

**From:** (b) (7)(C)  
**Sent:** Friday, March 25, 2011 11:15:25 AM  
**To:** (b) (7)(C)  
**Subject:** FT info

**Attachments:** FT Delta Blues.PDF; FT Delta Blues Media pages.doc; Multiple Sales cases LAFD 010611.docx; Multiple Sales FT Mexico&US 010611.docx; Multiple Sales HOUSTON 010611.docx

 FT Delta Blues.PDF (177 kB)  
 FT Delta Blues Media pages.doc (72 kB)

 Multiple Sales cases LAFD 010611.docx (20 kB)  
 Multiple Sales FT Mexico\_US 010611.docx (27 kB)  
 Multiple Sales HOUSTON 010611.docx (25 kB)

(b) (7)(C)

Chief, Firearms Operations Division  
ATF HQ - Room 6.S.129  
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Associated Press 3/1/07

## Weapons crackdown nets feds 19 arrests

By Mike Robinson AP Legal Affairs Writer

CHICAGO -- Nineteen people have been charged with taking part in gun-running operations from Mississippi to Chicago that provided high-powered weapons to street gangs, federal prosecutors announced Wednesday.

"When you add illegally obtained firearms to the already volatile mix of gangs and drugs on the streets of Chicago the result is an unacceptable level of violence," said Gary S. Shapiro, the first assistant U.S. attorney in Chicago.

At a news conference, prosecutors displayed a table of weapons similar to those confiscated in the crackdown, including AK-47s, Tech-9s, MAC-10s and a sinister-looking, assault-style shotgun.

Fourteen of those accused were charged in a complaint unsealed in Chicago on Wednesday. Three of those charged were arrested in Chicago Wednesday, and 10 were arrested in Mississippi. One other was already in jail, authorities said.

Five others were charged by federal officials in Mississippi.

Prosecutors said 301 guns confiscated by police and agents in Chicago over five years were traced to federally licensed gun dealers at four shops in Tunica and Clarksdale, Miss.

They said typically, so-called straw purchasers with clean records would buy the guns under orders from brokers who would then have them taken to Chicago and sold to members of the Gangster Disciples and other gangs.

Often, the serial numbers were obliterated in an effort to hide the origin of the guns from police and federal agents, authorities said.

The investigation was conducted by the federal **Bureau of Alcohol, Tobacco, Firearms and Explosives** along with the Chicago Police Department and the Illinois State Police.

Police say they confiscated well over 10,000 guns in Chicago last year, which they said was a fairly typical year. Officials said that indicates that the guns recovered in the latest investigation are only a small part of the weapons being brought into Chicago, where individuals may not buy guns.

"Is it the tip of the iceberg?" asked Shapiro. "You'd have to say it is."



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Chicago Sun Times 3/1/07

## Feds charge 19 in Mississippi gun pipeline

*Weapon from gang shoot-out came from state*

BY FRANK MAIN Crime Reporter

A 9mm handgun recovered last year in a Chicago Police standoff that left two gang members dead was one of hundreds of guns smuggled here from Mississippi, officials said Wednesday.

Federal prosecutors unsealed gun-trafficking charges against three Chicago men and 16 others from Mississippi. Members of at least four Chicago gangs bought the smuggled weapons from the traffickers, federal prosecutors said.

"The violent activities of these gangs have been disrupted," Chicago Police Deputy Supt. Hiram Grau said.

Could be hundreds more

The Chicago defendants include convicted felons Eddie Nesby, 25, Julius Statham, 37, and Antonio Brunt, 30.

Nesby allegedly told investigators he recruited Percy Strong of Mississippi and others to buy guns for him there. Strong could buy guns because he was not a felon, officials say.

In 2005, Strong bought a 9mm Hi-Point pistol at a Clarksdale, Miss., pawn shop. The Hi-Point was recovered last October in the 3200 block of West Augusta after officers stopped a car containing gang members getting ready to shoot a rival, police said. The gangsters pointed the Hi-Point and an AK-47 at officers, who opened fire and killed two of them, police said.

Chicago Police, State Police and the U.S. **Bureau of Alcohol, Tobacco, Firearms and Explosives** have been investigating the Mississippi-to-Chicago gun pipeline since 2001. The defendants named Wednesday were allegedly responsible for 39 Mississippi guns recovered by law enforcement officials in Chicago. Authorities have not found 117 other Mississippi guns distributed in Chicago by the defendants, officials said.

Investigators are looking into whether about 200 other Mississippi guns recovered in Chicago were smuggled by the same defendants.<P

One gun bought in Mississippi was used in a crime in Chicago just five days later.

### Smugglers change tactics

In recent years, gun traffickers have been selling powerful, expensive weapons such as 9mm and .40-caliber pistols -- and assault weapons such as AK-47s -- through smuggling networks, said **Andrew Traver, head of ATF in Chicago**. In the past, traffickers worked alone and sold cheap, easily concealed low-caliber pistols out of their cars, he said.

"The face of firearms trafficking has changed dramatically," Traver said.

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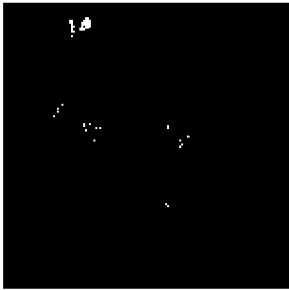
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Clarion-Ledger (Jackson, Miss.) 3/1/07

## Officials break up gunrunning operation

• *Purchasers would buy weapons in Miss. because of lax firearm laws and send them to Chicago brokers*

By Andrew Nelson  
[ajnelson@clarionledger.com](mailto:ajnelson@clarionledger.com)



The Associated Press

Andrew Traver, special agent in charge, Bureau of Alcohol, Tobacco, Firearms and Explosives, displays one of the confiscated assault weapons.

Nineteen people suspected of putting more than 300 Mississippi-purchased firearms in the hands of Chicago street gang members were arrested Wednesday, most in the Delta town of Jonestown in Coahoma County.

At least one of those guns is believed to have been used in a shootout with police in November that left an officer wounded and two alleged gang members dead.

At a news conference in Chicago following the arrests, prosecutors displayed a table of weapons similar to those confiscated in the crackdown, including AK-47s, Tech-9s, MAC-10s and an assault-style shotgun, The Associated Press reported.

"They just weren't your regular handguns," Monique Bond, a spokeswoman for Chicago Police Department, told The Clarion-Ledger. "These were assault-type weapons - heavy artillery."

According to Bond, brokers in Chicago arranged to have guns purchased in Mississippi because of the state's "lax gun laws."

Purchasers were recruited to buy the weapons at three different pawn shops in Clarksdale and Tunica, Bond said. Those purchasers knew the guns were going to be used illegally, she said.

The sellers have cooperated with authorities and are not suspected of being involved, said **Senior Special Agent Austin Banks of the Bureau of Alcohol, Tobacco, Firearms and Explosives**. He would not identify the shops.

After the weapons made it to Chicago, they were used in crimes, Bond said.

One 9 mm pistol is believed to have been used in November by members of the New Breeds gang in a gunfight with police on the city's west side.

Many of the members of the group are related, Banks said. The Mississippians arrested all had family or friends in the Chicago area.

The 15 arrested in Mississippi are expected to be arraigned Thursday in Oxford, Banks said. The four arrested in Chicago will be arraigned there.

Each charge carries a sentence of five to 10 years. Some of the suspects face multiple charges.

## **ARRESTED**

- Roy Christopher Brunt, 29, and Sylvester Rice, 29, both of Jonestown, allegedly recruited straw purchasers to buy firearms on their behalf and took them to Chicago for resale.
- Demetrius Burnett, 33, Percy Mattox, 33, and McKinley Pitts, 29, all of Jonestown, allegedly acted as straw purchasers and recruited others to buy guns and take them to Chicago.
- Charles Cotton, 46, Percy Strong, 54, Arness Brunt, 26, Tammie Brown, 30, and Curtis Simmons, 25, all of Jonestown, and James Jiles, 26, of Clarksdale are accused of illegally purchasing guns.
- Latoria Davis, 26, of Clarksdale, Jeannie Mae Bedford, 36, Veronica Gilliam, 27, and George Gilliam, 25, all of Jonestown, and Clifford Moore, 26, of Friars Point are charged with making false statements in connection with the purchase of firearms.
- Eddie Nesby, 25, Julius Statham, 37, and Antonio Brunt, 30, of Chicago also have been arrested. They were the only suspects not arrested in Mississippi.

Source: U.S. Department of Justice

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Chicago Tribune 2/28/07

## Feds target gang gun connection

By Jeff Coen  
Tribune staff reporter

The arrests of 19 people in Chicago and Mississippi in a gun-trafficking conspiracy offer a snapshot into the illegal gun trade in which gang members here end up with high-powered weapons, federal authorities said Wednesday.

A loose organization made up of relatives, their friends and associates allegedly arranged for the purchase of more than 100 guns in Mississippi, where laws are relatively lax, and transport here for sale to gangs such as the Gangster Disciples.

About three dozen weapons eventually were recovered at Chicago crime scenes, including a shootout last year in which two people were killed and a police officer wounded, investigators said.

"When you add illegally obtained heavy-caliber firearms to the already volatile mix of gangs and drugs on the streets of Chicago, the result to say the least is an unacceptable level of violence," said Gary Shapiro, first assistant U.S. attorney in Chicago.

Three people were in custody in Chicago and 15 in Mississippi after a team of agents from the federal **Bureau of Alcohol, Tobacco, Firearms and Explosives** and officers from the Chicago Police Department and Illinois State Police cracked down on the group early Wednesday.

Shapiro said gun-running operations like the one dismantled Wednesday contribute significantly to crime in the city.

It "threatens not only those who try to enforce our laws, but also the law-abiding citizens who only wish to live their lives in the neighborhoods that the gangs are trying to dominate," Shapiro said.

Recovered guns included two assault rifles and several high-powered handguns, Shapiro said.

Authorities said gun brokers in Chicago worked with traffickers, who recruited buyers in Mississippi. Those buyers made what are known as "straw purchases" at a group of three pawn shops and a gun store in Clarksdale and Tunica, Miss., falsely claiming that the guns were for them.

An **ATF affidavit** filed in the case outlines when weapons were purchased by alleged conspirators and when those guns turned up in Chicago.

On July 30, 2005, one of the buyers, Percy Strong, 54, of Jonestown, Miss., bought a 9mm handgun at Krosstown Trade and Pawn in Clarksdale, according to the affidavit. Last October, Chicago police trying to thwart a gang hit in Humboldt Park pulled over a car full of New Breeds gang members who were on their way to shoot a rival.

The gang members pulled out an assault weapon and the pistol Strong had bought at Krosstown, authorities said. A shootout ensued that left two of the gang members dead and a police officer shot in the hand.

In December 2003, Strong bought another 9mm pistol from Krosstown. That weapon was recovered by Chicago police in the South Side bedroom of a convicted felon, along with a stash of drugs, according to the affidavit.

On Sept. 1, 2003, Strong bought a .45-caliber pistol at the same business, the affidavit states. Less than two months later, the gun was recovered after a Gangster Disciple street gang member used it to shoot someone in the 5700 block of South Wabash Avenue.

Another buyer, James Jiles of Clarksdale, bought a semiautomatic rifle at Mega Pawn in that town. Police executing a search warrant on the South Side in 2004 found the weapon in the possession of a member of the Mafia Insane Vice Lords, the affidavit states.

**ATF** leaders said they began to crack the network by analyzing gun data, discovering that between 2001 and last fall, 300 guns recovered by law enforcement in Northern Illinois came from the Clarksdale and Tunica shops. Records from those businesses were then used to identify the purchasers, who were questioned by investigators and who blamed others in the network.

Strong told the ATF he was recruited by Eddie Nesby, 25, of Chicago, who was among those charged. Nesby paid him \$250 cash in addition to the cost of the gun, authorities said, but other buyers were paid as little as \$20 or \$50.

Many involved in the scheme knew where the guns were headed, investigators said, and attempted to destroy the serial numbers on many of the weapons. Most of the guns remain on the street and unaccounted for.

Other Chicagoans arrested and charged in the conspiracy in addition to Nesby were Julius Statham, 37, who allegedly bought some of the weapons in Chicago; and Antonio Brunt, 30, who along with Statham was accused of using a relative to obtain firearms in the South.

Attorneys for the men could not immediately be reached for comment.

**Andrew Traver, special agent in charge of the Chicago ATF**, said the case is a good example of how firearms-trafficking works. Traver called it a growing problem that involves more-sophisticated groups moving deadlier firearms.

"Back in the late '80s and early '90s, it was generally one person with a trunkful of guns who would drive up and sell them," he said. "Now we have these groups of people, where they recruit family members or associates in states that tend to have more lenient gun laws than Illinois."

Mississippi does not require a special firearm owner's identification card to buy a gun, authorities said, and has no waiting period.

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Associated Press 2/28/07

## **Feds roll up Mississippi-to-Chicago drug ring, make arrests**

Associated Press

CHICAGO - Police and federal agents began arresting more than 20 people Wednesday as authorities closed the net on an alleged Mississippi to Chicago gunrunning ring.

Targeted in the investigation were several people in Chicago and more than 20 in Mississippi, said **Tom Ahern, a spokesman for the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.**

The arrests were to be announced at an afternoon news conference in the U.S. attorney's office in Chicago, Ahern said.

The government is charging that the ring bought firearms in Mississippi and brought them to Chicago to supply street gangs with guns.

Members of the ring were named in conspiracy charges, Ahern said.

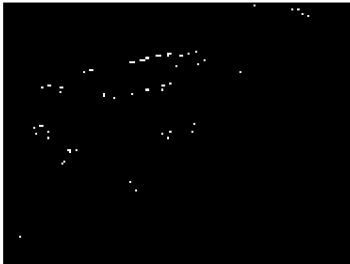
He said those participating in the investigation were **ATF** agents, the Chicago police and the Illinois State Police.



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WBBM Radio 780 AM (Chicago) 2/28/07

## 19 Arrested In Mississippi To Chicago Gunrunning Sting



CHICAGO (WBBM) -- The federal **Bureau of Alcohol, Tobacco, and Firearms** says more than 300 guns used in crimes in the Chicago area have now been recovered - and today agents say the 19 people who trafficked in those guns are under arrest.

WBBM's Steve Miller reports.

The gunrunning trail began in Mississippi and ended in Chicago, federal agents say.

**ATF spokesman Tom Ahern** says agents started seeing a pattern as they recovered guns used in crimes in Chicago since 2001.

Ahern says more than 300 of those guns were sold by four licensed dealers in Mississippi - and made their way into the hands of street gangs in Chicago.

Ahern says 14 people have been arrested in Mississippi and 5 in Chicago.

Ahern says the guns included an AK-47 which had been pointed at Chicago police last October at a Humboldt Park intersection.

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Press Register (Clarksdale, Miss.) 3/2/07

## Feds nab 19 in Chicago, Oxford raids

From staff and wire reports

*OXFORD - Federal officials announced late Wednesday afternoon the arrest of 19 defendants in Mississippi and Chicago who are charged with trafficking firearms from Mississippi to Chicago and putting them in the hands of gang members and convicted felons.*

The defendants were arrested by federal, state and local agents as part of **Project Safe Neighborhoods**, a nationwide initiative to combat violent gun crime.

A complaint unsealed in Chicago alleges that the charged defendants conspired to illegally purchase firearms in pawn shops and gun stores in the Clarksdale and Tunica area, transport the firearms to Chicago, and distribute the firearms to members of Chicago street gangs.

The members of the conspiracy are alleged to have transported in excess of 100 firearms from Mississippi to Chicago between August, 1999, and April, 2005. Some of those illegally purchased guns later were recovered at crime scenes, according to the complaint.

Five of the 19 defendants are charged with one or more counts of making false statements in connection with the firearms purchases, by falsely claiming to be the actual purchaser. Those defendants include Clifford Moore, 26, Friars Point; Latoria Davis, 26, Clarksdale; Jeannie Mae Bedford, 36, Jonestown; Veronica Gilliam, 27, Jonestown; and George Gilliam, 25, Jonestown.

These five defendants will be prosecuted in the Northern District of Mississippi.

Fourteen other defendants were charged in the federal complaint unsealed Wednesday in the Northern District of Illinois. Charged in the Chicago complaint are: Roy Christopher Brunt, 29, Sylvester Rice, 29, Demetrius Burnett, 33, Percy Mattox, 33, McKinley Pitts, 29, Charles Cotton, 46, Percy Strong, 54, Arness Brunt, 26, Tammie Brown, 30, and Curtis Simmons, 25, all of Jonestown; James Jiles, 26, of Clarksdale; and Eddie Nesby, 25, Julius Statham, 37, and Antonio Brunt, 30, all of Chicago.

The affidavit in support of the Chicago complaint describes an organizational structure in which firearms "brokers" from Chicago arranged to have guns purchased in Mississippi and brought to Illinois for distribution to gang members in and around Chicago. The brokers allegedly worked with "traffickers" who recruited "straw purchasers" to buy the guns at three different pawn shops and a gun shop in Mississippi. The traffickers then

transported the guns to Chicago where they were distributed at the direction of the brokers.

Also according to the complaint, personnel from the **Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)** analyzed gun tracing data from firearms recovered by law enforcement in the Northern District of Illinois between January 2001, and October 2006, and discovered that a total of 301 guns came from four federally licensed firearms dealers in the Clarksdale and Tunica areas. Investigators used records from those dealers to identify the purchasers of those guns, who were interviewed as part of the investigation. The 14 defendants in the complaint allegedly were responsible for acquiring and transporting to Chicago at least 39 of the guns ultimately recovered by law enforcement, and for illegally purchasing, transporting to Chicago, and distributing a total of more than 100 guns, most of which have not been recovered.

The complaint also describes the circumstances under which some of the guns were recovered in Chicago, including in connection with investigations of shootings and drug transactions.

According to the complaint, one gun allegedly purchased as part of the conspiracy, a 9mm semi-automatic pistol, was recovered in Chicago in December 2003, approximately 10 months after its purchase in Mississippi, following an incident in which police officers responding to a tip that individuals in a stolen car were on their way to commit a homicide, found the car and were confronted by two persons pointing guns at them. The police officers opened fire, killing the men and one of the police officers suffered a gunshot wound to the hand.

The investigation was conducted jointly by the Chicago Police Department, the Illinois State Police, and the **Bureau of Alcohol Tobacco Firearms and Explosives**. Agents from the Mississippi Bureau of Narcotics and Deputy U.S. Marshals also assisted **ATF** with Wednesday's arrests.

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Eagle (Oxford, Miss.) 3/1/07

## **Nineteen nabbed for Delta-to-Chicago gun trafficking**

Alyssa Schnugg

Staff Writer

They called it the most successful arrest operation in more than 20 years.

Federal officials announced Wednesday 19 people were arrested in Mississippi and Chicago for allegedly trafficking firearms from Mississippi to Chicago and putting them into the hands of gang members and convicted felons.

"It was a tremendous day for the United States," said **ATF agent Robert Browning** during a press conference held Wednesday at the U.S. Attorney's Office in Oxford. "The operation went off like clockwork."

While the investigation has been ongoing for several years, all 19 suspects were rounded up and arrested Wednesday without incident. Most of the defendants are from Jonestown and Clarksdale, but the weapons were purchased from pawn shops in Tunica and Clarksdale.

The arrests were part of **Project Safe Neighborhoods**, a nationwide initiative to combat violent gun crime. The complaint alleges the defendants conspired to buy firearms in pawn shops and gun stores in Clarksdale and Tunica and transport them to Chicago, where gun laws are more stringent.

The investigation began when guns used in violent crimes were recovered by police in Chicago and traced back to north Mississippi between January 2001 and October 2006. It was discovered a total of 301 guns came from four federally licensed firearms dealers in the Clarksdale and Tunica areas. Investigators used records from those dealers to identify the purchasers of the guns.

The defendants in Wednesday's arrests are charged with transporting about 100 of those guns, most of which have not been recovered.

"Some of these guns were involved with officers getting shot," said Coahoma County Sheriff Andrew Thompson at the press conference.

According to officials, the guns were bought by individuals with clean records who were able to purchase guns legally. While there are no state laws in Mississippi requiring gun

permits, all buyers must fill out an ATF sheet with their information and present identification. The defendants in this case would then allegedly turn the guns over for money and, many times, drugs.

"Often times, the people fill out the forms because they want crack cocaine or some other type of drug," Browning said.

Five of the 19 defendants were indicted by a federal grand jury in the Northern District of Mississippi.

Each of the five are charged with one or more counts of making false statements in connection with the purchase of firearms, by falsely claiming to be the actual purchaser. They include: Clifford Moore, 26, Friars Point; Latoria Davis, 26, Clarksdale; Jeannie Mae Bedford, 36; Jonestown; Veronica Gilliam, 27, Jonestown and George Gilliam, 25, Jonestown.

The other 14 defendants were charged Wednesday in Chicago. They are: Roy Christopher Brunt, 29; Demetrius Burnett, 33; Percy Mattox, 33; McKinley Pitts, 20; Charles Cotton, 46; Percy Strong, 54; Arness Brunt, 26; Tammie Brown, 30 and Curtis Simmons, 25, all of Jonestown; James Jiles, 26, of Clarksdale and Eddie Nesby, 25, Julius Statham, 37 and Antonio Brunt, 30, all of Chicago. If convicted, they could face five to 10 years in prison and a \$250,000 fine, according to Browning.

U.S. Attorney Jim Greenlee of the Northern District of Mississippi said gun traffickers should "beware."

"To those who would consider buying guns for others - don't," he said.

Anyone with information regarding illegal gun trafficking should contact the **ATF at 800-ATF-GUNS.**



## DELTA BLUES CASE SUMMARY

In 2005, an ATF special agent assigned to the Chicago Firearms Trafficking Task Force, made up of ATF agents and officers from the Illinois State Police and Chicago Police Department, compiled a list of crime gun recoveries in Chicago and the surrounding suburbs. Task force officers (TFOs) determined that a number of firearms recovered in the Northern District of Illinois were originally purchased by residents of Mississippi. TFOs concentrated on four separate Federal firearms licensees (FFLs) in and around Clarksdale, Mississippi, and determined that between 2001 and 2005 these FFLs sold 301 firearms that were later recovered in crimes in the Chicago area.

TFOs compiled a list of the original purchasers and discovered that an overwhelming percentage of purchasers lived in Jonestown and Clarksdale, Mississippi. With completed background research and information packets on each individual, investigators traveled to Mississippi on many occasions to conduct face-to-face interviews of the suspected firearms straw purchasers.

Suspect interviews in Jonestown revealed that many purchasers were related to one another and had family in the Chicago area. Interviewers found that three convicted felons from Chicago had recruited people in the Jonestown and Clarksdale area to purchase firearms for them. Two of the felons were members of the Gangster Disciples street gang in Chicago and the other was a member of the Black Disciples street gang in Chicago.

Investigators established that the straw purchasers were recruited by Chicago gang members and were often paid \$25 to \$125 for every firearm they straw purchased. Several Mississippi subjects told investigators that the Chicago gang members made it known that they could not legally buy firearms due to their felonious status and that firearms were often difficult to obtain in Chicago. Investigators also learned that some Mississippi residents would obliterate the serial numbers from the firearms they purchased prior to selling them to the Chicago felons, and furthermore, if the straw purchasers did not obliterate the firearms' serial numbers themselves, the felons (firearms traffickers) would obliterate them.

TFOs identified a Jonestown resident named (b) (7)(C) a two-time convicted felon and former resident of Chicago who was related to two of the felons from Chicago and had firearms dealings with the third felon. (b) (7)(C) told investigators that he facilitated the trafficking of more than 100 firearms to Chicago-area felons and gang members. (b) (7)(C) explained that he recruited the straw purchasers from Jonestown, Clarksdale, and Friars Point, specifically recruiting those addicted to cocaine, but who did not yet have a criminal record.

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(b) (7)(C) told TFOs that he would then transport the firearms to Chicago and distribute them to various gang members and other prohibited persons, making \$500 to \$600 for each firearm that he sold. (b) (7)(C) said that on several occasions he took some of the original Mississippi straw purchasers to Chicago, where they also made \$500 to \$600 per firearm. He said he made approximately 15 to 20 trips to Chicago from Mississippi, and on each trip he would transport five to eight firearms at a time. A total of 75 to 160 firearms were trafficked.

TFOs learned the Chicago felons themselves would also travel to Jonestown and acquire firearms to transport back to Chicago. Several of the straw purchasers told investigators that the Chicago traffickers would either pay for the firearms with cash and/or with cocaine they brought with them from Chicago.

As a result of this investigation, 19 conspirators were recommended by ATF for prosecution; 14 defendants were indicted in the Northern District of Illinois and an additional five defendants were indicted in the Northern District of Mississippi. The complaint filed in the Northern District of Illinois charged those subjects with a variety of Federal firearms trafficking violations. The individuals charged in Mississippi lacked the knowledge that the firearms were going to be transported to Illinois, so they were charged solely with 18 USC 922 (a) (6), straw purchasing. On February 28, 2007, ATF agents from the Chicago and the New Orleans Field Divisions, assisted by investigators from the Illinois State Police and the Chicago Police Department, arrested the 19 subjects charged in this investigation. Four subjects were located and arrested in Chicago and the remaining 15 offenders, constituting the straw purchaser network, were arrested in Mississippi.

To date, all of the individuals charged in this investigation have pled guilty. Sentences ranged from 60 months' probation to 60 months' incarceration for the defendants charged in the Northern District of Illinois (Chicago), with the three primary Chicago-based traffickers responsible for distributing the firearms locally being sentenced to the statutory maximum of 60 months' imprisonment.

**LOS ANGELES FIELD DIVISION****Case Number: 784040-07-0116 (San Diego)****Case Title:** (b) (7)(C)**Narrative: (Adjudicated)**

In September 2007, ATF discovered **multiple sale** firearms purchases in LEADS by an individual named (b) (7)(C). The firearms, including handguns and rifles, were purchased from various FFLs in Arizona and at gun shows in Arizona. Based on investigative information, ATF learned that the suspect would typically buy multiple handguns, which were reported on a **multiple sales** form, and one long gun each time he made a purchase. ATF identified (b) (7)(C) as a San Diego resident who had obtained Arizona identification to accomplish the gun buys in Arizona. A total of 36 firearms were identified and several were later recovered at crime scenes in San Diego and Tijuana, Mexico. During the investigation, ATF discovered that the actual purchaser of the firearms was a two-time convicted felon and illegal alien, (b) (7)(C), a known drug trafficker and former informant for another federal agency, had obtained (b) (7)(C) identity and then used it to purchase the firearms. In January 2008, the San Diego ATF office arrested (b) (7)(C) and (b) (7)(C). During a search of the home, one of the firearms was recovered along with cocaine and marijuana. (b) (7)(C) later admitted that he purchased (b) (7)(C) identity after he was deported in 2006. He claimed that (b) (7)(C) was a part of his DTO, which smuggled large amounts of narcotics into the U.S. through San Diego. He stated that upon assuming the new identity, he was tasked by the DTO to obtain firearms for the group. (b) (7)(C) pled guilty to 18 USC 922(g)(1) and was sentenced to 48 months imprisonment and 36 months supervised release.

**Case Number: 784040-06-0056 and 784040-07-0006 (San Diego)****Case Title:** (b) (7)(C) and (b) (7)(C)**Narrative: (Adjudicated)**

The subjects trafficked multiple rifles to Escondido, CA that were destined for a drug cartel in Tijuana, BC Mexico. A wall-stop was conducted and three rifles were recovered. One of the serial numbers was subsequently restored. The ATF agent traveled to Utah to interview the FFL. Upon interviewing the FFL, ATF learned that multiple AR-15 type rifles had been purchased, one at a time. ATF later interviewed the purchaser and her husband and learned they were responsible for a number of rifles trafficked to Escondido, CA. The U.S. Attorney declined prosecution of (b) (7)(C) who was convicted of 18 USC 371 and 18 USC 922(k), and sentenced to 36 months probation.



**Case Number: 784040-09-0056 (San Diego)**

**Case Title:** (b) (7)(C)

**Narrative: (Adjudicated)**

Beginning in May 2009, ATF San Diego, through the use of LEADS queries discovered that (b) (7)(C) a San Diego resident, had conducted several **multiple sale** purchases in Phoenix and Yuma, AZ. The majority of the firearms were assault type rifles and “crime gun” handguns. In all, 32 firearms (14 handguns and 18 assault rifles) were identified. A search warrant was obtained and executed on (b) (7)(C) residence in El Cajon, California. During the search warrant, several suspect firearms were discovered. (b) (7)(C) agreed to cooperate and provide information as to the location of the outstanding firearms. (b) (7)(C) identified (b) (7)(C) (b) (7)(C) as his criminal partner in the scheme to obtain and traffic firearms. (b) (7)(C) had observed the search warrant service at (b) (7)(C) home and immediately went into hiding. A search warrant was obtained and executed on (b) (7)(C) residence where additional evidence was recovered. Based on the evidence, an arrest warrant was obtained for (b) (7)(C) ATF San Diego located and arrested (b) (7)(C) During (b) (7)(C) arrest, he was accompanied by (b) (7)(C) a known local gang member. (b) (7)(C) was in possession of one of the suspect Arizona firearms with an obliterated serial number. (b) (7)(C) was arrested and taken into ATF custody. The investigation continued with several more search warrants being executed. Ultimately, 25 of the original 32 firearms from Arizona were recovered. An additional 54 collateral firearms were seized along with bomb making materials and narcotics. Based on this investigation, it is believed that 5 of the 7 firearms outstanding went into Mexico through an associate of (b) (7)(C) (b) (7)(C) conspired to obtain firearms from Arizona FFLs and traffic them to their associates in San Diego for profit. The San Diego U.S. Attorney’s Office prosecuted (b) (7)(C) (b) (7)(C) violations of 922(a)(3), importation of firearms without a license. (b) (7)(C) was sentenced to 7 years, (b) (7)(C) to 3 years, and (b) (7)(C) to 2 years.

**Case Number: 784040-10-0022 (San Diego)**

**Case Title:** (b) (7)(C)

**Narrative: (Adjudicated)**

(b) (7)(C) purchased multiple handguns in Arizona while being a resident of California. A federal search warrant was served at (b) (7)(C) residence wherein 42 firearms were seized. (b) (7)(C) was not a prohibited person; however, the firearms were purchased in Arizona by a resident of California and were unlawful to possess. After further investigation, ATF determined that some of the firearms seized were rifles that did not appear in eTrace as they were not handguns. Some of these rifles were part of “**multiple sales**” but this was not determined until contact was made with the FFL. (b) (7)(C) was convicted of 18 USC 922(a)(3) and sentenced to 36 months probation.

**Case Number: 784040-08-0121 (San Diego)**

**Case Title: (b) (7)(C)**

**Narrative: (Adjudicated)**

From January 24, 2003 to April 10, 2004, (b) (7)(C) was employed by the Department of Homeland Security and worked at the Otay Mesa Port of Entry in San Diego, California. During this same time period, (b) (7)(C) lived in Chula Vista, California and later in Tijuana, Baja California, Mexico. (b) (7)(C) began purchasing firearms in September 2004 from at least three different Federal Firearms Licensees (“FFL”) in San Diego County. From September 22, 2004 to September 9, 2006, (b) (7)(C) purchased 82 firearms (all handguns) from these FFLs, including **multiple sales** transactions.

(b) (7)(C) no longer possessed any of these firearms. (b) (7)(C) repeatedly admitted that he sold each of them. Two of the firearms have been recovered in Mexico. According to records maintained by the Procurdaria General De La Republica (“PGR”) in Mexico, a Glock model 23 .40 caliber pistol that (b) (7)(C) purchased on July 11, 2006 was recovered in Guadalajara, Jalisco, Mexico on May 6, 2007. Additionally, a Sig Sauer model P230 .380 caliber pistol that (b) (7)(C) purchased on May 9, 2006 was recovered in Atlacomulco, Mexico on November 12, 2009.

The investigation of (b) (7)(C) spanned almost 2 years, and involved multiple ATF field divisions, special agents and financial investigators. On September 9, 2010, (b) (7)(C) pled guilty to dealing firearms without a license, in violation of 18 USC 922(a)(1)(A), and confessed in federal court that he trafficked at least 70 firearms to an unidentified law enforcement official in Tijuana, BC Mexico. The USAO offered (b) (7)(C) an opportunity to identify the recipient of the firearms pending his sentencing. (b) (7)(C) was sentenced to 5 months imprisonment and 5 months at a halfway house.

### Multiple Sales Leads Uncovering Firearms Trafficking from US to Mexico

**Case Number: 784040-08-0121 (San Diego)**

**Case Title: (b) (7)(C)**

**Narrative: (Adjudicated)**

From January 24, 2003 to April 10, 2004, (b) (7)(C) was employed by the Department of Homeland Security and worked at the Otay Mesa Port of Entry in San Diego, California. During this same time period, (b) (7)(C) lived in Chula Vista, California and later in Tijuana, Baja California, Mexico. (b) (7)(C) began purchasing firearms in September 2004 from at least three different Federal Firearms Licensees (“FFL”) in San Diego County. From September 22, 2004 to September 9, 2006, (b) (7)(C) purchased 82 firearms (all handguns) from these FFLs, including **multiple sales transactions.**

(b) (7)(C) no longer possessed any of these firearms. (b) (7)(C) repeatedly admitted that he sold each of them. Two of the firearms have been recovered in Mexico. According to records maintained by the Procurdaria General De La Republica (“PGR”) in Mexico, a Glock model 23 .40 caliber pistol that (b) (7)(C) purchased on July 11, 2006 was recovered in Guadalajara, Jalisco, Mexico on May 6, 2007. Additionally, a Sig Sauer model P230 .380 caliber pistol that (b) (7)(C) purchased on May 9, 2006 was recovered in Atlacomulco, Mexico on November 12, 2009.

The investigation of (b) (7)(C) spanned almost 2 years, and involved multiple ATF field divisions, special agents and financial investigators. On September 9, 2010, (b) (7)(C) pled guilty to dealing firearms without a license, in violation of 18 USC 922(a)(1)(A), and confessed in federal court that he trafficked at least 70 firearms to an unidentified law enforcement official in Tijuana, BC Mexico. The USAO offered (b) (7)(C) an opportunity to identify the recipient of the firearms pending his sentencing. (b) (7)(C) was sentenced to 5 months imprisonment and 5 months at a halfway house.

**Case Number: 784040-07-0082 (San Diego)**

**Case Title: (b) (7)(C)**

**Narrative: (Open case? Bad case number? Checking.)**

An ATF investigation was initiated on (b) (7)(C) after it was learned, through **multiple sales reports**, that he purchased approximately (b) (3) (A) pistols from Arizona while being a resident of California. He subsequently trafficked those to Mexico, three of which have been recovered in Mexico in cartel-related violence. Additional investigation revealed that (b) (7)(C) purchased multiple rifles in Arizona and also trafficked those to Mexico. **(RE-CHECK STATUS)**



Jesus Quintanilla, 26, convicted of one count of purchasing firearms for others after pleading guilty in October 2010, was sentenced this morning by Chief United States District Judge Ricardo H. Hinojosa. Quintanilla has been in federal custody without bond since his July 2010 arrest and will remain in custody to serve his sentence.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) investigation which led to the charges against Quintanilla began after the ATF received reports that Quintanilla had purchased numerous highly trafficked firearms between July 8 and 16, 2010. After ATF agents saw Quintanilla's attempt to purchase an additional AK-47 type weapon (the attempted purchase was denied) agents approached Quintanilla. Quintanilla admitted to agents that he had previously purchased nine AK-47 type weapons and four pistols for another person who was reportedly associated with a Mexican drug cartel.

At today's sentencing hearing, Judge Hinojosa included enhancements for trafficking firearms and for using and possessing a firearm in connection another felony offense, specifically, the exportation of firearms in deciding upon the ultimate sentence handed down. Following the completion of the prison term the court has ordered Quintanilla to serve a three-year term of supervised release. As a convicted felon, Quintanilla will be prohibited by federal law from even possessing a firearm in the future.

### **Multiple Sales Leads Uncovering Domestic Firearms Trafficking**

**Case Number:** 762065-10-0013 (Portland, ME)

**Case Title:** (b) (7)(C)

**Narrative:** (Partially Adjudicated – See last paragraph)

In November 2010 (b) (7)(C) pled guilty and was sentenced to 3 months in Federal prison followed by 24 months of supervised release for his role in selling firearms to gang members, convicted felons, and out of state residents. This trafficking investigation began in October 2009 during a review of the **daily multiple sales report** from the ATF Violent Crime Analysis Branch that revealed handgun purchases by (b) (7)(C) that merited further scrutiny.

Agents began to investigate (b) (7)(C) and look into the role of the FFL in Sanford, ME, where the guns were being purchased. During October 2009, ATF learned from another federal agency, that members of a prominent violent street gang under investigation had been followed from Boston to Maine and observed to purchase four handguns from (b) (7)(C) in a parking lot. Subpoenas for phone tolls revealed (b) (7)(C) had contact with a Massachusetts telephone number 260 times between August and December of 2009. Additional **multiple sales forms** came in showing that during that same time period (b) (7)(C) made (b) (3) (P.L. 111-117) (b) (3) (P.L. 111-117) Checks of Gunbroker.com revealed that (b) (7)(C) made more than 150 purchases over a 2 month period. (b) (7)(C) as a convicted felon who also had a fake Maine Driver License and had been denied (NICS) during an attempt to purchase guns from an FFL in Maine in August 2009.



Between January 14, 2010 and March 3, 2010, undercover ATF agents from out of state met with (b) (7)(C) on two occasions and purchased more than 10 handguns from (b) (7)(C). During one transaction, (b) (7)(C) in the back seat of his car.

Following the firearms transaction on March 3, 2010 (b) (7)(C) was detained and given an opportunity to cooperate knowing that he would be charged and arrested at a later date. (b) (7)(C) then provided a confession and agreed to cooperate against (b) (7)(C) and the FFL. (b) (7)(C) identified (b) (7)(C) from a photo line-up as a person to whom he had sold more than 100 firearms. (b) (7)(C) stated that the FFL knew the firearms being purchased were being resold by (b) (7)(C). During the (b) (7)(C) investigation, ATF Portland initiated a parallel FFL investigation, agents covertly approached the FFL and were able to purchase firearms off-paper from the FFL who thought he was selling to out of state residents. **(The FFL is deceased.)** (b) (7)(C) admissions matched what the agents had already determined. On March 3, 2010, a search of (b) (7)(C) home resulted in the recovery of additional firearms and records.

On March 4, 2010, ATF Boston and Portland agents arrested (b) (7)(C) (b) (7)(C) after they drove from Massachusetts to Maine and took possession of several handguns that they intended to traffic back to MA. They purchased two handguns, which were ATF props, for \$600 from (b) (7)(C) the firearms trafficker detained by ATF who agreed to cooperate. Both (b) (7)(C) are affiliated with Boston gangs and are convicted felons. (b) (7)(C) an armed career criminal recently released from prison after an armed robbery conviction. Prior to the deal, agents and Lynn, MA Police Officers were able to locate (b) (7)(C) and watch as he was picked up by a subject driving a Lexus that departed for ME. They were under surveillance all the way to the deal in ME. The owner of the vehicle was identified as an armed career criminal/gang member from Boston. After the arrest, it was discovered that the vehicle owner was not present however another armed career criminal had used his car to drive to ME to purchase firearms. (b) (7)(C) have pled guilty. (b) (7)(C) as other charges pending in Boston. Neither have been sentenced.

**Case Number: 762065-06-0053 (Portland, ME)**

**Case Title: (b) (7)(C)**

**Narrative: (Adjudicated)**

This investigation began in December 2005 after a number of firearms purchased from an FFL in Freeport, Maine were recovered in crimes in Queens, NY and some of those firearms had been purchased as part of **multiple sales**.

The investigation ultimately revealed a large ring of straw purchasers in Maine led by a convicted felon and NYC gang member (b) (7)(C) who had cultivated an FFL to participate in the conspiracy by allowing straw purchases to occur for profit. A lengthy grand jury investigation ensued and eventually investigation evidence resulted in the arrest of seven persons, 5 of which were straw purchasers, one of which was the FFL, and one of which was trafficking ring organizer (b) (7)(C). Some of the straw purchasers were also charged with providing false information to the Grand Jury and distributing over 50 grams of crack cocaine brought to Maine by (b) (7)(C). The ring trafficked more than 25 handguns, of which eight have already turned up in crimes in New York to include drug trafficking, residential burglary, possession of firearms

with obliterated serial numbers, criminal weapon possession, reckless endangerment, obstruction, resisting arrest, concealed weapon violations, and an accidental self-inflicted gunshot wound. All of the straw purchasers pled guilty and substantially assisted the prosecution against (b) (7)(C). The straws received Federal sentences ranging from 36 months of probation to 120 months of imprisonment. FFL (b) (7)(C) was eventually indicted as part of a Klein Conspiracy - intentionally defrauding the US Government of records and information it is required to keep; illegal sale of handguns to out of state residents; and false statements to government agents. FFL (b) (7)(C) eventually pled guilty, substantially assisted the prosecution against (b) (7)(C) and was sentenced to two months in prison in March 2009. The FFL also voluntarily abandoned his Federal Firearms License as part of the plea agreement. (b) (7)(C) (b) (7)(C) aka (b) (7)(C) was indicted for Conspiracy to Distribute and Possess with intent to Distribute Cocaine Base in excess of 50 grams, Conspiracy to Commit Offense Against the United States or to Defraud the United States (Klein Conspiracy), Conspiracy to Commit Offense Against the United States, Five Counts of Aiding and Abetting False Statements in a Firearm Transaction, Dealing in Firearms without a License, and Five Counts of Possession of a Firearm by a Prohibited Person. On June 1, 2009 in US District Court, Portland, Maine, (b) (7)(C) (b) (7)(C) was sentenced to 25 years in Federal prison followed by 120 months supervised release for his role as the organizer in an interstate gun and drug trafficking conspiracy.

**Case Number: 784040-09-0056 (San Diego)**

**Case Title: (b) (7)(C)**

**Narrative: (Adjudicated)**

Beginning in May 2009, ATF San Diego, through the use of LEADS queries discovered that (b) (7)(C) a San Diego resident, had conducted several **multiple sale** purchases in Phoenix and Yuma, AZ. The majority of the firearms were assault type rifles and "crime gun" handguns. In all, 32 firearms (14 handguns and 18 assault rifles) were identified. A search warrant was obtained and executed on (b) (7)(C) residence in El Cajon, California. During the search warrant, several suspect firearms were discovered. (b) (7)(C) agreed to cooperate and provide information as to the location of the outstanding firearms. (b) (7)(C) identified (b) (7)(C) (b) (7)(C) as his criminal partner in the scheme to obtain and traffic firearms. (b) (7)(C) had observed the search warrant service at (b) (7)(C) home and immediately went into hiding. A search warrant was obtained and executed on (b) (7)(C) residence where additional evidence was recovered. Based on the evidence, an arrest warrant was obtained for (b) (7)(C). ATF San Diego located and arrested (b) (7)(C). During (b) (7)(C) arrest, he was accompanied by (b) (7)(C) known local gang member. (b) (7)(C) was in possession of one of the suspect Arizona firearms with an obliterated serial number. (b) (7)(C) was arrested and taken into ATF custody. The investigation continued with several more search warrants being executed. Ultimately, 25 of the original 32 firearms from Arizona were recovered. An additional 54 collateral firearms were seized along with bomb making materials and narcotics. Based on this investigation, it is believed that 5 of the 7 firearms outstanding went into Mexico through an associate of (b) (7)(C) (b) (7)(C) conspired to obtain firearms from Arizona FFLs and traffic them to their associates in San Diego for profit. The San Diego U.S. Attorney's Office

prosecuted (b) (7)(C) and (b) (7)(C) for violations of 922(a)(3), importation of firearms without a license. (b) (7)(C) was sentenced to 7 years, (b) (7)(C) to 3 years, and (b) (7)(C) to 2 years.

**Case Number: 775051-01-0045 (Martinsburg WV, Washington DC)**

**Case Title: (b) (7)(C)**

**Narrative: (Adjudicated)**

The case was initiated in 2001 after multiple straw purchasers were identified through a review of **multiple sales records**. In 2003, additional straw purchasers were discovered through **multiple sales reports** and it was determined that two independent ATF cases, one from Martinsburg, West Virginia and the other from Washington DC, were linked. The cases were soon merged and as the investigation progressed and interviews were conducted by ATF agents in Martinsburg, West Virginia and Washington DC, it was determined that approximately eight straw purchasers, mostly female, were buying firearms throughout the Martinsburg, West Virginia area for two individuals from Washington DC name (b) (7)(C) and (b) (7)(C) (b) (7)(C). It was determined that (b) (7)(C) ran a neighborhood drug ring in Northeast, Washington DC and would exchange drugs for firearms purchased by individuals that they had recruited in West Virginia. The case concluded in 2008 with a total of 51 firearms identified as being illegally trafficked from West Virginia FFL's.

In November of 2006, (b) (7)(C) pled guilty and was sentenced to 21 years in Federal prison for his role in a drug and firearms trafficking ring. In December of 2008, (b) (7)(C) (b) (7)(C) pled guilty and was sentenced to 7 years in Federal prison for his role in the drug and firearms trafficking ring.



**HOUSTON FIELD DIVISION – Multiple Sales Investigations****Case Number: 782095-09-0004 (Houston, TX)****Case Title: (b) (7)(C)****Narrative: (Adjudicated)**

(b) (7)(C) admitted to straw purchasing 15 Fabrique Nacional (FN) 5.7X28mm pistols for (b) (7)(C) (b) (7)(C) Houston based narcotics dealer. A subsequent consent search conducted at (b) (7)(C) (b) (7)(C) residence resulted in the seizure of 5 additional firearms, 55 rounds of ammunition, \$4,900 in U.S. currency, 5 kilograms of packaged cocaine and 12.3 grams of crack cocaine. This case was initiated via an ATF IOI Referral during the Houston GRIT. Through investigation and witnesses, ATF determined that (b) (7)(C) purchased one FN57 from an FFL and several firearms from a gun range's booth at a gun show. Another FFL stated that his business had sold three FN pistols to (b) (7)(C) on various dates at Houston-area gun shows. Sentences included (b) (7)(C) (3 years Federal probation), (b) (7)(C) (4 years Federal incarceration and 5 years supervised release), and (b) (7)(C) (36 months supervised probation). Prosecution of (b) (7)(C) was declined.

