition fire to that of an automatic weapon.

**Weapon:** refers to firearms only in this report.

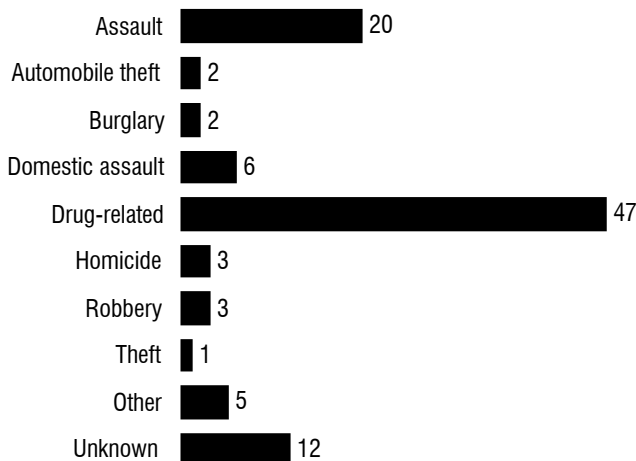
# Summary

Minnesota law enforcement forfeit — or gain legal rights to — hundreds of firearms each year. Many are involved in criminal activity; others are abandoned or found, or forfeited for illegal possession. *Gun Points 1997: Firearm Forfeitures in Minnesota* responds to an annual legislative mandate for information on firearms used in crime.

Each year, law enforcement agencies across the state forward firearm forfeiture reporting forms to the Minnesota State Auditor’s Office. Agencies record information about each gun forfeited. Data from these forms analyzed and presented in *Gun Points 1997* includes state and regional firearm characteristics, reason for forfeiture and final disposition.

## Almost half of all criminal activity forfeitures are drug-related

Percent within the “criminal activity” forfeiture category



Assault and domestic assault account for more than one-quarter of criminal forfeitures.

Note: Percentages may not add to 100 due to rounding. “Other” includes criminal activities such as disorderly conduct, terroristic threats and prostitution.

Source: Minnesota State Auditor’s Office, 1997 Firearm Forfeiture Data

Significant findings in 1997 include:

- Fewer guns were forfeited in Minnesota last year — 1,272 compared to 1,810 in 1996. Time for the forfeiture process varies considerably, which may be a factor.
- Firearm forfeitures are centered in the metropolitan area. Hennepin and Ramsey counties combined to account for 83 percent of all forfeitures in 1997.
- About four out of ten forfeited guns in 1997 were involved in criminal activities such as drug violations, assault, robbery or homicide.
- Eighty percent of forfeited firearms were destroyed.
- Over half of forfeitures were handguns; another quarter were shotguns and rifles.
- Forty-seven percent of firearms forfeited for criminal activities were drug-related.

In 1995, the Criminal Justice Center at Minnesota Planning and the Minnesota State Auditor’s Office revised the firearm forfeiture reporting form to ensure uniform reporting, and to collect more detailed information. Most law enforcement offices were still submitting the outdated form in 1997; consistent use of the revised form by agencies statewide would improve the quality and reliability of data on guns forfeited in Minnesota.

## Collecting firearm information

Comprehensive information is lacking on firearms involved in crime such as prevalent makes, calibers, gauges and actions, as well as the offenders who use them. To lessen the information gap and to facilitate informed policy decisions, the 1994 Minnesota Legislature issued a mandate to three state agencies



to collect and report annual firearms-related data. By agency, the directive focused on:

■ **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.

■ **Criminal Justice Center at Minnesota Planning:** the number of people arrested, charged, convicted and sentenced for violations of each firearm-related law as well as the make, model and serial number of each gun involved, and a breakdown by county of crimes committed.

The Minnesota Sentencing Guidelines Commission and the Minnesota State Auditor’s Office are currently publishing annual reports that satisfy their

mandates. The complexity of the Legislature’s request and lack of relevant data prevents the Criminal Justice Center from tracking 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 notated as well. It is currently not possible to link information about the same incident from one data set to another.

