

Factsheet: *Baltimore v. ATF*

Trace Data and the Tiahrt Rider:

- A critical tool in the fight to end gun violence is access to accurate and recent data. The Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) maintains such data in its Firearms Trace Systems database, which houses information pertaining to gun recoveries all over the country.
- The success of this database is based on the partnership between local law enforcement, which recovers firearms from crime scenes and submits them to ATF for “[tracing](#),” and ATF, [which traces the flow of the gun from its manufacturer to distributor to retail sale](#). This partnership allows local law enforcement to solve crimes and also helps ATF understand and assess local and national gun crime trends. For instance, the data can show how many guns recovered in Baltimore associated with a homicide were originally sold in another state.
- However, because of an NRA-backed appropriations rider, ATF does not share the majority of this data with local or state officials who are in charge of making policy decisions for their jurisdictions. This rider, known as the Tiahrt Rider after its original sponsor, former Representative Todd Tiahrt (R-KS), was first passed in 2003, and most recently included in the 2012 appropriations act. ATF has applied this rider over-broadly to prevent public disclosure of the majority of the data in its database, including to local and state government officials (except law enforcement).
- ATF has traditionally published [annual reports](#) based on trace data in its system. These reports identify, among other things, the top source states for crime guns, the cities with the largest number of recoveries, and the average time-to-crime for recovered firearms in each state. Recently, as part of the Biden-Harris Administration’s commitment to gun violence prevention, ATF has published landmark reports on firearms [commerce](#) and [trafficking](#) that delve deeper into the available data. However, each city should be able to request and receive the data that they need for their own purposes, so long as such disclosures do not interfere with ongoing criminal investigations or individual privacy rights (such information is separately protected from disclosure under the federal Freedom of Information Act (FOIA)).

The Lawsuit:

- Since Mayor Brandon M. Scott was inaugurated in December 2020 and created the [Mayor’s Office of Neighborhood Safety and Engagement](#) that same month, gun violence prevention has been one of the administration’s top priorities. Baltimore is committed to enacting data-driven policies to fight the scourge of gun violence.

- For this reason, on September 12, 2023, the City of Baltimore submitted a FOIA request to ATF for various firearm crime data. The requested data included, among other things, the identity of the top 10 sources of crime guns in Baltimore from 2018 to 2022 and the average time-to-crime for guns recovered in Baltimore in connection with homicides and other violent crimes. The majority of the requested data is exclusively in the ATF's possession. None of the data requested is sensitive law enforcement data that could conceivably interfere with a criminal investigation.
- The data sought in the FOIA request would help illuminate gun crime trends in Baltimore and help the City craft more targeted solutions to its gun crime problem. However, ATF denied Baltimore's FOIA request, stating that the information was exempt from disclosure because of the Tiahrt Rider.
- The City of Baltimore, represented by Everytown Law and the law firm Kramer Levin LLP, brings this suit to compel ATF's disclosure of this gun crime trend data under FOIA. The lawsuit alleges that ATF's decision to withhold the requested data was incorrect and contrary to the requirements of FOIA. When faced with similar challenges, one federal appellate court agreed that the Tiahrt Rider does not bar the disclosure of data under FOIA, *Ctr. for Investigative Reporting v. DOJ*, 14 F.4th 916 (9th Cir. 2021), while a second federal appellate court disagreed. *Everytown for Gun Safety Support Fund v. ATF*, 984 F.3d 30 (2d Cir. 2020).