**Case Number: 782020-04-0015 (Corpus Christi, TX)****Case Title: (b) (7)(C)****Narrative: (Adjudicated)**

(b) (7)(C) purchased more than 500 firearms and then smuggled them to Mexico for resale. Although (b) (7)(C) often purchased specific firearms based on orders from customers in Mexico, he listed himself as the "actual buyer." (b) (7)(C) placed his orders with numerous firearms dealers in Victoria, Houston, San Antonio, Corpus Christi and other locations throughout Texas. Local Victoria firearms dealers not only described (b) (7)(C) as ordering firearms from lists, they also informed ATF authorities that he would file Texas tax exemption forms indicating the firearms were for resale, thereby avoiding the payment of sales taxes on his purchase. Only three of the firearms were recovered in Mexico. Lists of purchases were compiled by **multiple sales reports** and canvassing local dealers. On July 7, 2009, (b) (7)(C) was sentenced to 60 months on false statements during purchases, 120 months for smuggling, and 60 months for dealing without a license. During a search warrant of his home, child pornography was found. (b) (7)(C) was also sentenced to 120 months for possession of child pornography and 220 months for downloading child pornography.

**Case Number: 782025-06-0017 (Houston, TX)****Case Title: OPERATION ZEBRA****Narrative: (Adjudicated – See end of narrative)**

During a routine inspection of a Federally Licensed Firearms dealer in Houston, Texas, a large scale firearms trafficking operation to Mexico was identified. **Multiple Sales reports** revealed the same. The investigation revealed that 23 straw purchasers and recruiters were responsible for

purchasing 336 firearms in a 15-month period (2006-2007) with a total cost of \$368,000. Straw purchasers were paid up to \$500 per transaction. Many of the firearms were AR-15 type firearms along with Beretta 9 mm pistols and FN 5.7mm pistols. One hundred two (102) firearms have been recovered and traced back to this group of traffickers. Of these firearms, 97 were recovered in Mexico, four in Guatemala and one in the U.S. Of the 102 recoveries, most are long guns. These firearms are responsible for 63 casualties in Mexico – 18 law enforcement and civilian, and 45 cartel shooters. These firearms were recovered at some horrific crime scenes in Mexico to include the Acapulco Police Massacre.

Of the 23 suspects, 16 have been charged and seven had prosecution declined in favor of cooperation. Of the 16 defendants, three are fugitives, 12 have been convicted and sentenced, and one is convicted and awaiting sentencing. The first two sentenced were (b) (7)(C) (8 years) and (b) (7)(C) (4 years) in 2009. There has been much media attention (local and national) on this case as it is one of the largest firearms trafficking/smuggling rings uncovered.

**Case Number: 782020-06-0066 (Corpus Christi, TX)**

**Case Title: (b) (7)(C)**

**Narrative: (Adjudicated)**

On March 30, 2006, ATF responded to assist the Mathis, TX Police Department. After a consent search, local officers found 19 firearms (9 rifles, 6 shotguns and 4 pistols) and approximately 5,000 rounds of ammunition in a residence occupied by (b) (7)(C) a known Texas Syndicate prison gang member, and his common-law wife. More disturbing was a catalogue of firearms parts and accessories that appeared to be an “order form” for additional items that were to be ordered. Through investigation it was discovered that (b) (7)(C) was a gunsmith for the gang and would clean and restore firearms for the gang and add accessories to their firearms, such as laser sights on a pistol, acquire additional magazines, etc. ATF seized and traced all of the firearms in this case, which substantiated that (b) (7)(C) was utilizing his common-law wife to purchase these firearms and the accessories.

Through information obtained in the traces of the seized firearms, ATF was able to discover the firearms were purchased at multiple FFL’s throughout Texas. **Multiple sales** of rifles were also determined through trace information. ATF contacted each of the FFL’s and found additional firearms that had not been seized. (b) (7)(C) pled guilty to multiple counts of 18 USC 922(g)(1), felon in possession and was sentenced to 120 months imprisonment, followed by 36 months supervised release. The U.S. Attorney declined prosecution for (b) (7)(C)

**Case Number: 782010-10-0057 (Austin, TX)**

**Case Title: (b) (7)(C)**

**Narrative: (Adjudicated)**

On March 25, 2010, the ATF Austin Field Office received information from an FFL about a female who was suspected of being involved in firearms trafficking. The female had purchased 20,000 rounds of ammunition and 45 firearm magazines with 30-round capacities.

During the subsequent investigation, ATF special agents identified a man who accompanied the female during the **purchase of ten Bushmaster .223 caliber semi-automatic rifles**. Upon completing the transfer and following a surveillance of the individual, ATF interviewed the man, who confessed to straw-purchasing the firearms for another person.

Information developed during the investigation revealed that the firearms and ammunition were bound for Mexico. The third defendant in this investigation told the special agents that he had been “hired” by an individual with ties to a Mexican drug cartel to purchase the firearms. This investigation resulted in the arrests, guilty pleas and convictions of three individuals for Federal firearms violations, specifically 18 USC 381. Sentences included (b) (7)(C) 12 months incarceration), (b) (7)(C) (24 months incarceration), and (b) (7)(C) 12 months incarceration).

**Case Number: 782020 07 0047 (Corpus Christi, TX)**

**Case Title:** (b) (7)(C)

**Narrative: (Adjudicated)**

ATF in Corpus Christi received a call from a local FFL advising that (b) (7)(C) from Brownsville, TX had purchased an assault rifle and inquired about purchasing additional rifles prior to departing the FFL. Minutes later, ATF received a call from a second FFL (a national retail sporting goods chain) advising that (b) (7)(C) had **purchased two assault rifles**. ATF surveilled (b) (7)(C) as he departed then sporting goods store. (b) (7)(C) was stopped in Kingsville, TX by the State Police at the request of ATF. Investigation revealed that (b) (7)(C) had **purchased two additional assault rifles** at another FFL in Bishop, TX. Five rifles were seized by ATF. (b) (7)(C) was indicted and pled guilty to Providing False Information to a FFL, 18 USC 922(a)(6).

**Case Number: 782055-02-0094 (Laredo, TX)**

**Case Title:** (b) (7)(C)

**Narrative: (Adjudicated)**

(b) (7)(C) was an FFL in Laredo, Texas. He paid straw purchasers to fill out 4473s or obtained biographic information to generate totally fraudulent 4473s. When a firearm was sold “off the books” (b) (7)(C) completed the second page of the 4473 showing that the firearm was sold to a straw purchaser. (b) (7)(C) did not keep any records of the name, age and residence of the persons to whom he actually sold or delivered the firearms. ATF identified 40 Form 4473s that were either signed by straw purchasers or were totally fraudulent (mostly through **multiple sales forms**). Records from wholesalers showed that (b) (7)(C) purchased the firearms listed on the 4473s. An inventory of (b) (7)(C) stock showed that he no longer possessed the firearms. The straw purchasers were told by (b) (7)(C) that they had nothing to worry about because the guns were going to Mexico but if they were asked about the guns by ATF, to say the guns were resold at a gun show in Austin or San Antonio. After ATF started interviewing straw purchasers, (b) (7)(C) told one straw purchaser that he would be in danger

if he cooperated with ATF. In addition to being an FFL, (b) (7)(C)  
(b) (7)(C)

ATF identified at least 87 firearms trafficked to Mexico. ATF discovered that (b) (7)(C) was involved in trafficking when ATF recovered some of his guns involved in crimes. When ATF traced the guns, the firearms were part of **multiple sales transactions**. After reviewing all his **multiple sale** transactions, ATF identified several suspicious purchases. ATF interviewed all purchasers and served search warrants at his residence and place of business. (b) (7)(C) was subsequently arrested and convicted. On September 17, 2004, (b) (7)(C) was sentenced to 37 months imprisonment and 36 months probation/supervised release.

From: Needles, James R.

Sent: ~~Employee 1~~, January 25, 2011 4:54:57 PM

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To: SAR/SIR Message Delivery

CC: McMahon, William G.; Newell, William D.; Gillett, George T. Jr.; Mangan, Thomas G.

Subject: FW: SIR - Firearms

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DEPARTMENT OF JUSTICE - BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
SIGNIFICANT INFORMATION REPORT

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DATE: January 25, 2011  
FROM: Phoenix Field Division  
FIELD OFFICE: Phoenix VII Field Office

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CASE INFORMATION

CASE NUMBER: 785115-10-0004  
CASE TITLE: (b) (7)(C) et al  
SPECIAL AGENT: (b) (7)(C)  
TELEPHONE NUMBER: (b) (7)(C)

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SYNOPSIS OF INCIDENT/ACTIVITY:

Arrest of 18 suspects in firearms trafficking investigation.

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NARRATIVE OF INCIDENT/ACTIVITY:

On January 19, 2011, the Federal Grand Jury in the District of Arizona returned a fifty-three (53) count indictment charging twenty (20) individuals with a variety of charges to include; Conspiracy (371), Dealing in Firearms without a License (922 a 1 A), False Statement in Connection with the Acquisition of a Firearm (924 a 1 A), Conspiracy to Possess a Firearm in Furtherance of a Drug Trafficking Offense (924 o), Money Laundering (1956), Possession/Conspiracy to Possess a Controlled Substance with Intent to Distribute (841 & 846), Aid and Abet (2).

On January 25th, 2011, the ATF Phoenix Field Division, Phoenix Group VII, along with numerous other federal and local law enforcement agencies, concluded this firearms trafficking investigation with the arrest of eighteen (18) individuals and the execution of four (4) search warrants. Two (2) defendants still remain at large as Federal fugitives; their location is currently being sought by the United States Marshals Service.

During the execution of the above mentioned arrest and search warrants, as well as an additional consent search, twelve (12) firearms, body armor, ammunition, two (2) pounds of methamphetamine, numerous pounds of marijuana, scales, computers, documents, and packaging material, were recovered.

Several of the subjects provided interviews to ATF agents and to Mexican Law Enforcement Officials who were present on scene which resulted in additional leads and information that is currently being follow-up. Additional indictments are anticipated on this investigation.

From: Significant Activity Report  
Sent: ~~Employee 1~~, January 25, 2011 4:34:42 PM  
To: SAR/SIR Message Delivery  
Subject: FW: SIR

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From: (b) (7)(C)  
Sent: Tuesday, January 25, 2011 4:29:42 PM  
To: (b) (7)(C) Needles, James R.; Newell, William D.;  
Significant Activity Report  
Subject: SIR  
Auto forwarded by a Rule

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DEPARTMENT OF JUSTICE - BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
SIGNIFICANT INFORMATION REPORT

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DATE: January 25, 2011  
FROM: Phoenix Field Division  
FIELD OFFICE: Phoenix VII Field Office

---

CASE INFORMATION

CASE NUMBER: 785115-10-0004  
CASE TITLE: (b) (7)(C)  
SPECIAL AGENT: (b) (7)(C)  
TELEPHONE NUMBER: (b) (7)(C)

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**From:** McMahon, William G.  
**Sent:** Tuesday, February 01, 2011 4:30 PM  
**To:** (b) (7)(C)  
**Subject:** FW: OCDETF Proposal  
**Attachments:** The Fast and The Furious.doc; The Fast and The Furious narrative.doc

(b) (7)(C)

Attached is the OCDETF Proposal we discussed earlier today. Just wanted you to have it for your information.

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**From:** Newell, William D.  
**Sent:** Friday, January 28, 2011 5:32 PM  
**To:** McMahon, William G.  
**Subject:** FW: OCDETF Proposal

Original proposal. Was eventually assigned the following OCDETF #: SWAZP0496

Bill Newell  
 Special Agent in Charge  
 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)  
 Phoenix Field Division (Arizona and New Mexico)  
 Office - (602)776-5400

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**From:** Gillett, George T. Jr.  
**Sent:** Tuesday, January 26, 2010 11:26 AM  
**To:** Newell, William D.  
**Subject:** FW: OCDETF Proposal

Bill --

(b) (7)(C) and (b) (7)(C) OCDETF proposal was unanimously passed today at the USAO. This investigation is currently (b) (7)(E)

(b) (7)(C), (b) (7)(E)  
 (b) (7)(E)

Purchases have significantly slowed for now as the "straws" are waiting for a significant cash infusion to make some "large" purchases, whatever those might be.

George T. Gillett  
 Assistant Special Agent in Charge  
 ATF - Phoenix Field Division  
 Office: (602) 776-5400





**From:** Newell, William D.  
**Sent:** Friday, January 28, 2011 11:17 AM  
**To:** Gillett, George T. Jr.; (b) (7)(C)  
**CC:** McMahon, William G.; (b) (7)(C) (b) (7)(C) Needles, James R.; Chait, Mark R.  
**Subject:** Re: Access to Fast and Furious

I would caution that this case is marked "6(e)" because it does in fact contain a vast amount of Grand Jury material. All individuals granted access will have to sign a 6(e) agreement forwarded to them by the AUSA. In addition, this case is still active and on-going and thus all information should be restricted on a strictly "Need to Know" basis only.

\*\*\*\*\*

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---

**From:** Gillett, George T. Jr.  
**To:** (b) (7)(C)  
**Cc:** Newell, William D.; McMahon, William G.; (b) (7)(C) (b) (7)(C) Needles, James R.  
**Sent:** Fri Jan 28 11:14:30 2011  
**Subject:** Access to Fast and Furious

Hello (b) (7)(C)

SA (b) (7)(C) will have full access to the Fast and Furious case as soon as the case agent can access the case and grant the access.

Please advise if there is anything further that we can assist with.

**George T. Gillett**  
Assistant Special Agent in Charge  
ATF - Phoenix Field Division  
Office: (602) 776-5400

785115-10-0004

2/26/2013

Indicted targets (Purchasers)	<i>Date identified (entered) in investigation</i>	<i>Firearms purchased before target was identified (entered) in investigation</i>	<i>Firearms purchased after target was identified (entered) in investigation</i>	<i>TOTALS</i>	<i>Firearms recovered (NON ATF) in U.S. after target was identified (entered) in investigation</i>	<i>Firearms recovered in U.S. by ATF after target was identified in investigation</i>	<i>Firearms recovered in Mexico after target was identified (entered) in investigation</i>	<i>Firearms recovered prior to identification of target in investigation</i>
(b) (7)(C)	(b) (7)(E)							

(b) (7)(C)  
A/GS Phoenix FIG

(b) (7)(C)

April 12, 2011 Draft

The Honorable Darrell Issa  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Sincerely,

Ronald Weich  
Assistant Attorney General

cc: The Honorable Elijah E. Cummings  
Ranking Minority Member

**From:** (b) (7)(C)  
**Sent:** Monday, February 14, 2011 1:04 PM  
**To:** (b) (7)(C)  
**Subject:** FW: TPs for your consideration  
**Attachments:** sjc atf briefing tps.docx

(b) (7)(C)

Chief, Firearms Operations Division  
ATF HQ - Room 6.S.129  
202.648. (b) (7)(C) Cell (b) (7)(C)

---

**From:** Burton, Faith (SMO) [mailto:(b) (7)(C)]  
**Sent:** Thursday, February 10, 2011 12:38 PM  
**To:** Weinstein, Jason (CRM); Weich, Ron (SMO); (b) (7)(C) McDermond, James E.; Chait, Mark R.; Burke, Dennis (USAAZ)  
**Subject:** RE: TPs for your consideration

Please see the redlined version here. Based upon the letter we received from Grassley last night (b) (5)

(b) (5)  
(b) (5)

Jason, thanks for taking the lead here - this outline is very detailed – expect that everything you say will be scrutinized and cross-examined - (b) (5) See you soon. FB

---

**From:** Weinstein, Jason (CRM)  
**Sent:** Thursday, February 10, 2011 11:56 AM  
**To:** Burton, Faith (SMO); Weich, Ron (SMO); (b) (7)(C) ATF); McDermond, James E. (ATF); Chait, Mark R. (ATF); Burke, Dennis (USAAZ)  
**Subject:** TPs for your consideration

Sorry for lateness in getting these to you.

---

Jason M. Weinstein  
Deputy Assistant Attorney General  
Criminal Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
Office: (202) 305- (b) (7)(C)  
Cell (b) (7)(C)

From: (b) (7)(C)  
Sent: Thursday, March 17, 2011 1:18:27 PM  
To: (b) (7)(C)  
Subject: FW: FF

38

Can you handle this one??? Thanks

(b) (7)(C)

Chief, Firearms Operations Division  
ATF HQ - Room 6.S.129  
202.648.(b) (7)(C) Cell (b) (7)(C)

-----Original Message-----

From: Chait, Mark R.  
Sent: Thursday, March 17, 2011 12:47 PM  
To: McMahon, William G.; (b) (7)(C)  
Subject: FF

Can you look at an roi on July 8 did we or PD take the guns.

\*\*\*\*\*

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From: (b) (7)(C)  
Sent: Wednesday, March 02, 2011 8:28:10 AM  
To: [REDACTED]  
Subject: Print entire Mgt Log

39

(b) (7)(C)

Chief, Firearms Operations Division  
202-648-(b) (7)(C) Cell (b) (7)(C)

\*\*\*\*\*

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From: (b) (7)(C)  
Sent: Thursday, March 17, 2011 3:03:03 PM  
To: Chait, Mark R.  
Subject: FW: FF

PD

(b) (7)(C)  
Senior Special Agent  
Firearms Operations Division  
202.648.(b) (7)(C) (office)  
(b) (7)(C) (cell)

-----Original Message-----

From: (b) (7)(C)  
Sent: Thursday, March 17, 2011 1:18 PM  
To: (b) (7)(C)  
Subject: FW: FF

Can you handle this one??? Thanks

(b) (7)(C)  
Chief, Firearms Operations Division  
ATF HQ - Room 6.S.129  
202.648.(b) (7)(C) Cell (b) (7)(C)

-----Original Message-----

From: Chait, Mark R.  
Sent: Thursday, March 17, 2011 12:47 PM  
To: McMahon, William G.; (b) (7)(C)  
Subject: FF

Can you look at an roi on July 8 did we or PD take the guns.

\*\*\*\*\*

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From: (b) (7)(C)  
Sent: Thursday, March 17, 2011 3:01:33 PM  
To: (b) (7)(C)  
Subject: RE: FF

44

PD

(b) (7)(C)  
Senior Special Agent  
Firearms Operations Division  
202.648.(b) (7)(C) (office)  
(b) (7)(C) (cell)

-----Original Message-----

From: (b) (7)(C)  
Sent: Thursday, March 17, 2011 1:18 PM  
To: (b) (7)(C)  
Subject: FW: FF

Can you handle this one??? Thanks

(b) (7)(C)  
Chief, Firearms Operations Division  
ATF HQ - Room 6.S.129  
202.648.(b) (7)(C) Cell (b) (7)(C)

-----Original Message-----

From: Chait, Mark R.  
Sent: Thursday, March 17, 2011 12:47 PM  
To: McMahon, William G.; (b) (7)(C)  
Subject: FF

Can you look at an roi on July 8 did we or PD take the guns.

\*\*\*\*\*

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From: (b) (7)(C)  
Sent: ~~Employee~~ Thursday, March 17, 2011 2:36:38 PM  
To: (b) (7)(C)  
Subject: RE: FF

10-4

(b) (7)(C)

Senior Special Agent  
Firearms Operations Division  
202.648.(b) (7)(C)(office)  
(b) (7)(C) (cell)

-----Original Message-----

From: (b) (7)(C)  
Sent: Thursday, March 17, 2011 1:18 PM  
To: (b) (7)(C)  
Subject: FW: FF

Can you handle this one??? Thanks

(b) (7)(C)

Chief, Firearms Operations Division  
ATF HQ - Room 6.S.129  
202.648.(b) (7)(C) Cell (b) (7)(C)

-----Original Message-----

From: Chait, Mark R.  
Sent: Thursday, March 17, 2011 12:47 PM  
To: McMahon, William G.; (b) (7)(C)  
Subject: FF

Can you look at an roi on July 8 did we or PD take the guns.

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**VIOLENT CRIME ANALYSIS BRANCH**  
**FIREARMS DATA DISCLOSURE RESTRICTIONS**

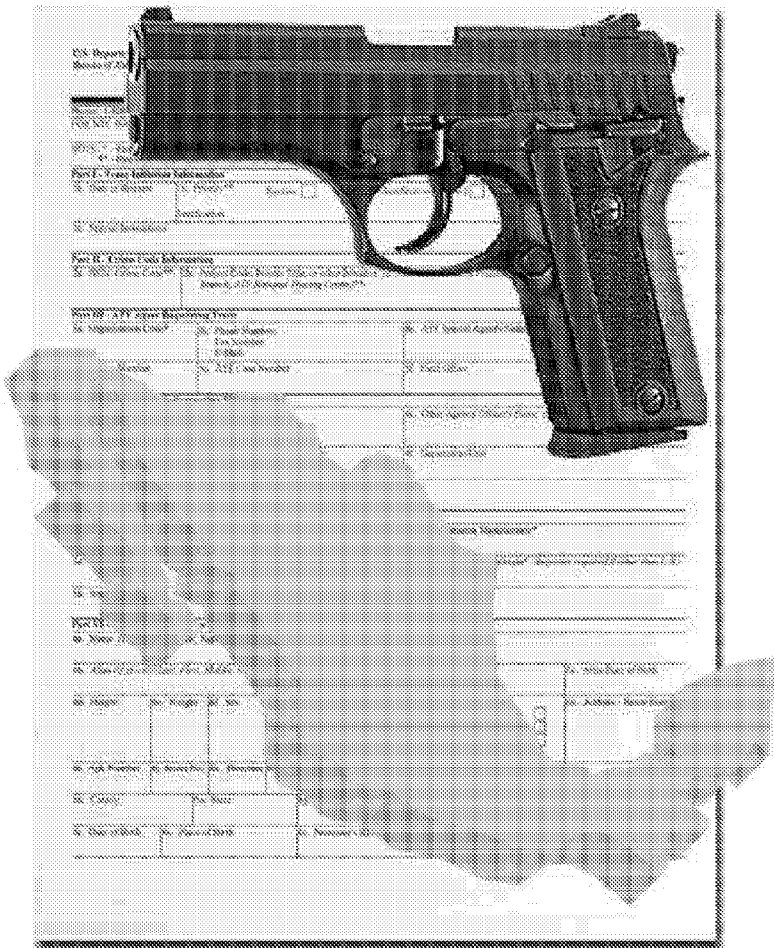
*Please be advised that the Consolidated Appropriations Act of 2010, Public L. 111-117, which became effective on December 16, 2009, restricts the disclosure of any part of the contents of the Firearms Tracing System or any information required to be kept by Federal Firearms Licensees pursuant to 18 USC 923(g), or required to be reported pursuant to 18 USC 923(g)(3) and 923(g)(7).*

*The information, which is being provided per your request, is for official law enforcement use only and may only be disseminated by the Bureau of Alcohol, Tobacco, Firearms and Explosives to a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or a foreign law enforcement agency solely in connection with and for use in a criminal investigation or prosecution; or a Federal agency for a national security or intelligence purpose. This disclosure restriction shall not be construed to prevent the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials. Congress has prohibited the public release of any data by the recipient law enforcement agency. The publication of statistical aggregate data regarding firearms traffickers and trafficking channels, firearms misuse, felons, and trafficking investigations is exempt from the restriction. If you have questions regarding these restrictions please contact ATF legal counsel prior to disclosing any of the information provided in this correspondence outside of ATF.*

The Act, in pertinent part, provides that:

{N}o funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations.

VCAB #112407



# Mexico

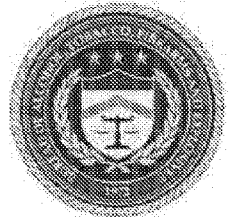
Department of Justice  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
Office of Strategic Intelligence and Information  
Violent Crime Intelligence Division  
Violent Crime Analysis Branch  
Data Source: Firearms Tracing System

**December 1, 2006 – November 30, 2010**  
(as of January 12, 2011)

Law Enforcement Sensitive



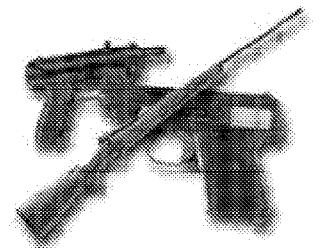
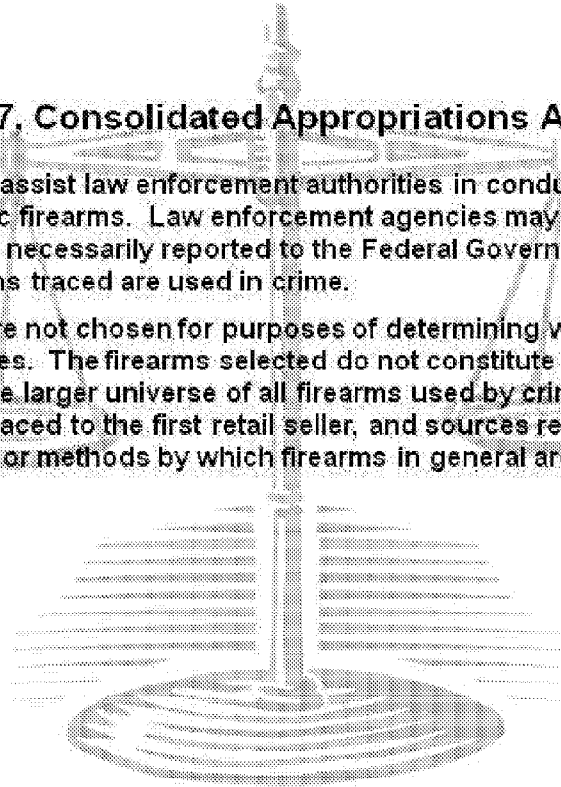
## ATF Firearms Trace Data Disclaimer



### Public L. No. 111-117, Consolidated Appropriations Act of 2010, SEC. 516

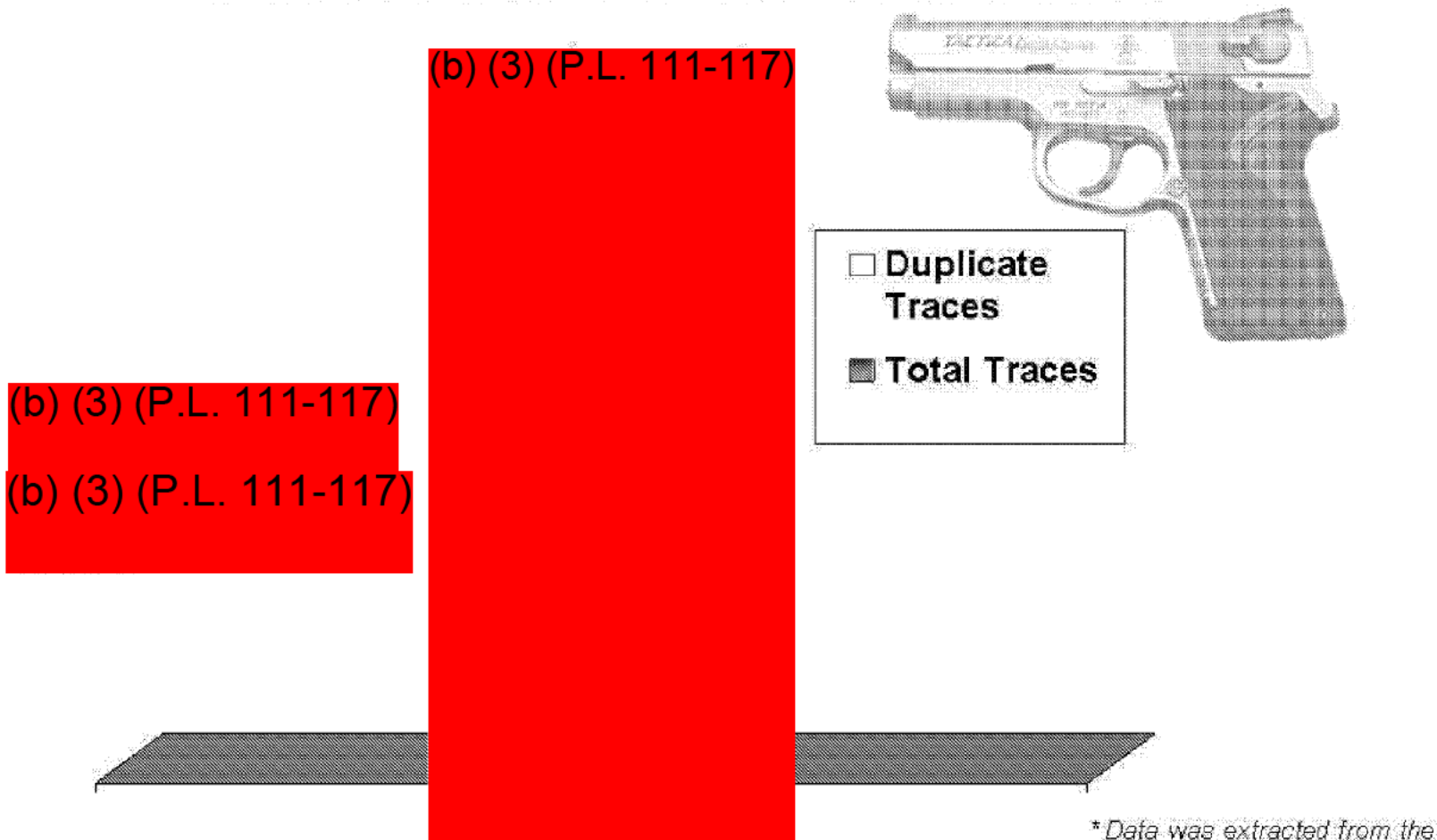
(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.



Law Enforcement Sensitive

# Total Number of Firearms Recovered and Traced in Mexico Between 12/1/06 and 11/30/10

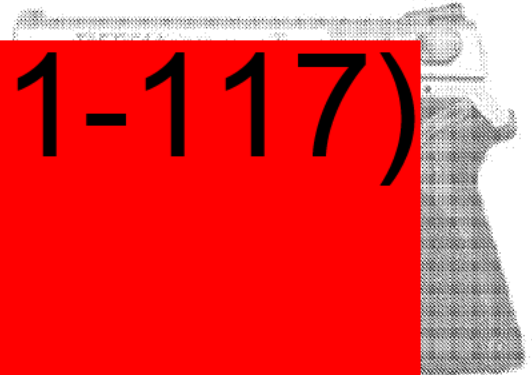


Law Enforcement Sensitive

\*Data was extracted from the Firearms Tracing System (FTS) on January 12, 2011.

# Total Number of Firearms Recovered and Traced in Mexico Between 12/1/06 and 11/30/10

(b) (3) (P.L. 111-117)



12/1/06 - 12/31/06

CY 2007

CY 2008

CY 2009

1/1/10 - 11/30/10

(b) (3) (P.L. 111-117)



Law Enforcement Sensitive

\*Data was extracted from the  
Firearms Tracing System (FTS)  
on January 12, 2011.



## **Top Firearm Types Recovered and Traced in Mexico Between 12/1/06 and 11/30/10**

(b) (3) (P.L. 111-117)(b) (3) (P.L. 111-117)

(b) (3) (P.L. 111-117)

(b) (3) (P.L. 111-117)

## **Top Firearms Recovered and Traced in Mexico Between 12/1/06 and 11/30/10**

**By Manufacturer,  
Caliber & Type**

**(b) (3) (P.L. 111-117)**

P) = Pistol  
PR) = Revolver  
R) = Rifle  
S) = Shotgun

**(b) (3) (P.L. 111-117)**

## **Top Firearm Calibers Recovered and Traced in Mexico Between 12/1/06 and 11/30/10**

**(b) (3) (P.L. 111-117)**



**(b) (3) (P.L. 111-117)**

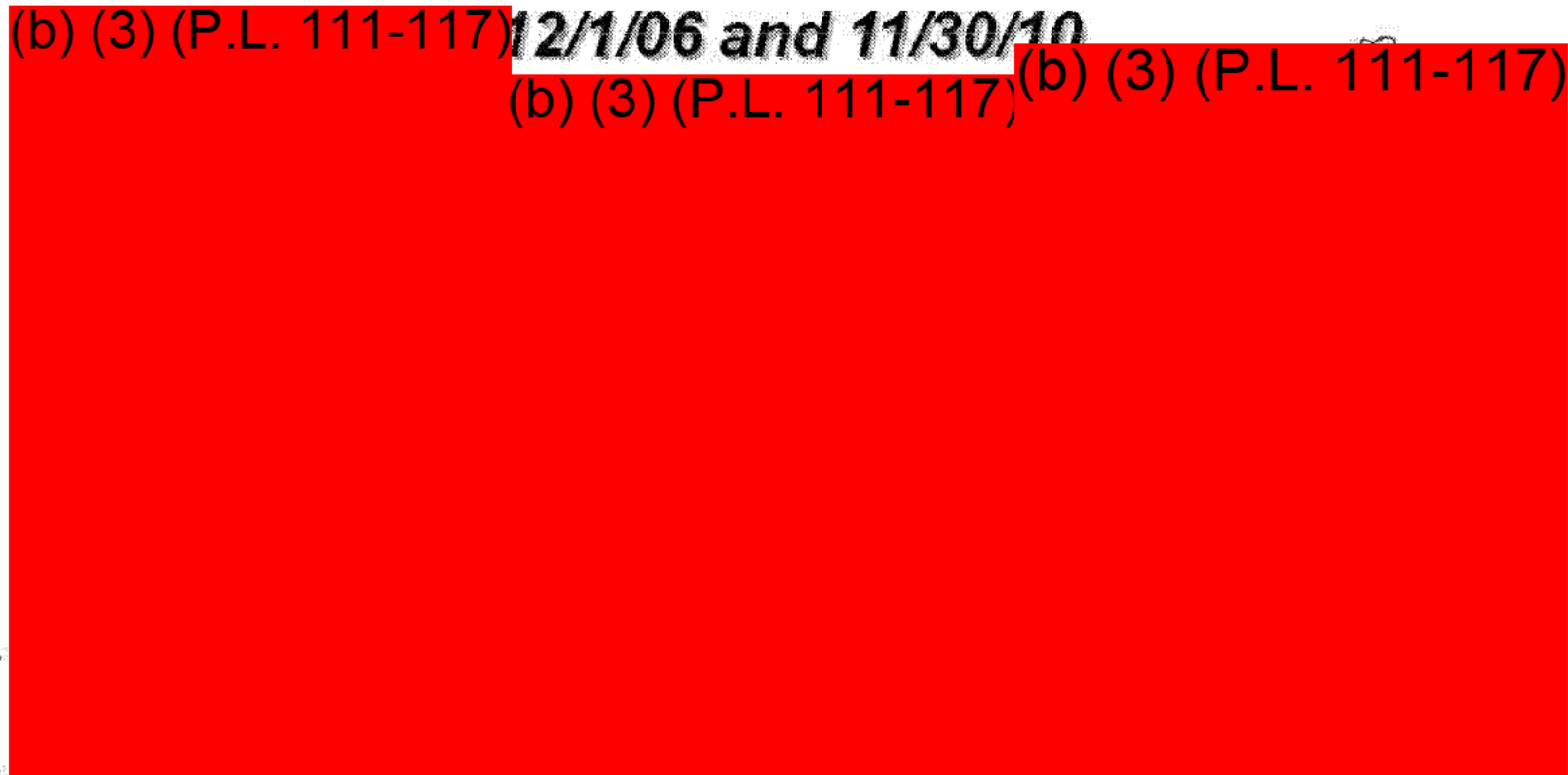


Law Enforcement Sensitive

# United States Source Locations for Firearms Recovered and Traced in Mexico Between

(b) (3) (P.L. 111-117) 12/1/06 and 11/30/10

(b) (3) (P.L. 111-117) (b) (3) (P.L. 111-117)



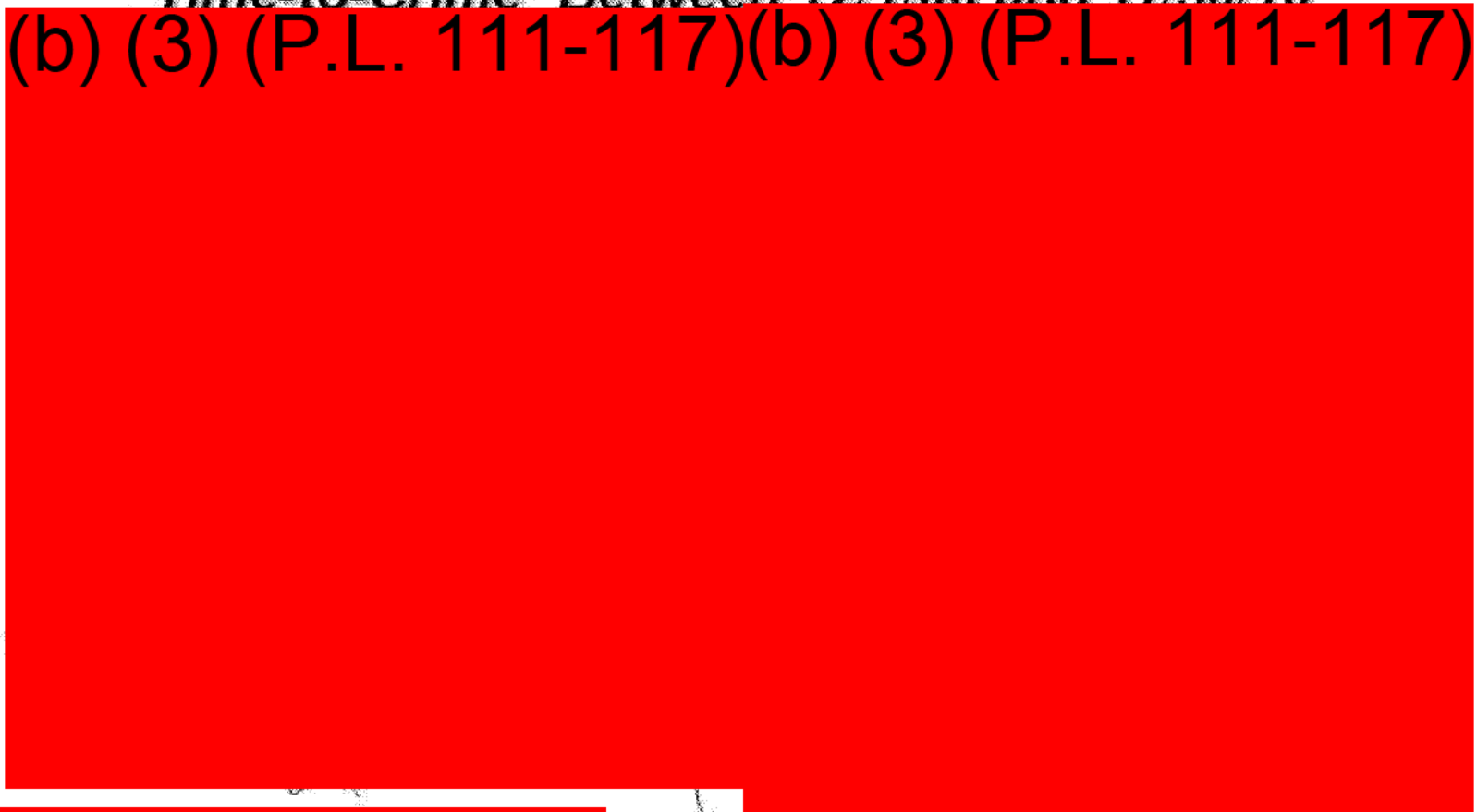
NOTE: (b) (3) (P.L. 111-117)

Law Enforcement Sensitive

Bureau of Alcohol, Tobacco, Firearms and Explosives, Violent Crime Intelligence Division, Violent Crime Analysis Branch

**United States Source Locations for Firearms  
Recovered and Traced in Mexico with Short  
Time-to-Crime\* Between 12/1/06 and 11/30/10**

(b) (3) (P.L. 111-117)(b) (3) (P.L. 111-117)



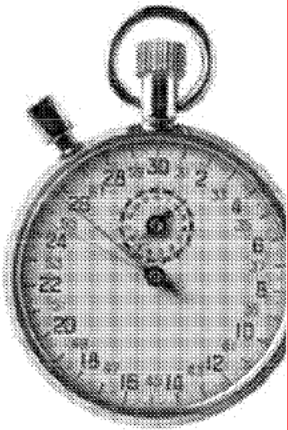
(b) (3) (P.L. 111-117)

\*Time-to-Crime Less Than Three Years.

Law Enforcement Sensitive

**Time-To-Crime Rates for U.S. Sourced Firearms  
Recovered and Traced in Mexico  
Between 12/1/06 and 11/30/10**

**(b) (3) (P.L. 111-117)**



**(b) (3) (P.L. 111-117)**

**(b) (3) (P.L. 111-117)**

Law Enforcement Sensitive

## **Analytical Criteria Used to Compile the Enclosed Statistics**

### ● **All of the Preceding Statistics had the Following Selection Criteria in Common:**

- Traces with a recovery country of Mexico were included.
- Traces with a recovery date between December 1, 2006 – November 30, 2010 were selected. However, if the recovery date was blank, traces with an entered date between December 1, 2006 – November, 2010 were also selected.
- Duplicate and "Firearm Turned In" traces were excluded.
- Statistics are based on a query of the Firearms Tracing System (FTS) on January 12, 2011.
- All traces may not have been submitted or completed at the time of this study.

### ● **Additional Selection Criteria was Applied to the Following Statistics:**

#### ● **U.S. Source Locations for Firearms with a Recovery in Mexico**

- Traces must identify a purchaser and the U.S. dealer where the firearm was purchased.

#### ● **Time-to-Crime Rates for Firearms with a Recovery in Mexico**

- Traces must identify a purchaser.
- Includes traces that provide a recovery date and a final purchase date.
- Time-to-crime is calculated by subtracting the purchase date from the recovery date.

**Law Enforcement Sensitive**

From: (b) (6), (b) (7)(C)

Sent: Wednesday, April 06, 2011 3:36 PM

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

**Subject:** FW: URGENT / MANDATORY ACTION - ADDITIONAL INSTRUCTIONS FOR DOCUMENT PRODUCTION RELATED TO OPERATION FAST AND FURIOUS

**Attachments:** OIG.FF document request 3-25-11.pdf; OIG and HCOGR Verification.docx; HCOGRDOCLIST.docx

All – Please see the detailed instructions below and address these requirements as soon as possible. Note that the due date is COB Monday, 4/11/11. I encourage you to initiate this process immediately and complete it by COB this Friday, 4/8/11, if possible.

If you have responsive documents to submit, follow the procedures below to deposit them into the shared drive in the appropriate location.

If you have no responsive documents, complete your certification and return it in accordance with the instructions provided by your supervisor.

All FOD employees must reply to this request, either after submission of responsive materials, or with the certification reflecting no responsive documents were located.

Call me with any questions.

(b) (6), (b) (7)(C)

Chief, Firearms Operations Division

ATF HQ - Room 6.S.129

202.648 (b) (6), (b) (7)(C) Cell (b) (6), (b) (7)(C)

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\*\*\*\*\*

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---

From: (b) (6), (b) (7)(C)



**Sent:** Wednesday, April 06, 2011 12:06 PM

**To:** All Assistant Directors; All Deputy Assistant Directors; All Special Agents in Charge

**Subject:** ADDITIONAL INSTRUCTIONS FOR DOCUMENT PRODUCTION RELATED TO OPERATION FAST AND FURIOUS

On March 21, 2011, the Acting Inspector General (IG) for the Department of Justice advised Acting Director Melson that the IG's Oversight and Review Division recently initiated a review of certain ATF firearms trafficking investigations. In a March 21 memo, the Assistant IG for the Oversight and Review Division stated that the review would cover the matter known as Operation Fast and Furious, and other investigations with similar objectives, methods, and strategies. On March 25, 2011, Acting Director Melson received the attached request for documents and information relating to the IG review of certain firearms trafficking investigations.

On March 28, 2011, AD Stinnett sent each of you instructions on how to respond to the March 25, 2011 document request. She also sent each of you a document preservation request relative to Operation Fast and Furious.

On March 31, 2011 the House Committee on Oversight and Government Reform (HCOGR) issued a subpoena for documents related to Operation Fast and Furious and the FBI investigation into the death of Border Patrol Agent Brian Terry.

While the IG document request and the HCOGR subpoena are generally directed at the same investigation, they are distinctly different in their scope. To minimize the impact of these two document requests, facilitate production of responsive documents, and ensure the confidentiality of responses, we will combine them into one request and secure them electronically. (Accordingly, to the extent that AD Stinnett's March 28, 2011 asked for you to produce hard copy documents to her office, you can disregard that portion of her guidance). **The due date for the electronic production of responsive documents and certification of search is close of business Monday, April 11, 2011.**

**Regardless of any prior production of responsive documents to any entity inside or outside of ATF, everyone is required to produce any responsive documents, e-mails, etc. at this time. All responsive documents anywhere in the organization must be produced. Further, all documents must be fully produced. There is no authority for ATF to withhold records, or redact portions of records because we believe they are sensitive or confidential or privileged. The IG has statutory authority to obtain any and all records related to this review.**

-  
ACTION ITEM FOR EACH AD AND EMPLOYEES IN EACH DIRECTORATE

Please carefully review both the attached OIG request for documents and the attached HCOGR request and forward to each office within your area of responsibility. These documents should be forwarded to each employee in every office under your supervision. While it is likely that most of the requested records will be housed at the Phoenix Field Division or Bureau headquarters, it is nonetheless critical that each SAC and HQ Official ensure a thorough search is conducted at each field and headquarters division and any responsive record is forwarded as instructed. Please err on the side of caution and be over inclusive in producing documents or information.

Also attached is a revised verification certification that covers document production for the OIG and the HCOGR which needs to be signed and dated by each SAC and HQ Official. If your division does not have responsive materials, please note "no responsive records found" on the certification and provide a copy of the signed document as instructed below. A scanned copy of this document should be placed in the division folder as described below using the naming convention of "Division\_Certification" e.g.

Phoenix\_Certification. Personnel in the Office of Field Operations should also e-mail a copy of their certification to Program Analyst (b) (7)(C), (b) (6)

**Do not produce** any of the following documents generally described as national policy documents (Headquarters has and will produce these documents):

The 2009 ONDCP National Southwest Border Counternarcotics Strategy  
The Draft 2011 ONDCP National Southwest Border Counternarcotics Strategy  
The Department of Justice Strategy for Combating the Mexican Cartels  
The Department of Justice Firearms Manual  
Any national ATF Orders, Briefs, Handbooks, or Guides  
The ATF National Firearms Trafficking Enforcement Implementation Plan dated June 2009 and its transmittal memo  
The ATF Cartel Strategy dated September 2010 and its transmittal memo

**However**, any additional guidance on any of the above topics issued at the directorate, division, field office, or branch level must be produced.