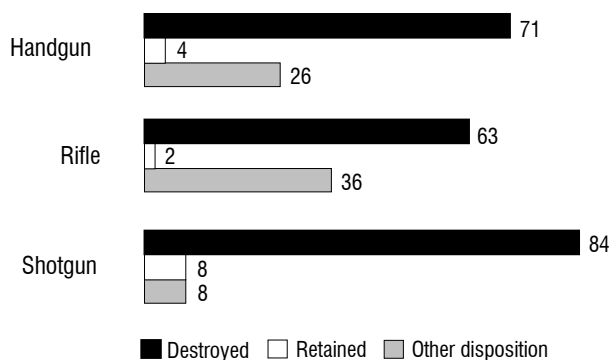
This potpourri of data collection and storage prevents the tracking of firearms and offenders through the entire justice system, from the time of arrest through court activity to sentencing. In addition, any information about weapons used in crime will always exclude those situations where police know 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 Center worked with legislators to determine what information should be provided annually, including data on firearms used to commit crime. 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 Center would complete an independent analysis of the State Auditor’s data to extract more in-depth statistical

### Most forfeited firearms are destroyed

Percent within each gun type



Compared to other gun types, rifles are most often sent to other agencies such as the Bureau of Criminal Apprehension or the Federal Bureau of Investigation.

Note: Percentages may not add to 100 due to rounding. “Other” and “unknown” gun types are not shown. “Other disposition” includes firearms sent to agencies such as the Bureau of Criminal Apprehension, Federal Bureau of Investigation or insurance companies.

Source: Minnesota State Auditor’s Office, 1997 Firearm Forfeiture Data

information. Using the data file, the Criminal Justice Center adds detail on the type, caliber, action, make, model, and legal and altered status of each forfeited weapon.

## Minnesota gun forfeitures

Law enforcement must follow a statutorily designated process to forfeit guns in Minnesota. Police departments are legally able to secure firearms through two different means: seizure and forfeiture.

Seizure is the first step in the process and occurs when a police officer takes possession of a firearm, which may require a court order. In some cases, the court process may be bypassed if the weapon was obtained through a lawful search or arrest. When a firearm is abandoned or stolen, the discovering law enforcement agency makes every attempt to find the legal owner. Seizure does not always result in forfeiture; guns that are seized and later returned to owners are not considered forfeited.

Forfeiture differs from seizure in that the owner loses all rights to the gun. The weapon is contraband and becomes the legal property of the state. Law enforcement can then take action by either destroying or retaining the firearm. A few days to several years may elapse between the time a seizure takes place and results in forfeiture. This time lapse may occur when firearms are used as evidence in a lengthy court trial or if law enforcement agencies allow time to find the lawful owners of stolen guns. The varying timeline affects the data available for analysis for any given year. 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 on the forfeiture process or simply may mean there were fewer forfeited guns, or fewer guns were recovered by law enforcement.

Minnesota warrants three legal processes to forfeit firearms:

- **Judicial action** occurs when a formal complaint is filed against a firearm, detailing the reasons it should be forfeited.
- **Summary forfeiture** gives the state legal possession of firearms owned by an individual convicted of a controlled substance crime or other statutorily designated offense.
- **Administrative forfeiture** focuses on guns seized in connection with controlled substances. In this process, firearm owners are notified that their weapon was seized and of their right to a judicial review. If a review is not requested, any rights to the firearm are lost and it is automatically forfeited.

Since 1995, firearm forfeitures have centered in the metropolitan area — primarily Hennepin and Ramsey counties, which accounted for 83 percent of all forfeitures. Hennepin County alone totaled 51 percent compared to all other counties outside the metropolitan area where 11 percent of forfeitures occurred.

Most firearms forfeited to law enforcement since 1995 have been destroyed, usually by being melted down. Seventy-seven percent of guns were destroyed in 1997 and 19 percent were forwarded to other agencies such as the Bureau of Criminal Apprehension, the Federal Bureau of Investigation or turned over to insurance companies.

Last year's analysis incorrectly coded a large number of guns forwarded to such agencies as retained. Guns are only considered retained if the law enforcing agency completing the forfeiture keeps them for departmental purposes such as training. Four percent of forfeitures were retained in 1997; comparisons cannot be made to 1996 data.

The metropolitan area destroyed a higher proportion of its forfeitures than other counties across the state. About 90 percent of all guns destroyed since 1995 were within this area. Counties outside the metropolitan area, however, retain a larger share of



their forfeitures: 27 percent compared to 1 percent in the metropolitan area. Wright and St. Louis counties accounted for a majority of all gun retentions: 22 and 14 percent, respectively.

## Weapon details

Police officers are required by law to report their jurisdiction’s firearm forfeitures to the State Auditor each month. Specific items recorded include gun type, caliber, action, make, model, serial number, and legal and altered status.