**Do not produce** any of the following documents generally described as NFORCE documents from the Fast and Furious case file (Headquarters has and will produce these documents):

Management Logs  
Reports of Investigation  
Significant Incident Reports  
Affidavits  
Anything currently contained in the Phoenix Field Division shared drive s:\Phoenix VII\7585115-10-0004

**However**, any other responsive documents, e-mail, or communications related to Operation Fast and Furious maintained at the directorate, division, field office, or branch level must be produced.

**All production of responsive materials is to be in electronic form only as outlined below. Do not submit paper copies to headquarters. Any responsive document or other communication that is not currently in electronic form is to be scanned.**

#### PROCESS FOR EACH EMPLOYEE TO SUBMIT RESPONSIVE DOCUMENTS ELECTRONICALLY

ATF will compile all responsive documents by having employees place electronic copies of the documents into a shared computer drive. Do not produce hard copies or e-mail copies of documents to HQ.

Each employee and task force officer in ATF has been given access to a nationwide shared computer drive titled "Fast and Furious Investigation." Access to this drive was automatically created when you logged in to your computer Monday, April 4, 2011.

If you have responsive documents to submit, follow the procedure below to deposit them into the shared drive in the appropriate location. If you have no responsive documents, complete your certification and return it in accordance with the instructions provided by your supervisor.

**How to Access the Fast and Furious Investigation shared drive.**

To access this drive, place your mouse pointer over the “Start” button in the lower left corner of your screen and right click, then select “Explore.”

Scroll down until you see a drive labeled “Fast and Furious Investigation.” (If you do not see this drive and your computer has not been rebooted recently, you will need to log out of the network and log back in so that the network may create your access to the shared drive.)

Left click on that drive.

Scroll to your field division or Headquarters Directorate

Left Click on that folder

### **How to Create a Document Folder**

Next create a new user folder to hold your responsive documents. To do this:

Go to the top menu and select “File”

Then select “New”

Then select “Folder”

Name the new folder with your login id (network user id)

Left click on the folder you just created to enter it

Copy any responsive documents into your folder in the shared drive.

About your folder:

Only you can access your folder. No one else in your office, division, or directorate can view your submission(s).

Similarly, you cannot access anyone else’s folder.

You can deposit documents into the folder, but once deposited in the folder you cannot read, rename, modify, or delete them.

### **Saving scanned documents**

If you must scan a document to submit it, please save it using the following naming convention:

Your login ID\_description\_of\_the\_document\_date of the document

Where Your login ID is your **network login ID**, followed by an underscore and the description of the document, for example, “\_division\_firearms\_trafficking\_guidance\_memo\_” followed by the date of the original document **201104XX** expressed as a four digit year followed by two digit month and 2 digit day

An example of a properly named scanned file might look like this:

**Atfperson\_division\_firearms\_trafficking\_guidance\_memo\_20100920**

**Phoenix Field Division personnel need not produce e-mails to the shared folder, all Phoenix employees’ e-mail will be collected automatically. Each Phoenix user will receive a network notification advising them that their e-mail folders are being copied from their pc in response to this information collection. All Phoenix employees are required to cooperate with this collection process.**

### **How to Save Small Quantities of Responsive E-Mails**

To save a singular responsive e-mail follow these steps:

Open the e-mail

Left Click on the "Office Button" Icon in the upper left hand corner

Select "Save As"

Browse to your folder on the shared drive.

**In the Save as type: dialogue box be sure to select Outlook Message Format (\*.msg)**

Save the file directly to your folder in the shared drive.

### **How to Save Large quantities of responsive E-Mails**

Move all responsive e-mails to a single folder within Outlook – create a new folder if need be.

Once you have moved all responsive e-mails into the folder, highlight the folder on the folder list.

Left click "File" in the upper left hand corner of the Outlook window

In the dialogue box select "Import and Export"

In the next dialogue box select "Export to a File," then click "Next"

In the next dialogue box select "Personal Folder File (.pst)," then click "Next"

In the next dialogue box select (highlight by clicking on it) the folder where you have stored the responsive e-mails, then click "Next"

In the next dialogue box in the "Save exported file as" box, browse to your folder on the shared drive and save the .pst file containing your e-mail folder naming it using the following naming convention:

Your login ID\_email\_ff\_20110404, then click "Finish"

Where Your login ID is your **network login ID**, followed by an underscore and the letters "**\_email\_ff\_**" followed by the date you exported the file **201104XX** expressed as a four digit year followed by two digit month and 2 digit day.

Questions regarding what information to produce should be reviewed with your supervisor. If you are unable to determine how to proceed, questions may be directed to AD Melanie Stinnett in OPRSO via e-mail or at 202-648-7500

Questions regarding how to migrate data to the shared drive should be directed to the Helpdesk at 877-875-3723.

Any other questions should be addressed to (b) (6), (b) (7)(C) in the Office of the Director via e-mail or at 202-648 (b) (6), (b) (7)(C)

**(b) (6), (b) (7)(C)**

Acting Chief of Staff

Office of the Director

O: 202-648 (b) (6), (b) (7)(C)

C: (b) (6), (b) (7)(C)

HQ Room 5 S 100

\*\*\*\*\*

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**appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited.**

**From:** (b) (6)  
**Sent:** Monday, April 04, 2011 9:09 AM  
**To:** (b) (6)  
**Subject:** RE: Need some quick help

It seems to me that the simple answer is that the folks further up the food chain know who they are and that we have an ongoing investigation to determine if their actions constitute a violation of law prosecutable in the US. Some of these folks are presumably not US citizens and all live in proximity to and have significant contacts in Mexico. The more the facts of the investigation are aired in the media or otherwise made public the more information these targets have about (1) unindicted coconspirators who are targets or potential targets; (2) potential criminal activities that have not yet been indicted that we have evidence of and that they know they participated in; and (3) their legal vulnerabilities and likelihood of being indicted.

But only if they are one of the lucky few who has access to the internet.

(b) (6)

Senior Special Agent  
 Firearms Operations Division  
 202 (b) (6) (office)  
 (b) (6) (cell)

---

**From:** [REDACTED]  
**Sent:** Friday, April 01, 2011 4:59 PM  
**To:** [REDACTED]  
**Subject:** FW: Need some quick help  
**Importance:** High

Guys – anything you can contribute would be welcome.

[REDACTED]  
 Acting Chief of Staff  
 Office of the Director  
 O: [REDACTED]  
 C: [REDACTED]  
 HQ Room 5 S 100

\*\*\*\*\*

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**From:** Hoover, William J.  
**Sent:** Friday, April 01, 2011 4:55 PM  
**To:** [REDACTED]  
**Subject:** FW: Need some quick help  
**Importance:** High

Would you start at the bottom of this string and read up? If we can respond Monday that would be great. I will be thinking of things as well. Please share with others for ideas.

Thank you!

Billy

William J. Hoover  
Deputy Director  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
O) [REDACTED]

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\*\*\*\*\*

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**From:** Axelrod, Matthew (ODAG) [mailto:Matthew.Axelrod@usdoj.gov]  
**Sent:** Friday, April 01, 2011 4:30 PM  
**To:** Hoover, William J.  
**Subject:** FW: Need some quick help  
**Importance:** High

Billy,

Here's what Pat sent me. Anything you guys have to add would be useful. Thanks.

Matt

---

**From:** Cunningham, Patrick (USAAZ)  
**Sent:** Friday, April 01, 2011 3:43 PM  
**To:** Axelrod, Matthew (ODAG)  
**Cc:** Burke, Dennis (USAAZ); Morrissey, Mike (USAAZ); Hurley, Emory (USAAZ); Kelly, Kristen (USAAZ) 6  
**Subject:** RE: Need some quick help  
**Importance:** High

Matt: Yes, this is incredibly rough and the problems are:

# DP

Gong to IG meeting now. PJC

---

**From:** Axelrod, Matthew (ODAG) (SMO)  
**Sent:** Friday, April 01, 2011 11:32 AM  
**To:** Cunningham, Patrick (USAAZ)  
**Subject:** Need some quick help

Any way you can send me a list of the specific ways that the Congressional inquiries are harming your investigation? DP

# DP

Matthew S. Axelrod

Associate Deputy Attorney General

Office of the Deputy Attorney General

U.S. Department of Justice

Desk (202) 305-0273

Cell (202) 532-3087



DARRELL E. ISSA, CALIFORNIA  
CHAIRMAN

ONE HUNDRED TWELFTH CONGRESS

ELIJAH E. CLAWMIRE, PENNSYLVANIA  
RANKING MEMBER

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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LAWRENCE J. BRADY  
STAFF DIRECTOR

April 1, 2011

The Honorable Darrell E. Issa  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to memorialize my serious concerns with the unilateral subpoena you issued last night to the Department of Justice, despite my objection. I am providing copies of this letter to all Members of the Committee because they were not informed about the objections raised by the Department of Justice before you issued the subpoena and were not provided an opportunity to deliberate on this significant action by the Committee.

On March 16, 2011, you sent a letter to the Department of Justice requesting a wide range of documents relating to operations by the Bureau of Alcohol, Tobacco, Firearms, and Explosives involving gun trafficking into Mexico. You requested the production of all of these documents in two weeks.<sup>1</sup>

Yesterday, the Department of Justice notified the Committee that it was working rapidly to comply with this request and was collecting responsive documents to be produced to the Committee. The Department raised serious concerns, however, about producing certain documents relating to two active, ongoing criminal investigations, one of which has already resulted in a 53 count indictment of at least 20 individuals alleged to have "conspired to purchase hundreds of firearms, including AK-47s, to be illegally exported to Mexico."<sup>2</sup>

<sup>1</sup> Letter from Chairman Darrell E. Issa to Kenneth Melson, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives (Mar. 16, 2011) (online at [http://oversight.house.gov/images/stories/Other\\_Documents/2011-03-16\\_DEI\\_to\\_Melson-ATF\\_-\\_Mexico\\_gun\\_trafficking\\_due\\_3-30.pdf](http://oversight.house.gov/images/stories/Other_Documents/2011-03-16_DEI_to_Melson-ATF_-_Mexico_gun_trafficking_due_3-30.pdf)).

<sup>2</sup> Office of the United States Attorney, District of Arizona, *Grand Juries Indict 34 Suspects in Drug and Firearms Trafficking Organization: Multi-Agency Task Force Rounds Up Defendants Accused of Illegal Gun Purchases, Money Laundering, and Conspiracy* (Jan. 25, 2011) (online at [www.justice.gov/usao/az/press\\_releases/2011/PR\\_01252011](http://www.justice.gov/usao/az/press_releases/2011/PR_01252011)).

The Honorable Darrell E. Issa

Page 2

The Department also raised concerns about producing documents relating to the ongoing criminal investigation into the death of U.S. Border Patrol Agent Brian Terry on December 14, 2010.

Previous Committee chairmen have handled such concerns with great care. For example, during the Department's criminal investigation into fatal shootings by Blackwater contractors in Nisoor Square, Iraq, the Committee worked very carefully with the Department to obtain the information it needed without negatively impacting ongoing prosecutions.<sup>3</sup>

Last night, however, you issued a unilateral subpoena over the Department's objection, over my objection, and without any knowledge or debate by other Members of our Committee. You took this step without meeting with the Department to determine whether an accommodation might have satisfied both the Committee's legitimate interest in conducting appropriate oversight and the Department's legitimate interest in achieving successful prosecutions.

Today, the Justice Department wrote a letter to you with the following statement:

Yesterday, we informed Committee staff that we intended to produce a number of responsive documents within the next week. As we explained, there are some documents that we would be unable to provide without compromising the Department's ongoing criminal investigation into the death of Agent Brian Terry as well as other investigations and prosecutions, but we would seek to work productively with the Committee to find other ways to be responsive to its needs.<sup>4</sup>

This type of intrusion into ongoing criminal investigations is exactly what I hoped to avoid when I wrote you on January 24, 2011, to request that you honor the historical practice of both Republican and Democratic chairmen of this Committee to obtain (1) the concurrence of the Ranking Minority Member or (2) a Committee vote when issuing controversial subpoenas.<sup>5</sup>

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Press%20Conference.pdf); *See also*, Indictment, *United States v. Avila, et. al.*, Case No. 2:11-CR-126-JAT (D. Ariz. Jan. 19, 2011).

<sup>3</sup> *See, e.g., Transcript*, Hearing on Private Security Contracting in Iraq and Afghanistan, Committee on Oversight and Government Reform, U.S. House of Representatives (Oct. 2, 2007).

<sup>4</sup> Letter from Ronald Weich, Assistant Attorney General, U.S. Department of Justice to Chairman Darrell Issa (April 1, 2011).

<sup>5</sup> Letter from Ranking Member Elijah Cummings to Chairman Darrell Issa, (Jan. 24, 2011) (online at [http://democrats.oversight.house.gov/images/stories/2011\\_0124\\_Cummings\\_to\\_Issa\\_access\\_to\\_records.pdf](http://democrats.oversight.house.gov/images/stories/2011_0124_Cummings_to_Issa_access_to_records.pdf)).

The Honorable Darrell E. Issa  
Page 3

Compromising the potential prosecution and ultimate conviction of international criminals would be inexcusable. Before taking any further steps, I urge you to join me in meeting with Department officials personally in order to fully understand the potential ramifications of these actions.

Sincerely,

A handwritten signature in black ink, appearing to read "Elijah E. Cummings". The signature is stylized and cursive, with the first name "Elijah" and last name "Cummings" clearly legible.

Elijah E. Cummings  
Ranking Member

cc: Members, Committee on Oversight and Government Reform

**From:** Newell, William D.

**Sent:** Sunday, March 06, 2011 7:13 PM

**To:** (b) (6)

**Subject:** Fw: Materials For Bill Newell and ATF in DC

**Attachments:** Gaede indictment.pdf; Chavarin.pdf; Arizmendez indictment.pdf; Molindaindictment.pdf; Manriquez indictment.pdf; 12 2 10 Ltr to USSC.PDF

**Importance:** High

\*\*\*\*\*

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**From:** Cunningham, Patrick (USAAZ)

**To:** Newell, William D.; Needles, James R.

**Cc:** Burke, Dennis (USAAZ) ; Scheel, Ann (USAAZ) ; Hernandez, Rachel (USAAZ) ; Morrissey, Mike (USAAZ) ; Hurley, Emory (USAAZ) ; Kelly, Kristen (USAAZ) 6

**Sent:** Sun Mar 06 18:20:55 2011

**Subject:** Materials For Bill Newell and ATF in DC

Bill and Jim:

As you work in DC today to prepare with ATF Leadership, enclosed below are some issues and our answers we have compiled. Issues are in Green and proposed answers are in black.

Hope they are helpful. Thanks. PIC

A. *On the Status of F and F lead indictment,* [REDACTED]

Questions: Whether [REDACTED] is in custody, what's his plea, next steps?

**Answer:**

**Under 9<sup>th</sup> Circuit law offenses committed by "straw purchasers" are not considered crimes of violence for which a person can be detained pending trial. As to the only other basis for pretrial detention – flight risk – [REDACTED] is a US citizen and the Bail Reform Act requires the court to impose the least restrictive conditions that will reasonably assure his appearance and the safety of the community. Here, [REDACTED] was released on conditions pending Trial by the Magistrate Court. His release conditions include reporting as directed to U.S. Pretrial Services, surrendering any passport, not traveling outside the district of Arizona, having no contact with the other defendants, and not possessing a firearm or other dangerous weapon.**

**Regarding the treatment of "straw purchasers" by the Criminal Justice System, the five Southwest Border United States Attorneys from Arizona, Texas, California and New Mexico recently sent the enclosed letter (pdf enclosed) to the United States Sentencing Commission urging that the prison sentences for "straw purchasers" be strengthened because of their role in the trafficking and illegal export of weapons." The letter states in part:**

‘As the chief federal law enforcement officers in the Southwest border region, we strongly believe the Commission must amend USSG § 2K2.1 if it is truly to address the national security implications of arms trafficking. As the Department explained during its meeting with Commission staff, straw purchasers are the primary source of firearms trafficked to Mexico from the United States. Most of the defendants prosecuted for arms export or arms trafficking offenses involving the Southwest border would not have obtained the firearms at issue were it not for the efforts of straw purchasers. Yet because straw purchasers face such low guideline ranges under § 2K2.1, and because many judges see straw purchasing as a mere “paper” violation, the sentences received by straw purchasers fail to reflect the seriousness of the crime or the critical role played by these defendants in the trafficking and illegal export of weapons. Simply put, straw purchasing and illegal arms exporting go hand in hand, and both must be addressed together.’”

Regarding [REDACTED] plea and next steps, he has entered a plea of Not Guilty and the current schedule for the case is as follows:

CR-11-126-PHX-JAT [REDACTED] et al)-

Motions Deadline -4/22/11

Jury Trial- 06/07/2011 at 09:00 AM

*B. On the issue of “sanctioning” or “encouraging” gun sales:*

**ATF Agents and Lawyers from the US Attorney’s Office did not “encourage” any FFL to “keep selling guns to known straw buyers.” In the two meetings with FFLs, attorneys and agents advised the FFLs that the Government cannot advise them to sell multiple guns or advise not to sell multiple guns. The FFLs were advised that those decisions were up to FFLs as are all decisions to sell left up to the FFL to evaluate the sale and determine whether it is lawful. In short, the FFLs were advised that the Government cannot advise FFLs to halt a sale that appears lawful and we cannot authorize a sale that appears unlawful. There was no mistake as to the clarity of the Agents’ and Attorneys’ message.**

**FFLs need no encouragement to sell guns as that is their actual business, selling guns. By the time that the government met with the owners, they had made many multiple sales and the guns were gone.**

**The FFLs wanted to know that the information that they provided was actually useful, and that they were not unwittingly implicating themselves in some criminal activity of which they weren’t aware. As we have said so many times before, they were told that ATF could not authorize illegal sales to be made any more than they could prohibit lawful sales, however, ATF appreciated their cooperation and willingness to voluntarily provide information to ATF including notice of multiple long gun purchases and notice of single gun sales of certain types of firearm or sales to particular individuals. No one discussed civil liability. The FFLs were providing information to ATF regarding transactions that the FFL must have viewed as lawful, having no knowledge or reason to know that the transfers were unlawful.]**

Main Justice position on the issue of Sanctioning or encouraging arms sales, the Quote of Assistant Attorney General Ronald Weich in his February 4, 2011 letter:

**“At the outset, the allegation described in your January 27 letter-- that ATF “sanctioned” or otherwise knowingly allowed the sale of assault weapons to a straw purchaser who then transported them into Mexico—is false.”**

*C. On the issue of “walking guns” or the timely seizure of guns:*

**Neither the USAO nor ATF was engaged in an effort “to let guns flow to straw buyers” or to “walk” guns that could have been seized under any lawful theory with available facts to prove the theory.**

**The guns flow FROM straw buyers and until agents observe illegal conduct they cannot treat them as anything other than ordinary buyers. At the time of transfer of the firearms from the FFL to the straw purchaser based upon the facts available to the FFL at the time of the sale, the sales to the “straw purchasers” are lawful; and seizure of the weapons in the hands of those purchasers without evidence of criminality would violate the United States Constitution and would be an unlawful seizure and deprivation of property rights without cause. (Fourth and Fifth Amendments).**

**In these investigations, there may come a point over the course of an investigation where ATF believes, though it is well short of proof beyond a reasonable doubt required in criminal cases, that they can prove that a particular person only buys guns for the purposes of illegal trafficking. However, seizure of the guns at that point may not be legal because purchasing multiple long guns in Arizona is lawful, transferring them to another is lawful and even sale or barter of the guns to another is lawful unless the United States can prove by clear and convincing evidence that the firearm is intended to be used to commit a crime. (18 USC 924 (d))**

**In short, the law does not permit agents to take guns away from anyone who buys ten AKs at a time solely because they bought multiple guns.**

*D. When weapons sales were monitored and those guns later turned up in crime scenes, had ATF somehow “authorized” the sales that ATF could have ordered stopped, or did ATF somehow not seize the guns appropriately or in a timely fashion?:*

**The number one concern for DOJ is interdicting guns that are unlawfully transferred to persons in the United States and in Mexico who will then commit crimes with those guns. The purpose of this investigation was to locate those guns, interdict those guns and bring those responsible for their unlawful purchase, transfer, finance and use to justice.**

**The full array of rights available to indicted defendants is also available to those persons suspected of committing gun crimes, and the government cannot violate legitimate gun owners rights by prematurely seizing their guns.**

**DOJ’s goals of the investigation were two-fold: 1. Interdiction of the weapons that were purchased or possessed in furtherance of the unlawful trafficking conspiracy; and 2. Investigation with an emphasis on discovering other members of the trafficking organization, particularly the leaders of the organization who procure the guns from straw purchasers and have them smuggled into Mexico to the Cartels. There seems to be some misconception on the part of the press and members of congress that the minute that ATF suspects that someone is a straw purchaser, agents can arrest that person and seize all of their guns. As explained above, that seizure would be unlawful, and ATF may only seize when a lawful basis for seizure can be proven under the US Constitution and statues passed by Congress.**

**The question seems to connote that ATF can promulgate a “No Sell” list like a “No Fly List”, under which FLLs would be prohibited from selling any guns to any person on the list. ATF has no such power and ATF cannot interfere with the operation of commerce and prohibit a gun store from making a lawful sale to lists of suspects based upon nothing more than mere suspicion. These lists might well be long and would curtail a person’s rights to purchase arms without any due process.**

How is it that a person becomes a suspect in a straw purchase investigation? If they are buying multiple handguns, it could be because of multiple sales reports to ATF, notifying the bureau that a suspect is buying large quantities of handguns. If they are buying only long guns, they may not become a suspect until guns they have purchased can be traced after being recovered at a crime scene, or an FFL voluntarily notifies ATF of an unusually large purchase. But a multiple purchase by itself, or the recovery of a firearm at a crime scene does not establish that the original buyer of the gun is an “unlawful straw purchaser.” If it did, then when a person buys a gun and then decides they don’t shoot it well, or it recoils too much, or they really can’t afford the ammunition, and sells it, out of the paper, or a gun show, or to a friend, if the next owner of the gun commits a crime with it, the original purchaser would become a suspect as an “unlawful straw purchaser” and a suspect in a gun trafficking case.

And your question presupposes that ATF agents should never let mere suspects possess a firearm. Your question seems to presume that once ATF identifies a suspect, they can treat that suspect as though they were a “prohibited person”, never again allowed to possess a firearm, regardless of the fact that they have not been convicted of a crime. If this were the case, ATF could stop any person they label a suspect and take any gun they have away from them. This means that if you (1) bought two 5.7 mm pistols because you wanted one for the home and one for the office, or (2) bought three AR type rifles for you and your two sons to target shoot, or (3) you sold one of your guns to your brother in law, who resold it to a co-worker who took it into Mexico and got caught with it, then you are an “unlawful straw purchaser” suspect and the next time you buy a gun, with your own money, for a hunting trip, ATF should take it away from you.

E. Regarding the question “In regards to the guns recovered in Rio Rico after the Terry shooting, when they were purchased from [REDACTED] (Jan, 2010) was there surveillance going on in conjunction with Operation Fast and Furious, or did ATF only become aware after the fact and link it to [REDACTED] after the fact?”

**Answer:** There was no surveillance going on and the ATF did not learn of the sale until three days after it took place and the weapons were gone.

F. Regarding the LA Times and CBS News stories, they do not account for the fact, or rebut in any way, that this District is actively prosecuting unlawful weapons and ammunition traffickers.

**In just two recent investigations in Phoenix, 51 defendants in 10 indictments have been charged.**

**In Fast and Furious announced on January 25 (Press release link below) 34 defendants in five indictments were announced. The trials are set for these dates:**

**Fast and Furious**

CR-11-126-PHX-JAT [REDACTED] et al)-

Motions Deadline -4/22/11

Jury Trial- 06/07/2011 at 09:00 AM

CR-11-013-PHX-SRB (Aguilar)-

Motions Deadline- 2/25/11

Jury Trial- 04/05/2011 at 09:00 AM

CR-10-1187-PHX-ROS (Broome et al.)-

Motions Deadline (*dft:* Johneshia Mcgraw) 2/4/11

Motions Deadline (*dft:* Linda Krom, Kenneth Honea, Jeffrey Broome)

2/4/11

Jury Trial(*dft:* Linda Krom, Kenneth Honea, Johneshia Mcgraw, Jeffrey

Broome) - 04/05/2011 at 08:30 AM

CR-10-1607-PHX-NVW (Abarca)-

Motions Deadline- 3/11/11

Change of Plea Hearing- 3/23/11

Jury Trial- 04/05/2011 at 09:00 AM

CR-10-1831-PHX-FJM (Flores et al)- Motions Deadline (*dft*: Jovanny Moraga-Escoboza, Mary Natalie Lopez, Ulises Quinonez, Pablo Sanchez Vasquez, Jr, Juan Velasquez, Fabiola Zaragoza, Luis Fernando Mendoza-Zamora, Raul Flores Lopez) - 3/18/11  
 Jury Trial (*dft*: Jovanny Moraga-Escoboza, Mary Natalie Lopez, Ulises Quinonez, Pablo Sanchez Vasquez, Jr, Juan Velasquez, Fabiola Zaragoza, Luis Fernando Mendoza-Zamora, Raul Flores Lopez)- 05/03/2011 at 09:00 AM

Press Release at:

[http://www.justice.gov/usao/az/press\\_releases/2011/PR\\_02172011\\_Macedo\\_Saucedo-Cuevas%20et%20al.pdf](http://www.justice.gov/usao/az/press_releases/2011/PR_02172011_Macedo_Saucedo-Cuevas%20et%20al.pdf)

Links to Indictments:

[http://www.justice.gov/usao/az/news\\_archive\\_2011.html](http://www.justice.gov/usao/az/news_archive_2011.html)

**In the Too Hot to Handle set of cases announced on February 17, 2011, 17 defendants in five indictments were announced. The trials are set for these dates:**

**Too Hot to Handle**

CR-10-00961-PHX-NVW (U.S. v. Resa, et al.) Motions Deadline (*dft*: Angel Gabriel Ruiz, Alejandro Adalberto Torres, Nolberto Vasquez)- 03/07/11  
 Motions Deadline (*dft*: Salvador Figueroa Resa, Estefany Jose-Ortiz) -3/11/11  
 Jury Trial (*dft*: Angel Gabriel Ruiz, Alejandro Adalberto Torres, Nolberto Vasquez, Estefany Jose-Ortiz)- 04/05/2011 at 09:00 AM

CR-11-00231-PHX-JAT (U.S. v. Muela-Zapata, et al.) Motions Deadline (*dft*: Maria Yvonne Carbajal, Luz Martinez, Yolanda Villalobos De Zapata, Francisco Zapata, Jr, Francisco Muela Zapata) -3/7/11  
 Motions Deadline (*dft*: Kelly Rae Hooper)- 3/16/11  
 Status Conference (*dft*: Kelly Rae Hooper, Maria

Yvonne Carbajal, Luz Martinez, Yolanda

Villalobos De Zapata, Francisco Zapata, Jr, Francisco Muela Zapata)- 03/16/2011 at 11:15 AM Jury Trial  
 (*dft*: Maria Yvonne Carbajal, Luz Martinez, Yolanda Villalobos De Zapata, Francisco Zapata, Jr, Francisco Muela Zapata)- 04/05/2011at 09:00 AM  
 Jury Trial (*dft*: Kelly Rae Hooper)- 04/05/2011 at 09:00 AM

CR-10-01129-PHX-NVW (U.S. v. Macedo, et al.) Motions Deadline (both defendants)- 05/13/2011  
 Jury Trial (both defendants)- 06/07/2011 at 09:00 AM

CR-11-00245-PHX-ROS (U.S. v. Beltran-Bermudez, et al.) Motions Deadline (both defendants)- 03/03/2011  
 Jury Trial- 04/05/2011 at 09:00 AM

CR-10-01296-PHX-ROS (U.S. v. Large)- Motions Deadline-02/19/2011  
 Jury Trial- 05/03/2011 at 08:30 AM

Press Release at:

[http://www.justice.gov/usao/az/press\\_releases/2011/PR\\_02172011\\_Macedo\\_Saucedo-Cuevas%20et%20al.pdf](http://www.justice.gov/usao/az/press_releases/2011/PR_02172011_Macedo_Saucedo-Cuevas%20et%20al.pdf)

Indictments as:

[http://www.justice.gov/usao/az/press\\_releases/2011/US\\_v\\_Resa\\_Indictment.pdf](http://www.justice.gov/usao/az/press_releases/2011/US_v_Resa_Indictment.pdf)

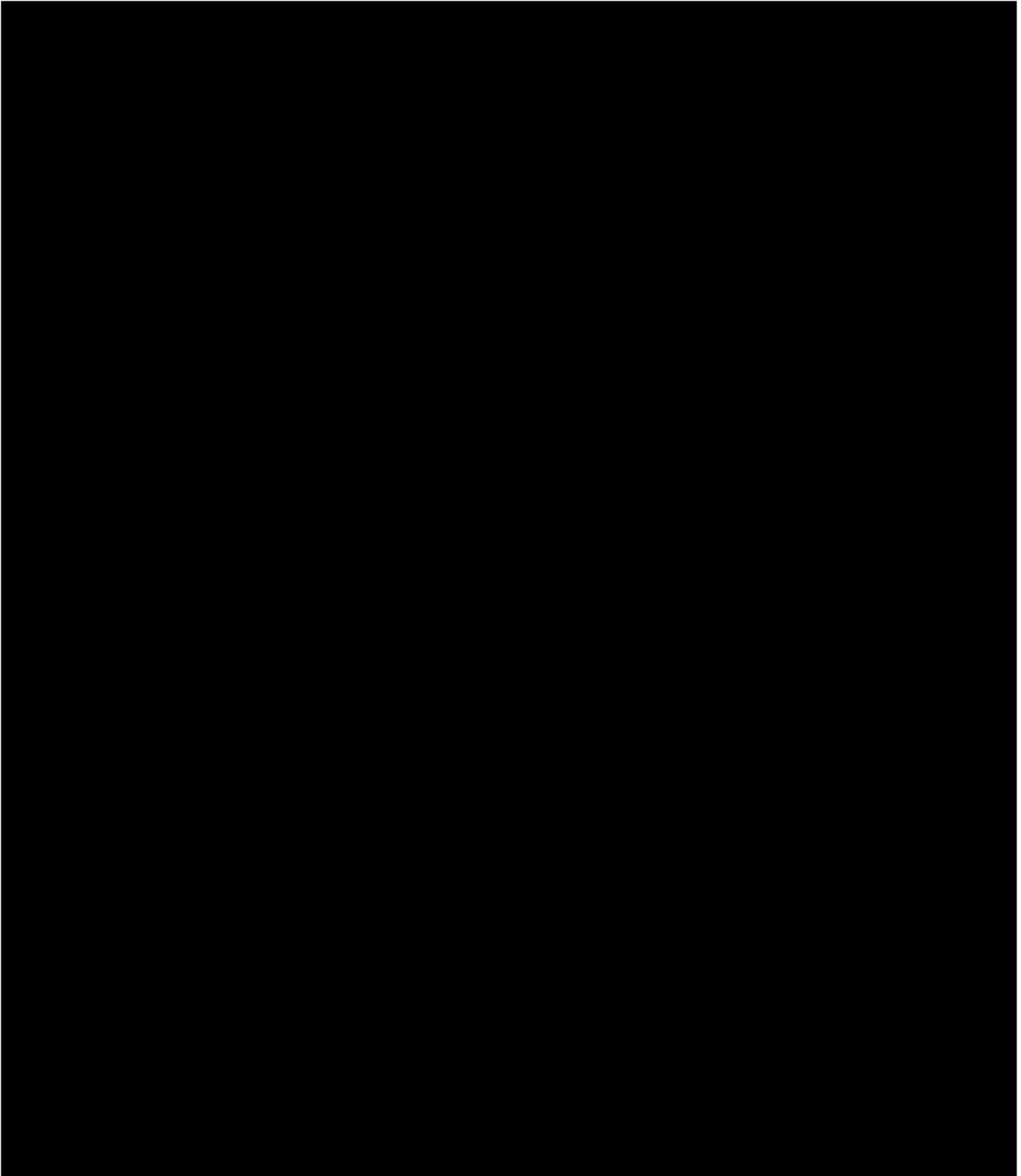


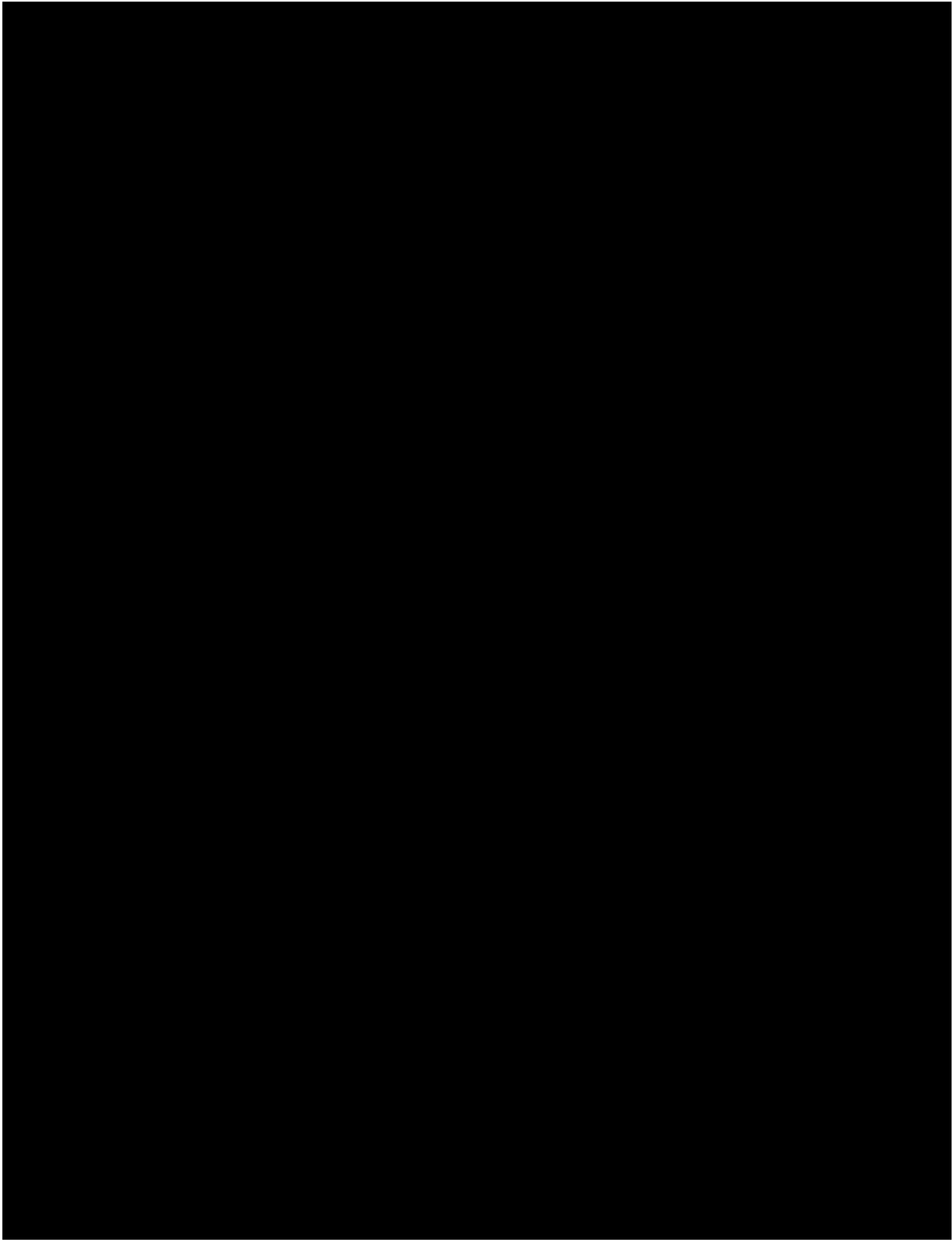
**In the Tucson Office alone there are currently five (5) pending indictments charging 23 defendants with attempting to export thousands of rounds of ammunition to Mexico and with weapons offenses. Those indictments are enclosed in PDFs.**