Fifty-five percent of firearms forfeited in 1997 were handguns; shotguns followed at 18 percent and rifles at 10 percent. These figures each represent a decline from 1995 and 1996, possibly because twice as many gun types were “unknown” in 1997. Ninety percent of unknown information came from Ramsey County.

Metropolitan area statistics resembled those of the state. Fifty-seven percent of forfeitures were handguns compared to 38 percent outside the metropolitan area. Conversely, both shotguns and rifles accounted for a larger share of forfeitures in counties outside the metropolitan area. In 1996, shotguns were more common within metropolitan counties.

### About two-thirds of shotguns are higher-power 12 gauge

Percent within firearm type

Handguns		Rifles		Shotguns	
.22 caliber	22%	.22 caliber	58%	12 gauge	65%
.25 caliber	16	30-30 caliber	15	20 gauge	17
.38 caliber	15	30-06 caliber	5	.410 gauge	10
9 millimeter	12	7.62 millimeter	5	16 gauge	4
380 caliber	11	.30 caliber	4	10 gauge	1
Other	23	Other	9	Unknown	3
Unknown	1	Unknown	5		

A majority of both handguns and rifles are .22 caliber.

Note: Percentages may not add to 100 due to rounding.

Source: Minnesota State Auditor’s Office, 1997 Firearm Forfeiture Data

The final disposition of weapons varied across the state. Law enforcement from both metropolitan and other counties destroyed more than 70 percent of all handguns forfeited. A greater proportion of shotgun forfeitures in the metropolitan area were destroyed, whereas a larger share of rifles were destroyed in other counties. Of the 50 guns retained in 1997, only 13 were kept by metropolitan police departments; none were rifles.

Other details regarding weapons forfeited in 1997 indicate that:

**CALIBER.** Since 1995, almost half of state forfeitures were .22 caliber, 12 gauge and .38 caliber. Breakdowns of caliber and gauge did not differ across state regions. Higher calibers and lower gauges indicate more powerful weapons. “Caliber” refers to the diameter of the barrel of a firearm or ammunition, while “gauge” is used to describe shotguns in the same manner.

**ACTION.** Information regarding the action — the mechanism that loads ammunition into the weapon firing chamber — was missing from 32 percent of firearm forfeiture reports in 1997. Sixty-seven percent of missing information was attributed to Ramsey County reports and 23 percent to Hennepin County. These percentages would be even higher without efforts of the Criminal Justice Center staff to fill in missing information on reporting forms, wherever possible. Unknown action data has been an issue since forfeitures were first analyzed in 1995.

### Most handgun and rifle forfeitures are semiautomatic

Percent within firearm type

Handguns		Rifles		Shotguns	
Semiautomatic	57%	Semiautomatic	39%	Pump	62%
Revolver	43	Lever	28	Single shot	22
Other	1	Bolt action	16	Bolt action	7
		Other	17	Other	9

Six out of ten shotguns are pump action.

Note: These percentages do not include firearms for which the action was unknown. Percentages may not add to 100 due to rounding.

Source: Minnesota State Auditor’s Office, 1997 Firearm Forfeiture Data

Available action data shows that the two most common forfeitures were semiautomatic and revolver. Resembling findings from the past two years, almost half of forfeitures were semiautomatic and about one-third revolver. Other types of actions include automatic, bolt, double barrel, lever and pump. Only one fully automatic weapon was forfeited each year, compared to four in 1995.

Hennepin County led all other counties in forfeiting semiautomatic weapons at 59 percent, similar to 1996. Ramsey County forfeited 27 percent of these weapons, down by four percent from last year. Percentages in 1995 were evenly distributed between the two counties: 43 and 44 percent, respectively. Reflecting a 10 percent growth since 1995, 90 percent of semiautomatic weapons were handguns. The two most common calibers for semiautomatic guns, totaling almost half, were .25 caliber and .22 caliber. In 1996, 9 millimeter and .22 caliber were most prevalent.

**MAKE.** More than 100 different makes were represented in guns forfeited in Minnesota during 1997; each accounted for anywhere from .1 to 8 percent of all forfeitures. Handgun forfeitures had a greater variety of makes than rifles and shotguns; 21 percent of handguns were reported as Smith & Wesson, Ruger and Taurus. Nearly half of all rifle forfeitures were Marlin, Winchester and Remington. Shotgun data shows that 35 percent were Mossberg, Remington and Winchester. These findings mirror 1996 results; however, Taurus replaced Colt in the top three handgun makes. Firearm make information was not recorded in 1995.