**LAW ENFORCEMENT SENSITIVE**

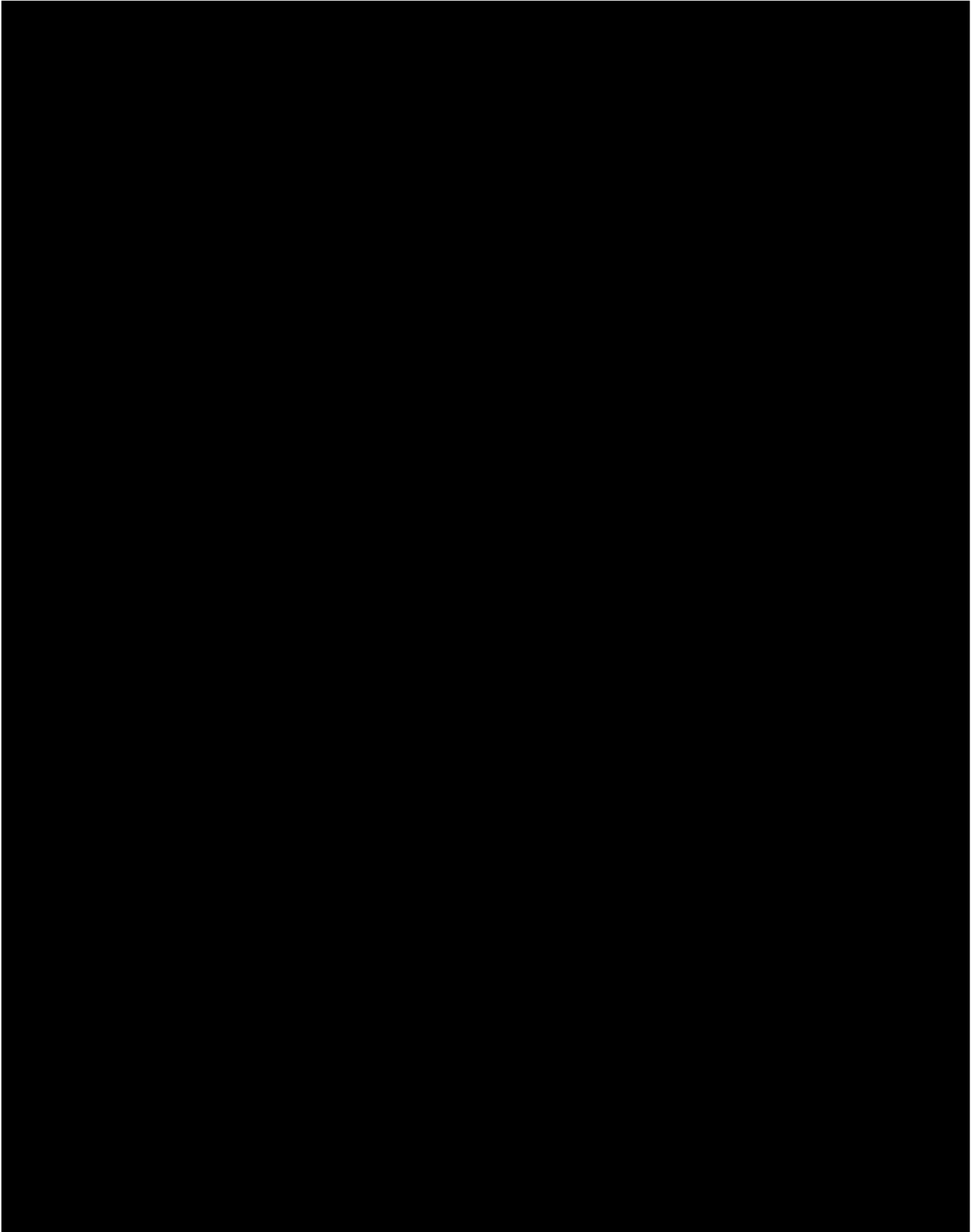
**OPERATION: THE FAST AND THE FURIOUS**

**A. BACKGROUND / FACTS ABOUT THE INVESTIGATION**

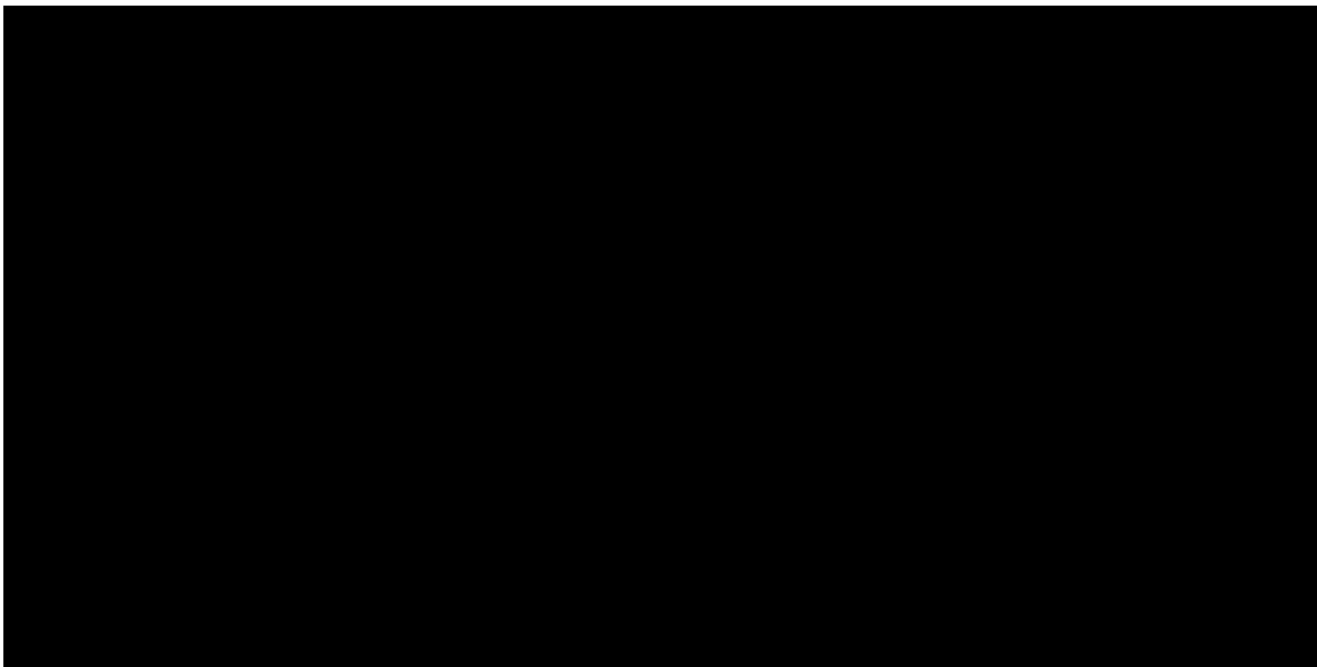




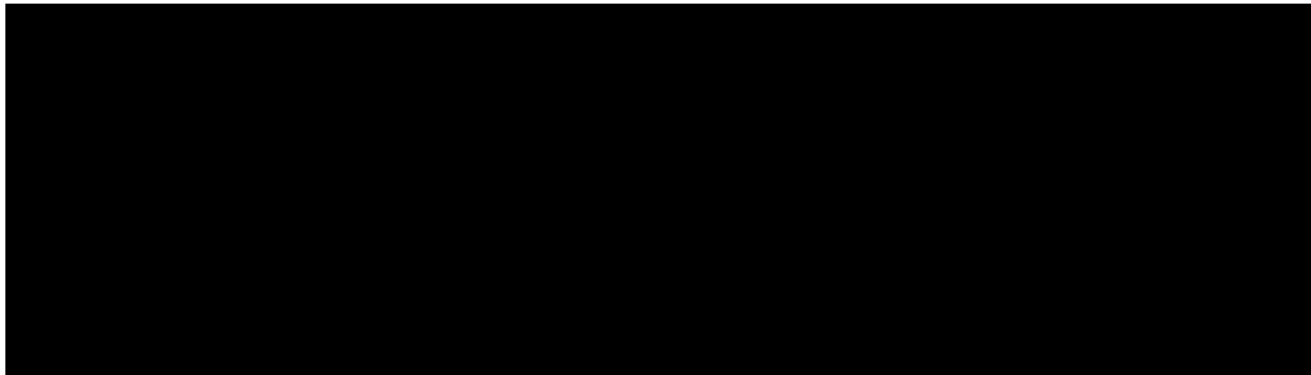
**LAW ENFORCEMENT SENSITIVE**



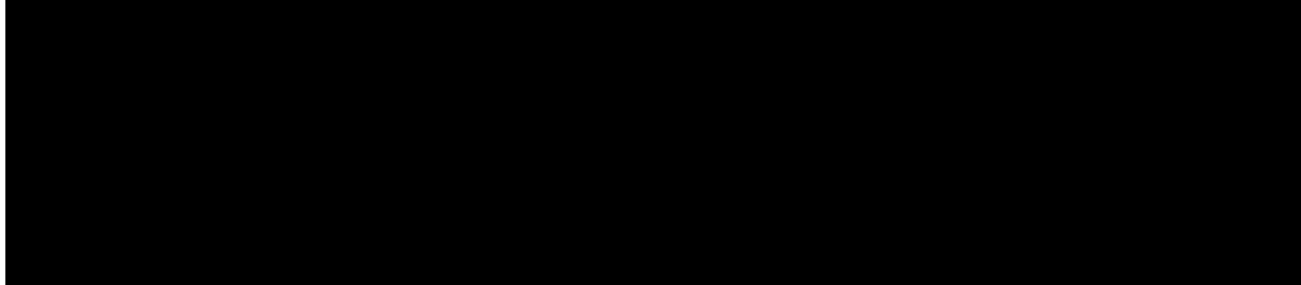
**LAW ENFORCEMENT SENSITIVE**



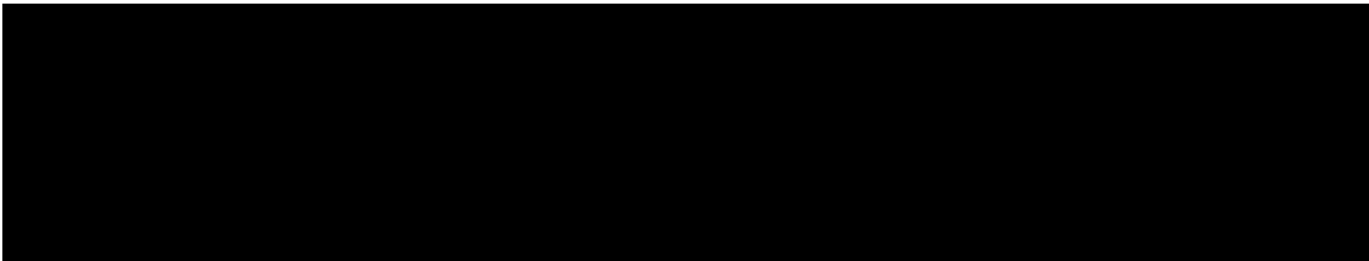
**2. CPOT AND RPOT LINK**

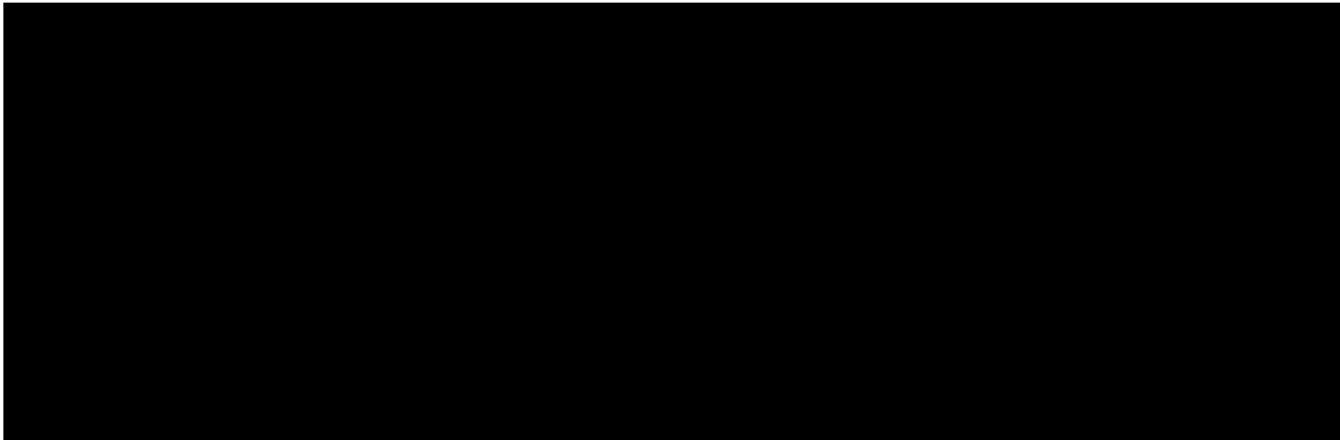


**3. IMPACT OF DISMANTLING/DISRUPTING THE**

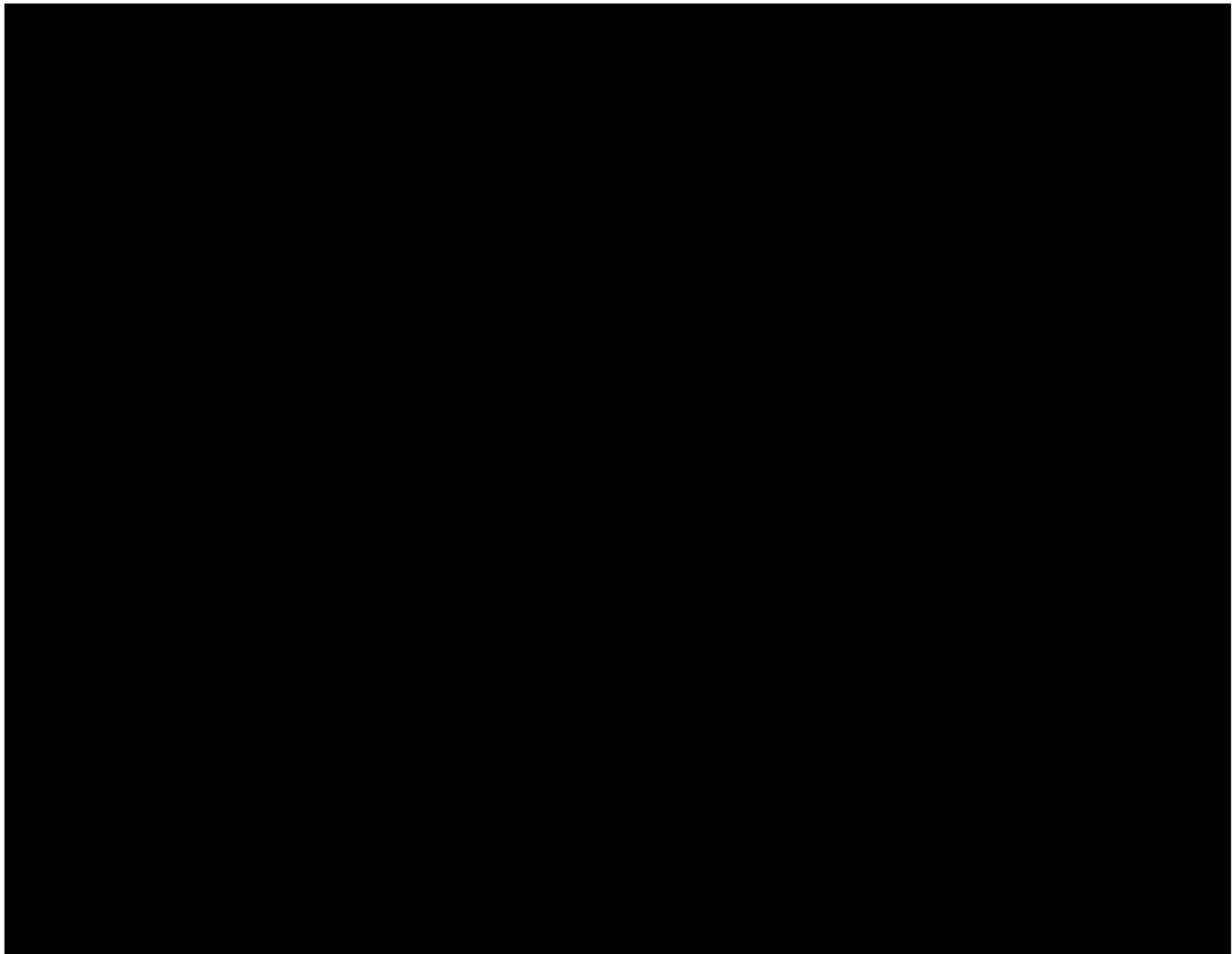


**4. TARGETED ORGANIZATION**





**5. PRINCIPAL TARGETS OF INVESTIGATION AND THEIR ROLES**



**6. CONNECTION TO TERRORIST GROUPS, NATIONAL GANGS, AND / OR**

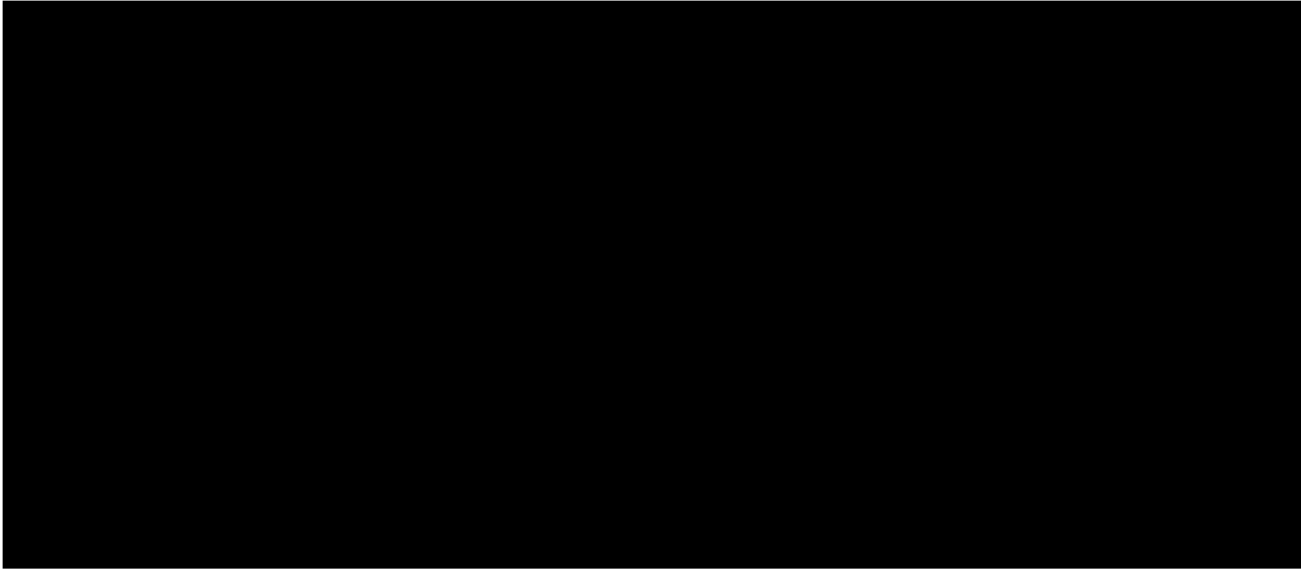


**7. EXTENT OF PUBLIC CORRUPTION -**

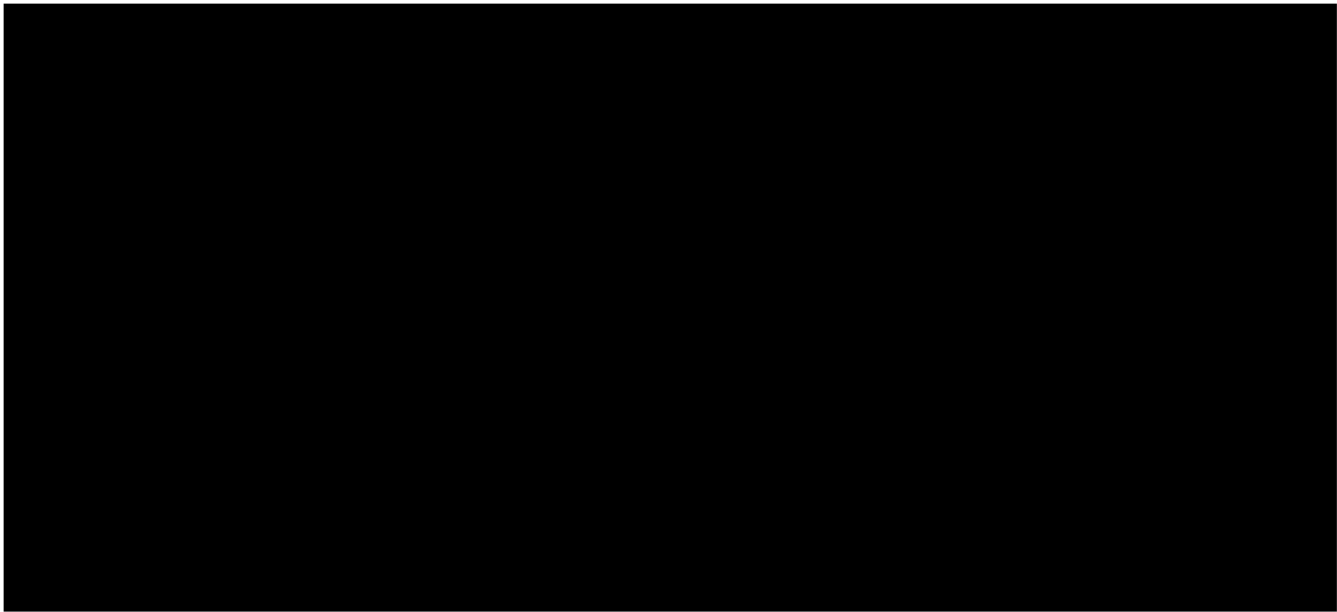
[REDACTED]

**B. INVESTIGATIVE TECHNIQUES AND GOALS**

[REDACTED]



**C. MANPOWER/RESOURCE REQUIREMENTS**





# Organized Crime Drug Enforcement Task Forces

## Investigation Initiation Form

OCDETF Investigation No.

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THE FAST AND THE FURIOUS

Operation Name

Name: Agency: Telephone: Email:

Case Attorney:

Case Agents(s):



# LAW ENFORCEMENT SENSITIVE



The attached information must be protected and not released to unauthorized individuals.

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

**LAW ENFORCEMENT SENSITIVE**

OCDETF Investigation No. 

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(Assigned by AUSA Coordinator)

Federal Judicial District Initiating this Investigation: District of Arizona

Special Operations Division (SOD) Coordination: [REDACTED] (Note: Coordination refers to those multi-jurisdictional operations where SOD is actively coordinating with the field to provide guidance and oversight. SOD Funding of electronic surveillance does not, by itself, constitute coordination.)

If yes: SOD Staff Coordinator [REDACTED]

Have you received any product from the OCDETF Fusion Center regarding this case? (other than the initial Rapid Enforcement Review) Yes  No

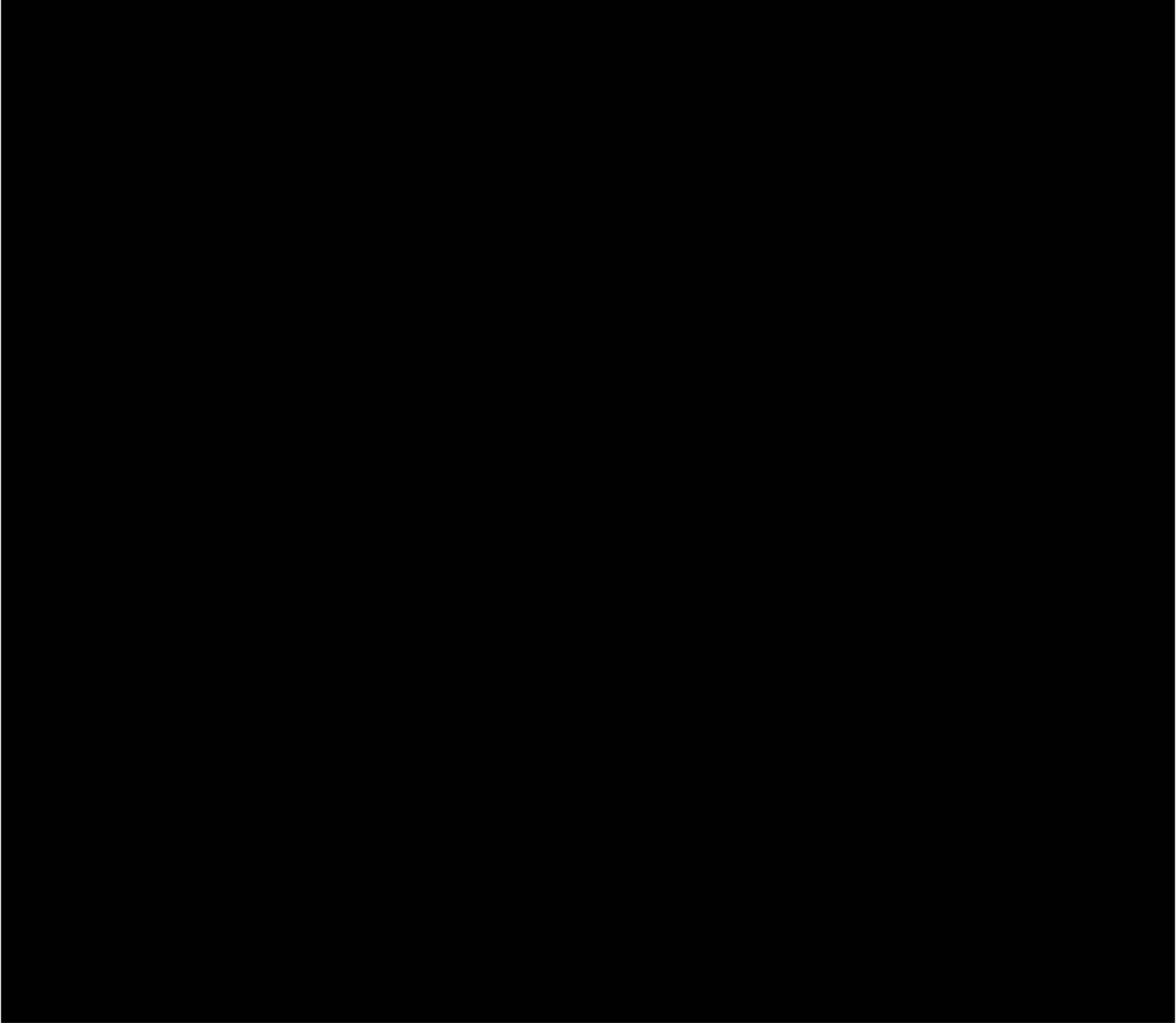
Did the OCDETF Fusion Center assist you with asset seizures for this case? Yes  No

HIDTA Participation: Yes  No  HIFCA Participation: Yes  No

**I. Targeted Organization** *(N/A if name of organization is unknown)*

Name: [REDACTED] Operation (Code) Name: The Fast and the Furious

**II. Prospective Defendants** *(If more than thirty, attach "Prospective Defendants Supplement" (OCDETF Form S-3))*





13)



14)



15)



16)



17)



18)



19)



20)



21)



22)

83

23)

24)

25)

26)

27)

28)

29)

30)

**LAW ENFORCEMENT SENSITIVE**

**LAW ENFORCEMENT SENSITIVE**

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

OCDETF Investigation No.

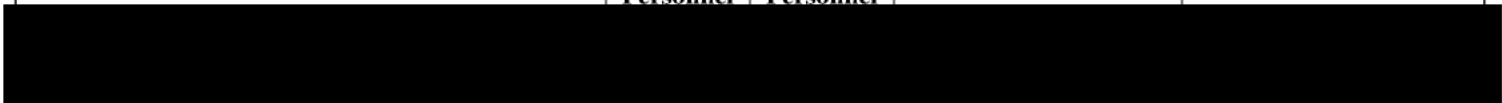
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(Assigned by AUSA Coordinator)

**III. Agency Involvement** Check all boxes which apply and enter personnel commitment and agency case numbers, if available.

Note: Agency case numbers for Federal agencies must be submitted by the time of the first Interim Report (that is, within six months of the initiation of the OCDETF investigation).

Agency	# of Full Time Personnel	# of Part Time Personnel	Agency Case Number	Associated Agency Case Number(s)
--------	--------------------------	--------------------------	--------------------	----------------------------------



Does this investigation anticipate requesting State and Local Overtime Funding?

[Redacted]

If yes, please indicate funding source

[Redacted]

If yes, please indicate an **estimated** amount for the current fiscal year. (Note-State and Local Overtime Funding must still be submitted through the separate appropriate process for approval.)

[Redacted]

**LAW ENFORCEMENT SENSITIVE**

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

**LAW ENFORCEMENT SENSITIVE**

OCDETF Investigation No.

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(Assigned by AUSA Coordinator)

Was this investigation **initiated** by an OCDETF Co-located Task Force/Strike Force?

[Redacted]

If yes, check all that apply:

[Redacted]

If yes, check all that apply:

Does this investigation currently involve coordinated, simultaneous operational/prosecutorial activity in: (please check all that apply)

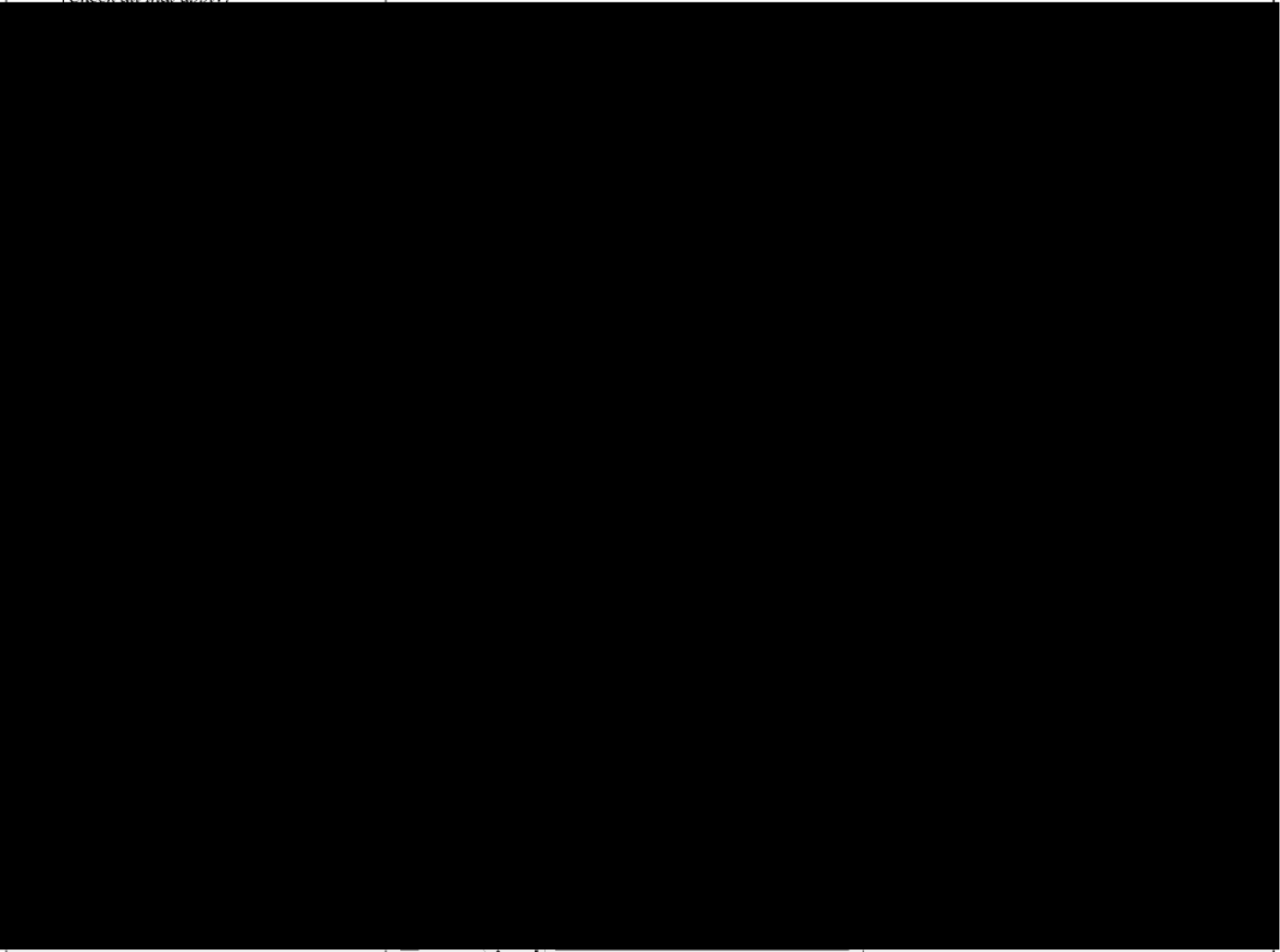
S	W	A	Z	P	0	4	7	4
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**IV. Drugs Under Investigation**  
*(Check all that apply)*

**V. Organization Description**



**LAW ENFORCEMENT SENSITIVE**

Investigation Initiation Form  
 Organized Crime  
 Drug Enforcement Task Forces

**LAW ENFORCEMENT SENSITIVE**

OCDETF Investigation No.

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(Assigned by AUSA Coordinator)

**VI. Investigative Techniques Used to Date Supervised by your District: (check all that apply)**

**General Investigative Techniques**

**Financial Investigative Techniques**

**Note: A financial investigation must have been commenced prior to submission of this form.**

Check all that apply:

Corroborated information received from a witness/informant related to the organization:

[Redacted]

Conducted followup on financial leads uncovered through:

[Redacted]

Conducted analysis of financial information:

[Redacted]

Methods Used:

[Redacted]

Which agency is conducting the financial investigation? (*check one primary agency only*)

[Redacted]

Are you being assisted by the:

[Redacted]

**LAW ENFORCEMENT SENSITIVE**

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

**LAW ENFORCEMENT SENSITIVE**

OCDETF Investigation No.

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(Assigned by AUSA Coordinator)

**VII. REQUIRED DATABASE CHECKLIST FOR OCDETF IIF**

Name of Agent  
Agency  
Telephone Number  
OCDETF Operation Name  
Judicial District



The Fast and the Furious  
District of Arizona

**REQUIRED DATABASE CHECKS**

DATABASE	DATE REQUESTED	DATE COMPLETED
[Redacted]		

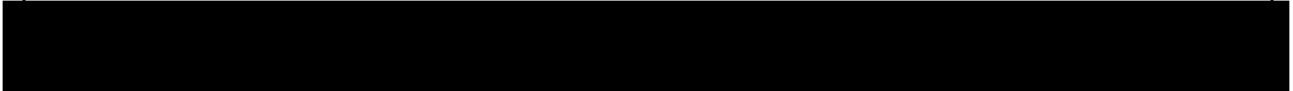
**OPTIONAL DATABASE CHECKS**

While not required for OCDETF approval, please provide information, if checks were completed.

DATABASE	DATE COMPLETED
[Redacted]	

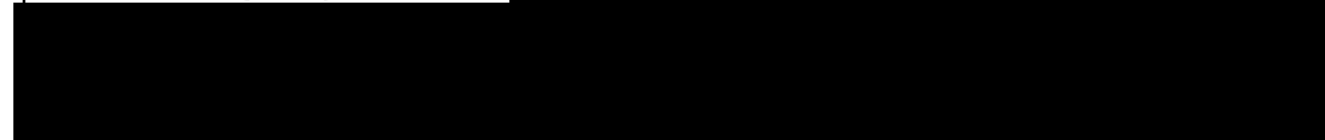
**VIII. SPECIAL OPERATIONS DIVISION (SOD) WORKSHEET**

Date Prepared: (MM/DD/YYYY)  
01/20/2010



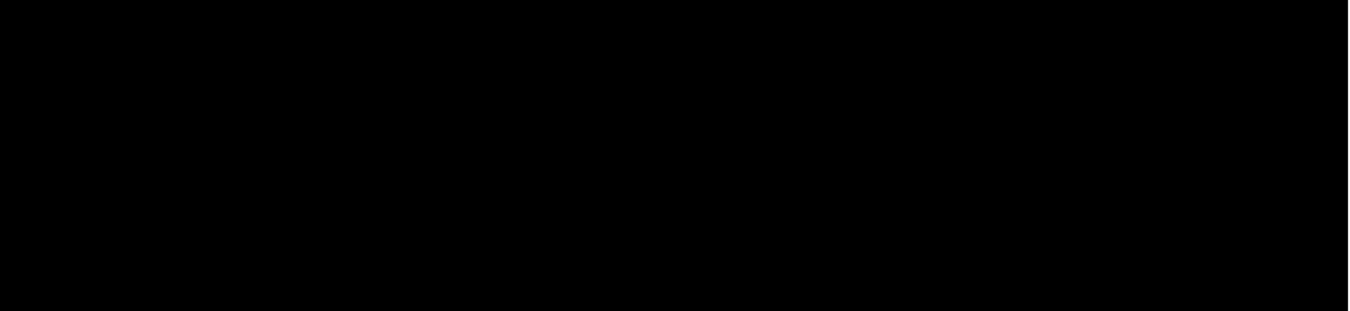
(If Yes) SOD Operation Name:

Communication Devices previously submitted to SOD:



**COMMUNICATIONS DEVICES**

(NOT Previously Submitted to SOD)



**LAW ENFORCEMENT SENSITIVE**

**LAW ENFORCEMENT SENSITIVE**

OCDETF Investigation No.

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(Assigned by AUSA Coordinator)





**X. Approvals**

Initiating District

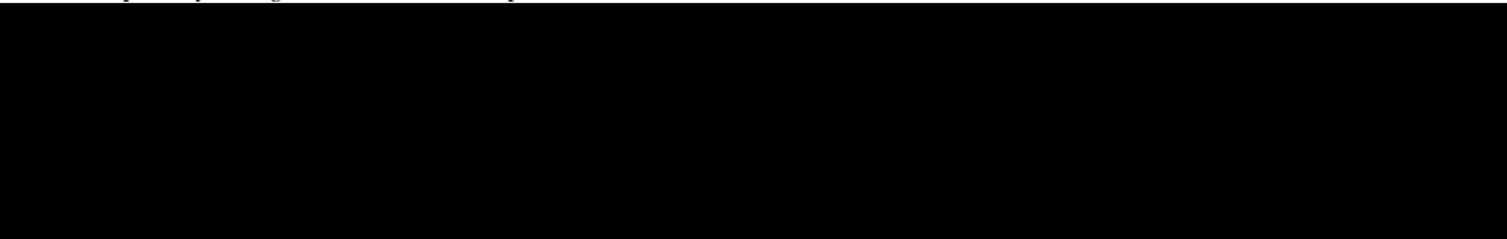
Regional Coordination Group



If an agency disagrees with this proposal, which has been approved by majority vote, please indicate below and attach a dissenting statement.

Dissenting Agency: \_\_\_\_\_

To be completed by the Regional Coordination Group:



OCDETF Executive Office  
Reviewed/Computer Entry:  
Initials \_\_\_ Date \_\_\_\_

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

1. Documents and communications relating to the genesis of Project Gunrunner and Operation Fast and Furious, and any memoranda or reports involving any changes to either program at or near the time of the release of the Department of Justice (DOJ) Office of the Inspector General report about Project Gunrunner in November 2010.
  
2. Documents and communications relating to complaints or objections by ATF agents about: (1) encouraging, sanctioning, or otherwise allowing FELs to sell firearms to known or suspected straw buyers, (2) failure to maintain surveillance on known or suspected straw buyers, (3) failure to maintain operational control over weapons purchased by known or suspected straw buyers, or (4) letting known or suspected straw buyers with American guns enter Mexico.

**From:** [REDACTED]  
**Sent:** Friday, April 01, 2011 6:17 PM  
**To:** [REDACTED]  
**Subject:** RE: Need some quick help

[REDACTED] can refine this list over the weekend or Monday, but adding or echoing what's been stated already by DOJ, USAO-AZ, and in Rep. Cummings' letter. DP

DP

DP

[REDACTED]

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---

**From:** [REDACTED]  
**Sent:** Friday, April 01, 2011 4:59 PM  
**To:** [REDACTED]  
**Subject:** FW: Need some quick help  
**Importance:** High

Guys – anything you can contribute would be welcome.

[REDACTED]  
Office of the Director

O: [REDACTED]  
C: [REDACTED]

\*\*\*\*\*

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---

**From:** Hoover, William J.  
**Sent:** Friday, April 01, 2011 4:55 PM  
**To:** [REDACTED]  
**Subject:** FW: Need some quick help  
**Importance:** High

[REDACTED]

Would you start at the bottom of this string and read up? If we can respond Monday that would be great. I will be thinking of things as well. Please share with others for ideas.

Thank you!

Billy

William J. Hoover  
Deputy Director  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
O) 202-648-8710

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this message in its entirety (including all attachments).

\*\*\*\*\*

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---

**From:** Axelrod, Matthew (ODAG) [mailto:Matthew.Axelrod@usdoj.gov]  
**Sent:** Friday, April 01, 2011 4:30 PM  
**To:** Hoover, William J.  
**Subject:** FW: Need some quick help  
**Importance:** High

Billy,

Here's what Pat sent me. Anything you guys have to add would be useful. Thanks.

Matt

---

**From:** Cunningham, Patrick (USAAZ)  
**Sent:** Friday, April 01, 2011 3:43 PM  
**To:** Axelrod, Matthew (ODAG)  
**Cc:** Burke, Dennis (USAAZ); Morrissey, Mike (USAAZ); Hurley, Emory (USAAZ); Kelly, Kristen (USAAZ) 6  
**Subject:** RE: Need some quick help  
**Importance:** High

Matt: Yes, this is incredibly rough and the problems are:

A large, bold, white graphic consisting of the letters 'D' and 'P' in a serif font, set against a solid black rectangular background.

# DP

Gong to IG meeting now. PJC

---

**From:** Axelrod, Matthew (ODAG) (SMO)  
**Sent:** Friday, April 01, 2011 11:32 AM  
**To:** Cunningham, Patrick (USAAZ)  
**Subject:** Need some quick help

Any way you can send me a list of the specific ways that the Congressional inquiries are harming your investigation? DP

# DP

Matthew S. Axelrod

Associate Deputy Attorney General

Office of the Deputy Attorney General

U.S. Department of Justice

Desk (202) 305-0273

Cell (202) 532-3087



Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Assistant Director*

Washington, DC 20226  
www.atf.gov



MEMORANDUM TO: All Special Agents  
Office of Field Operations

FROM: Assistant Director  
(Field Operations)

SUBJECT: Guidance on Firearms Trafficking Investigations

This memo serves to reinforce the importance of adhering to Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and Department of Justice (DOJ) policy on firearms trafficking investigations and to reiterate the DOJ-wide position that component law enforcement agencies must not plan or conduct undercover operations in which firearms are crossing the U.S. border. DOJ guidance further requires that if a law enforcement official has any knowledge that guns are about to cross the border, he/she must take immediate action to prevent that from occurring, even if doing so will jeopardize an investigation.

ATF guidance is contained in the Firearms Enforcement Program Order, ATF O 3310.4B; in the Firearms Trafficking Investigation Guide, ATF P 3317.1; and in the September 2010 document entitled "Project Gunrunner – A Cartel Focused Strategy." ATF O 3310.4B outlines policy and discusses a number of investigative techniques consistent with the DOJ-wide guidance. ATF P 3317.1 contains, among other resources, an investigative checklist for international trafficking-in-arms cases in Section X, as well as a detailed outline of firearms trafficking indicators in Section V. "Project Gunrunner – A Cartel Focused Strategy" notes practical considerations that may require bringing investigations to a conclusion or dictate a change in investigative tactics prior to the identification of persons directly affiliated with drug trafficking organizations. Field Special Agents in Charge are also reminded that they must closely monitor and approve high volume trafficking investigations and must assess the associated risks. Lastly, field divisions should continue to coordinate with the U.S. Attorney's Offices for the districts in which they conduct operations to ensure a mutual understanding of the criteria for both prosecutions and seizures.



Mark R. Chait

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UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE





The Fast and The Furious [REDACTED]

*Firearm Purchases and Recoveries*

page 2 of 12

week day	# days purch	Date	Straw Purchaser	# firearms	Day Total - multiple purchases	Month Total Firearm	# Firearms Recovered	When	Where
2005									
									

The Fast and The Furious



*Firearm Purchases and Recoveries*

page 3 of 12

week day	# days purch	Date	Straw Purchaser	# firearms	Day Total - multiple	Month Total	# Firearms	When	Where
2009									



The Fast and The Furious



*Firearm Purchases and Recoveries*

page 4 of 12

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week day	# days purch	Date	Straw Purchaser	# firearms	Day Total - multiple purchases	Month Total Firearm	# Firearms Recovered	When	Where
2009									



The Fast and The Furious - [REDACTED]

*Firearm Purchases and Recoveries*

page 6 of 12

week day	# days purch	Date	Straw Purchaser	# firearms	Day Total - multiple purchases	Month Total Firearm	# Firearms Recovered	When	Where
2010	[REDACTED]								

The Fast and The Furious - [REDACTED]

*Firearm Purchases and Recoveries*

page 7 of 12

week day	# days purch	Date	Straw Purchaser	# firearms	Day Total - multiple	Month Total	# Firearms	When	Where
2010									
									

The Fast and The Furious - [REDACTED]

*Firearm Purchases and Recoveries*

page 8 of 12

week day	# days purch	Date	Straw Purchaser	# firearms	Day Total - multiple	Month Total	# Firearms	When	Where
2010									









The Fast and The Furious - [REDACTED]

*Firearm Purchases and Recoveries*

page 11 of 12

week day	# days purch	Date	Straw Purchaser	# firearms	Day Total - multiple purchases	Month Total Firearm	# Firearms Recovered	When	Where
2010	[REDACTED]								

The Fast and The Furious - [REDACTED]

*Firearm Purchases and Recoveries*

page 12 of 12

week day	# days purch	Date	Straw Purchaser	# firearms	Day Total - multiple purchases	Month Total Firearm	# Firearms Recovered	When	Where
2010	[REDACTED]								
[REDACTED]									
[REDACTED]									
2007	[REDACTED]								
2008	[REDACTED]								
2009	[REDACTED]								

**From:** (b) (6)  
**Sent:** Monday, February 14, 2011 1:05 PM  
**To:** (b) (6)  
**Subject:** FW: Grassley draft comments  
**Attachments:** Grassley 020911 SL draft comments 021011.docx

(b) (6)  
Chief, Firearms Operations Division  
ATF HQ - Room 6.S.129  
202.(b) (6) Cell (b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, February 11, 2011 3:35 PM  
**To:** Melson, Kenneth E.; Smith, Brad (ODAG) (SMO)  
**Cc:** Hoover, William J.  
**Subject:** FW: Grassley draft comments

Sirs --

Forwarded to you per Mr. Hoover.

(b) (6)  
Chief, Firearms Operations Division  
ATF HQ - Room 6.S.129  
202.648.(b) (6) Cell 202.(b) (6)

---

**From:** Hoover, William J.  
**Sent:** Friday, February 11, 2011 2:59 PM  
**To:** (b) (6) Chait, Mark R.; McMahon, William G.  
**Subject:** Re: Grassley draft comments

Great job (b) (6) Would you please forward to the Director and Brad Smith?

Thank you!!

Billy

William J. Hoover  
Deputy Director  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
O) 202-648-8710

\*\*\*\*\*

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**From:** [REDACTED]  
**To:** Chait, Mark R.; McMahon, William G.; Hoover, William J.  
**Sent:** Fri Feb 11 14:23:18 2011  
**Subject:** FW: Grassley draft comments

Sirs-

Attached is a revised version of my comments yesterday to issues raised in the Grassley 2/9/11 letter. There are a few minor revisions throughout. Mr. Hoover, the top of page 3 includes two new paragraphs regarding the issue of our interactions with FFLs, as you requested last night. These paragraphs are copied below. These paragraphs were written based on information from SA Newell, ASAC Needles and RAC [REDACTED] yesterday and this morning. I sent this revised document to Newell for review/comment today, his reply is below. Questions? Thank you

Page 1, Para 3 and Page 2, Para 1: "According to the whistleblowers, at least one gun dealer wanted to stop participating in sales like those to [REDACTED] sometime around October 2009. However, the ATF allegedly encouraged the dealer to continue selling to suspected traffickers and asked the dealer to forward information about the sales to the Bureau."

See the two "releases" generated by the FFL [REDACTED] (1/26/2011 and 2/1/2011) and USAO document (1/28/2011) of that event. These documents address the nature of such interactions with FFLs, specifically [REDACTED] as to how ATF communicates with FFLs regarding their regulatory requirements, authority and independence in conducting firearms transactions, including their decision to proceed with or decline sales involving suspected straw purchasers, traffickers and prohibited persons, and their voluntary cooperation with ATF regarding suspicious purchasers.

It was noted that the Grassley letter references October 2009, which predates the purchases by [REDACTED]. Although the FFL and USAO documents reflect that [REDACTED] had been voluntarily providing ATF with information [REDACTED] it's possible that the whistleblowers' comments refer to another FFL. When asked, the Phoenix SAC, ASAC and RAC have all indicated that no scenarios as described in Grassley's letter involving [REDACTED] or other FFLs are known. Again, conversations between FFLs and ATF occur frequently, including discussions initiated by FFLs who voluntarily report information about potential straw purchasing/trafficking activity to ATF. In some occasions, FFLs may ask ATF whether they should proceed with or decline future sales to such persons. In all cases known to us, as was indicated by ATF supervisors in Phoenix, ATF provides FFLs with guidance that appropriately outlines the role, responsibility and authority of FFLs as to the completion or declination of such transactions. We are unaware of any occasions in which ATF personnel have encouraged or coerced an FFL to complete apparently illegal firearms transactions or provide information or assistance to ATF not required by the GCA.

<<Grassley 020911 SL draft comments 021011.docx>>

[REDACTED]  
Chief, Firearms Operations Division

ATF HQ - Room 6.S.129

202.648.7212, Cell 202.391.6872

---

Employee 1

**From:** Newell, William D.  
**Sent:** Friday, February 11, 2011 1:52 PM  
**To:** [REDACTED]  
**Subject:** RE: Grassley draft comments

Great job, no changes. Thanks!

Bill Newell

Special Agent in Charge

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Phoenix Field Division (Arizona and New Mexico)

Office - (602)776-5400

---

**From:** [REDACTED]  
**Sent:** Friday, February 11, 2011 11:29 AM  
**To:** Newell, William D.  
**Subject:** Grassley draft comments

<< File: Draft Responses Grassley 020911.docx >>

Please review

[REDACTED]  
Chief, Firearms Operations Division

ATF HQ - Room 6.S.129

202.648.7212, Cell 202.391.6872

## DRAFT RESPONSES TO QUESTIONS/COMMENTS IN GRASSLEY LETTER OF 2/9/11

Page 1, Para 1: “ATF agents told my staff that the agency allowed the sale of assault rifles to known and suspected straw purchasers for an illegal trafficking ring near the southwest border.”

ATF has an open criminal investigation involving a large, illegal firearms trafficking organization associated with Mexican based drug traffickers. As part of the investigative process, ATF has identified numerous purchasers and other persons potentially and/or suspected of being engaged in the criminal activity. During the course of the investigation, non-prohibited individuals being investigated as suspected straw purchasers continued to periodically purchase firearms from federally licensed firearms dealers. Some of these purchases became known to ATF through reported multiple sales, information from licensed dealers, information from cooperating individuals, surveillances conducted by ATF, interdictions and/or gun traces by other US law enforcement agencies, and in some cases, gun recoveries and/or traces in Mexico.

Page 1, Para 2: “In that letter, the Department categorically denied that the ATF “knowingly allowed the sale of assault weapons to a straw purchaser...” The Department said that the ATF makes “every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.”

The omitted portion of the first statement by DOJ referenced above is “...who then transported them to Mexico – is false.” As noted by DOJ, ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico. Again, we have to note that all of these purchases involve non-prohibited persons following the federal firearms procedures. The fact that such persons may have made numerous purchases, including purchases of firearms identifiable as weapons of choice in Mexico or purchases involving multiple firearms, does not in itself establish a federal violation. Even if the individuals subsequently sold these firearms to another person, or if some of the firearms were recovered in crimes in the US or Mexico, additional evidence would be required to establish a violation. ATF used every available tool and every effort was made to interdict firearms in this case going south to Mexico. The number of seizures made by ATF and other US law enforcement officials reflect that.

ATF in Phoenix, prior to, during and after the GRIT operation that initiated in May 2010, conducted extensive surveillance on source FFL locations, suspect purchasers and other trafficking suspects. ATF detailed numerous agents from out-of-town and out-of-state to assist in surveillances during this case prior to the arrival of the GRIT participants, from approximately March 14 to May 3, 2010. These detailed agents worked exclusive surveillance for 7 weeks, 7 days a week, for nearly 4,000 hours of surveillance. In addition, the Phoenix Group VII personnel also conducted numerous surveillance operations prior to the arrival and after the



departure of these detailees, including during the GRIT operations. ATF Phoenix developed and maintained a detailed surveillance assignment list. In addition to physical, mobile surveillance, ATF utilized a variety of electronic surveillance methods, including but not limited to pole cameras and [REDACTED] interceptions. Also, the Phoenix Police Department Air Wing was utilized on numerous occasions to conduct aerial surveillance. During all of these surveillance operations, at no time did ATF knowingly conduct surveillance of any person or vehicles in which firearms “walked” into Mexico. Also, referrals were made to other US law enforcement agencies operating along the border and in Mexico.

As should be noted, even with the detailees and the additional manpower derived from the GRIT operation, ATF Phoenix could not surveil every “suspected” residence, purchaser and dealer premises on a non-stop, 24/7 basis. This was not, and is not today, the only firearms trafficking case we are working in the Phoenix area. We utilized personnel and other tools as much as possible, but when a “suspected straw purchaser” goes into their home with firearms and nothing happens for days, we must make judgments as to how to best proceed with the investigation. In this case, we were dealing with in excess of [REDACTED] “suspected straw” purchasers and other suspects. This ATF office has at least that many [REDACTED] active cases. In addition, even if we were to approach a suspected straw purchaser, we have no ability to force the person to tell us where or to whom the guns may be going. If such interviews are conducted and lead to legally acceptable responses, we must continue our investigative efforts, despite having alerted the suspect to our efforts.

Page 1, Para 3: “The ATF had been tracking [REDACTED] purchases because [REDACTED] was a suspected trafficker since at least November 2009.”

Page 2, Para 1: “The dealer who sold the weapons... met with ATF representatives and Assistant US Attorneys as early as December 17, 2009...”

Page 2, Para 1: “By January 13, ATF added [REDACTED] to a suspect person database for the investigation.”

Page 2, Para 2: “On January 16, 2010, [REDACTED] bought three AK-47 variant, Romanian WASR-10 assault rifles... ATF entered these weapons into the...Suspect Gun Database three days later.”

In reviewing the attached documents, which appear to be redacted law enforcement sensitive ATF internal investigative reports and emails, the following was noted.

Attachment 1: This multiple sale summary report is dated 11/25/2009. It relates to a purchase made on 11/24/2009. At that time, [REDACTED] was not yet identified by ATF as a “suspect” in the Suspect Gun/Person Database.

Attachment 2: This redacted ATF Management Log, partially illegible, appears to document that ATF coordinated and deconflicted this investigation with other federal OCDETF agencies, including DEA and ICE, in furtherance of the overall US law enforcement efforts along the southwest border. ATF Phoenix VII is an ATF-led OCDETF Strike Force group that is collocated with other federal agencies that lead OCDETF strike force groups. It also notes the contact with the FFL on 12/17/2009.

Attachment 3: This Multiple Sale summary report relates to a purchase by [REDACTED] on 1/9/2010. Again, it is noted that at this time, [REDACTED] is not yet identified as a "suspect" in the ATF Suspect Gun/Person Database. In addition, the NTC comment remains "purchaser may be associated with [REDACTED] trace(s)/multiple sale(s)."

Attachment 4: The redacted email, dated 1/13/2010, reflects the entry of 42 subjects for this investigation into the Suspect Person Database. [REDACTED] appears on the chart, with a total of [REDACTED] multiple sales reports involving a total of [REDACTED] firearms, as well as [REDACTED] suspect gun reports, for a total of [REDACTED] suspect firearms. It should be noted that based on this chart, as of 1/13/2010, [REDACTED] had 0- firearms identifiable with him that had been traced by ATF.

Attachment 5: This 1/14/2010 suspect gun summary report is essentially a duplicate of the information in the 1/11/10 multiple sale report (Attachment 3).

Attachment 6: This 1/19/2010 suspect gun summary report relates to the 1/16/2010 purchase of three WASR-10s by [REDACTED]. This information was made known to ATF by the FFL on 1/19/2010.

Attachment 7: These suspect gun summary reports relate to two Barrett .50 purchases by [REDACTED] on June 4 and June 15, 2010. These reports were generated because ATF Phoenix caused [REDACTED] and his firearm purchases to be entered into the Suspect Gun/Person Database.

Attachment 8: This redacted ATF Significant Information Report dated 12/16/2010 reports the arrest of [REDACTED]. As reported, two firearms purchased by [REDACTED] on 1/16/2010 were recovered on 12/15/2010 at the scene of a shooting incident in which a CBP officer was killed. Following the incident, ATF agents located and interviewed [REDACTED]. [REDACTED] ATF arrested [REDACTED] and filed a criminal complaint for federal firearms charges. Per USAO document (1/28/2011), the charges related to [REDACTED] providing false address information on F4473 on 6/15/2010.

Attachment 9: These are two firearms trace summary reports dated 12/16/2010 for the two [REDACTED] firearms recovered at the CBP shooting scene on 12/15/2010. These reports indicate the traces were pending completion.

Page 1, Para 3 and Page 2, Para 1: “According to the whistleblowers, at least one gun dealer wanted to stop participating in sales like those to [REDACTED] sometime around October 2009. However, the ATF allegedly encouraged the dealer to continue selling to suspected traffickers and asked the dealer to forward information about the sales to the Bureau.”

See the two “releases” generated by the FFL [REDACTED] (1/26/2011 and 2/1/2011) and USAO document (1/28/2011) of that event. These documents address the nature of such interactions with FFLs, specifically [REDACTED] as to how ATF communicates with FFLs regarding their regulatory requirements, authority and independence in conducting firearms transactions, including their decision to proceed with or decline sales involving suspected straw purchasers, traffickers and prohibited persons, and their voluntary cooperation with ATF regarding suspicious purchasers.

It was noted that the Grassley letter references October 2009, which predates the purchases by [REDACTED]. Although the FFL and USAO documents reflect that [REDACTED] had been voluntarily providing ATF with information [REDACTED] it’s possible that the whistleblowers’ comments refer to another FFL. When asked, the Phoenix SAC, ASAC and RAC have all indicated that no scenarios as described in Grassley’s letter involving [REDACTED] or other FFLs are known. Again, conversations between FFLs and ATF occur frequently, including discussions initiated by FFLs who voluntarily report information about potential straw purchasing/trafficking activity to ATF. In some occasions, FFLs may ask ATF whether they should proceed with or decline future sales to such persons. In all cases known to us, as was indicated by ATF supervisors in Phoenix, ATF provides FFLs with guidance that appropriately outlines the role, responsibility and authority of FFLs as to the completion or declination of such transactions. We are unaware of any occasions in which ATF personnel have encouraged or coerced an FFL to complete apparently illegal firearms transactions or provide information or assistance to ATF not required by the GCA.

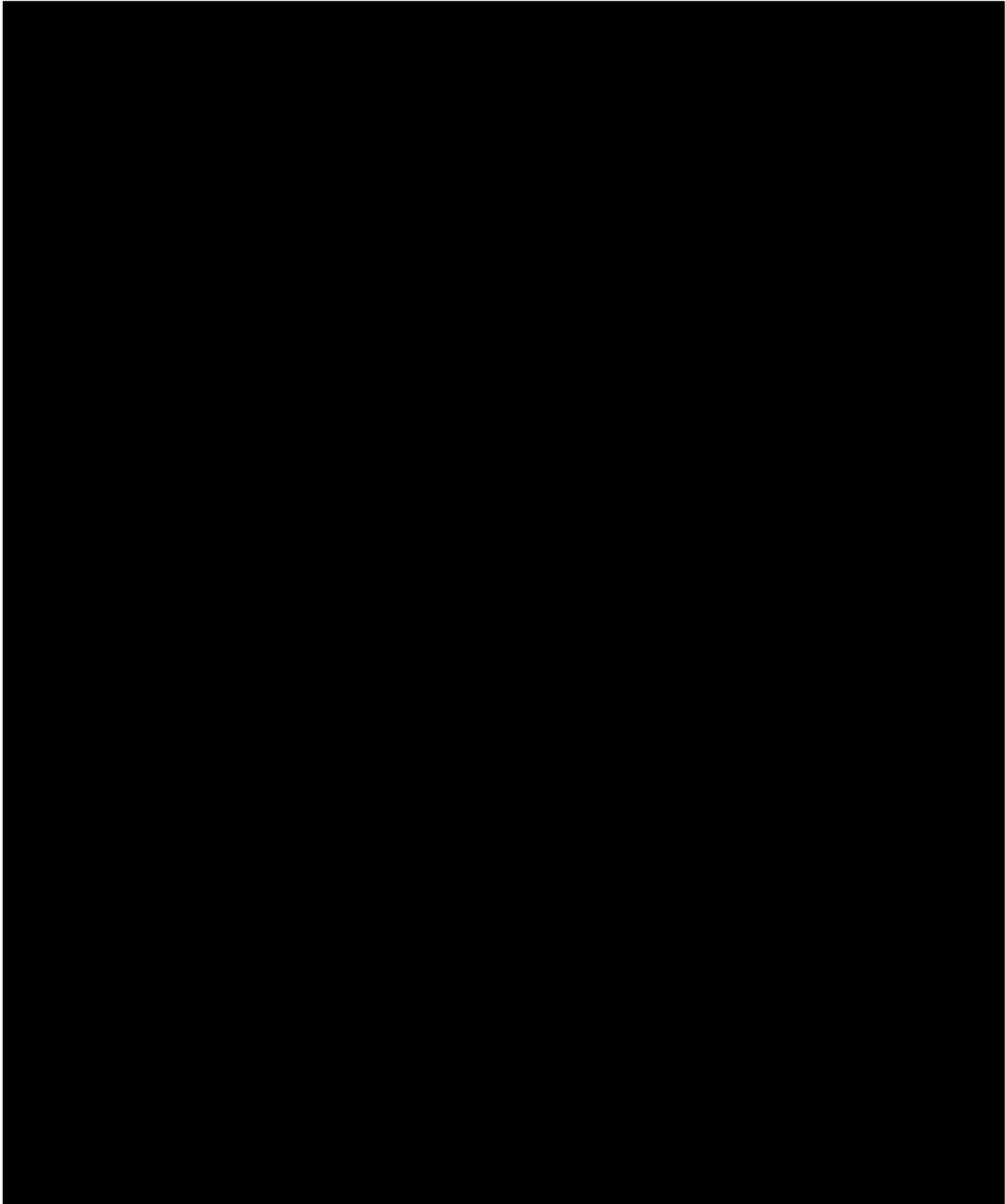
Page 2, Para 3: “...the indictment of [REDACTED] and others references approximately 769 firearms. Of those, the indictment refers to the recovery of only about 103 weapons. So where are the other approximately 666 weapons referenced in the indictment?”

In conjunction with the Fast and Furious investigation, a group of 46 individuals were entered into the Suspect Gun database. A total of 372 firearms (including 37 recovered in the Tohono O’Odom Indian Reservation) in the database were recovered/seized in the US. The number of firearms recovered in Mexico was 195. In addition, through ATF surveillances and enforcement operations, another 230 firearms were recovered prior to being entered into the database. Therefore, 602 firearms were interdicted in the US, and 195 were recovered in Mexico, for a total of 797 firearms recovered.



**LAW ENFORCEMENT SENSITIVE**

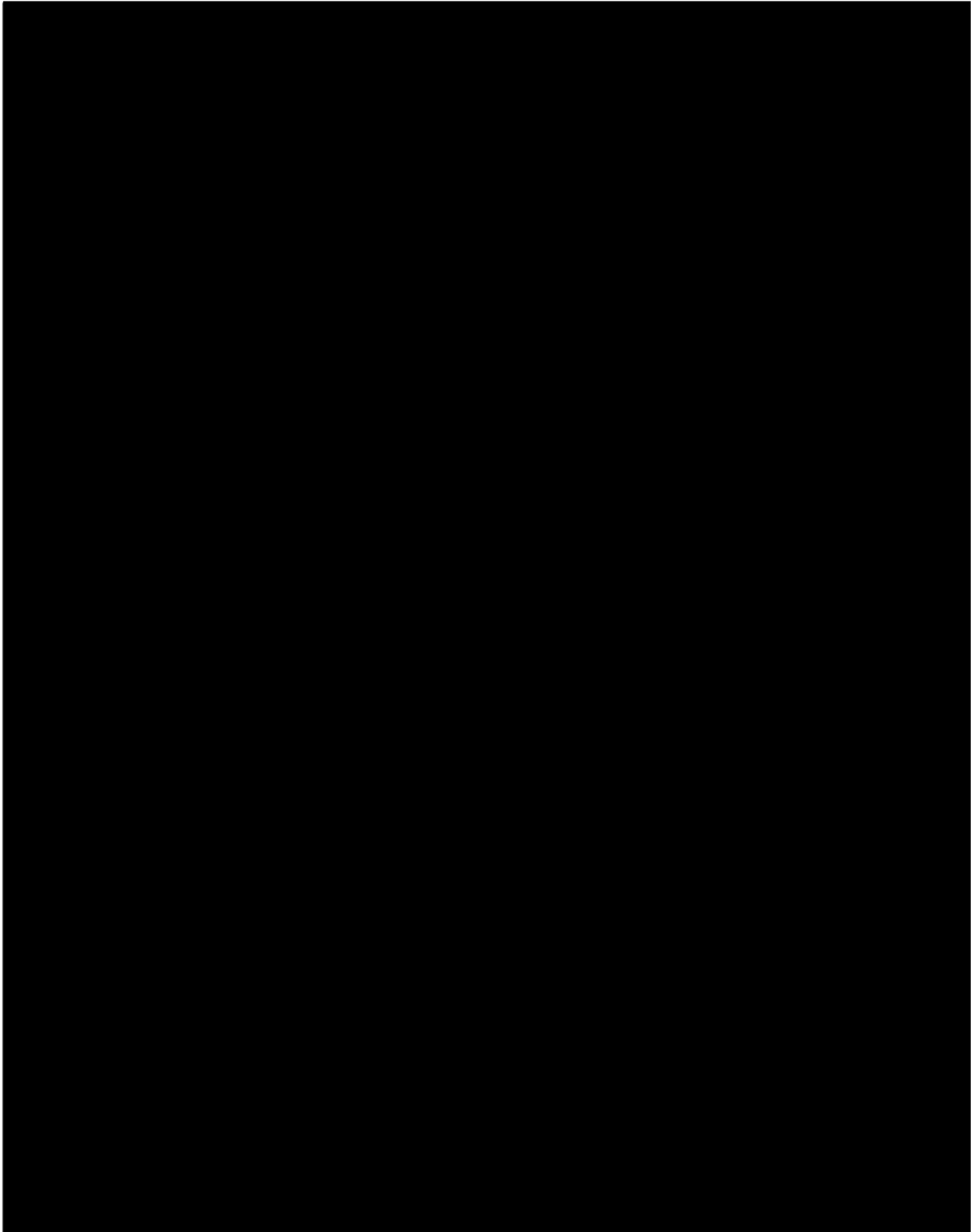
**OPERATION: THE FAST AND THE FURIOUS**



**LAW ENFORCEMENT SENSITIVE**

Page 1 of 7

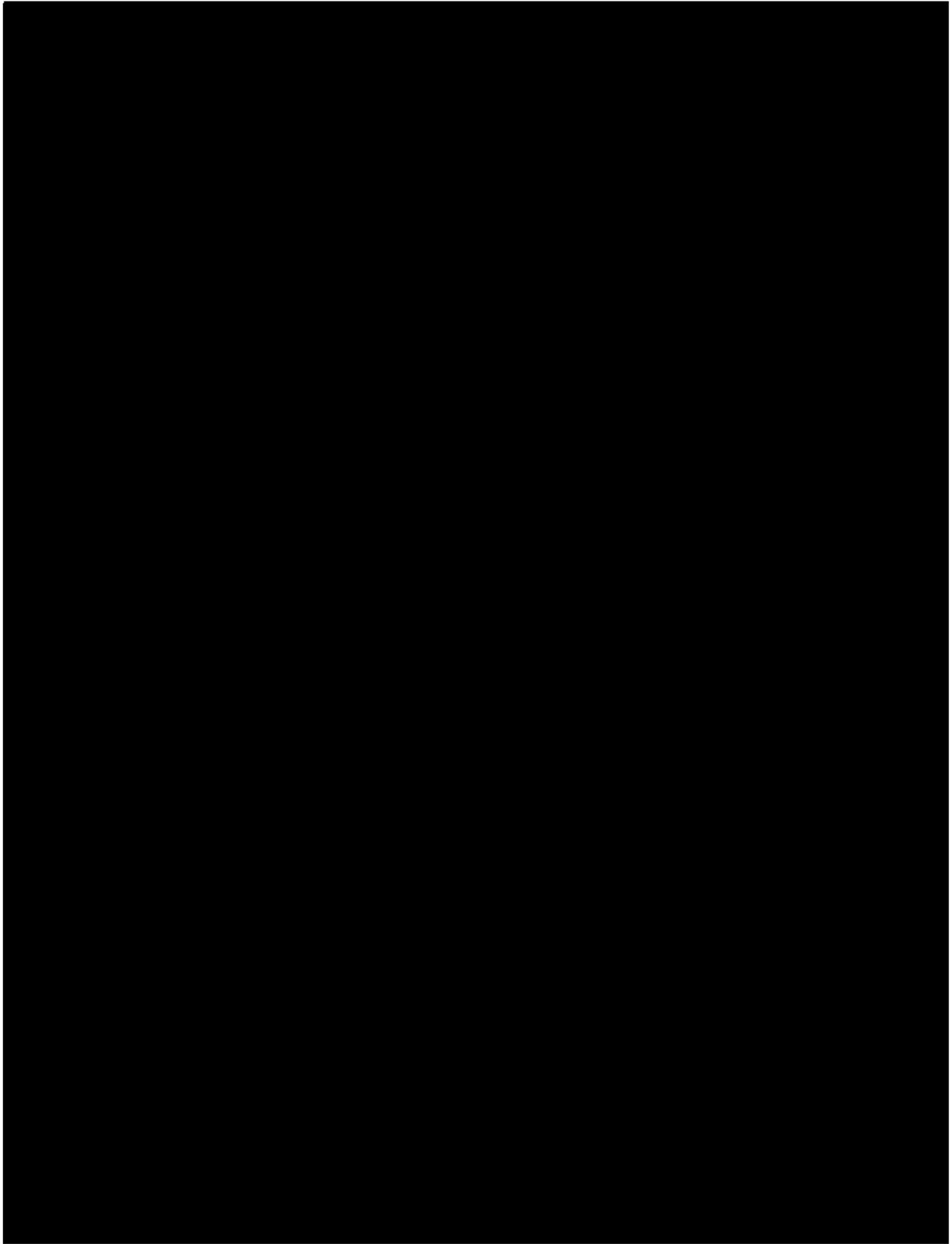
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**LAW ENFORCEMENT SENSITIVE**

Page 2 of 7

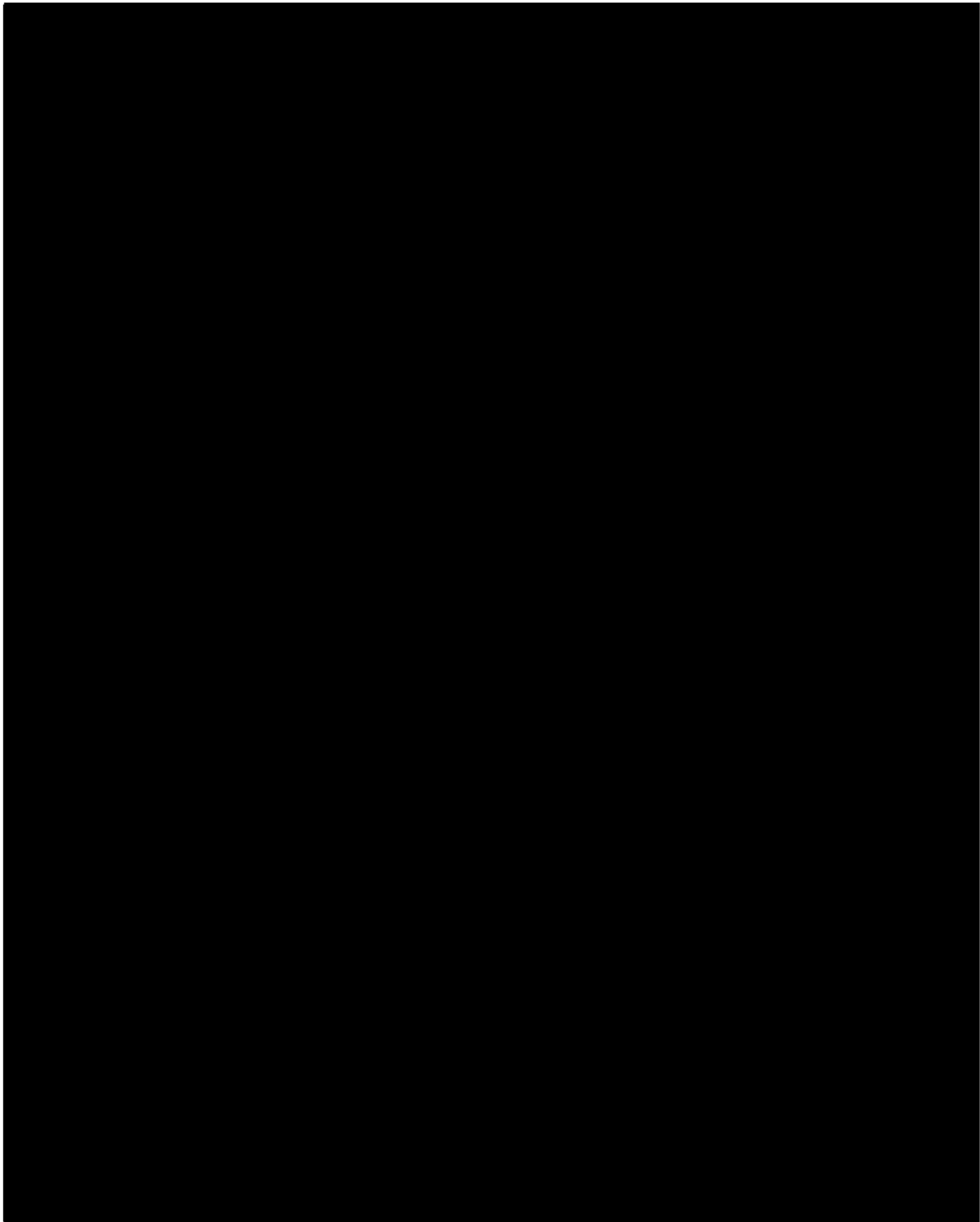
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**LAW ENFORCEMENT SENSITIVE**

Page 3 of 7

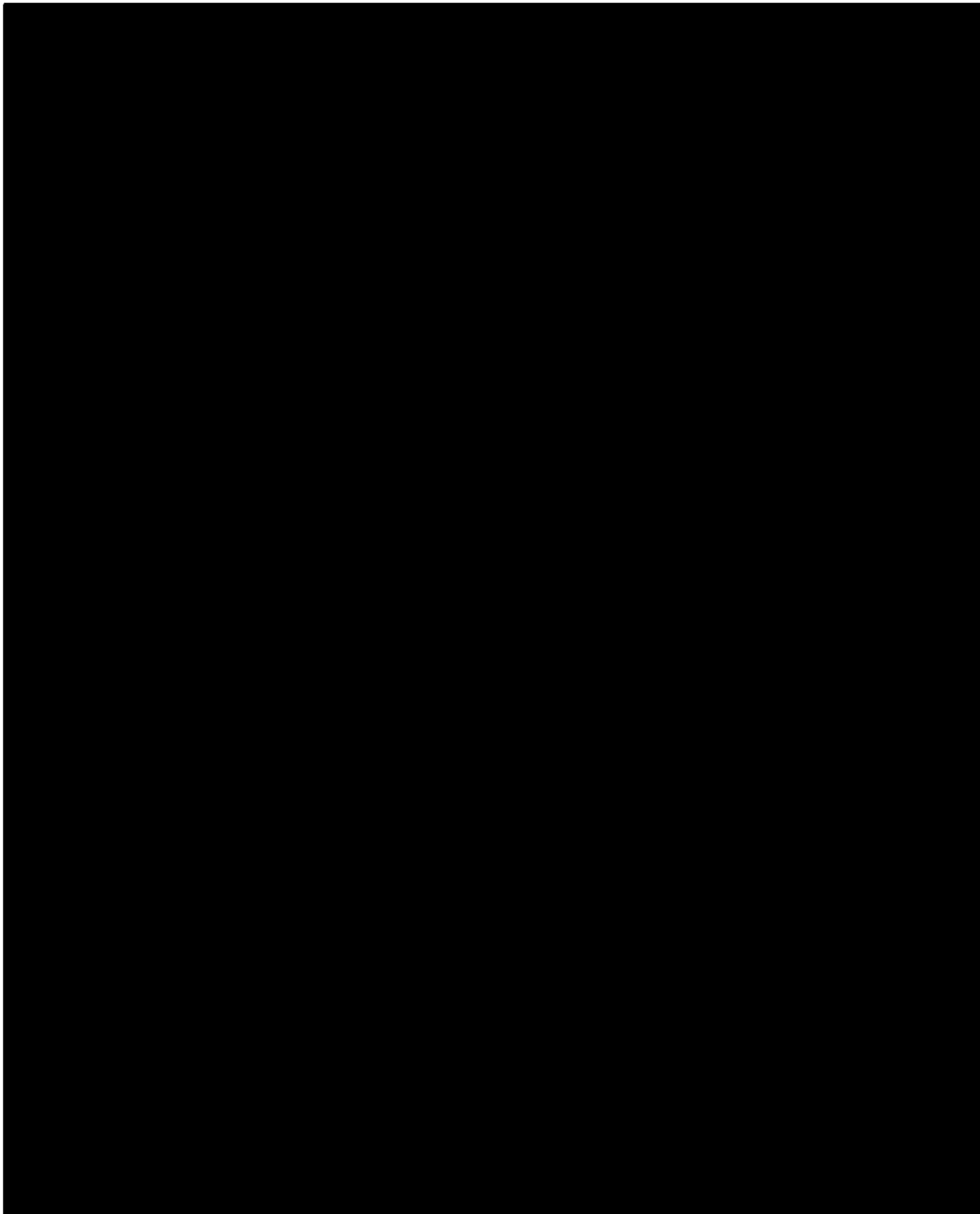
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Page 4 of 7

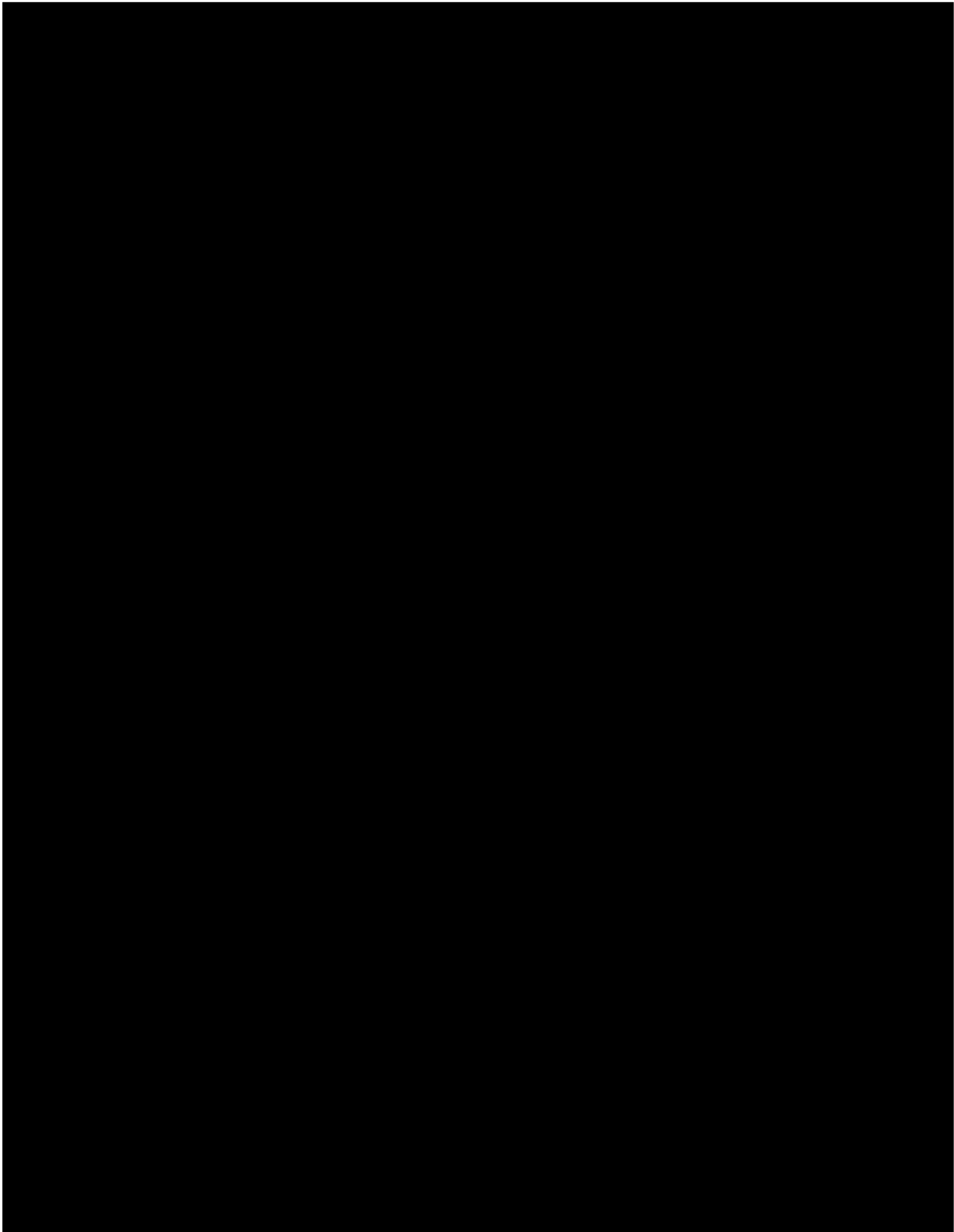


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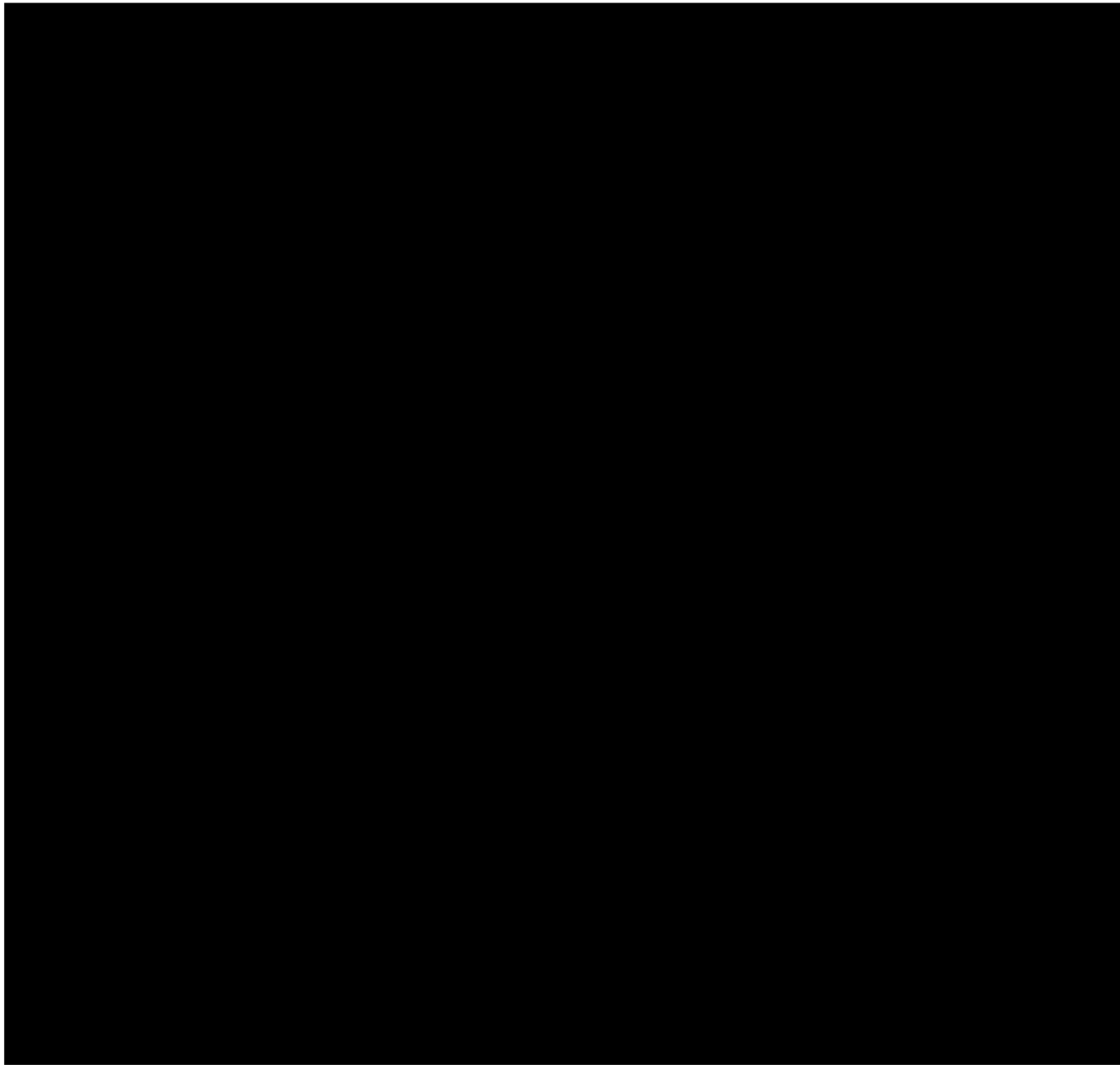
**LAW ENFORCEMENT SENSITIVE**  
Page 5 of 7

**LAW ENFORCEMENT SENSITIVE**



**LAW ENFORCEMENT SENSITIVE**

**LAW ENFORCEMENT SENSITIVE**



**LAW ENFORCEMENT SENSITIVE**

Page 7 of 7

# Organized Crime Drug Enforcement Task Forces

## Investigation Initiation Form

OCDETF Investigation No.

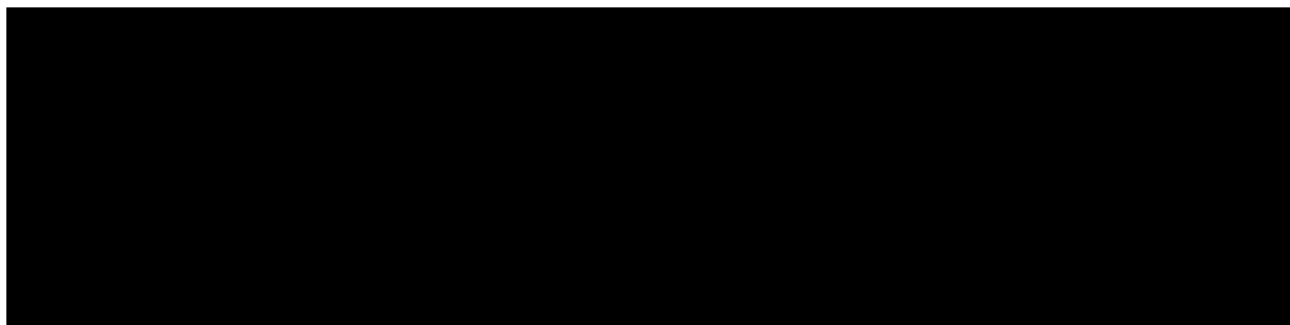
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THE FAST AND THE FURIOUS

Operation Name

Case Attorney:

Case Agents(s):



# LAW ENFORCEMENT SENSITIVE



The attached information must be protected and not released to unauthorized individuals.

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

**LAW ENFORCEMENT SENSITIVE**

OCDETF Investigation No.

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(Assigned by AUSA Coordinator)

Federal Judicial District Initiating this Investigation: District of Arizona

Special Operations Division (SOD) Coordination:

coordinating with the field to provide guidance and oversight.

If yes: SOD Staff Coordinator

Have you received any product from the OCDETF Fusion Center regarding this case? (other than the initial Rapid Enforcement Review)

Did the OCDETF Fusion Center assist you with asset seizures for this case?

HIDTA Participation: Yes  No

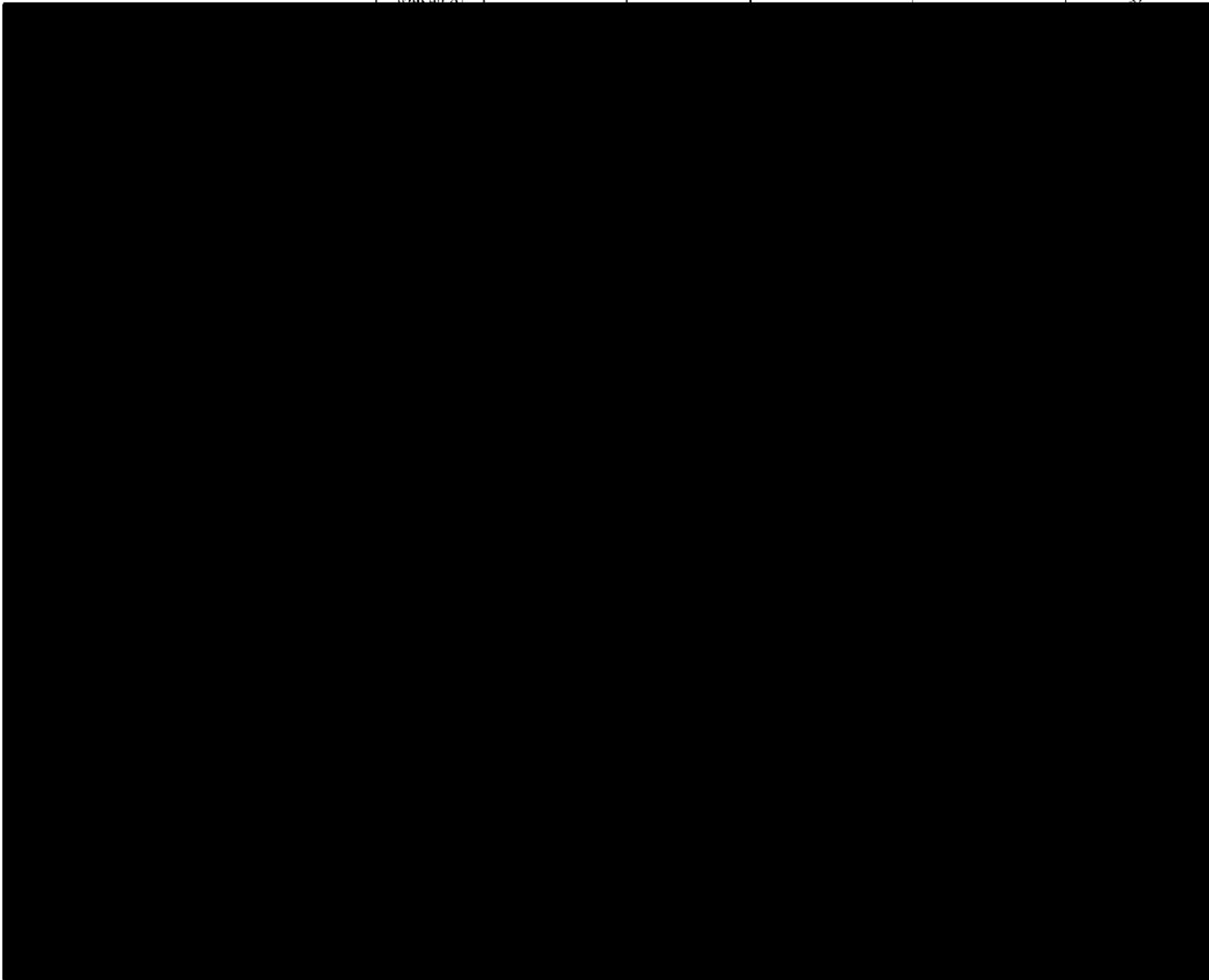
HIFCA Participation: Yes  No

**I. Targeted Organization** (N/A if name of organization is unknown)

Name: Operation (Code) Name: The Fast and the Furious

**II. Prospective Defendants** (If more than thirty, attach "Prospective Defendants Supplement" (OCDETF Form S-3))

Name (last, first, middle initial)	Non-U.S. Citizen (indicate with an X)	Alien Registration Number	DOB	SSN	FBI #	Leadership Role (indicate with an X)
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14)	<input type="checkbox"/>					<input type="checkbox"/>
15)	<input type="checkbox"/>					<input type="checkbox"/>
16)	<input type="checkbox"/>					<input type="checkbox"/>
17)	<input type="checkbox"/>					<input type="checkbox"/>
18)	<input type="checkbox"/>					<input type="checkbox"/>
19)	<input type="checkbox"/>					<input type="checkbox"/>
20)	<input type="checkbox"/>					<input type="checkbox"/>
21)	<input type="checkbox"/>					<input type="checkbox"/>

22)	<input type="checkbox"/>					45	<input type="checkbox"/>
23)	<input type="checkbox"/>						<input type="checkbox"/>
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FORM USA 244/Oct 09

**LAW ENFORCEMENT SENSITIVE**

Page 2

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

**LAW ENFORCEMENT SENSITIVE**

OCDETF Investigation No.

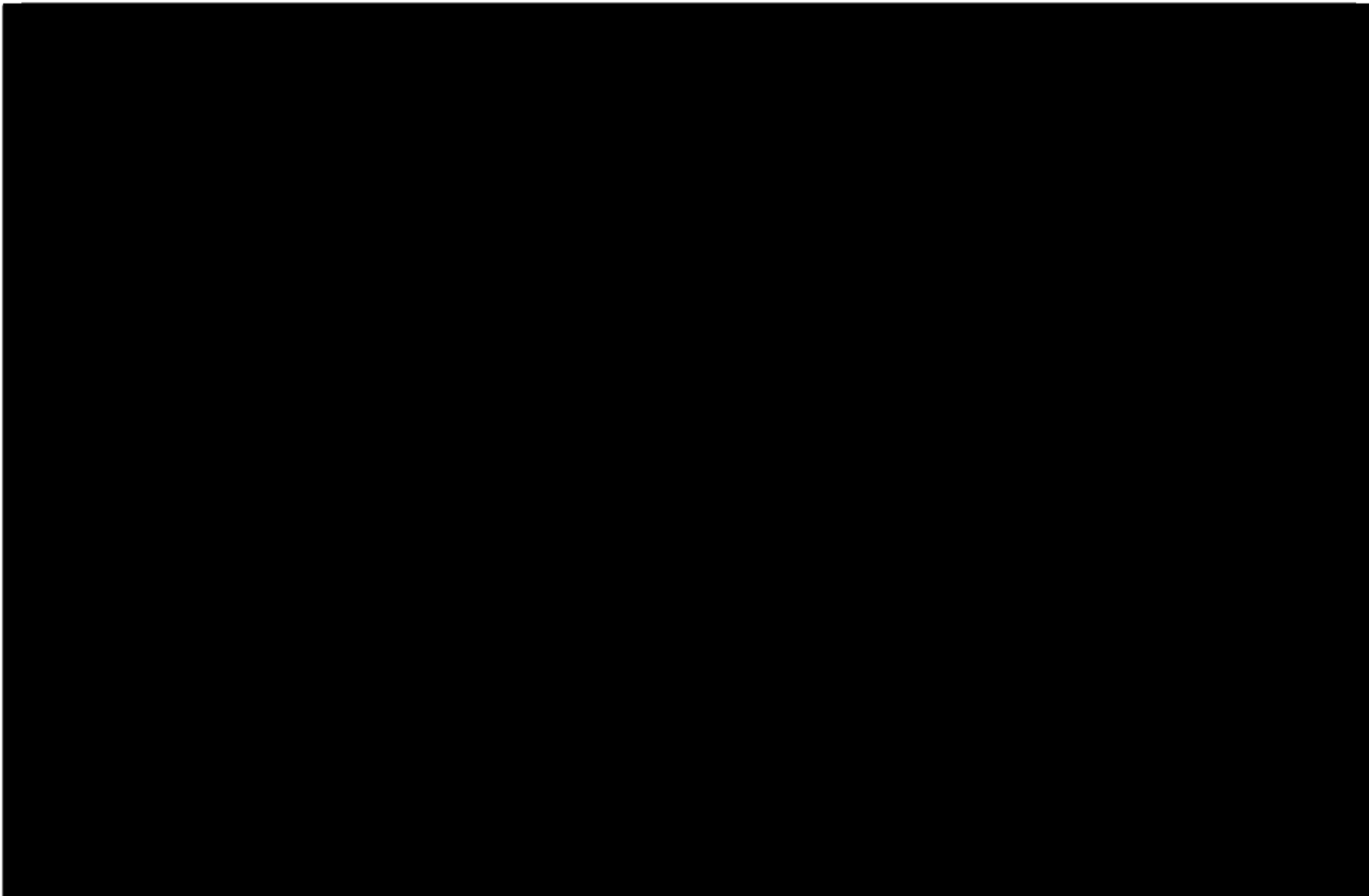
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(Assigned by AUSA Coordinator)

**III. Agency Involvement** Check all boxes which apply and enter personnel commitment and agency case numbers, if available.  
*Note: Agency case numbers for Federal agencies must be submitted by the time of the first Interim Report (that is, within six months of the initiation of the OCDETF investigation).*

Agency	# of Full Time Personnel	# of Part Time Personnel	Agency Case Number	Associated Agency Case Number(s)
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Does this investigation anticipate requesting State and Local Overtime Funding?



If yes, please indicate funding source



If yes, please indicate an **estimated** amount for the current fiscal year. (Note-State and Local Overtime Funding must still be submitted through the separate appropriate process for approval.)



**LAW ENFORCEMENT SENSITIVE**

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

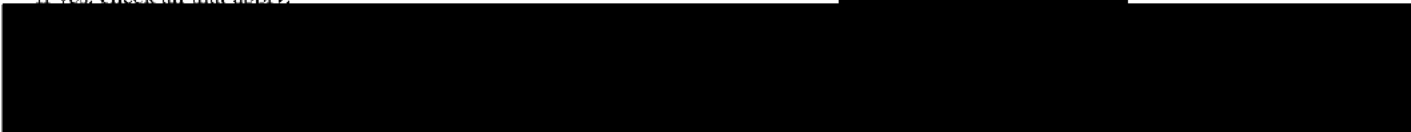
**LAW ENFORCEMENT SENSITIVE**

OCDETF Investigation No.

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(Assigned by AUSA Coordinator)

Was this investigation **initiated** by an OCDETF Co-located Task Force/Strike Force  
If yes, check all that apply:





Was this investigation **linked** to an OCDETF Co-located Task Force/Strike Force? Yes  
(If yes, check all that apply)

[Redacted]

[Redacted]

S	W	A	Z	P	0	4	7	4
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**IV. Drugs Under Investigation**  
(Check all that apply)

**V. Organization Description**

[Redacted]

**LAW ENFORCEMENT SENSITIVE**

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

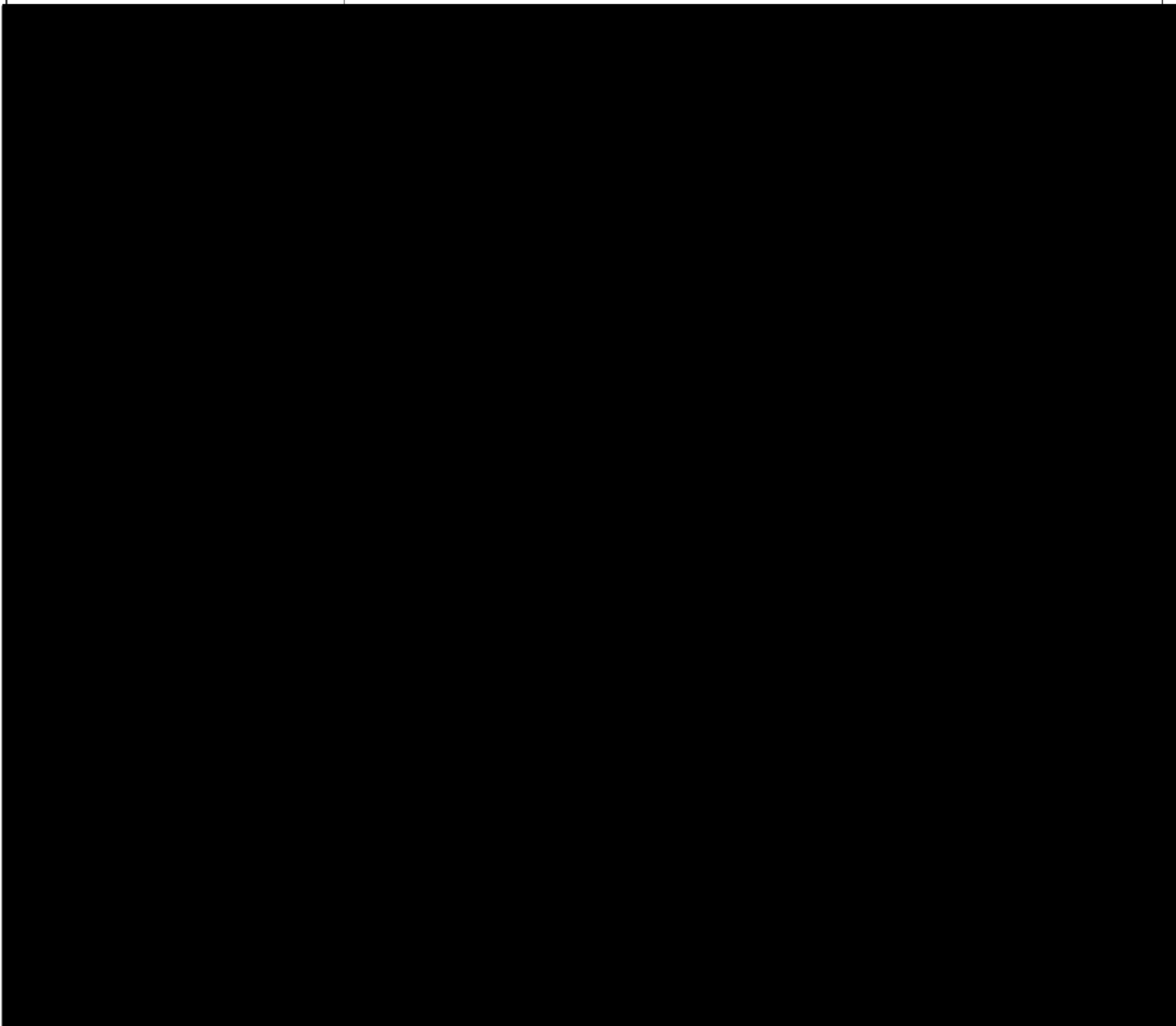
**LAW ENFORCEMENT SENSITIVE**

OCDETF Investigation No.