**LEGALITY.** Seven percent of guns forfeited in 1997 were identified as being illegal or illegally altered in some way. Only four counties reported forfeiting these illegal guns: Hennepin, St. Louis, Watonwan and Anoka. Illegal weapons include Saturday Night Specials and machine guns. Examples of unlawful firearm alteration are adding silencers or trigger activators, sawing off the barrel, using machine gun conversion kits and removing or altering the serial number. Information regarding weapon legality was not required on the previous forfeiture reporting form and therefore is not complete. The revised form asks law enforcement to indicate the legal and altered status of every gun forfeited.

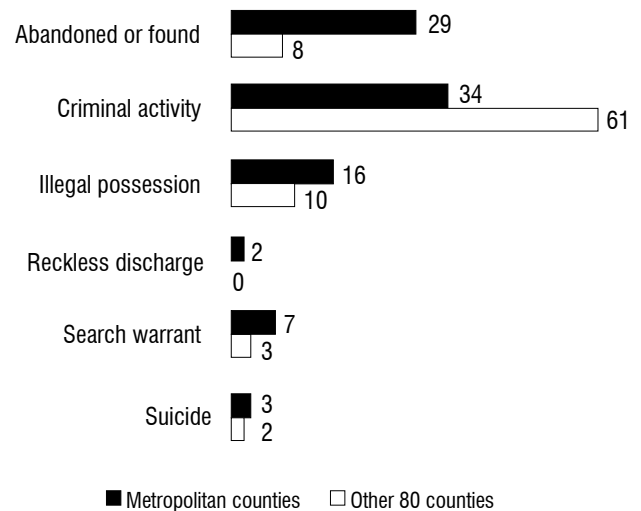
Nearly all illegal firearm forfeitures over the past two years were altered in some way. Data for 1996 shows that most were altered by removing the serial number, while a majority in 1997 were altered by sawing off the barrel. Similar to last year, 62 percent of illegal weapons were shotguns; handguns were next at 26 percent. Nine out of ten shotguns altered were sawed-off. All of the handguns and rifles were altered by serial number removal. Data for 1995 was incomplete and therefore is not provided in this report.

## Reasons for forfeiture

Six main circumstances lead to gun forfeiture: abandoned or found, criminal activity, illegal possession, reckless discharge, search warrant or

### Counties outside the metropolitan area forfeit proportionately more guns for criminal activity

Percent within each geographical region



Abandoned or found gun forfeitures are more common in metropolitan counties.

Note: Percentages may not add to 100 because this graph does not display the "other" and "unknown" forfeiture categories.

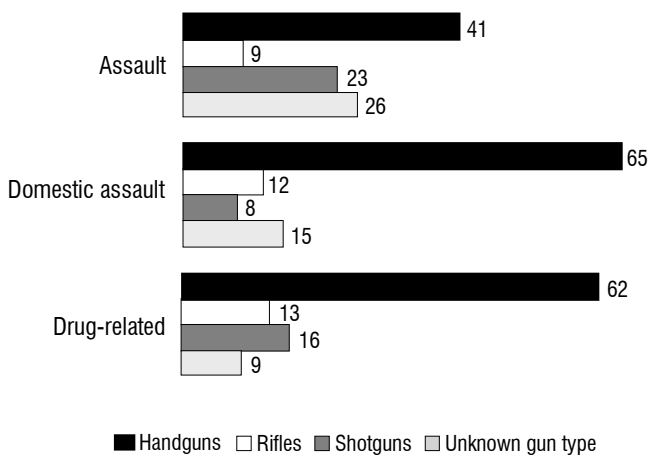
Source: Minnesota State Auditor's Office, 1997 firearm Forfeiture Data

suicide. A majority of guns forfeited in 1997 — 37 percent — were involved in some type of criminal activity. Guns identified as being abandoned or found totaled 27 percent. These firearms are usually recovered by law enforcement or citizens who turn them over to police. Abandoned or found firearms may have been used to commit a crime, although in most cases this is impossible to determine. Fifteen percent of all forfeitures were involved in illegal possession situations where the individual was either a felon or minor, or the weapon was unlicensed.