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(Assigned by AUSA Coordinator)

**VI. Investigative Techniques Used to Date Supervised by your District: (check all that apply)**



**LAW ENFORCEMENT SENSITIVE**

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

**LAW ENFORCEMENT SENSITIVE**

Page 5

OCDETF Investigation No.

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(Assigned by AUSA Coordinator)

**VII. REQUIRED DATABASE CHECKLIST FOR OCDETF IIF**

Name of Agent  
Agency  
Telephone Number  
OCDETF Operation Name  
Judicial District

The Fast and the Furious  
District of Arizona

49

**REQUIRED DATABASE CHECKS**

DATABASE	DATE REQUESTED	DATE COMPLETED
[REDACTED]		

**OPTIONAL DATABASE CHECKS**

While not required for OCDETF approval, please provide information, if checks were completed.

DATABASE	DATE COMPLETED
[REDACTED]	

**VII. SPECIAL OPERATIONS DIVISION (SOD) WORKSHEET**

Date Prepared: (MM/DD/YYYY)

01/20/2010

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Date Submitted to SOD: (MM/DD/YYYY)

[REDACTED]

**COMMUNICATIONS DEVICES**

(NOT Previously Submitted to SOD)

Type of Device (Designate by letter)

- (A) Cell Phone (B) Hard-line (C) Pager (D) Calling Card  
(E) Satellite (F) FAX (G) E-mail (H) Other

NAME of TARGET	Type	Number (with area code)	Type	Number (with area code)	Type	Number (with area code)

**LAW ENFORCEMENT SENSITIVE**

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

**LAW ENFORCEMENT SENSITIVE**

Page 6

OCDETF Investigation No.

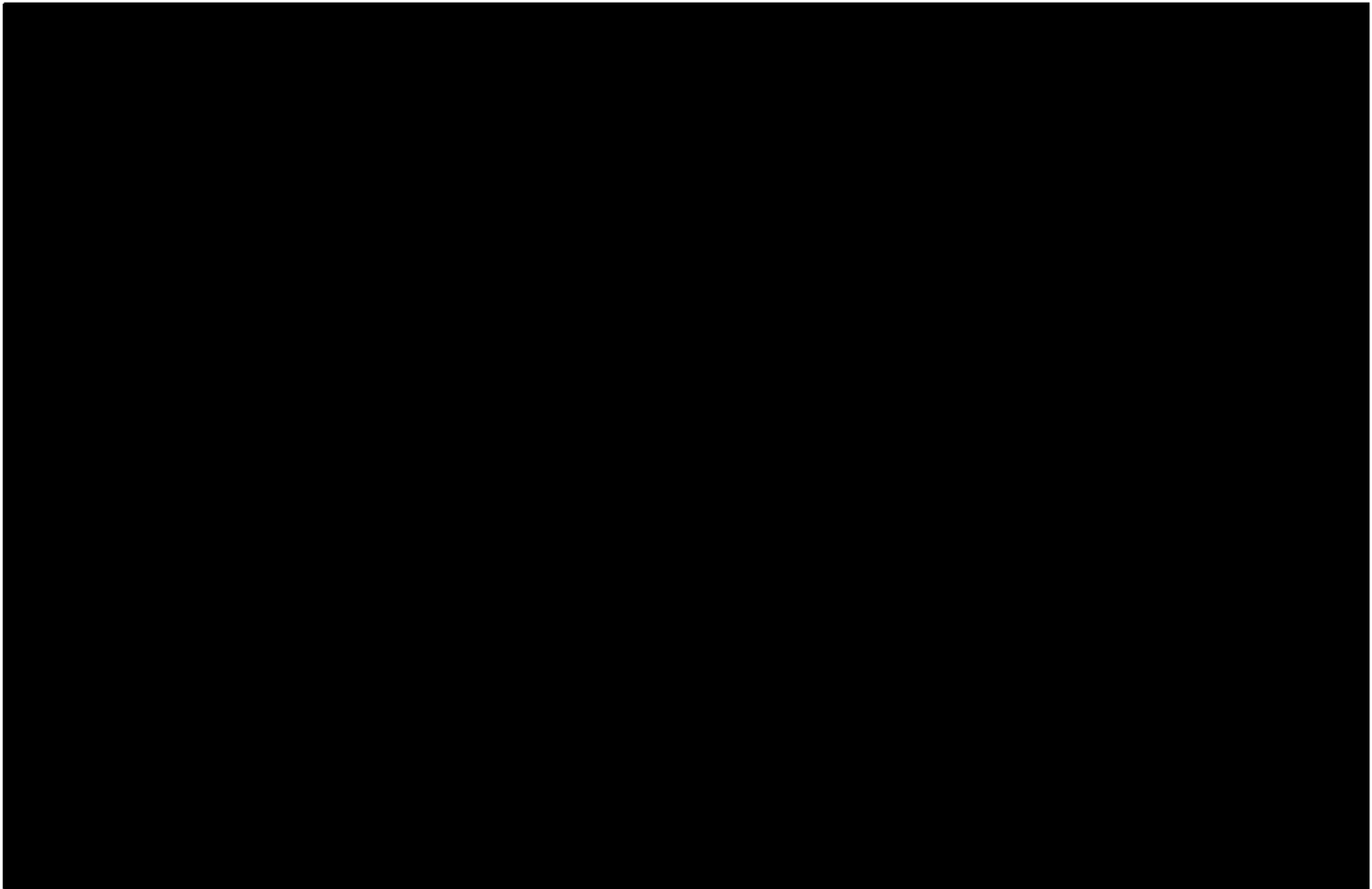
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(Assigned by AUSA Coordinator)

Answer all questions below thoroughly, but concisely.

A. BACKGROUND/FACTS ABOUT THE CASE

B. INVESTIGATIVE TECHNIQUES AND GOALS



**LAW ENFORCEMENT SENSITIVE**

Investigation Initiation Form  
Organized Crime  
Drug Enforcement Task Forces

**LAW ENFORCEMENT SENSITIVE**

Page 7

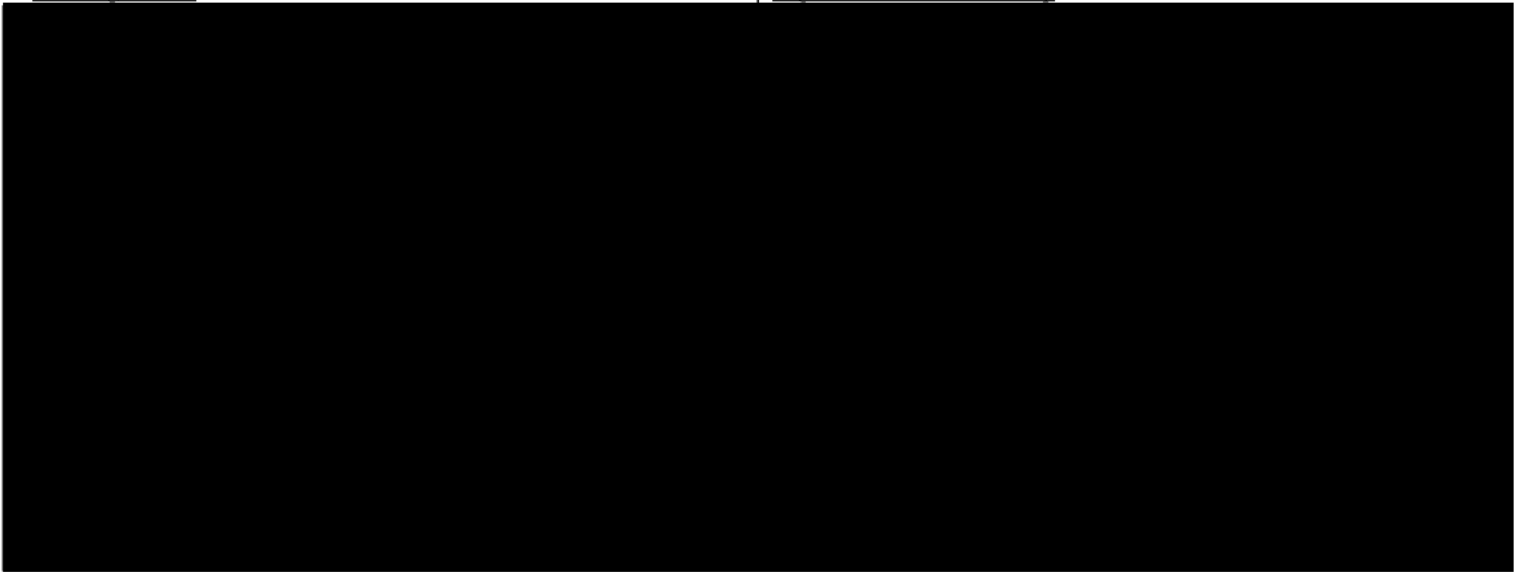
OCDETF Investigation No.

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**X. Approvals**

Initiating District

Regional Coordination Group



To be completed by the Regional Coordination Group:



OCDETF Executive Office  
Reviewed/Computer Entry:  
Initials \_\_\_ Date \_\_\_\_

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

**From:** Gribble, Christine A.

**Sent:** Wednesday, April 20, 2011 10:56 AM

**To:** Chait, Mark R.; McMahon, William G.; Boxler, Michael B.; Torres, Julie M.; (b) (7)(C) Torres, John A.; Newell, William D.; Champion, Robert R.; Webb, J. Dewey (b) (7)(C) (b) (7)(C) Shaefer, Christopher C. (b) (7)(C) Gillett, George T. Jr. (b) (7)(C)

(b) (7)(C)

CC: (b) (7)(C)

(b) (7)(C)

(b) (7)(C)

**Subject:** SWB Briefing Paper - April 18, 2011

**Attachments:** SWB Briefing Paper - April 18, 2011.docx

Good morning. Attached is the approved edition of the Southwest Border briefing paper, dated April 18, 2011. New updates to the SWB paper are now due to **Christine Gribble** by **COB Friday, April 29, 2011**.

Thanks, (b) (7)(C)

(b) (7)(C)

*Program Analyst  
Firearms Operations Division  
Office of Field Operations  
Bureau of ATF  
202-648 (b) (7)(C)*

(b) (7)(C)

\*\*\*\*\*

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From: (b) (7)(C)  
Sent: Friday, April 14, 2011 12:12:05 PM  
To: (b) (7)(C)  
Subject: Fw: Emailing: 2011 04 13 CEG to DOJ (ATF)

959

Attachments: 2011 04 13 CEG to DOJ (ATF).pdf

In case you don't have this yet.

(b) (7)(C) Division Chief Firearms Operations Division  
202-648-(b) (7)(C) Cell (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Chait, Mark R.  
To: (b) (7)(C)  
Sent: Thu Apr 14 10:17:32 2011  
Subject: FW: Emailing: 2011-04-13 CEG to DOJ (ATF)

Mark R. Chait  
Assistant Director  
Field Operations  
202 648 8410

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-----Original Message-----

From: Hoover, William J.  
Sent: Thursday, April 14, 2011 8:22 AM  
To: Chait, Mark R.  
Subject: Fw: Emailing: 2011 04 13 CEG to DOJ (ATF)

Billy

William J. Hoover  
Deputy Director  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
O) 202-648-8710

ATF8-002-001-00004750

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----- Original Message -----

From: Axelrod, Matthew (ODAG) (b) (7)(C)  
 To: Burke, Dennis (USAAZ) (b) (7)(C); Cunningham, Patrick (USAAZ)  
 (b) (7)(C); Melson, Kenneth E.; (b) (7)(C) Hoover, William J.  
 Sent: Wed Apr 13 22:37:10 2011  
 Subject: Fw: Emailing: 2011-04-13 CEG to DOJ (ATF)

Original Message

From: Gaston, Molly (SMO)  
 Sent: Wednesday, April 13, 2011 10:17 PM  
 To: Burton, Faith (SMO); Axelrod, Matthew (ODAG); Colborn, Paul P (SMO)  
 Subject: Fw: Emailing: 2011-04-13 CEG to DOJ (ATF)

----- Original Message -----

From: Foster, Jason (Judiciary-Rep) [mailto:Jason\_Foster@judiciary-rep.senate.gov]  
 Sent: Wednesday, April 13, 2011 09:44 PM  
 To: Welch, Ron (SMO)  
 Cc: CEG (Judiciary Rep) <CEG@judiciary-rep.senate.gov>; Virkstis, Matthew (Judiciary) <Matthew\_Virkstis@Judiciary-dem.senate.gov>; Castor, Stephen (Stephen.Castor@mail.house.gov) <Stephen.Castor@mail.house.gov>; Gaston, Molly (SMO)  
 Subject: Emailing: 2011-04-13 CEG to DOJ (ATF)

Ron,

I appreciate the invitation below, and I do need to discuss with you some process concerns about the way forward on this. If there is a convenient time for you tomorrow, please let me know. Senator Grassley has asked me to personally convey some key points for consideration.

Also, attached please find a letter from Senator Grassley to Attorney General Holder. Please ensure that all official correspondence is sent in electronic format to ceg@judiciary-rep.senate.gov (cc'd above). Thanks.

Cordially,  
 Jason A. Foster  
 Chief Investigative Counsel

Charles E. Grassley, Ranking Member  
 Committee on the Judiciary  
 152 Dirksen Senate Office Building  
 United States Senate

Direct: (202) 224 7142

From: Welch, Ron (SMO) [mailto:Ron.Welch@usdoj.gov]  
 Sent: Tuesday, March 08, 2011 11:20 AM  
 To: Davis, Kolan (Judiciary-Rep)  
 Cc: Lazi, Rita (Judiciary-Rep); Foster, Jason (Judiciary-Rep)  
 Subject: RE: Letter to Senator Grassley, 3/8/11

Fine, up to you. I just want you to know that I am always available to discuss process concerns, even on matters where we can't get into substance.



PATRICK J. LEAHY, VERMONT, CHAIRMAN

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 TOM COBURN, OKLAHOMA

**United States Senate**

COMMITTEE ON THE JUDICIARY  
 WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*  
 KOLAN L. DAVIS, *Republican Chief Counsel and Staff Director*

April 13, 2011

**VIA ELECTRONIC TRANSMISSION**

The Honorable Eric H. Holder, Jr.  
 Attorney General  
 U.S. Department of Justice  
 950 Pennsylvania Avenue, N.W.  
 Washington, DC 20530

Dear Attorney General Holder:

At approximately 1:30 p.m. yesterday, my staff learned that the Justice Department was making four documents available at 2:00 pm for Chairman Darrell Issa's staff to review regarding the controversy over ATF's Project Gunrunner, Operation Fast and Furious, and the death of Border Patrol Agent Brian Terry. These documents are among those I requested in February of this year. Yet, the Justice Department refused to make them available for my staff to review. In fact, the Justice Department has produced not one single page of documents in response to my inquiries.

Thus far, I have not requested that Chairman Leahy join in any document requests, consider any subpoenas, or schedule any hearings into this matter in the Senate Judiciary Committee. Any such request would be unnecessary and duplicative of the process on the House side, so long as any documents provided there are also provided to the Senate Judiciary Committee at the same time.

The Department's failure to cooperate with my requests is especially troubling in light of the February 4, 2011, reply to my initial letter. In that reply, the Justice Department took the position that those allegations were "false" and specifically denied "that ATF 'sanctioned' or otherwise knowingly allowed the sale of assault weapons" to straw purchasers. The letter further claimed that "ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico."

I already provided evidence contradicting that denial in my February 9 and March 3 letters. In addition, attached you will find further documentation undermining the Department's assertion. Specifically, the documents are emails between ATF officials and a Federal Firearms Licensee (FFL) in Arizona. These emails demonstrate that ATF instructed gun dealers to engage in suspicious sales despite the dealers'

concerns. The emails refer to meetings between the FFL and the U.S. Attorney's office to address the concerns being raised by the FFL. ATF supervisor David Voth wrote on April 13, 2010:

I understand that the frequency with which some individuals under investigation by our office have been purchasing firearms from your business has caused concerns for you. ... However, if it helps put you at ease we (ATF) are continually monitoring these suspects using a variety of investigative techniques which I cannot go into [in] detail.<sup>1</sup>

In response, the gun dealer expresses concern about potential future liability and sought something in writing to address the issue explicitly:

For us, we were hoping to put together something like a letter of understanding to alleviate concerns of some type of recourse against us down the road for selling these items. We just want to make sure we are cooperating with ATF and that we are not viewed as selling to bad guys.<sup>2</sup>

Following this email, the ATF arranged a meeting between the FFL and the U.S. Attorney's office. According to the FFL, the U.S. Attorney's office scheduled a follow-up meeting with the FFL, but asked that the FFL's attorney not be present.<sup>3</sup>

At the meeting on May 13, 2010, the U.S. Attorney's office declined to provide anything in writing but assured the gun dealer in even stronger terms that there were safeguards in place to prevent further distribution of the weapons after being purchased from his business.<sup>4</sup> As we now know, those assurances proved to be untrue. On June 17, 2010, the gun dealer wrote to the ATF to again express concerns after seeing a report on Fox News about firearms and the border:

The segment, if the information was correct, is disturbing to me. When you, [the Assistant U.S. Attorney], and I met on May 13th, I shared my concerns with you guys that I wanted to make sure that none of the firearms that were sold per our conversation with you and various ATF agents could or would ever end up south of the border or in the hands of the bad guys. ... I want to help ATF with its investigation but not at the risk of agents' safety because I have some very close friends that are U.S. Border Patrol agents in southern AZ[.]<sup>5</sup>

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<sup>1</sup> Email from ATF Group VII Supervisor David Voth to Cooperating FFL, Apr. 13, 2010 (Attached).

<sup>2</sup> Email from Cooperating FFL to ATF Group VII Supervisor David Voth, Apr. 13, 2010 (Attached).

<sup>3</sup> Telephone interview with Cooperating FFL, Apr. 5, 2011.

<sup>4</sup> *Id.*

<sup>5</sup> Email from Cooperating FFL to ATF Group VII Supervisor David Voth, Jun. 17, 2010 (Attached).

Incredibly, the FFL sent this email six months before guns from the same ATF operation were found at the scene of Border Patrol Agent Brian Terry's murder. So, not only were the ATF agents who later blew the whistle predicting that this operation would end in tragedy, so were the gun dealers—even as ATF urged them to make the sales.

Furthermore, according to the FFL, there were “one or two” occasions on which his employees actually witnessed and recorded with surveillance cameras an exchange of money between the straw purchaser and another individual on the premises.<sup>6</sup> Despite this actual knowledge of a straw purchase, the dealer said ATF officials wanted him to proceed with the transaction.<sup>7</sup> However, his employees refused to process the sale.<sup>8</sup>

In light of this new evidence, the Justice Department's claim that the ATF never knowingly sanctioned or allowed the sale of assault weapons to straw purchasers is simply not credible. As you know, I have multiple document and information requests pending with various components of the Justice Department. Unfortunately, however, it appears that senior Department officials are not allowing the components to respond fully and directly.

Please provide written answers to the following questions by no later than April 20, 2011:

1. Do you stand by the assertion in the Department's reply that the ATF whistleblower allegations are “false” and specifically that ATF did not sanction or otherwise knowingly allow the sale of assault weapons to straw purchasers? If so, please explain why in light of the mounting evidence to the contrary.
2. Will you commit to providing the Senate Judiciary Committee with documents, or access to documents, simultaneously with the House Committee on Oversight and Government Reform? If not, please explain why not.

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<sup>6</sup> Telephone interview with Cooperating FFL, Apr. 5, 2011.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

If you have any questions regarding this request, please have your staff contact Jason Foster at (202) 224-5225. Thank you for your prompt attention these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Grassley".

Charles E. Grassley  
Ranking Member

Attachment

cc: Chairman Patrick Leahy  
U.S. Senate Committee on the Judiciary  
  
Chairman Darrell Issa  
U.S. House Committee on Oversight and Government Reform

# Ongoing ATF investigation

6 messages

Voth, David J. <[REDACTED]@usdoj.gov> Tue, Apr 13, 2010 at 9:24 AM  
 To: Cooperating FFL  
 Cc: ATF Agent [REDACTED]@usdoj.gov>, ATF Agent [REDACTED]@usdoj.gov>, ATF Agent [REDACTED]@usdoj.gov>  
 Cooperating FFL

I understand that the frequency with which some individuals under investigation by our office have been purchasing firearms from your business has caused concerns for you. I totally understand and am not in a position to tell you how to run your business. However, if it helps put you at ease we (ATF) are continually monitoring these suspects using a variety of investigative techniques which I cannot go into detail. We are working in conjunction with the United States Attorney's Office (Federal Prosecutors) to secure the most comprehensive case involving the different facets of this organization. If it puts you at ease I can schedule a meeting with the Attorney handling the case and myself to further discuss this issue. Just know that we cannot instruct you on how to run your business but your continued cooperation with our office has greatly aided the investigation thus far.

Thanks again and please let me know how I can be of service to you.

Respectfully,

David Voth  
 Group Supervisor  
 Phoenix Group VII  
 602-[REDACTED]

Cooperating FFL [REDACTED] Tue, Apr 13, 2010 at 1:29 PM  
 To: "Voth, David J." <[REDACTED]@usdoj.gov>  
 Cc: Cooperating FFL [REDACTED] ATF Agent [REDACTED]@usdoj.gov>, ATF Agent [REDACTED]@usdoj.gov>, ATF Agent [REDACTED]@usdoj.gov>, Cooperating FFL [REDACTED]

David,

Employee 2

Let me start by saying thank you for the email and as always we will do what we can to continue to work with you and the ATF on Project Gun Runner. Our goal is to develop a system to get you (ATF) what you need in the most efficient manner possible. For us, we were hoping to put together something like a letter of understanding to alleviate concerns of some type of recourse against us down the road for selling these items. We just want to make sure we are cooperating with ATF and that we are not viewed as selling to bad guys. If you and the case Attorney are free to meet some time this week or next, that would be great. I am out of town Friday of this week and have meetings Thursday afternoon but am open other than that and I am open next week. Please let me know what would work best for you.

Thank you again and I look forward to meeting.

Respectfully,

Cooperating FFL

[Redacted signature block]

[Redacted block]

[Redacted block]

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Tue, Apr 13, 2010 at 1:29 PM

To: [Redacted]

Delivery to the following recipient failed permanently:

[Redacted recipient address]

Technical details of permanent failure:

Message rejected. Please visit [http://www.google.com/mail/help/bulk\\_mail.html](http://www.google.com/mail/help/bulk_mail.html) to review our Bulk Email Senders Guidelines.

[Redacted block]



Employee 2

Cooperating FFL

[REDACTED]

Tue, Apr 13, 2010 at 1:31 PM

----- Forwarded message -----

From: Cooperating FFL [REDACTED]  
Date: Tue, Apr 13, 2010 at 1:29 PM  
Subject: Re: Ongoing ATF investigation  
To: "Voth, David J." <[REDACTED]@usdoj.gov>  
Cc: Cooperating FFL [REDACTED] ATF Agent [REDACTED]@usdoj.gov, ATF Agent [REDACTED]  
<[REDACTED]@usdoj.gov>, ATF Agent [REDACTED]@usdoj.gov, [REDACTED]  
Cooperating FFL [REDACTED]

[REDACTED]

Voth, David J. <[REDACTED]@usdoj.gov> Thu, Apr 15, 2010 at 9:23 AM  
To: Cooperating FFL [REDACTED]  
Cc: Cooperating FFL [REDACTED] ATF Agent [REDACTED]@usdoj.gov, ATF Agent [REDACTED]  
[REDACTED]@usdoj.gov, ATF Agent [REDACTED]@usdoj.gov

Cooperating FFL

We at ATF consider [REDACTED] Cooperating FFL [REDACTED] to be our ally in Project Gunrunner SWB Initiative and appreciate your cooperation with us in regards to this (and all) law enforcement matters. I have inquired from the Assistant United States Attorney (AUSA) handling this case as to his availability to meet with you next week. He is checking his schedule and I expect to hear from him soon.



Thanks again and please contact me any time with questions or concerns,

David Voth

Group Supervisor

Phoenix Group VII

602- [REDACTED]

---

**From:** Cooperating FFL [REDACTED]  
**Sent:** Tuesday, April 13, 2010 1:30 PM  
**To:** Voth, David J.  
**Cc:** Cooperating FFL [REDACTED], ATF Agent [REDACTED], ATF Agent [REDACTED], ATF Agent [REDACTED], Cooperating FFL [REDACTED]  
**Subject:** Re: Ongoing ATF investigation

David,

[REDACTED]

---

Cooperating FFL [REDACTED] Thu, Apr 15, 2010 at 10:39 AM  
**To:** "Voth, David J." <[REDACTED]@usdoj.gov>  
**Cc:** Cooperating FFL [REDACTED], ATF Agent [REDACTED]@usdoj.gov, ATF Agent [REDACTED]@usdoj.gov, ATF Agent [REDACTED]@usdoj.gov

David,

Thank you for the kind words and the continued support. We will continue handling the transactions as we have in the past until we meet. If there is anything you need in the interim please don't hesitate to ask.

See you soon.

Respectfully,

Cooperating FFL [REDACTED]

[REDACTED]

---

[REDACTED] 2/14/2011

Employee 2

970

# Fox News report

3 messages

Cooperating FFL

Thu, Jun 17, 2010 at 11:56 AM

To: "Voth, David J." <[redacted]@usdoj.gov>

David,

I hope this email finds you well.

As per our discussion about over communicating I wanted to share some concerns that came up. Tuesday night I watched a segment of a Fox News report about firearms and the border. The segment, if the information was correct, is disturbing to me. When you, Emory and I met on May 13th I shared my concerns with you guys that I wanted to make sure that none of the firearms that were sold per our conversation with you and various ATF agents could or would ever end up south of the border or in the hands of the bad guys. I guess I am looking for a bit of reassurance that the guns are not getting south or in the wrong hands. I know it is an ongoing investigation so there is limited information you can share with me. But as I said in our meeting, I want to help ATF with its investigation but not at the risk of agents safety because I have some very close friends that are US Border Patrol agents in southern AZ as well as my concern for all the agents safety that protect our country. If possible please email me back and share with me any reassurances that you can.

As always thank you for your time and I send this email with all respect and a hart felt concern to do the right thing.

Respectfully,

Cooperating FFL

[redacted signature block]

[redacted signature block]

Voth, David J. <[redacted]@usdoj.gov>

Fri, Jun 18, 2010 at 2:25 PM

To: Cooperating FFL

Employee 2

971

Cooperating FFL

Thanks for reaching out to me with your concerns. I would be happy to stop by and speak with you. If possible I have [REDACTED] next Tuesday, June 22, 2010. Any chance you are available that day around 10:00-10:30 am?

Thanks,

Dave Voth

---

**From:** [REDACTED] Cooperating FFL  
**Sent:** Thursday, June 17, 2010 11:56 AM  
**To:** Voth, David J.  
**Subject:** Fox News report

[REDACTED]

---

[REDACTED] Cooperating FFL  
**Reply-To:** Cooperating FFL  
**To:** "Voth, David J." <[REDACTED]@usdoj.gov>

Mon, Jun 21, 2010 at 9:34 PM

David,

I am back intown. If you are still free to meet on the 22nd [REDACTED] around 10 and there for a few hours. Please stop by if you are available, if not let me know when we can reschedule.

Thank you,

[REDACTED] Cooperating FFL

Sent from my Verizon Wireless BlackBerry

---

**From:** "Voth, David J." <[REDACTED]@usdoj.gov>  
**Date:** Fri, 18 Jun 2010 17:25:25 -0400  
**To:** Cooperating FFL  
**Subject:** RE: Fox News report

[REDACTED]

**From:** (b) (7)(C)  
**Sent:** Thursday, April 14, 2011 12:09 PM  
**To:** Newell, William D.; Needles, James R.; (b) (7)(C)  
**Subject:** Fw: A new Piece

Media info - Fyi

(b) (7)(C), Division Chief Firearms Operations Division  
202-648-(b) (7)(C) Cell (b) (7)(C)

\*\*\*\*\*

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**From:** (b) (7)(C)  
**To:** Melson, Kenneth E.; Hoover, William J.; McDermond, James E.; Chait, Mark R.; (b) (7)(C)  
**Cc:** (b) (7)(C) McMahon, William G.; (b) (7)(C)  
**Sent:** Thu Apr 14 11:52:56 2011  
**Subject:** A new Piece

Gentlemen,

Here is a piece on the Grassley letter that just hit the Center for Public integrity.

(b) (7)(C)

<http://www.iwatchnews.org/2011/04/14/4150/gun-shy-firearms-dealer-worried-atf-would-let-weapons-slip-had-guy>

(b) (7)(C)  
Chief  
ATF Public Affairs Division  
Washington, DC  
Desk 202-648-(b) (7)(C)  
Cell (b) (7)(C)

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**From:** (b) (7)(C)  
**Sent:** Friday, April 29, 2011 4:30:54 PM  
**To:** Phoenix Div Travel  
**Subject:** TRAVEL ESTIMATE AND REQUEST FOR DCN (b) (7)(C)  
(b) (7)(C) WASHINGTON, DC-PHOENIX, AZ, 4/18/11-4/22/11, Approved by  
ASAC Needles

**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## Remarks:

\*\*\*\*\*

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U.S. Department of Justice  
Office of the Inspector General  
Evaluation and Inspections Division

# **Review of ATF's Project Gunrunner**

**November 2010**

**I-2011-001**





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## EXECUTIVE SUMMARY

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This review by the Department of Justice (Department) Office of the Inspector General (OIG) examined the impact of the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) implementation of Project Gunrunner on the illicit trafficking of guns from the United States to Mexico.

Violence associated with organized crime and drug trafficking in Mexico is widespread, resulting in tens of thousands of deaths. In part because Mexican law severely restricts gun ownership, drug traffickers have turned to the United States as a primary source of weapons, and these drug traffickers routinely smuggle guns from the United States into Mexico. The criminal organizations responsible for smuggling guns to Mexico are typically also involved in other criminal enterprises, such as drug trafficking, human trafficking, and cash smuggling. This requires ATF to work with other federal entities, as well as with state and local law enforcement partners, in sharing intelligence, coordinating law enforcement activities, and building cases that can be prosecuted.

To help combat firearms trafficking into Mexico, ATF began Project Gunrunner as a pilot project in Laredo, Texas, in 2005 and expanded it as a national initiative in 2006. Project Gunrunner is also part of the Department's broader Southwest Border Initiative, which seeks to reduce cross-border drug and firearms trafficking and the high level of violence associated with these activities on both sides of the border.

In June 2007, ATF published a strategy document, *Southwest Border Initiative: Project Gunrunner* (Gunrunner strategy), outlining four key components to Project Gunrunner: the expansion of gun tracing in Mexico, international coordination, domestic activities, and intelligence. In implementing Project Gunrunner, ATF has focused resources in its four Southwest border field divisions. In addition, ATF has made firearms trafficking to Mexico a top ATF priority nationwide.

The OIG conducted this review to evaluate the effectiveness of ATF's implementation of Project Gunrunner. Our review examined ATF's enforcement and regulatory programs related to the Southwest border and Mexico, ATF's effectiveness in developing and sharing firearms trafficking intelligence and information, the number and prosecutorial outcomes of ATF's Project Gunrunner investigations, ATF's coordination with U.S. and Mexican law enforcement partners, ATF's traces of Mexican "crime guns,"

and challenges that ATF faces in coordinating efforts to combat firearms trafficking with Mexico.<sup>1</sup>

## **RESULTS OF THE OIG REVIEW**

### **ATF's Expanded Efforts in Support of Project Gunrunner**

To assess the impact of Project Gunrunner, we first examined data on ATF's performance in tracing guns, conducting criminal investigations, conducting compliance inspections of gun dealers in the region, and referring leads to ATF's criminal enforcement personnel for action. We compared data in these areas from fiscal year (FY) 2004 through FY 2006 (3 years prior to ATF's implementation of Project Gunrunner), with data from FY 2007 through FY 2009 (the initial 3 full years of Project Gunrunner).

The data showed that since ATF's implementation of Project Gunrunner, ATF has increased its:

1. Traces of seized firearms from Mexico and from the Southwest border – Trace requests initiated in Mexico rose from 1 percent of all Mexico and U.S. trace requests prior to Project Gunrunner to 8 percent during Project Gunrunner.
2. Project Gunrunner cases initiated, cases referred for prosecution to U.S. Attorneys' Offices (USAO), and defendants referred for prosecution for firearms trafficking-related offenses – ATF increased the number of Project Gunrunner cases it initiated by 109 percent and increased the number of those cases it referred to USAOs by 54 percent.<sup>2</sup> The number of defendants ATF referred for prosecution increased by 37 percent.

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<sup>1</sup> According to ATF, crime guns are guns that were "recovered by law enforcement that were used in a crime, were suspected to have been used in a crime, or were recovered in relation to a crime." Mark Kraft, "Firearms Trafficking 101 or Where Do Crime Guns Come From?," *United States Attorneys' Bulletin* (January 2002).

<sup>2</sup> ATF considers any investigation conducted nationwide to be a "Project Gunrunner case" if it involves firearms trafficking or violent crime and has a connection to the Southwest border. This could include cases also coded as gang-related or as another type of case. Our discussion of Project Gunrunner cases in this report is based on ATF data that meets this definition.

3. Gun dealer compliance inspections conducted on the Southwest border, inspection hours worked by Southwest border field division inspectors, and inspection finding referrals made to ATF's criminal enforcement personnel for subsequent action – ATF increased the number of gun dealer compliance inspections along the Southwest Border by 133 percent and increased the number of compliance inspection hours worked by 102 percent. The total number of referrals ATF Industry Operations personnel made to ATF criminal enforcement personnel increased by 47 percent.

In addition to its increased program activities described above, ATF implemented a Gunrunner Impact Team initiative that increased the number of gun dealer compliance inspections conducted and cases initiated within the Houston Field Division area. Under this initiative, ATF deployed 100 agents, investigators, and support staff to the Houston Field Division for 120 days. ATF reported that the team conducted over 1,000 inspections of gun dealers and generated investigative leads leading to the seizure of over 400 firearms.

Despite the increased ATF activity associated with Project Gunrunner, we found that significant weaknesses in ATF's implementation of Project Gunrunner undermine its effectiveness.

### **ATF Firearms Trafficking Intelligence and Information**

We found that ATF does not systematically and consistently exchange intelligence with its Mexican and some U.S. partner agencies. In addition, some ATF field agents reported that they do not find investigative leads provided to them by ATF's Field Intelligence Groups to be timely and usable. We also determined that intelligence personnel in ATF's Southwest border field divisions do not routinely share firearms trafficking intelligence with each other. ATF could better implement its Border Liaison Program to improve information sharing and coordination between its U.S. and its Mexico personnel.

The success of Project Gunrunner depends, in part, on ATF's sharing intelligence with its Mexican and U.S. partner agencies, including the Drug Enforcement Administration (DEA) and the Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE). Although ATF has shared some strategic intelligence products with each of its partner agencies, it is not doing so systematically and consistently. ATF does share

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tactical intelligence regularly with the DEA and DHS's Customs and Border Protection (CBP).<sup>3</sup> However, ATF has not provided Mexican law enforcement with intelligence it requested on firearms trafficking patterns and trends, including trafficking routes and distribution points where guns are crossing into Mexico.

We also found that while reports of multiple sales of handguns produce timely, actionable investigative leads for ATF, the lack of a reporting requirement for multiple sales of long guns – which have become the cartels' weapons of choice – hinders ATF's ability to disrupt the flow of illegal weapons into Mexico.

In addition, when ATF obtains or generates intelligence, its Southwest border field divisions' intelligence structure is not consistently using that information to provide effective investigative leads for field agents to pursue. Specifically, the Field Intelligence Groups of ATF's Southwest border field divisions are not forwarding leads that are timely, that are developed beyond what field agents state they can do themselves or that contribute to investigations. Intelligence personnel in the Southwest border field divisions also lack a common understanding of how to develop and screen intelligence accurately to meet the requirements of enforcement groups. They do not operate under consistent guidelines or clear criteria that specify the most useful types of investigative leads. Additionally, ATF managers must rely on two separate ATF case management systems and do not have an automated process to track the status, monitor the outcomes, or evaluate the effectiveness of investigative leads provided to agents.

We also found no routine sharing of firearms trafficking-related information and techniques between ATF intelligence personnel in Southwest border locations and in the ATF Mexico Country Office. Intelligence coordination, when it does happen, occurs at the supervisory level, but non-supervisory intelligence personnel lack a method to regularly share information, best practices, and analytical techniques that they told us would be useful to them.

One illustration of the lack of information sharing is ATF's weak implementation of its Border Liaison Program. ATF's 2007 Gunrunner

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<sup>3</sup> ATF defines tactical intelligence as information produced to support operations or that relates to the specific time, date, nature, and other details of events. Strategic intelligence is defined as information required for the formulation of policy and plans at the regional, national, and international levels. Strategic intelligence differs primarily from tactical intelligence in level of use but may also vary in scope and detail.

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strategy identifies ATF's border liaisons as "the front line" of Project Gunrunner. However, we found that the border liaisons' roles are not well defined and their activities in Mexico are not well coordinated.

### **ATF Investigative Focus**

Firearms traffickers also participate in other criminal activity, such as drug trafficking, human trafficking, and cash smuggling. The complexity of their operations requires ATF to work closely with the government of Mexico, other U.S. federal agencies and departments, and state and local law enforcement partners.

Yet, we found weaknesses in how ATF implemented Project Gunrunner as a multi-agency effort. Although, as noted above, ATF has increased some program activities during Project Gunrunner, ATF's focus remains largely on inspections of gun dealers and investigations of straw purchasers, rather than on higher-level traffickers, smugglers, and the ultimate recipients of the trafficked guns.<sup>4</sup>

For example, we found that 68 percent of Project Gunrunner cases are single-defendant cases, and some ATF managers discourage field personnel from conducting the types of complex conspiracy investigations that target higher-level members of trafficking rings. Federal prosecutors told us that directing the efforts of Project Gunrunner toward building larger, multi-defendant conspiracy cases would better disrupt trafficking organizations.

Moreover, although ATF has had a long-stated intent to make fuller use of the resources of the Department's Organized Crime Drug Enforcement Task Force (OCDETF) Program to conduct more complex conspiracy investigations, it has not done so. This is in part due to ATF's focus on conducting fast investigations and also due to misunderstandings among ATF field personnel about what kinds of cases are eligible for OCDETF and whether OCDETF cases are counted as Project Gunrunner cases by ATF's internal performance metrics.

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<sup>4</sup> According to ATF, a "straw purchase" occurs when the actual buyer of a firearm uses another person, "the straw purchaser," to execute the paperwork necessary to purchase a firearm from a gun dealer. The actual buyer is often prohibited from purchasing the gun. The straw purchaser violates federal law by making a false statement with respect to the information required to be kept in the gun dealer's records. According to ATF, straw purchasing is one of the most frequent methods used to illegally acquire guns.

Because there is no federal firearms trafficking statute, ATF must use a wide variety of other statutes to combat firearms trafficking. However, cases brought under these statutes are difficult to prove and do not carry stringent penalties – particularly for straw purchasers of guns. As a result, we found that USAOs are less likely to accept and prosecute Project Gunrunner cases. And when these cases are prosecuted and convictions obtained, Federal Sentencing Guidelines categorize straw-purchasing-related offenses as lesser crimes.

### **Multi-Agency Coordination Issues**

We also found that ATF and ICE do not work together effectively on investigations of firearms trafficking to Mexico, and therefore ATF's Project Gunrunner cases do not benefit from ICE's intelligence and prosecutorial options. ATF and ICE rarely conduct joint investigations of firearms trafficking to Mexico, do not consistently notify each other of their firearms trafficking cases, and do not consistently coordinate their investigative work with each other.

A memorandum of understanding (MOU) signed by ATF and ICE in 2009 sought to foster better coordination, but we found that ATF and ICE agents and supervisors misunderstood the intent of the MOU or were unaware of it. Consequently, adequate coordination between ATF and ICE is still lacking in those areas of concurrent jurisdiction that are described in the MOU.

### **Mexican Crime Gun Tracing**

Despite the increased activity related to Project Gunrunner, ATF is not using intelligence effectively to identify and target firearms trafficking organizations operating along the Southwest border and in Mexico. Moreover, ATF's expansion of its automated system (eTrace) to trace guns seized in Mexico has yielded very limited information of intelligence value.

According to ATF's June 2007 Gunrunner strategy, tracing guns seized in Mexico is the "cornerstone" of Project Gunrunner. Tracing seized guns to the gun dealer which sold the gun to the first retail purchaser is a crucial source of information in ATF's investigations of firearms trafficking. Gun tracing also helps ATF identify firearm traffickers operating in the United States and in Mexico and can provide intelligence in the form of patterns and trends in gun smuggling.

However, ATF has been unable to expand gun tracing throughout Mexico. A June 2009 Government Accountability Office report estimated that trace data was submitted to ATF on less than a quarter of the guns seized in Mexico. Further, most trace requests that are submitted to ATF from Mexico are considered “unsuccessful” because of missing or improperly entered gun data.<sup>5</sup> Although ATF has provided Mexican law enforcement with training in firearms identification, we found the percentage of total trace requests that succeed has declined since the start of Project Gunrunner. Moreover, few of the traces that do succeed generate usable investigative leads because guns submitted for tracing often were seized by Mexican officials years before the trace requests were submitted. In such cases, the time at which a gun was transferred illegally may be outside the statute of limitations and charges cannot be brought against those responsible.

We determined that Mexican law enforcement authorities do not view gun tracing as an important investigative tool for them. One reason for this is that ATF’s trace results do not include the detailed investigative information on U.S. citizens that Mexican officials have requested (such as the criminal histories of those who may be involved in firearms trafficking). This information must be requested separately from the trace results. Some ATF officials also told us that ATF has not adequately communicated the value of gun tracing to Mexican officials. Consequently, Mexican law enforcement officials view gun tracing as merely a tool that ATF uses to further its own investigations. The Mexican officials did not see the long-term benefits of gun tracing in reducing the flow of illegal guns to Mexico by targeting the sources of these guns and the organizations that traffic them on both sides of the U.S.-Mexico border.

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<sup>5</sup> ATF stated that its common definition of a “successful trace” is a trace that provides any additional historical or identifying information concerning the firearm beyond the original information submitted in the trace request. However, ATF staff provided us different definitions of a successful trace, such as one that identifies the first purchaser. We define a successful trace as one that identifies the gun dealer who originally sold the weapon because that is the minimum result that can provide ATF with usable intelligence information.

According to ATF National Tracing Center data, an invalid serial number was the most common reason for unsuccessful traces from Mexico. However, crime gun traces can be unsuccessful for many other reasons. For example, the requester may not have provided a manufacturer or importer, or the gun may have been manufactured prior to 1968 when the *Gun Control Act* was enacted and thus no records were required.



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## **ATF Coordination Challenges in Mexico**

### Resource and Coordination Difficulties

Our review found that because of a lack of resources, ATF has been unable to fully meet Mexican government needs for support under Project Gunrunner. For example, ATF has been unable to provide key training and support requested by the government of Mexico. Further, the process of exchanging law enforcement investigative information between ATF and the government of Mexico is cumbersome, and ATF has a substantial backlog in responding to requests for information from Mexican authorities, which has hindered coordination between ATF and Mexican law enforcement. ATF also has been unable to recruit sufficient qualified staff to fill positions in the Mexico Country Office and does not offer incentives to attract and retain qualified staff there.

U.S. officials told us they face multiple unique challenges in coordinating with Mexican law enforcement officials. For example, U.S. officials we interviewed in Mexico stated that there is a lack of coordination among various Mexican law enforcement agencies and that ATF has no single counterpart that it can interact with in coordinating firearms trafficking investigations. Internal coordination problems within the government of Mexico require that ATF deal separately with multiple agencies there, which has slowed information sharing. ATF's effort to improve coordination by embedding a representative of the Mexico Attorney General's office in ATF's Phoenix Field Division on a trial basis has improved ATF's access to Mexican law enforcement's information.

### Lack of an Integrated Project Gunrunner Approach

An overarching problem our review found was that ATF has not integrated the Project Gunrunner activities of its four Southwest border divisions and ATF's Mexico Country Office into a coordinated approach. ATF's Project Gunrunner strategies and plans do not effectively address coordination, joint operations and investigations, or information sharing across these units. We believe this has been a contributing factor in several other shortfalls addressed in this review, including the ineffective intelligence and information sharing within ATF, unclear roles for border liaison personnel, inadequate and disparate staffing in Mexico, failure to focus on complex conspiracy firearms trafficking investigations, and poor coordination with other U.S. and Mexican law enforcement agencies.

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In September 2010, after our draft report was issued, ATF disseminated to field personnel and International Affairs Office staff a strategy, entitled “Project Gunrunner – A Cartel Focused Strategy,” that responds to many of the issues identified in this report. We refer to this strategy at various places in this report. However, it is not clear when, or how, this strategy will be fully implemented.

### **Recommendations**

In this report, we make 15 recommendations to ATF to help improve its efforts in combating firearms trafficking from the United States to Mexico. For example, we recommend that ATF improve its generation of investigative leads to agents working on Project Gunrunner and improve its intelligence sharing within ATF and with its U.S. and Mexican partners, and that ATF focus on more complex conspiracy cases to dismantle firearms trafficking rings. To improve coordination between ATF and ICE, we recommend that ATF provide specific guidance to require better coordination with ICE in accordance with the agencies’ memorandum of understanding. We also recommend that ATF work with Mexican law enforcement officials to determine the causes of unsuccessful Mexican crime gun traces and to improve the rate of successful traces. We also recommend that ATF consider implementing incentives to attract qualified staff to its Mexico Country Office. In addition, to provide a coordinated approach to ATF’s implementation of Project Gunrunner, we recommend that ATF implement a plan to integrate the activities of the Mexico Country Office and Southwest Border field divisions.



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## BACKGROUND

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### Introduction

Mexican drug trafficking organizations (cartels) are a significant organized crime threat, both to the United States and in Mexico. According to the Department of Justice's (Department) 2010 National Drug Threat Assessment, Mexican cartels present the single greatest drug trafficking threat to the United States and are active in every region of the United States. Mexican cartels use violence to control lucrative drug trafficking corridors along the Southwest border, through which drugs flow north into the United States, while guns and cash flow south to Mexico.<sup>6</sup>

From December 2006 through July 2010, the Mexican government reported almost 30,000 deaths in Mexico resulting from organized crime and drug trafficking, with 9,635 murders in 2009 alone. In its fiscal year (FY) 2010 to FY 2016 strategic plan, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reported that Mexico's drug traffickers have turned aggressively to the United States as a source of guns and routinely smuggle guns from the United States into Mexico. This is, in part, because Mexican law severely restricts gun ownership.

In 2009, ATF reported to Congress that about 90 percent of the guns recovered in Mexico that ATF has traced were initially sold in the United States.<sup>7</sup> The Southwest border states – Texas, California, Arizona, and to a lesser extent, New Mexico – are primary sources of guns used by Mexican drug cartels. The growing crime rate in Mexico, and fears that the violence will spill over into the United States, have led to efforts by U.S. and Mexican authorities to attempt to curb firearms trafficking.

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<sup>6</sup> Congressional Research Service, *Mexico's Drug-Related Violence*, CRS Report R40582 (May 27, 2009).

<sup>7</sup> William McMahon, Deputy Assistant Director for Field Operations, ATF, before the Committee on Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism, U.S. House of Representatives, concerning "Combating Border Violence: The Role of Interagency Coordination in Investigations" (July 16, 2009), [homeland.house.gov/Hearings/index.asp?ID=205](http://homeland.house.gov/Hearings/index.asp?ID=205) (accessed August 25, 2010). However, in September 2010, in response to a draft of this report ATF told the OIG that the 90-percent figure cited to Congress could be misleading because it applied only to the small portion of Mexican crime guns that are traced. ATF could not provide updated information on the percentage of traced Mexican crime guns that were sourced to (that is, found to be manufactured in or imported through) the United States.

ATF is one of the primary U.S. law enforcement agencies combating firearms trafficking from the United States to Mexico. ATF enforces federal firearms laws and also regulates the sale of guns by the firearms industry under the *Gun Control Act of 1968*. ATF is the only federal agency authorized to license and inspect gun dealers to ensure they comply with laws governing the sale, transfer, possession, and transport of guns.<sup>8</sup> ATF is also responsible for tracing guns by researching manufacturer and gun dealer data to identify the original purchasers of guns that are subsequently “recovered by law enforcement that were used in a crime, were suspected to have been used in a crime, or were recovered in relation to a crime.”<sup>9</sup> These guns are termed “crime guns.”

### **Project Gunrunner**

Project Gunrunner, ATF’s national initiative to stem firearms trafficking to Mexico, is part of the Department’s broader Southwest Border Initiative, which combines the Department’s law enforcement components in a concerted effort to reduce cross-border drug and weapons trafficking and the high level of violence associated with these activities. ATF began Project Gunrunner in 2005 as a pilot project in Laredo, Texas, and expanded it into a national program in 2006.<sup>10</sup>

ATF established five main objectives for Project Gunrunner:

1. Investigate individuals responsible for illicit firearms trafficking along the Southwest border.
2. Coordinate with U.S. and Mexican law enforcement along the border in firearms cases and violent crime.
3. Train U.S. and Mexican law enforcement officials to identify firearms traffickers.
4. Provide outreach education to gun dealers.
5. Trace all guns to identify firearms traffickers, trends, patterns, and networks.

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<sup>8</sup> In this report, the term “gun dealers” refers to federal firearms licensees who are licensed through ATF to manufacture, import, or deal in guns.

<sup>9</sup> Mark Kraft, “Firearms Trafficking 101 or Where Do Crime Guns Come From?,” *United States Attorneys’ Bulletin* (January 2002).

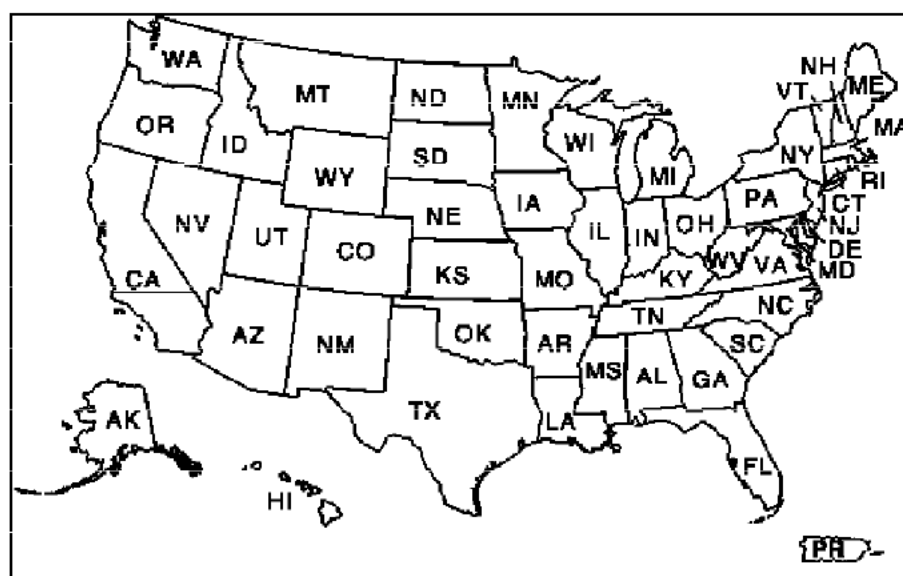
<sup>10</sup> The exact inception date of Project Gunrunner is unclear. According to an April 28, 2009, ATF news release, Project Gunrunner began in 2005. However, ATF officials told us that they consider April 2006 the official implementation date of Project Gunrunner.

ATF's primary geographic focus for Project Gunrunner is in the four ATF field divisions that provide coverage for the almost 2,000-mile border with Mexico. These four field divisions are headquartered in Houston, Dallas, Phoenix, and Los Angeles.

The first three of ATF's five objectives listed above refer directly to Mexico or to the Southwest border. The remaining two objectives (Objectives 4 and 5) are more national in scope because the sources of firearms trafficked to Mexico are nationwide.

Figure 1 illustrates the Southwest border region as defined by ATF.<sup>11</sup>

**Figure 1: The Southwest Border Region, as Defined by ATF**



Source: OIG.

In June 2007, ATF published a strategy document, *Southwest Border Initiative: Project Gunrunner* (Gunrunner strategy), which outlined four key components: the expansion of ATF's crime gun tracing system (eTrace), international strategy, domestic strategy, and intelligence. We briefly describe each of those key components below.

Expansion of eTrace. ATF emphasized tracing crime guns as the "cornerstone" of Project Gunrunner and identified the expansion of eTrace into Mexico as an integral element of the project. The strategy incorporated ATF's plan to deploy eTrace in Mexico and established key roles for ATF's

<sup>11</sup> Although Oklahoma is a part of the Dallas Field Division, it is typically not considered a part of the Southwest border.



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Mexico Country Office, National Tracing Center, and Violent Crime Analysis Branch in collecting and analyzing trace data from Mexico. We discuss eTrace further in the section, “Gun Tracing and eTrace,” below.

International Component. The international component of the Gunrunner strategy addressed the coordination of ATF’s activities in Mexico, including with the Department of State and the government of Mexico, and coordination between ATF’s Mexico Country Office and its Southwest border divisions. Further, the document defined ATF’s roles in providing, or helping to provide, technologies, equipment, information, and training to Mexican federal law enforcement.

Domestic Component. The domestic component of the strategy focused ATF resources in its four Southwest border field divisions. The strategy recognized a broader need to make firearms trafficking associated with crime guns seized along the Southwest border a top ATF priority nationwide. Additionally, the strategy document outlined ATF’s approach to using criminal investigations and regulatory inspections to target the illicit flow of firearms to the Southwest border and into Mexico. It also directed the expansion of ATF’s participation in other task force organizations, internal and external to the Department.

Intelligence Component. ATF’s strategy document stated that Project Gunrunner intelligence must be “real time” to be effective, and it described how intelligence must flow within ATF and to and from its domestic and Mexican partners. The document also assigned responsibilities within ATF for oversight and coordination of ATF’s intelligence and information sharing activities. The strategy established ATF’s Gun Desk at the Drug Enforcement Administration (DEA) led El Paso Intelligence Center (EPIC) as ATF’s clearinghouse for intelligence and investigative information.<sup>12</sup>

In its FY 2010 to FY 2016 strategic plan, ATF reiterated that Project Gunrunner is its primary enforcement initiative to stem the trafficking of illegal weapons across the U.S. border into Mexico and to reduce gun-driven violence on both sides of the border.<sup>13</sup>

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<sup>12</sup> In addition to the DEA and ATF, 19 other agencies are represented at EPIC, including the Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement, Customs and Border Protection, and state and local law enforcement. See U.S. Department of Justice Office of the Inspector General, *Review of the Drug Enforcement Administration’s El Paso Intelligence Center*, Evaluation and Inspections Report I-2010-005 (June 2010), for more information.

<sup>13</sup> Appendix I provides a timeline of key events related to Project Gunrunner.

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### Project Gunrunner Budget

Initially, Project Gunrunner had no dedicated funding within ATF's budget. ATF funded all of the initiative's operations out of its general appropriation. As ATF expanded the initiative in response to the increased violence in Mexico and concern over firearms trafficking into Mexico, ATF began seeking dedicated funds for Project Gunrunner, starting with its FY 2008 budget request. In FY 2009, ATF received \$21.9 million to support and expand Project Gunrunner. This included \$5.9 million in ATF's FY 2009 appropriation for Project Gunrunner, \$10 million in March 2009 from the *American Recovery and Reinvestment Act of 2009* (Recovery Act), and an additional \$6 million in June of that year. Under Public Law No. 111-230 (2010), Emergency Border Security Supplemental Appropriations, ATF received an additional \$37.5 million for the continued expansion of Project Gunrunner in FY 2010.<sup>14</sup>

### Project Gunrunner Staffing

ATF Staffing on the Southwest Border. The number of ATF staff dedicated to Project Gunrunner in the four Southwest border field divisions has increased steadily since FY 2006, but most notably from FY 2008 through FY 2009 (Figure 2).<sup>15</sup> In 2006, ATF had 84 Special Agents assigned to Project Gunrunner. By June 2010, the number had increased 167 percent to 224 agents. The number of Industry Operations Investigators increased even more sharply, from 15 in 2006 to 165 in 2010, a 1,000-percent increase. Project Gunrunner staff also includes individuals in other job categories, such as Intelligence Research Specialists and Investigative Analysts, depicted in Figure 2 as "other." As of June 2010, the number of agents assigned to Project Gunrunner represented 50 percent of all agents in the four Southwest border field divisions, and the number of Industry Operations Investigators represented 92 percent of the

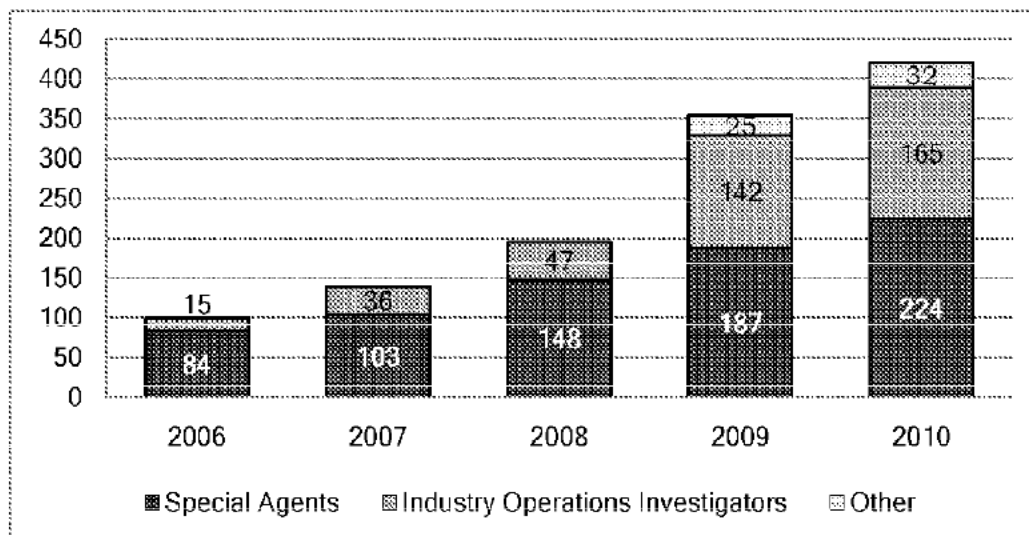
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<sup>14</sup> Pub. L. No. 111-230 was signed into law on August 13, 2010. The bill provided \$600 million in emergency supplemental appropriations for FY 2010 to secure the Southwest border and enhance federal border protection, law enforcement, and counternarcotics activities. The \$37.5 million allocated to ATF was part of \$196 million allocated to the Department.

<sup>15</sup> Because Project Gunrunner is a national initiative, additional personnel in locations beyond the Southwest border work Project Gunrunner cases. For example, a case involving firearms trafficking to Mexico that originates in the Midwest would be pursued by ATF agents there under Project Gunrunner.

investigators there.<sup>16</sup> Appendix II provides a description of the general duties for ATF staff.

**Figure 2: Dedicated Project Gunrunner Southwest Border Staff in the United States, by Fiscal Year**



Note: ATF could not provide the numbers of staff in the “other” category prior to 2008.

Source: ATF data.

ATF Staffing in Mexico. Project Gunrunner is also supported by ATF’s Mexico Country Office staff. The ATF Mexico Country Office is headed by an ATF Attaché and staffed by Assistant Attachés who are agents. At the time of our site visit in March 2010, the staff also included one Intelligence Research Specialist, one agent on temporary duty (TDY), and several Foreign Service Nationals (Mexican nationals employed by ATF). The staff of the Mexico Country Office coordinates with Mexican law enforcement agencies and facilitates information sharing; trains Mexican law enforcement personnel on subjects such as properly identifying and tracing weapons and conducting firearms trafficking and explosives investigations; and collects

<sup>16</sup> The most recent staffing increases were funded by several sources, including: (1) the Recovery Act, which provided 37 additional positions; (2) the President’s global war on terror funding; and (3) ATF’s FY 2009 appropriation. We described ATF’s allocation of those funds in the report entitled *Interim Review of ATF’s Project Gunrunner, Evaluation and Inspections Report I-2009-006* (September 2009).

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information on seized crime guns and explosives, which they forward to ATF personnel in the United States for investigation.<sup>17</sup>

As of June 2010, ATF had 13 staff assigned to the Mexico Country Office. Seven worked in the U.S. Embassy in Mexico City, and the other six worked in the U.S. Consulates in Monterrey (three), Tijuana (two), and Juarez (one).<sup>18</sup> Of the 13 staff, 8 were on permanent assignments to Mexico, and 5 were on TDY.

In its FY 2010 budget authorization, ATF received funding to increase the number of staff in Mexico. In September 2010, in response to a draft of this report, ATF stated that, since we completed fieldwork for this review, it had added 8 additional positions in Mexico – 3 in Mexico City, 2 each in Guadalajara and Hermosillo, and 1 in Merida, for a total of 18 authorized positions in Mexico. However, according to ATF, as of September 2010 only two of the eight new positions had been filled and recruitment and selection were under way for the remaining six positions. ATF also noted that even when it makes selections for personnel in Mexico, those personnel may not report to Mexico until their positions are “accredited” by the Mexican Secretariat of Foreign Relations, which had not occurred for the six open positions. Also, in September 2010 ATF reported that there were eight Foreign Service Nationals in the Mexico Country Office.

### **ATF’s Enforcement, Regulatory, and Intelligence Functions**

As described below, Project Gunrunner involves the ATF firearms trafficking enforcement, regulatory, and intelligence functions. We also discuss laws governing firearms trafficking and the private sale of guns.

#### Enforcement Function

As part of its enforcement function, ATF agents investigate individuals and organizations that violate U.S. laws by illegally supplying guns to individuals prohibited from having them.<sup>19</sup> ATF refers criminal violations to United States Attorneys’ Offices (USAO) or to state prosecutors for prosecution.

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<sup>17</sup> ATF and other U.S. law enforcement agencies working in Mexico do not have authority to conduct investigations there, but they provide assistance and share information with Mexican agencies and their counterparts in the United States.

<sup>18</sup> All ATF personnel in Mexico are considered part of the Mexico Country Office, which is organizationally aligned under ATF’s Office of International Affairs.

<sup>19</sup> Categories of prohibited individuals are defined in 18 U.S.C. § 922(g).

ATF tracks the status of investigations and refers investigative leads within ATF using its automated case management system, N-Force. Project Gunrunner cases were not initially identified in N-Force, but after 2006 ATF created a specific N-Force code for Project Gunrunner cases and directed its personnel to begin using it.

ATF considers any investigation conducted nationwide to be a “Project Gunrunner case” if it involves firearms trafficking or violent crime with a nexus to the Southwest border. This could include cases also coded as gang-related or as another type of case. Our discussion of Project Gunrunner cases in this report is based on ATF data that meets this definition.

### Laws Governing Firearms Trafficking and Private Sales of Guns

There is no specific federal statute specifically prohibiting firearms trafficking. Consequently, when ATF agents identify trafficking operations and develop cases to refer to prosecutors, they use various federal and state charges. In addition, some existing federal regulations and statutes, such as those that require transaction records or background checks, do not apply to sales of guns between private individuals.<sup>20</sup>

#### *Project Gunrunner Federal Statutes Used by ATF*

ATF agents work with federal prosecutors to charge Project Gunrunner defendants under a wide range of federal statutes, not all of which directly cite firearms offenses, such as conspiracy charges and drug offenses. Between FY 2004 and FY 2009, ATF used 75 different statutes to seek federal prosecutions of Project Gunrunner defendants. These statutes prohibit activities associated with firearms trafficking – such as falsifying information when purchasing a gun and dealing guns without a license. Table 1 provides a list, in ascending order of statute number, of the 10 statutes most frequently used in ATF’s Project Gunrunner referrals for prosecution during that period. We discuss ATF’s referrals and USAOs’ prosecutions of Project Gunrunner cases in Part III of this report.

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<sup>20</sup> Some federal regulations and statutes do apply to the private sale of guns, such as the prohibition of transfers to known convicted felons. Additionally, some states have enacted laws regulating transfers of firearms between private individuals.

**Table 1: Top 10 Statutes Used in Cases Referred for Prosecution of Project Gunrunner Defendants (FY 2004 through FY 2009)**

Statute	Statute Definition
18 U.S.C. § (2)	Aiding and abetting
18 U.S.C. § 371	Conspiracy to commit offense against the United States*
18 U.S.C. § 922(a)(1)(A)	Willfully engage in firearms business without a license
18 U.S.C. § 922(a)(6)	Knowingly making a false statement in connection with a firearm purchase
18 U.S.C. § 922(g)(1)	Knowing possession of a firearm by a convicted felon
18 U.S.C. § 922(g)(5)	Knowing possession of a firearm by an illegal alien
18 U.S.C. § 924(a)(1)(A)	Knowingly making a false statement
18 U.S.C. § 924(c)	Use of a firearm in a federal drug or violent crime
21 U.S.C. § 841(a)(1)	Manufacturer, distribution, or possession of a controlled substance
21 U.S.C. § 846	Drug conspiracy

\* 18 U.S.C. § 371 does not relate specifically to crimes involving firearms. Rather, according to Executive Office for United States Attorneys, prosecutors use the charge when there are no other conspiracy charges applicable to a case, often as part of the plea bargaining process.

Source: ATF data on federal statutes referred to USAOs for prosecution.

### *Private Sales of Guns*

When an individual buys a gun from a licensed gun dealer, the purchaser must show proper identification to the gun dealer, fill out a federal Firearms Transaction Record (Form 4473), including personal information (such as name and address) and a short questionnaire to determine eligibility to purchase a gun, and submit to a National Instant Criminal Background Check System check.<sup>21</sup> The gun dealer retains a copy

<sup>21</sup> Mandated by the *Brady Handgun Violence Prevention Act of 1993* and launched by the FBI on November 30, 1998, the National Instant Criminal Background Check System is used by gun dealers to instantly determine whether a prospective buyer is eligible to possess guns or explosives. Before completing the sale, a gun dealer employee calls the FBI or another designated agency to ensure that the customer does not have a criminal record or is not otherwise ineligible to possess a gun because, for example, the buyer has been adjudicated as mentally defective. More than 100 million such checks have been made in the last decade, leading to more than 700,000 denials, according to the FBI ([www.fbi.gov/hq/cjisid/nics.htm](http://www.fbi.gov/hq/cjisid/nics.htm)).

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of the Form 4473 as a permanent record of the transfer of the weapon. This enables ATF to determine who originally purchased a gun if it is subsequently seized by law enforcement investigating a crime involving the gun.

Individuals who buy guns from an unlicensed private seller in a “secondary market venue” (such as gun shows, flea markets, and Internet sites) are exempt from the requirements of federal law to show identification, complete the Form 4473, and undergo a National Instant Criminal Background Check System check. Therefore, according to ATF and other Department officials we interviewed, individuals prohibited by law from possessing guns can easily obtain them from private sellers and do so without any federal records of the transactions. According to these officials, gun shows are a primary source of weapons for Mexican drug cartels. Generally, ATF can most readily trace a gun to the individual who first purchased it from a gun dealer. ATF has limited ability to trace used firearms sold by gun dealers and generally cannot trace privately sold guns to the private purchaser.

### Regulatory Function

ATF regulates the firearms industry through licensing and inspections of gun dealers. The objective of ATF’s application inspections is to ensure that only qualified individuals receive a license to sell guns. Also, ATF Industry Operations Investigators conduct periodic regulatory inspections of gun dealers by reviewing records, inventory, and the dealers’ conduct of business. During these inspections, ATF educates gun dealers about trafficking indicators and how to report suspicious behaviors to ATF. Through these activities, ATF seeks to deter the diversion of guns from lawful commerce into the illegal market, where, among other uses, they may be trafficked to Mexico.

ATF tracks the status and results of its gun dealer inspections using its automated N-Spect system. ATF considers any inspection conducted in the Southwest border states – California, Arizona, New Mexico, and Texas – as Project Gunrunner-related. In Part I of this report, we describe the number of inspections conducted by ATF before and during Project Gunrunner.

### Intelligence Function

ATF collects, analyzes, and disseminates firearms trafficking-related intelligence and has developed specialized information and intelligence resources to provide direction and focus to its enforcement and regulatory functions. Under Project Gunrunner, ATF seeks to provide agents with comprehensive information to detect, investigate, apprehend, and refer for



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prosecution individuals who illegally traffic guns. For example, ATF agents and intelligence personnel collect intelligence from gun dealers' reports on the sales of multiple handguns. Similarly, Industry Operations Investigators use intelligence-based risk factors as a part of their process for determining which gun dealers to inspect.

ATF's intelligence structure consists of both headquarters-level and field entities, as described below:

ATF Headquarters. ATF's Office of Strategic Intelligence and Information provides field personnel with intelligence to identify patterns and trends in firearms trafficking and related crime. In September 2008, this Office established a Field Intelligence Support Team dedicated to the Southwest border. Although ATF is not a recognized member of the national intelligence community, the Office of Strategic Intelligence and Information interacts with national and international intelligence agencies. Included in the Office's structure is ATF's Gun Desk at EPIC, which is a central repository for weapons-related intelligence. The Violent Crime Analysis Branch, co-located with ATF's National Tracing Center in Martinsburg, West Virginia, also falls under the Office of Strategic Intelligence and Information. Intelligence analysts at the Violent Crime Analysis Branch analyze and disseminate gun trace data and other intelligence to field personnel.

ATF Field Divisions. Each of ATF's 25 field divisions typically has a Field Intelligence Group, whose mission is to collect, evaluate, and disseminate tactical and strategic intelligence to the division's field offices.<sup>22</sup> Although the Office of Strategic Intelligence and Information provides strategic intelligence to all of ATF, each field division's Field Intelligence Group is considered the main intelligence asset for that division. Field Intelligence Groups receive information from a variety of ATF and external sources (Figure 3). Staffing varies, but Field Intelligence Groups generally include a supervisor (an agent), one to two Intelligence Officers (also agents), one to two Industry Operations Intelligence Specialists, two to four Intelligence Research Specialists, one to two Investigative Analysts, and one secretary.<sup>23</sup>

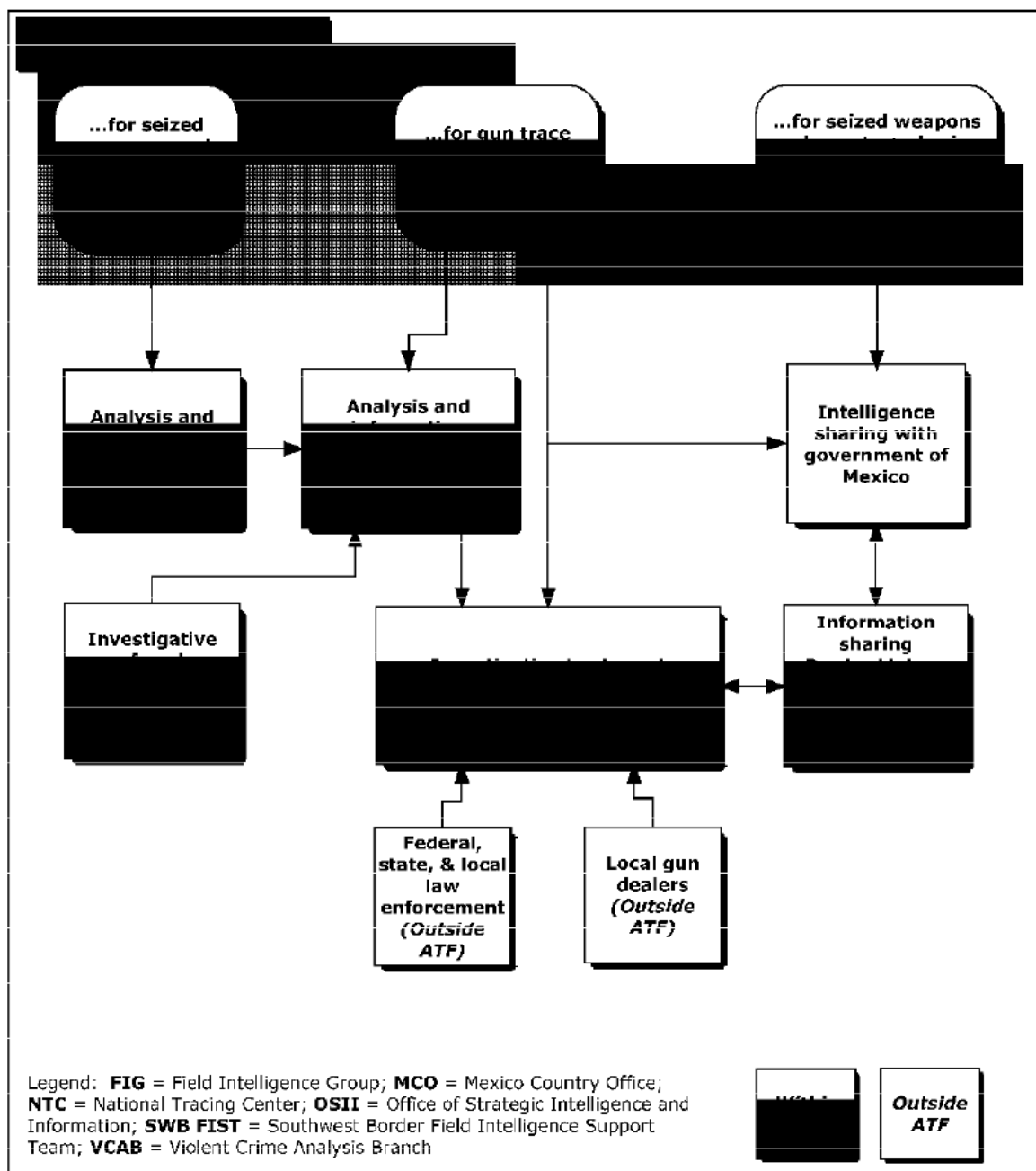
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<sup>22</sup> ATF defines tactical intelligence as information produced to support operations or that relates to the specific time, date, nature, and other details of events. Strategic intelligence is defined as information required for the formulation of policy and plans at the regional, national, and international levels. Strategic intelligence differs primarily from tactical intelligence in level of use but may also vary in scope and detail.

<sup>23</sup> The *ATF Field Intelligence Group Supervisor's Guide Book* (September 2009) discusses the Field Intelligence Group composition and member responsibilities.



Figure 3: ATF Intelligence Sharing Process



Note: The figure depicts a simplified version of ATF's general process.

Source: OIG.

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Intelligence Collection Plan and ATF Intelligence Sharing Process. In 2009, the Office of Strategic Intelligence and Information distributed to all field divisions ATF's first Intelligence Collection Plan for Project Gunrunner. ATF published the plan intending that each field division would tailor it to its own operational needs. The plan stated that "ATF must develop a 'bee-hive mentality' whereby everyone works toward a common goal," identifying intelligence gaps and collecting information that ultimately results in intelligence products to be acted upon.<sup>24</sup> According to the plan, the Office of Strategic Intelligence and Information is to share with Mexican law enforcement "real-time, actionable intelligence relating to firearms trafficking networks" operating in the United States and Mexico. To accomplish this goal, ATF Field Intelligence Group supervisors, Resident Agents in Charge, and other field supervisors are to determine and prioritize intelligence requirements. The plan also focuses on the continuous collection and reporting of information to EPIC, which the plan states is responsible for directing the intelligence collection effort.

Additionally, the ATF Violent Crime Analysis Branch and the National Tracing Center disseminate gun trace data, information from reports on multiple sales of handguns, and other information to Field Intelligence Groups and field agents, who review the information to detect firearms trafficking patterns and to further their investigations. Industry Operations Investigators also make referrals to agents, through the Field Intelligence Group when they find potential evidence of firearms trafficking during gun dealer inspections. Local gun dealers and other law enforcement agencies provide intelligence directly to ATF agents, investigators, and the Field Intelligence Group.

### **Gun Tracing and eTrace**

Gun tracing enables ATF to track a gun from its manufacturer or importer to a wholesaler and retail dealer, and then identify the gun's original retail purchaser. U.S. law does not require the tracking of private sales of guns, except for weapons subject to the *National Firearms Act*.<sup>25</sup>

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<sup>24</sup> ATF, Project Gunrunner Southwest Border Initiative Intelligence Collection Plan, Update FY 2010 (November 2009), 4.

<sup>25</sup> The *National Firearms Act*, enacted in 1934, limits the availability of machine guns, short-barreled shotguns, short-barreled rifles, sound suppressors (silencers), and other similar weapons that were often used by criminals during the Prohibition Era. The *Gun Control Act of 1968* expanded the scope of the *National Firearms Act* to include destructive devices (for example, explosive and incendiary bombs, flash bang grenades, and weapons with a bore of greater than one-half inch in diameter), machine gun frames or receivers, and conversion kits for machine guns.

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Tracing can help ATF identify trafficking corridors, patterns, schemes, traffickers, accomplices, and straw purchasers.<sup>26</sup>

To initiate a gun trace, the law enforcement agency that recovers a crime gun provides ATF's National Tracing Center with the gun's serial number and other information required to identify it to the exclusion of all other firearms. The National Tracing Center responds with the gun's purchase history and other information. Law enforcement agencies may submit a trace by facsimile, telephone, or through ATF's Internet-based eTrace system.

The eTrace system can be accessed directly by ATF personnel and other law enforcement agencies worldwide. It allows law enforcement agencies to submit gun trace requests electronically, to monitor the progress of the traces electronically, and to retrieve completed results of their own agency's trace requests. Using eTrace, authorized law enforcement representatives can also access a historical database of their agency's own trace-related data and generate analytical reports and investigative lead information. The representatives of one agency cannot access the results of other agencies' trace requests at this time. However, according to ATF, system modifications are in development to allow agencies to share trace data with each other in accordance with, and subject to, new appropriations laws.

To provide Mexican law enforcement authorities with direct access to gun tracing, ATF developed eTrace 4.0, also known as Spanish eTrace, which receives and provides trace results in Spanish. In December 2009, ATF piloted a program to deploy Spanish eTrace to, and to train Mexican officials in, the system's use. Initially, ATF planned to provide Spanish eTrace to all federal and state police laboratories in Mexico. However, as of June 2010, ATF staff told us that Mexican state laboratories were not able to use Spanish eTrace because of objections from the Mexican federal government (discussed further in this report).<sup>27</sup> The eTrace system is the primary source of investigative leads pertaining to guns trafficked to Mexico.

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<sup>26</sup> According to ATF, a "straw purchase" occurs when the actual buyer of a firearm uses another person, "the straw purchaser," to execute the paperwork necessary to purchase a firearm from a gun dealer. The actual buyer is often prohibited from purchasing the gun. The straw purchaser violates federal law by making a false statement with respect to the information required to be kept in the gun dealer's records. According to ATF, straw purchasing is one of the most frequent methods used to illegally acquire guns.

<sup>27</sup> In September 2010, ATF told us that it had deployed Spanish eTrace to all Spanish-language eTrace users in March 2010, including to Mexican federal law

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### **Organized Crime Drug Enforcement Task Force (OCDETF)**

OCDETF is a Department of Justice program that seeks to combine resources and expertise of federal, state, and local law enforcement agencies to identify, disrupt, and dismantle organizations responsible for drug trafficking.<sup>28</sup> According to the OCDETF website, OCDETF targets not only the drug operations, but also the “tools of the trade” for these organizations, including money laundering and firearms trafficking.

When a case has been designated as an OCDETF case, the costs of the investigation – including travel, wiretaps, confidential informant subsistence, and other evidence-gathering expenses – may be reimbursed by the OCDETF Program, depending on funding availability. To have a case approved as an OCDETF case, an agency presents it to other agencies involved in the program, including the USAO with jurisdiction in the area. Once the case is vetted by a federal prosecutor designated to support the OCDETF Program, it is presented to one of nine regional OCDETF committees, which must give final approval before the program’s resources are dedicated to the case.

The OCDETF Program also establishes task forces (which it refers to as strike forces) to permanently co-locate representatives from federal law enforcement agencies, along with representatives of state and local law enforcement, in a city. The participating agencies, including ATF when it chooses to do so, work together to investigate trafficking organizations. OCDETF task forces are currently located in San Diego, Phoenix, El Paso, Houston (including satellite offices in Laredo and McAllen), Tampa, San Juan, Atlanta, New York, and Boston. ATF’s use of the OCDETF Program is discussed in Part III of this report.

### **ATF’s Coordination with Other Federal Law Enforcement Agencies**

To effectively implement Project Gunrunner, ATF must coordinate with other federal agencies within and outside of the Department of Justice

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enforcement. Yet, as noted above, in June 2010, we were informed that Mexican laboratories were not using Spanish e-trace. As a result of a September 2010 eTrace memorandum of understanding between ATF and the government of Mexico, ATF plans to begin redeployment of Spanish eTrace in Mexico in November 2010 and to offer training to Mexican personnel in all 31 states.

<sup>28</sup> Agencies represented in the OCDETF Program include ATF, the DEA, the FBI, Immigration and Customs Enforcement, the U.S. Marshals Service, the Internal Revenue Service, and the U.S. Coast Guard – in cooperation with the Department of Justice Criminal Division, the Tax Division, and the 94 USAOs, as well as with state and local law enforcement.

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that are involved in monitoring and protecting the U.S. border with Mexico. As discussed below, some of those agencies have their own programs that target firearms trafficking, either directly or indirectly.

#### Drug Enforcement Administration (DEA)

The DEA enforces controlled substance laws and regulations, and investigates organizations and individuals involved in the growing, manufacture, or distribution of controlled substances intended to be trafficked into the United States. Although DEA is primarily focused on drug trafficking enterprises, there is often a nexus between Mexican drug and firearms trafficking organizations. As a result, ATF and the DEA work together on various task forces in Southwest border locations and in Mexico.

#### United States Attorneys' Offices (USAO)

The USAOs determine which federal cases to prosecute within their jurisdictions. Each USAO is led by a presidentially appointed United States Attorney, who serves as the chief federal law enforcement officer for the judicial district. Under Project Gunrunner, ATF agents work directly with Assistant U.S. Attorneys (AUSA) to develop firearms trafficking-related cases for prosecution.

#### Department of State

The Department of State, through its Bureau for International Narcotics and Law Enforcement Affairs, provides training, operations, intelligence, and logistical support for foreign counternarcotics programs established by the U.S. *Foreign Assistance Act*.<sup>29</sup> In the U.S. Embassy in Mexico City, a Department of State Narcotics Affairs Section provides counternarcotics policy and strategy guidance to Ambassadors and facilitates funding and other support for the government of Mexico. Under Project Gunrunner, ATF works with staff from the Narcotic Affairs Section to provide Mexican officials with equipment and training on gun tracing and identification, and investigations.

#### Department of Homeland Security (DHS)

Immigration and Customs Enforcement (ICE). ICE, the largest investigative arm within DHS, investigates a wide range of domestic and international activities related to the illegal movement of people and goods

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<sup>29</sup> 22 U.S.C. § 2151 et seq.

into, within, and out of the United States. ICE's investigative responsibilities include narcotics, weapons, and human smuggling, and export enforcement issues.

ATF's Project Gunrunner and ICE's Operation Armas Cruzadas both target firearms trafficking to Mexico, but the two initiatives target different points in the gun smuggling process. Launched in 2008 by ICE, Operation Armas Cruzadas is focused on trans-border weapons smuggling networks along the Southwest border. Project Gunrunner targets the trafficking of guns from the United States to Mexico through investigations of firearms found to have been trafficked into Mexico and related violent crime.

In addition, ATF and ICE have worked together on investigations involving firearms trafficking to Mexico through ATF's participation in several ICE-led, multi-agency Border Enforcement Security Task Forces.

Customs and Border Protection (CBP). The CBP inspects traffic entering the United States and, to a much lesser extent, traffic leaving the United States. The CBP seizes drugs, cash, guns, and other contraband as it is smuggled across the U.S. border. In Southwest border locations, ATF coordinates with the CBP regarding inspections of suspected firearms traffickers crossing the border.

### **ATF's Coordination with Mexican Agencies**

#### Attorney General of the Republic – *Procuraduría General de la República* (PGR)

In Mexico, the Attorney General's office investigates and prosecutes Mexican federal crimes, including all gun-related offenses. Its staff includes investigators and intelligence analysts. ATF works with the Mexico Attorney General's office to obtain information used in gun tracing and for firearms trafficking investigations.

#### National Center for Information, Analysis, and Planning in Order to Fight Crime – *El Centro Nacional de Planeación, Análisis, e Información para el Combate a la Delincuencia* (CENAPI)

CENAPI, a unit of the Attorney General's office, contains analysts who conduct information gathering, intelligence analysis, and data dissemination. CENAPI researches areas of organized crime, including the largest organized crime threat in Mexico, drug cartels, and builds databases containing this intelligence. ATF works with CENAPI because it is the primary Mexican agency responsible for deploying Spanish eTrace

(discussed later in this report) and for entering Mexican crime gun data into that system.

Secretariat of Public Security – *Secretaría de Seguridad Pública*

The Secretariat of Public Security is the Mexican law enforcement agency that has the authority to police and conduct investigations at a national level. According to U.S. law enforcement officials, the Secretariat of Public Security is being restructured and trained to better combat Mexican drug cartels and to form a force of “street cops” similar to its federal counterparts in the United States. ATF and other U.S. law enforcement agencies assist in the training of new officers and work with them on investigations.

Secretary of National Defense/Mexican Military – *La Secretaría de la Defensa Nacional*

The military in Mexico often supplements the efforts of law enforcement entities, giving it an important role in the conflict with the drug cartels and associated firearms trafficking activity. In areas of Mexico with particularly high levels of violent crime, the military has been assigned a public safety and policing role. The Mexican military is responsible for taking possession of and safeguarding guns and explosives seized in Mexico within a few days of being seized.

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## PURPOSE, SCOPE, AND METHODOLOGY OF THE OIG REVIEW

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### Purpose

This review examined ATF's implementation of Project Gunrunner's mission to reduce firearms trafficking to Mexico and related violent crime.<sup>30</sup> We examined ATF's execution of its enforcement and regulatory programs related to the Southwest border and Mexico, its effectiveness in developing and sharing intelligence, its traces of Mexican crime guns, its coordination with U.S. and Mexican law enforcement, and how ATF worked with USAOs to prosecute firearms traffickers.

### Scope

We conducted our fieldwork from November 2009 through June 2010. We also gathered updated information from ATF through September 2010. In evaluating the impact of Project Gunrunner, we generally examined ATF activities from FY 2006, when the project became a national program, through FY 2009. When it was available, we also examined data from FY 2004 through FY 2009 to compare ATF's operations for 3 years before and after its implementation of Project Gunrunner.

This review is the second conducted by the Office of the Inspector General (OIG) on Project Gunrunner since 2009. The first review examined ATF's planning, hiring, staffing, and allocation of resources for Project Gunrunner, including its expenditure of \$10 million in Recovery Act funds.<sup>31</sup> This second Project Gunrunner review continued the examination of ATF's procedures for coordinating among its Southwest border field divisions.

### Methodology

In this review we conducted interviews; performance, trace, prosecutorial, and investigative data analyses; and document reviews. We also visited ATF's National Tracing Center and Violent Crime Analysis

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<sup>30</sup> Although our review included ATF's efforts to reduce violent crime associated with firearms trafficking to Mexico, the causes of changes in the levels of violence along the border are numerous and are not attributable only to ATF's implementation of Project Gunrunner.

<sup>31</sup> U.S. Department of Justice Office of the Inspector General, *Interim Review of ATF's Project Gunrunner*, Evaluation and Inspections Report I-2009-006 (September 2009).



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Branch in Martinsburg, West Virginia; ATF's Dallas, Phoenix, and Los Angeles Field Divisions; and its Mexico Country Office in Mexico City.<sup>32</sup>

### Interviews

We conducted 99 in-person and telephone interviews with personnel from ATF headquarters, ATF's Dallas, Phoenix, and Los Angeles Field Divisions and selected offices, and the Mexico Country Office; the Executive Office for United States Attorneys (EOUSA) and USAOs in several Southwest border districts; the Department's Criminal Division; the DEA; the U.S. Department of State; DHS, including its ICE and CBP components; and military and law enforcement officials of the Mexican government. Appendix III provides a list of all interviewees.

### Data Analysis

We analyzed several types of ATF and USAO data that generally covered FY 2004 through FY 2009. The ATF data included gun trace results from the Southwest border and Mexico, Project Gunrunner cases initiated and referred to USAOs for federal prosecution, inspections of gun dealers in the Southwest border states, and statistics on active gun dealers and multiple sales of handguns. We also reviewed data from ATF's case management system on Industry Operations Investigators' generation and referral of investigative leads to ATF agents. Finally, we analyzed USAO data from its Legal Information Office Network System (LIONS), on declinations of ATF's Project Gunrunner cases and of ATF-led joint cases that were referred to USAOs for prosecution. LIONS collects case information for federal criminal offenses, but does not track its cases as being Project Gunrunner cases.

### Document Review

We reviewed ATF policies, guidelines, and plans relating to Project Gunrunner and firearms trafficking. These included operating plans, intelligence products, performance measures, directives and guidance to field personnel, and field office documents. We also reviewed ATF and EOUSA budget requests and resource justifications related to firearms trafficking and Southwest border operations. In addition, we reviewed EOUSA policies and guidelines related to the prosecution of ATF's firearms trafficking-related Project Gunrunner cases. We reviewed ATF managers'

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<sup>32</sup> During the fieldwork for our previous report on Project Gunrunner, we also visited ATF's Houston Field Division and its McAllen Field Office, as well as the Las Cruces Field Office of the Phoenix Field Division. Some of the information we obtained from those interviews contributed to our findings in this report.

testimony and statements to Congress, as well as congressional testimony by EOUSA, DHS, and Office of the Attorney General officials on firearms trafficking and Southwest border violence.

Consistent with our standard practice, on September 3, 2010, we provided a working draft of this report to ATF and other components and agencies for their review and comment. In response to their comments, as well as a result of updated data and information provided by ATF, we made some changes to the working draft where appropriate.

## **PART I: ATF'S EXPANDED EFFORTS IN SUPPORT OF PROJECT GUNRUNNER**

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**Through Project Gunrunner, ATF has increased several of its program activities related to firearms trafficking, including the number of gun trace submissions, the number of investigations it initiated, the number of these investigations it subsequently referred for prosecution, and the number of defendants it referred for prosecution. ATF also increased the number of compliance inspections it conducted, the hours spent by its Southwest border field divisions on inspections, and the number of referrals Industry Operations made to Criminal Enforcement for investigation.**

ATF's approach to combating firearms trafficking and related violence along the Southwest border, as articulated in its June 2007 Gunrunner strategy, has been to focus on key activities, including tracing guns to identify traffickers and patterns, conducting criminal investigations of traffickers, conducting compliance inspections of gun dealers in the region, and referring leads from Industry Operations to Criminal Enforcement. Relevant activities are tracked in ATF's case management (N-Force) and inspections (N-Spect) databases, and its tracing system (eTrace).

In the section below, we describe our analysis of seven categories of data from these databases to measure Project Gunrunner's performance:

- gun trace requests received from U.S. and Mexican locations,
- Project Gunrunner cases initiated,
- cases referred for prosecution,
- defendants referred for prosecution,
- completed gun dealer compliance inspections,
- hours spent on gun dealer compliance inspections, and
- referrals from Industry Operations to Criminal Enforcement.<sup>33</sup>

As stated in the Background section of this report, ATF considers any investigation conducted nationwide to be a Project Gunrunner case if it involves firearms trafficking or violent crime with a nexus to the Southwest

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<sup>33</sup> ATF's strategic plan for FY 2010 to FY 2016 included broad performance measures of firearms trafficking. Three of the performance measures were similar to those we analyzed: number of defendants referred for prosecution for violation of firearms trafficking laws, number of firearms trafficking investigations initiated, and number of traces submitted.

border. Throughout this report, any reference made to a Project Gunrunner case, to referrals of cases, or to referrals of defendants for prosecution uses ATF's definition.

For measures relating to trace submissions and Industry Operations inspections, we compared the 3-year period before ATF's implementation of Project Gunrunner (FY 2004 through FY 2006) with the 3-year period after ATF's initiation of Project Gunrunner (FY 2007 through FY 2009). For measures relating to Project Gunrunner cases, we examined only the period after the initiative began (FY 2007 through FY 2009).<sup>34</sup>

We found that since implementing Project Gunrunner, ATF has increased its gun trace submissions from U.S. Southwest border locations and from Mexico, the number of investigations ATF initiated, the number of cases ATF subsequently referred for prosecution, and the number of defendants ATF referred for prosecution. ATF also increased the number of compliance inspections conducted in its Southwest border field divisions and the number of referrals Industry Operations made to Criminal Enforcement for investigation. These trends are depicted in Figure 4 (below) and discussed further below. We also found that ATF increased its efforts under Project Gunrunner through its Gun Runner Impact Team initiative, a targeted 120-day effort implemented in the Houston Field Division during summer 2009.