Comparisons to 1995 and 1996 cannot be made due to data entry error in these years. The former firearm forfeiture reporting form was not standardized, and terminology and documentation techniques used across law enforcement jurisdictions vary. Some police departments used terms that were misinterpreted and incorrectly categorized by Criminal Justice Center staff, who consulted the departments directly and reclassified 1997 data.

### Handguns are more prevalent in domestic assault and drug-related forfeitures

Percent within each forfeiture category



Each forfeiture category has a high percentage of unknown gun types.

Note: This graph does not display “other” forfeiture categories. In addition, percentages may not add to 100 because “other” gun types are not shown.

Source: Minnesota State Auditor’s Office, 1997 Firearm Forfeiture Data

Forfeitures for criminal activity were concentrated in the metropolitan area. Hennepin County forfeited 46 percent of guns under this circumstance and Ramsey County accounted for 27 percent. Eight percent of criminal activity forfeitures occurred in the metropolitan area counties of Anoka, Dakota and Washington.

Almost half of all criminal forfeitures in 1997 were drug-related. Over one-quarter were forfeited in connection with assault and domestic assault. Other types of criminal activity such as robbery, theft, terroristic threats, disorderly conduct and homicide investigation represented 19 percent.

A greater percentage of drug-related criminal forfeitures occurred in the metropolitan area: 49 percent compared to 36 percent elsewhere in the state. Metropolitan area figures for assault and domestic assault at 29 percent were twice as high as other counties. Guns forfeited in relation to other types of criminal activity accounted for 17 percent within metropolitan counties and 5 percent elsewhere; however, 48 percent of guns forfeited for criminal activities in counties outside the metropolitan area had unknown circumstances.

About 10 percent of abandoned guns were illegal, and guns forfeited as a result of illegal possession and criminal activity had even lower proportions. Abandoned and found forfeitures had the largest percentage of weapons that were missing serial numbers or sawed-off.

## Reporting firearm forfeitures

The Criminal Justice Center and the Minnesota State Auditor’s Office revised the firearm forfeiture reporting form to encourage law enforcement to provide all required information and to use consistent terminology and documentation techniques. Both forms ask for the date of weapon seizure and forfeiture; make, model and serial

number; final disposition; and reason for forfeiture. In addition, the new form asks for important information such as gun type, caliber, action, and legal or altered status, previously provided by only a few reporting agencies.

Missing information and lack of necessary elements such as the gun type, caliber and action has been an issue since 1995. In addition, because of

inconsistent data recording techniques across jurisdictions, some data has been misinterpreted when entered. Each of these circumstances affect the reliability of data analyses presented in this and previous reports. Most agencies submitting firearm forfeiture reports in 1997 used the outdated form; however, some did not receive the revised form until December. Use of the revised form in 1998 will substantially improve data analysis results.

### Hennepin and Ramsey counties lead in reporting crime-related gun forfeitures

Number of firearm forfeitures by type of criminal activity

	Drug related	Burglary	Theft	Robbery	Assault	Homicide	Other criminal	County total
Anoka	0	1	1	0	6	0	0	8
Chisago	0	0	0	0	1	0	0	1
Crow Wing	0	0	0	0	0	0	0	0
Dakota	19	0	0	0	0	0	0	19
Hennepin	122	4	13	6	57	1	13	216
Jackson	2	0	0	0	0	0	0	2
LeSueur	2	0	0	0	0	0	0	2
Marshall	0	0	0	0	0	0	0	0
Martin	1	0	0	0	0	0	0	1
Mille Lacs	0	0	0	0	0	0	0	0
Olmsted	0	0	0	0	0	0	8	8
Ramsey	47	3	1	10	47	11	1	120
St. Louis	14	0	1	0	9	0	0	24
Sherburne	0	0	0	0	1	0	0	1
Wadena	0	0	0	0	0	0	0	0
Washington	0	0	0	0	1	0	0	1
Watonwan	0	0	0	0	0	0	1	1
Wright	11	0	0	0	0	0	0	11
Bureau of Criminal Apprehension	3	0	0	0	0	0	0	3
<b>State total</b>	<b>221</b>	<b>8</b>	<b>16</b>	<b>16</b>	<b>122</b>	<b>12</b>	<b>23</b>	<b>418</b>

Note: Only counties with firearm forfeitures for criminal activity in 1997 are listed in this table. The Bureau of Criminal Apprehension is not a county agency, however, it occasionally forfeits firearms.

Source: Minnesota State Auditor's Office, 1997 Firearm Forfeiture Data