**The number of traces of U.S. and Mexican crime guns has increased since Project Gunrunner began.**

ATF's June 2007 Gunrunner strategy describes tracing as an essential tool for identifying potential traffickers and the "cornerstone" of Project Gunrunner. We found that ATF has increased tracing along the Southwest border and in Mexico. From FY 2004 through FY 2006, the four Southwest border field divisions and Mexico traced, on average, 20 percent of all traces requested from the United States and Mexico (143,024 of 714,472 traces).<sup>35</sup> The number of such traces increased to 26 percent (207,609 of 804,136 traces) in FY 2007 through FY 2009.

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<sup>34</sup> Although ATF initiated cases involving firearms trafficking and related violent crime prior to FY 2007, our attempt to analyze the 3-year period prior to ATF's initiation of Project Gunrunner did not generate reliable results. ATF had not developed a program code to track these cases until after the initiative began in 2006, and ATF was unable to fully identify firearms trafficking and other cases from FY 2004 through FY 2006 that would be comparable to Project Gunrunner cases. Therefore, a comparison of firearms trafficking cases prior to FY 2007 would result in an overstatement of the increase in firearms trafficking cases that resulted from Project Gunrunner.

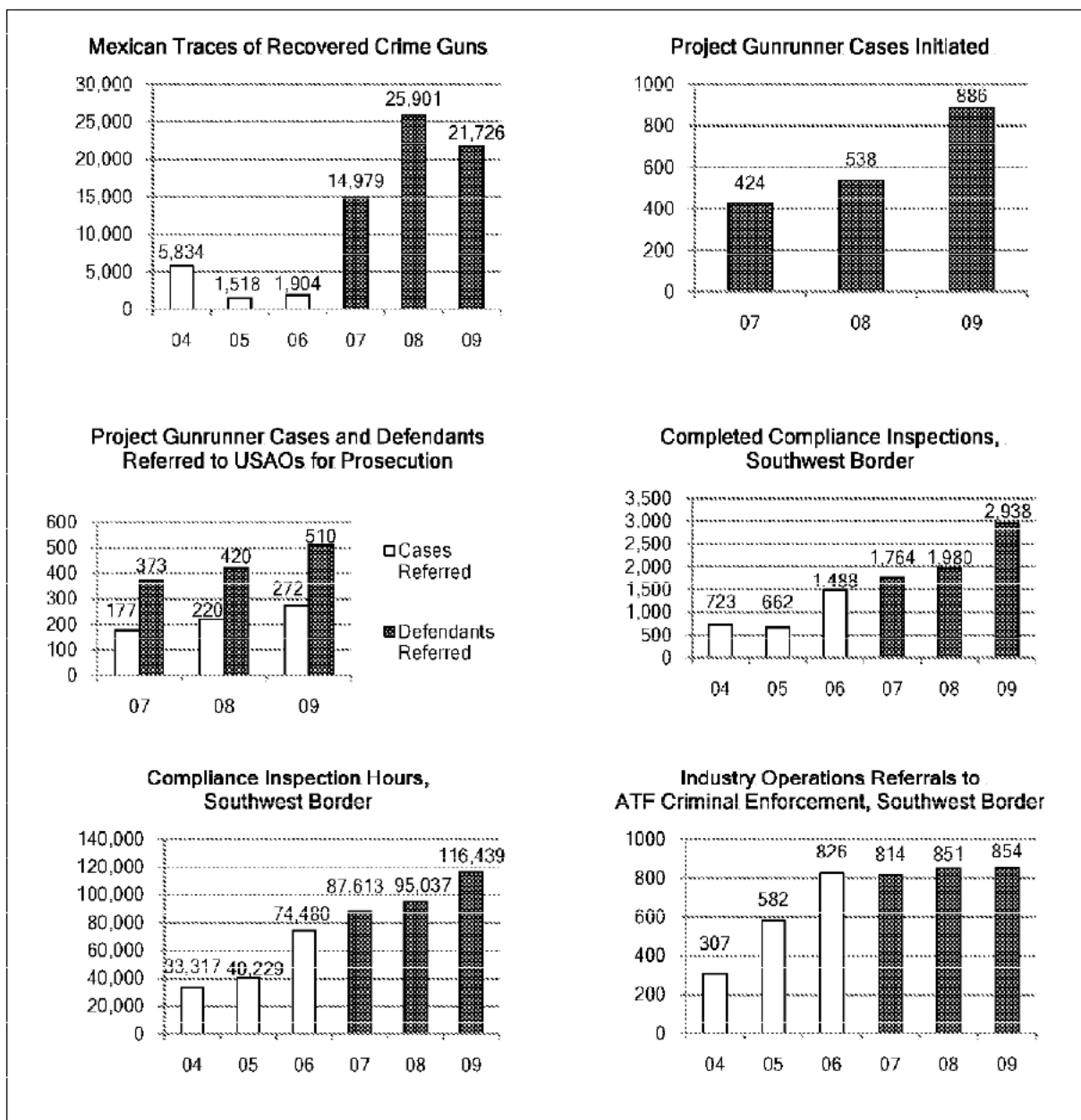
<sup>35</sup> Different ATF offices analyze trace data in different ways. The National Tracing Center typically reports annual trace numbers according to the date the trace was submitted. In comparison, the Violent Crime Analysis Branch bases its analyses on the

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The largest percentage increase in traces during Project Gunrunner occurred in traces from Mexico. From FY 2004 through FY 2006, traces of Mexican crime guns accounted for only 1 percent of all traces (9,256 traces). Since the start of Project Gunrunner, in FY 2007 through FY 2009, Mexican traces increased to 8 percent of all traces (62,606 traces). The increase in traces of Mexican crime guns from FY 2004 through 2006 to FY 2007 through 2009 was 576 percent.

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date a gun was recovered, but if no recovery date exists, it will use the trace date. This results in differences between the annual trace number reported by the National Tracing Center and the Violent Crime Analysis Branch because there are typically delays between when Mexican crime guns are recovered and when they are submitted for tracing. In this report, we base our analysis on data provided by the Violent Crime Analysis Branch.

**Figure 4: ATF Project Gunrunner Performance Measures**

Note: Yellow indicates results before Project Gunrunner's inception (FY 2004 through FY 2006), and blue indicates results since the project was implemented (FY 2007 through FY 2009).

Sources: OIG analysis of ATF Violent Crime Analysis Branch and Office of Strategic Management data.

**Cases initiated, referred for prosecution, and defendants referred for prosecution for firearms trafficking to Mexico or related violent crime also increased during Project Gunrunner.**

We also determined that ATF significantly increased the number of cases involving firearms trafficking or violent crime with a nexus to the Southwest border that it initiated after the implementation of Project Gunrunner in 2006. ATF initiated 424 such cases in FY 2007, 538 in FY 2008, and 886 in FY 2009, an increase of 109 percent in that period.<sup>36</sup>

The number of cases involving firearms trafficking or violent crime with a nexus to the Southwest border that ATF referred to USAOs for prosecution also increased after Project Gunrunner began. ATF referred 177 such cases for prosecution in FY 2007, 220 in FY 2008, and 272 in FY 2009, an increase of 54 percent.

The number of defendants referred to USAOs for prosecution for firearms trafficking or violent crime with a nexus to the Southwest border also increased since the start of Project Gunrunner. ATF referred 373 defendants for prosecution in FY 2007, 420 in FY 2008, and 510 in FY 2009, an increase of 37 percent.

**The numbers of gun dealer compliance inspections conducted, inspection hours, and inspection referrals to Criminal Enforcement increased during Project Gunrunner.**

Since Project Gunrunner began, ATF has increased the number of both gun dealer compliance inspections and the compliance inspection hours worked by the Southwest border field divisions. From FY 2004 through FY 2006, ATF completed 2,873 compliance inspections in the region. During that period, ATF personnel worked a total of 148,026 hours on compliance inspections there. The number of compliance inspections increased 133 percent after Project Gunrunner began to 6,682 between FY 2007 and FY 2009. The number of compliance inspection hours worked also increased to 299,089 between FY 2007 and FY 2009, an increase of 102 percent.

Since FY 2004, the four ATF Southwest border field divisions have increased the number of Industry Operations referrals to law enforcement, which includes referrals handled within ATF and those sent to other federal,

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<sup>36</sup> Although the data that ATF provided to the OIG showed that the number of Project Gunrunner cases initiated by ATF increased from FY 2007 through FY 2009, the total number of cases specifically related to firearms initiated by ATF nationwide decreased by 909 cases (5 percent) in the same time period, from 17,548 in FY 2007 to 16,639 in FY 2009.

state, and local law enforcement agencies. Industry Operations referrals are typically created during or after a gun dealer inspection. There are no minimum guidelines as to what triggers a referral, but Industry Operations Investigators are trained to identify potential illegal activity.

To determine the number of referrals ATF made and their outcomes we analyzed all the inspection referrals to ATF Criminal Enforcement personnel contained in the data provided by ATF. Industry Operations staff made 1,715 referrals to ATF Criminal Enforcement from FY 2004 through FY 2006 in the four Southwest border field divisions. The number of such referrals increased 47 percent after Project Gunrunner began, to 2,519 from FY 2007 through FY 2009.<sup>37</sup>

**ATF used its temporary Gun Runner Impact Team initiative to increase inspections and case initiations in the Houston Field Division.**

ATF also increased its efforts under Project Gunrunner through its Gun Runner Impact Team initiative, a temporary deployment of 100 agents, Industry Operations Investigators, and support staff to the Houston Field Division during summer 2009. ATF deployed the personnel for 120 days to address a backlog in investigative leads and gun dealer inspections in the Houston Field Division and “aggressively target and disrupt groups and organizations responsible for trafficking firearms to Mexico.”<sup>38</sup>

According to an October 2009 Department press release, the initiative involved investigating over 1,100 investigative leads, which resulted in opening 276 firearms trafficking cases involving the seizure of over 440 illegal firearms and other contraband. In an internal assessment of the initiative’s outcome, ATF stated that several of these cases related directly to Mexican drug cartels and involved one or more individuals who had recruited several straw purchasers who purchased firearms that were then trafficked to Mexico. On the regulatory side, ATF reported that Industry Operations conducted over 1,000 gun dealer inspections, which led to 440 violations. In September 2010, ATF announced the conclusion of another Gun Runner Impact Team initiative in the Phoenix Field Division, reporting that the Phoenix team had initiated 174 firearms trafficking cases, seized 1,300 illegally trafficked firearms, and conducted over 800 gun dealer inspections.

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<sup>37</sup> ATF Industry Operations staff also made 791 referrals to state and local law enforcement agencies and to other federal agencies such as ICE, the FBI, and the Internal Revenue Service.

<sup>38</sup> Department of Justice press release, Justice Department Announces Success in Battle Against Firearms Trafficking and Recovery Act Funds to Build on Project Gunrunner (October 1, 2009).



## PART II: ATF FIREARMS TRAFFICKING INTELLIGENCE AND INFORMATION

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**Under Project Gunrunner, ATF does not systematically share strategic intelligence with its Mexican and U.S. partner agencies, and ATF Southwest border Field Intelligence Groups are not consistently providing actionable investigative leads to field agents. ATF also needs to better implement its Border Liaison Program to improve information sharing and coordination between ATF's U.S. and Mexico elements.**

**ATF and its Mexican and U.S. partner agencies are not systematically and consistently sharing strategic intelligence needed to combat firearms trafficking to Mexico.**

ATF's partnerships with other U.S. agencies and the Mexican government are a critical component of Project Gunrunner. ATF's Project Gunrunner strategy states that each ATF intelligence entity "must be diligent in its exercise of information flow to and from . . . other domestic and Mexican counterparts."<sup>39</sup>

However, we found that strategic intelligence on drug cartel firearms trafficking activity – including trends and patterns in their operations, the locations where they are operating, and the composition of their membership and associates – is not consistently shared between ATF and Mexican law enforcement, and between ATF, the CBP, DEA, and ICE. Although ATF has shared some strategic intelligence products with these agencies, it is not doing so systematically and regularly.<sup>40</sup>

Mexican law enforcement reports that ATF's exchange of strategic intelligence is incomplete.

Although the government of Mexico has intensified its national efforts to counter the drug cartels, Mexican officials told us they have sought but not received strategic intelligence from ATF on patterns and trends of

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<sup>39</sup> ATF, *Southwest Border Initiative: Project Gunrunner* (June 2007), 16.

<sup>40</sup> ATF has identified the need to improve intelligence sharing with Mexican and U.S. law enforcement partners and improve its understanding of intelligence gaps in a recent strategy document entitled "Project Gunrunner – A Cartel Focused Strategy" (September 2010, cartel strategy). In that document, ATF stated that its efforts to combat firearms trafficking "will require greater collaboration between ATF field divisions and other law enforcement and intelligence agencies."

firearms trafficking from the United States to Mexico. For example, in a November 2009 monthly U.S.-Mexico GC Armas meeting on firearms trafficking, Mexican officials asked ATF for additional information and intelligence concerning the routes, destinations, and Mexican nationals that might be involved in firearms trafficking activity.<sup>41</sup>

Mexican officials reiterated the need for strategic intelligence on firearms trafficking during our interviews with them in March 2010. Senior Mexican law enforcement officials from the Mexico Attorney General's office (PGR) and from that office's intelligence unit (CENAPI) told us that it is important to their efforts to have more intelligence on how guns are being trafficked from the United States into Mexico. Mexican military representatives also said they could achieve better results interdicting guns if they had more intelligence on where and how guns are crossing the U.S. border into Mexico, including the routes used to traffic higher-caliber weapons into Mexico. As described below, we found that ATF has already developed intelligence products on these and other topics of interest to Mexican officials.<sup>42</sup>

Further, PGR officials stated that PGR develops its own intelligence about firearms trafficking and Mexican drug cartels, but ATF has not requested it from PGR, and the two agencies have not shared such information. Mexican law enforcement officials told us that if there were more coordination with ATF in developing such intelligence, they would be able to help identify firearms trafficking trends and patterns on the U.S. side of the border to assist ATF in its domestic mission.

Our review found that some of the information sought by Mexican officials has already been identified as strategic intelligence that ATF can share with the government of Mexico. For example, ATF's November 2009 Intelligence Collection Plan includes a list of the existing "actionable intelligence products" that ATF can share with Mexican law enforcement. We found that many of these items are the same strategic intelligence products that Mexican officials have requested but reported that they are

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<sup>41</sup> GC Armas is a monthly meeting held at CENAPI headquarters in Mexico City that serves as the coordinating entity for joint U.S.-Mexico operations related to the detection, monitoring, and detention of arms trafficking suspects crossing the border. U.S. agencies that attend GC Armas are ATF, ICE, the DEA, Defense Attaché Office (Department of Defense), FBI, CBP, Narcotics Affairs Section, and Office of Foreign Assets Control (Department of the Treasury). Mexican law enforcement agencies in attendance are the PGR and the PGR's CENAPI, the Mexican Foreign Ministry, Mexican Military, Mexican Navy, the Secretariat of Public Security, Customs, and the National Security and Investigation Center (intelligence agency).

<sup>42</sup> We reviewed other Office of Strategic Intelligence and Information products, including maps illustrating firearms trafficking corridors, analyses of gun source locations, and drug cartels' weapons of choice.

not receiving, such as firearms trafficking routes, safe house locations, distribution points and destinations, lists of weapons and ammunition being trafficked, and other documents related to firearms trafficking.

We asked ATF officials about the sharing of this type of information with Mexico. ATF responded that its Mexico Country Office has provided Mexican officials with strategic intelligence on firearms trafficking and has repeatedly presented the requested intelligence at various venues with Mexican officials, including at the GC Armas meetings, through EPIC, and through border liaison personnel detailed to the Office of Strategic Intelligence and Information. According to ATF, however, there have been internal coordination problems between government of Mexico agencies, which we also found through our fieldwork.

We determined that much of the intelligence ATF cited as having exchanged with Mexican officials is tactical or investigative in nature, rather than strategic intelligence. Moreover, some of the exchanges occur informally, which reduces the utility and availability of the intelligence to ATF's Mexican counterparts. For example, ATF cited a border liaison who provided strategic and tactical intelligence informally to Mexican counterparts at a local working group. While ATF's informal information exchanges with Mexican officials are intended to improve its working relationship with the government of Mexico and contribute to investigations on both sides of the border, this process has not resulted in intended recipients in each Mexican agency receiving important strategic intelligence or ATF receiving strategic intelligence from Mexican agencies.

ATF's exchange of strategic intelligence with the DEA and ICE is inconsistent and lacking in some instances.

ATF's Gunrunner strategy states that ATF should work with the DEA and ICE to shut down firearms trafficking operations. We found that ATF does not consistently share strategic intelligence about firearms trafficking with the DEA and ICE. Consequently, ATF and these agencies may be targeting the same groups and individuals in an uncoordinated manner.

Project Gunrunner cases target many of the same cartel organizations that DEA and ICE enforcement operations target. Gaps and failures in the exchange of intelligence among these agencies create the potential for duplication of effort, inefficiency, and the risk of operational compromise. A 2008 internal intelligence assessment of Project Gunrunner acknowledged that ATF's information about Mexican cartels was "haphazard."<sup>43</sup> The assessment continued by stating that with more communication and

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<sup>43</sup> ATF, 2008 Project Gunrunner Assessment, November 19, 2009.

collaboration with other federal law enforcement agencies, “this intelligence gap will shrink.”

However, ATF’s Office of Strategic Intelligence and Information has not established a method to systematically share strategic intelligence with the DEA. The Office established intelligence liaisons at several federal agencies, including at the DEA, but the liaisons at the DEA are not assigned there for the purpose of exchanging strategic intelligence related to firearms trafficking. Rather, the ATF Chief of the Office’s Criminal Intelligence Division confirmed that the duties of the ATF’s liaisons assigned to the DEA are related to the Department’s international organized crime mission, not Project Gunrunner or the Southwest border. The ATF Chief told the OIG that it would be helpful if his agency had intelligence from the DEA on the cartels, especially identified cartel members and weapons they might possess.

DEA officials told us they have compiled a large amount of intelligence on the drug cartels and that the exchange of this intelligence with ATF would be of great strategic value. However, an official of the DEA’s Mexico and Central America office, an office that targets drug cartels’ narcotics operations and complements Project Gunrunner, was unaware of the existence of a strategic intelligence counterpart organization at ATF’s Office of Strategic Intelligence and Information. Consequently, the DEA did not know with whom to coordinate and share information at ATF. The Chief of Strategic Intelligence added that the DEA needs a counterpart at ATF because “weapons are a necessary tool of drug traffickers in waging their wars and battles.”

ICE officials stated that they would benefit from having ATF strategic intelligence, such as time-to-crime patterns, types of guns seized in Mexico, and methods used by traffickers to obtain guns from gun shows or through straw purchasers at gun dealers. One ICE Special Agent in Charge told us that this type of intelligence would help ICE better orient its efforts on smuggling investigations. ICE agents also said they would be able to use any intelligence ATF offered on trafficking organizations and their practices in ICE’s efforts to build complex conspiracy cases against firearm traffickers. ICE officials told us that in exchange, they could provide ATF with strategic intelligence developed on firearms trafficking to Mexico and on Mexican drug cartels and their activities.

Officials from ATF’s Criminal Intelligence Division told us that the lack of an exchange of strategic intelligence not only hinders ATF’s effectiveness at gaining valuable intelligence on Project Gunrunner targets, but also inhibits ICE’s ability to conduct its closely related firearm interdiction missions.

We asked ATF officials why this strategic intelligence was not being shared with DEA and ICE officials and why they had not requested such intelligence from the DEA and ICE. ATF responded that it has shared strategic intelligence products on firearms trafficking with other U.S. law enforcement agencies, including the DEA and ICE. However, ATF's strategic intelligence counterparts in both the DEA and ICE reported to us that they have not received this information. As with Mexican law enforcement officials, we believe that the strategic intelligence sharing process should be more systematic and that established counterparts in ATF, the DEA, and ICE should be identified to facilitate the two-way exchange of information in a timely manner.

ATF shares some tactical intelligence with the DEA and CBP in support of their respective trafficking investigations, but the benefits have been limited.

We found that ATF shares some tactical intelligence and coordinates well with the DEA and CBP in their field operations, but the frequency and effectiveness of the coordination varies by location. Coordination between ATF and the CBP has not resulted in significant numbers of seizures of guns going into Mexico.

At locations across the Southwest border, ATF and DEA personnel both reported to us that when the DEA has a lead that pertains to firearms violations or trafficking, it passes the lead to ATF. For example, in McAllen, Texas, one ATF supervisor reported that his office receives so many leads resulting from DEA seizures that it has put a strain on ATF resources in that city. An ATF Special Agent in Charge of a Southwest border field division also told the OIG that even though the DEA has not traditionally done so there, it is beginning to provide ATF with tips related to firearms trafficking that its personnel hear from wiretaps and other intelligence sources. ATF had not provided as much of this intelligence to the DEA, although DEA field staff we interviewed said they were content with the level of support they were receiving from ATF, especially with ATF's expertise in guns.

An ATF Southwest border Special Agent in Charge told us he considers CBP staff to be counterparts with whom ATF works well on a shared mission. ATF intelligence staff in the field and at EPIC also post "lookouts" into the CBP's database, which the CBP then uses to identify vehicles or individuals to search during southbound inspections. When CBP personnel seize weapons, they either notify ATF or ICE.<sup>44</sup>

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<sup>44</sup> See Part VI of this report for additional information on CBP and ATF coordination on operations at the border.

Despite the cooperation, CBP has not seized significant numbers of guns going into Mexico. According to a Government Accountability Office (GAO) report on firearms trafficking, although the CBP has increased its southbound inspections of vehicles to interdict contraband such as guns going into Mexico, the CBP has been unable to seize many weapons. In FY 2008, there were only 70 weapons interdicted as a part of southbound inspections.<sup>45</sup> Similarly, an internal DHS report found that in the 9-month period spanning March 24 to December 28, 2009, the CBP seized only 93 weapons being transported to Mexico through points of entry along the Southwest border. CBP officials we interviewed told us that gun seizures are typically the result of the CBP's incidental inspections – such as random vehicle searches conducted because of officers' instincts, canine usage, or targeted southbound inspections – rather than intelligence provided by ATF.

CBP officials said that any information ATF collects on the activities of traffickers to transport guns across the border into Mexico could benefit the CBP's implementation of its southbound inspection program. With more detailed intelligence from ATF on individuals, vehicles, or a large purchase of guns, the CBP could focus its enforcement operations at specific, relevant points along the border and interdict guns and other contraband being trafficked to Mexico.

In sum, it is crucial that ATF maintain close partnerships with other U.S. agencies and the government of Mexico to combat the flow of firearms to Mexican drug cartels. Although ATF has shared strategic intelligence products with Mexican and other U.S. agencies, it is not doing so consistently and systematically. For example, we found that ATF is not systematically sharing strategic intelligence on cartel firearms trafficking – including trends and patterns in their operations, where they are operating, and the composition of their membership and associates – with Mexican law enforcement, the DEA, or ICE. While ATF regularly shares tactical intelligence on firearms trafficking suspects and activities with the DEA and CBP, the benefits to CBP have been limited. We believe ATF could better combat firearms trafficking if it improved its sharing of strategic intelligence with its partner agencies.

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<sup>45</sup> U.S. Government Accountability Office, *Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, GAO-09-709 (June 2009).



## Recommendation

We recommend that ATF:

1. Coordinate with the government of Mexico, the CBP, DEA, and ICE to ensure systematic and regular exchanges of strategic intelligence to combat firearms trafficking to Mexico.

### **ATF Southwest border Field Intelligence Groups are not consistently providing actionable investigative leads to field agents.**

As discussed below, ATF personnel along the Southwest border told us that agents investigating Project Gunrunner cases are not consistently receiving timely, actionable intelligence from ATF's Field Intelligence Groups.<sup>46</sup>

Agents investigating Project Gunrunner cases say they are not receiving timely, actionable leads from their Field Intelligence Groups.

In our field visits, ATF agents in Southwest border locations said that the investigative leads provided by ATF's Field Intelligence Groups are not timely, well developed, or actionable.<sup>47</sup> These complaints referred to leads developed by the Field Intelligence Group and to leads from developed by Industry Operations and forwarded by the Group. Field supervisors and agents told us they do not rely on their Group to generate investigative leads at all, opting instead to generate their own leads.

The most commonly stated criticism of the investigative leads from Field Intelligence Groups was that they were too old to be of value to agents conducting investigations. For example, field supervisors in one Southwest border field division told us the primary problem with the Field Intelligence Group leads is that the information is stale; one field supervisor said the Group forwards leads involving a time-to-crime of 1 to 3 years, but the

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<sup>46</sup> In addition to visiting the Phoenix, Dallas, and Los Angeles Field Divisions during this review, we visited the Houston Field Division in June 2009 as part of our interim review of Project Gunrunner. During that visit, agents from the Houston Field Division also reported that investigative leads were not well-developed or actionable, although some of the complaints related specifically to investigative leads generated for the Gun Runner Impact Team initiative, which was under way at that time.

<sup>47</sup> Field Intelligence Groups support field agents in two ways: responding to direct requests for information from agents to support their cases, and proactive intelligence gathering to generate investigative leads to be referred to field agents. The criticisms expressed to the OIG concern these investigative leads. Agents we interviewed told us that when they requested information from their Field Intelligence Group to support a current case, they received a timely and useful response.

agents should be focusing on incidents with a time-to-crime of 3 to 6 months. Another field supervisor said the Field Intelligence Group will send him leads that can have a time-to-crime of up to 3 to 5 years. Although field personnel varied in what they considered a valuable time-to-crime, most cited a 1-year time-to-crime as the maximum threshold for a lead to be useful.

ATF field supervisors told us that the impact of receiving leads with an outdated time-to-crime is that agents waste time investigating the leads. For example, one field supervisor estimated that of about 25 investigative leads that the Field Intelligence Group sent to his enforcement group during 2009, only 1 or 2 warranted follow-up and neither of those leads resulted in any arrests or prosecutions. An agent in that enforcement group said that because the Field Intelligence Groups do not effectively screen leads, each lead that is assigned by a field supervisor requires an agent to spend time pursuing it and then to write a report in N-Force explaining that the lead did not pan out.

Field supervisors and agents said that they rely more on self-generated investigative leads and information from other sources to detect firearms trafficking activity. For example, some agents were using the weekly compilation of raw data on Mexican crime gun recovery and multiple sales data provided to the field directly from the National Tracing Center to conduct their own screening and analysis instead of using the Field Intelligence Groups.<sup>48</sup> ATF's National Firearms Trafficking Implementation Plan directs supervisors to review the multiple sales data to identify potential firearms traffickers "even though the [Field Intelligence Group] analyzes the data for trafficking leads against locally established criteria."<sup>49</sup> In September 2010, in response to a draft of this report, ATF told the OIG that field office personnel can quickly review the multiple sales data because they are more familiar with the local gun dealers, weapons of choice, and potential firearms trafficking suspects in their area, and they can request that Field Intelligence Group personnel conduct additional research. However, by generating their own investigative leads, agents may duplicate their Group's efforts. Agents also may use information that is less effective because they do not have access to the multiple sources used by Groups, and they do not have the time to conduct additional research that Group members should do before sending investigative leads to agents.

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<sup>48</sup> Agents in the Dallas, Los Angeles, and Phoenix Field Divisions also reported that in addition to analyzing some of the same sources that the Field Intelligence Group uses, a primary source of their investigative leads was local gun dealers who call them to report suspicious activity and confidential informants, a type of source to which Field Intelligence Groups would not have access.

<sup>49</sup> ATF National Firearms Trafficking Enforcement Implementation Plan (June 25, 2009), 3.



ATF field agents also stated that some leads forwarded by a Field Intelligence Group as Project Gunrunner leads have no clear connection to firearms trafficking. A field supervisor provided the example of a Group-generated lead on a gang member in possession of one gun – which the supervisor does not consider to be a firearms trafficking offense – as a lead that was not useful. That supervisor said although there is no threshold for the number of guns associated with a purchaser, a useful investigative lead from the Group would involve a purchaser with at least two or three guns, or a suspect who illegally purchased guns with an out-of-state license. Another supervisor stated that the most useful intelligence for detecting firearms trafficking is information on the gun purchasers themselves – including the number and types of guns bought, the age and gender of the buyers, and background information indicating whether the buyers had the financial means to buy the guns.

Reporting multiple sales of handguns produces timely, actionable leads for detecting firearms trafficking.

The *Gun Control Act* requires that gun dealers report multiple sales of handguns (defined as two or more handguns sold at once or during any 5 consecutive business days) to ATF.<sup>50</sup> As discussed below, these multiple sales reports provide ATF with timely, actionable leads that can enable it to more quickly identify suspected firearms traffickers and disrupt their operations.<sup>51</sup> However, gun dealers are not required to report multiple sales of long guns to ATF.<sup>52</sup> Because long guns have become Mexican cartels' weapons of choice, multiple sales reporting has become less viable as a source of intelligence to disrupt the illegal flow of weapons to Mexico.

According to 18 U.S.C. § 923(g)(3), gun dealers must report multiple sales of handguns to their local ATF field office using a Report of Multiple Sales or Other Disposition of Pistols and Revolvers form (multiple sales report). Gun dealers must forward all multiple sales reports to the National Tracing Center by the close of business on the day that a reportable multiple sale occurs. The National Tracing Center enters the information on the multiple sales into ATF's tracing database (the Firearms Tracing System), which is subsequently made available to ATF field offices through

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<sup>50</sup> 18 U.S.C. § 923(g)(3).

<sup>51</sup> For more information on potential indicators of trafficking by gun dealers, see Bruce Reinhart, "Implementing a Firearms Trafficking Strategy – Prosecuting Corrupt Federal Firearms Licensees," *United States Attorneys' Bulletin* (January 2002).

<sup>52</sup> Long guns include all variations of rifles and shotguns as defined in §§ 921(a)(5) to (8) of the *Gun Control Act*.

eTrace. If a trace request is matched to multiple sales report information, the trace can be completed in minutes rather than days or weeks.<sup>53</sup>

The purchase of multiple guns within a short period of time by an individual who is not a gun dealer may indicate that the individual is engaged in firearms trafficking. For example, firearms trafficking indicators include:

- multiple sales in which a purchaser also appears on one or more past gun traces;
- multiple sales in which the purchaser was born outside the United States;
- a multiple sale of five or more guns;
- more than one multiple sale at the same gun dealer on the same day;
- traces in which the recovered gun was purchased in a multiple sale; and
- crime guns traced back to a multiple sale in a state other than where a gun was recovered.

Additionally, ATF uses multiple sales reports to verify gun dealers' records, to detect suspicious activity, and to generate investigative leads. ATF personnel we interviewed in Southwest border offices cited multiple handgun sales data as a valuable source of timely and actionable investigative leads for detecting firearms trafficking and said such leads have led to the prosecution of traffickers.

*Multiple sales reporting is a less viable source of intelligence on firearms traffickers because multiple sales of long guns are not reported.*

Multiple sales of long guns are not subject to the same reporting requirements as handguns. Yet, long guns have become the Mexican cartels' weapons of choice. ATF reported in a statement to Congress last year:

Until recently drug traffickers' "weapon of choice" had been .38 caliber handguns. However, they now have developed a preference for higher quality, more powerful weapons, such as

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<sup>53</sup> If a gun is not a part of a multiple sales report, then the National Tracing Center uses the gun identifying information (such as the serial number and model) to determine the manufacturer or importer of the gun. The manufacturer or importer then can provide the name of the licensed gun dealer the first sold the gun. The National Tracing Center contacts that licensed gun dealer who checks their records to determine who the gun was first sold to. According to National Tracing Center staff, the length of time this process takes varies widely, but is usually about 7 to 10 days.

.223 and 7.62x39mm caliber rifles, 5.7x28 caliber rifles and pistols, and .50 caliber rifles; each of these types of weapons has been seized by ATF in route to Mexico.<sup>54</sup>

The OIG's analysis of National Tracing Center data of Mexican crime guns recovered from FY 2004 through FY 2009 confirmed the increase in the use of long guns by Mexican drug cartels. During this time, the percentage of crime guns recovered in Mexico that were long guns steadily increased each year from 20 percent in FY 2004 to 48 percent in FY 2009. By contrast, handguns represent a steadily decreasing portion of crime guns recovered in Mexico, dropping from 79 percent in FY 2004 to 50 percent in FY 2009. In FY 2009 long guns and handguns were recovered at almost the same rate.

Our analysis also found that long guns tend to have a shorter time-to-crime than handguns, and shorter time-to-crime intervals generate more valuable leads for ATF. According to Mexican crime gun data provided by ATF, of Mexican crime guns that were both sold for the first time and traced between December 1, 2006, and December 31, 2009, 973 were rifles (77 percent) and 279 were handguns (23 percent).

Evidence also indicates that Mexican cartels are obtaining long guns in multiple sales. The case study in the text box below demonstrates how high volumes of trafficked long guns can be obtained through multiple gun purchases. In that particular case, a trafficking ring purchased at least 336 weapons, of which the OIG determined through ATF data that 251 (75 percent) were long guns. Of the 251 long guns, all but 1 were purchased as a part of multiple sales, and these sales would have been reportable to ATF had they been handguns. According to ATF and other Department personnel, this case is one of many ATF cases involving multiple purchases of long guns.

While long guns are increasingly the Mexican cartels' preferred gun, there is no legal requirement in the United States to report multiple sales of these weapons. As a result, multiple sales reporting has become less viable to ATF as a source of intelligence to identify firearms trafficking organizations and disrupt the illegal flow of weapons to Mexico. For example, in the case described below, had there been a multiple sales reporting requirement on long guns, this case could have been initiated soon after March 13, 2006, when the first multiple purchase of a long gun took place (three AR-15 assault rifles along with two boxes of ammunition valued at \$3,347). Instead, ATF did not initiate its investigation until mid-

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<sup>54</sup> William Hoover, Assistant Director for Field Operations, ATF, before the Committee on the Judiciary Subcommittee on Crime and Drugs, U.S. Senate, concerning "Law Enforcement Responses to Mexican Drug Cartels" (March 17, 2009).

2007, over 1 year later, when ATF Industry Operations Investigators identified the trafficking ring through the inspection of a gun dealer.

### A Case Study of a Firearms Trafficking Ring

In a statement to Congress on March 4, 2010, ATF's Deputy Director described a case in which straw purchasers bought and trafficked firearms for the Gulf Cartel in Mexico. The firearms trafficking ring consisted of 23 suspected traffickers who purchased guns and other gear out of Houston from March 13, 2006, to June 5, 2007. The ring purchased at least 336 firearms, of which 251 were long guns. These included .223, 7.62, and 5.7 caliber rifles. All but one of the long guns were purchased in multiple sales. For example, one of the suspects purchased 14 long guns, all weapons of choice, in 1 day from 1 firearms dealer. Of those 14 long guns, 2 were recovered in Mexico with a time-to-crime of under 2.5 years. Table 2 provides additional facts about this case.

**Table 2: Impact of One Firearms Trafficking Ring**

<b>Suspects</b>	23 suspects
<b>Time frame</b>	March 13, 2006, to June 5, 2007; 15 months
<b>Purchases</b>	96 purchases from 10 firearms dealers
<b>Value</b>	\$367,419 total in merchandise, paid mostly in cash
<b>Sales</b>	Individual purchase totals ranged from \$2,037 to \$42,726
<b>Firearms</b>	336, plus ammunition, scopes, and other gear
<b>Long guns</b>	251 long guns purchased
<b>Mexico recoveries</b>	91 of the 336 total; 87 were long guns
<b>Traces</b>	21 of the 23 suspects have had traces linked to them
<b>Time-to-crime</b>	Median for the 87 long guns just under 1.5 years
<b>Shortest</b>	26 days
<b>Longest</b>	3 years 10 months
<b>Deaths</b>	57, including 18 law enforcement officers and civilians, plus 39 gunmen

Source: ATF Houston Field Division.

As of June 2010, ATF had shut down the firearms trafficking ring. Eleven of the traffickers had been convicted of various offenses, with sentences ranging from 3 months' to 8 years' imprisonment. The individual who was sentenced to 8 years had purchased firearms that were associated with eight murders in Mexico.

If multiple sales reporting of long guns was required, ATF would have had investigative leads to identify the trafficking ring earlier. Such reports also would have flagged the buyers' previous multiple purchases, and ATF could have sought cooperation from the straw purchasers to identify the Gulf Cartel members responsible.

Because reporting multiple sales of handguns generates timely, actionable investigative leads for Project Gunrunner, and because long guns have become Mexican cartels' weapons of choice, we believe that the reporting of multiple sales of long guns would assist ATF in identifying firearms trafficking suspects. Our analysis shows that many long guns seized in Mexico have a short time-to-crime and were often a part of a multiple purchase. We therefore believe that mandatory reporting of long

gun multiple sales could help ATF identify, investigate, and refer for prosecution individuals who illegally traffic long guns into Mexico.

### **Recommendation**

We recommend that ATF:

2. Work with the Department to explore options for seeking a requirement for reporting multiple sales of long guns.

#### Field Intelligence Groups lack consistent criteria for developing leads and have limited capability to monitor lead outcomes.

We examined how analysts in the Field Intelligence Groups process information to develop leads and how Group managers monitor the work of the analysts to assess the quality and usefulness of the leads they produce. As described in the following sections, there are no minimum national standards for Field Intelligence Groups to use in determining which leads to forward to agents, and the Groups in the four Southwest border field divisions vary in their development of localized standards for screening potential leads. Further, we found ATF's management information systems do not enable Field Intelligence Group managers to readily assess the outcomes of the leads sent to the criminal investigators for action.

*ATF lacks clear criteria for Field Intelligence Groups to use in screening leads.*

ATF has not established general guidelines or thresholds for Field Intelligence Groups to screen investigative leads to ensure that ATF agents receive only relevant leads that do not require agents to conduct further research. ATF Order 3700.2A, "Criminal Enforcement Intelligence Program Standard Operating Policies and Procedures" (October 2004), provides general guidance on reporting, collecting, maintaining, and disseminating criminal law enforcement and national security information, as well as intelligence staff responsibilities. However, the Order does not provide any guidelines for field intelligence personnel to follow in determining how to develop, screen, and analyze information to create actionable investigative leads for agents.

In February 2005 and again in February 2008, ATF issued criteria for referrals from Industry Operations and further required that management in each field division "meet and establish criteria for the type and scope of criminal information which is of interest to both ATF law enforcement and

the [USAO].”<sup>55</sup> However, these criteria apply only to referrals generated by Industry Operations groups, not to referrals generated within the Field Intelligence Groups or by other entities. Similarly, ATF’s National Firearms Trafficking Implementation Plan does not establish criteria for referrals generated within the Groups.

The most specific standards for investigative leads produced by Field Intelligence Groups are found in the *ATF Field Intelligence Group Supervisor’s Guide Book*. The Guide Book states that Intelligence Research Specialists assigned to Groups are to collect, evaluate, and analyze intelligence to produce “finished tactical and operational analytical products.”<sup>56</sup> These products are defined as an “analytical product resulting from cognitive effort wherein the intelligence research specialist explains findings, discloses links, recognizes patterns of activity, and makes predictions or recommendations.” However, the Guide Book does not describe how field intelligence personnel are to do this.

We discussed with Southwest border Field Intelligence Group employees and supervisors how they determine what leads are of potential value to field agents in the absence of agency criteria for them to use in determining how to handle leads. They use some type of threshold to determine whether a lead should be forwarded to field agents, or not forwarded, but the thresholds were primarily focused on Industry Operations referrals and were not tailored to the needs of the enforcement groups served by Field Intelligence Groups. Specifically:

1. The Dallas Field Division established written criteria for screening referrals of information from Industry Operations in January 2006 in response to ATF instruction to do so.
2. The Phoenix Field Division established a written plan and criteria to screen referrals of information from Industry Operations in February 2009.
3. The Houston Field Intelligence Group did not have written criteria for screening referrals of information from Industry Operations but reported using a list of six factors to determine which to refer to agents.
4. The Los Angeles Field Division reported that it did not have criteria at the time of our site visit in January 2010, but subsequently developed “referral criteria” on the types of violations and

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<sup>55</sup> Assistant Director, Enforcement Programs and Services, ATF memorandum to all Special Agents in Charge and all Directors, Industry Operations, Referrals of Information, February 22, 2005, and *ATF Industry Operations Handbook*, Handbook 5030.2C (February 2008), 117.

<sup>56</sup> ATF, *Field Intelligence Group Supervisor’s Guide Book* (September 2009), Appendix.



information that must be referred to agents through the Field Intelligence Group.

Only one Group (the Dallas Field Division) included criteria designed to screen out leads that did not meet the prosecutorial guidelines of the division's USAOs.

We concluded that the field divisions did not provide sufficient guidance to intelligence personnel about how to develop and screen intelligence to meet the requirements of the enforcement groups. Two field supervisors and Field Intelligence Group members we interviewed cited a variety of standards for determining whether particular pieces of information should be forwarded to enforcement groups as leads. For example, one Intelligence Research Specialist cited three criteria used by her Group to ensure that investigative leads sent to field offices are valuable, emphasizing that the goal is to forward only "actionable" intelligence, which she defined as "information that could help an agent in some way." The criteria cited by that Intelligence Research Specialist were that leads be: (1) original, meaning not already under investigation by another office; (2) timely – so that the agent can be relatively assured that the suspect is still retrievable; and (3) of federal interest, with leads that are better suited for state and local law enforcement referred there rather than to ATF field offices.

A member of a different Field Intelligence Group stated that the goal is to give agents as much information as possible about a suspect. That Group member said that he relies on his instincts and considers factors such as the time-to-crime of a gun trace. He also stated that if the time-to-crime is within 2 years he automatically sends the lead, but if it is older than 2 years, he may not. We noted that this is not consistent with the need for more recent time-to-crime leads generally described to us by agents. A Group supervisor in another division stated that the analysts are expected to use discretion when screening information to eliminate the "white noise" and provide the most relevant information to the field.

Some Field Intelligence Group supervisors and members told us that they knew some leads they provided had no likely investigative value to agents. One supervisor commented, "A lot of times, the agents in the field can't work that referral . . . most likely it won't lead to a prosecution . . ." That supervisor believed the information to be valuable nonetheless because it added to other information that the agents are receiving. Regarding the time-to-crime of a gun trace, the supervisor said the Group forwards investigative leads to the field on any gun recovered in Mexico with a time-to-crime of 1 year or less. An Intelligence Research Specialist assigned to that Group told us that referrals sent to field agents are often not adequate and have little investigative potential when the time-to-crime is longer than

1 year. Other Group members who said that some leads on Mexican crime guns had no investigative value stated that many of those leads were based on information that was outdated when the Group received it.

*Field Intelligence Group managers cannot effectively monitor the quality or status of Industry Operations leads referred to enforcement groups.*

In discussing the quality of leads with Field Intelligence Group supervisors, we found that they have limited capability to monitor the referrals they receive from Industry Operations and to obtain feedback on the results of leads their Groups provide to agents.<sup>57</sup> ATF requires Field Intelligence Groups to monitor the timeliness of their processing of referrals they receive from Industry Operations, including whether they accept or reject each referral, and to provide quarterly reports on the status of referrals. The Groups are also required to monitor the status of referrals that are accepted and forwarded to enforcement groups. Enforcement groups receiving referrals from Field Intelligence Groups are required to annotate in N-Force, within 30 days, if no investigative activity has occurred. This is so that field offices, which have access to N-Force, can assess their effectiveness through performance measures such as how many referrals were made under which statute, the number of criminal cases initiated because of referrals, and case outcomes. ATF further emphasized the importance of referrals in the 2009 National Firearms Trafficking Implementation Plan by adding a performance measure to evaluate the quality of referrals sent to Criminal Enforcement.

However, both Field Intelligence Group supervisors and Industry Operations Area Supervisors told us that tracking the disposition of referrals and providing feedback is cumbersome because ATF's enforcement and industry operations databases (N-Force and N-Spect) are not integrated and because agents can access only N-Force and Industry Operations Investigators can access only N-Spect. The Chief of ATF's Office of Strategic Management, which is responsible for ATF data management, stated that because the N-Spect and N-Force systems are not linked electronically, when Industry Operations makes a referral to Criminal Enforcement, the referral is made "off line" – by e-mail, hand delivery, or regular mail. After the referral is made, the N-Spect file is closed, and there is generally no reporting on the progress of the referral.

Because the referral process is not automated, each referral is forwarded on a printed form, and Field Intelligence Group supervisors track

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<sup>57</sup> ATF Order 3700.2A defines intelligence feedback as "interaction between consumers of finished intelligence and the producers to help intelligence managers evaluate the effectiveness of intelligence support, identify intelligence gaps, and focus more precisely on consumer needs."



referrals using individually developed spreadsheets into which they enter information. This information includes the date of the lead, its source (Industry Operations or other), the enforcement group to which it was sent, and the status of the lead – that is, whether it was closed or an agent was assigned to it and pursued the lead. To obtain outcome data for the spreadsheets, the supervisors search N-Force and manually retrieve the data, which some said was time-consuming. For example, one Group supervisor told us that to produce the required quarterly status reports, he must search all “open” referrals in N-Force, update the disposition field for every active referral on his spreadsheet, and forward the updated spreadsheet to the Industry Operations Area Supervisor. That supervisor in turn must access N-Spect and update the disposition of each open referral in that system.

In addition, we observed that the information in Field Intelligence Group supervisors’ spreadsheets did not contain feedback from enforcement groups about the *utility* of the investigative leads the Group provided, whether from Industry Operations or leads developed by the Field Intelligence Group itself. Agents enter information into N-Force using drop-down menus that contain generic reasons for closure of a lead. The agents can also provide specific feedback on the lead in an open comment field. However, we were told that agents did not often enter into N-Force the specific reasons that a lead was not useful, such as why it did not meet prosecutorial guidelines or how it could have been improved. Some field personnel told us that they may request specific feedback on their leads directly from agents and field supervisors, particularly in offices where the agents and Groups are co-located. Nonetheless, we concluded that tracked information was not effective in allowing the Group supervisors or members to assess the utility of the leads they provided to agents or to provide Industry Operations with specific feedback on their referrals.

The difficulty of determining referral outcomes was demonstrated by the efforts ATF undertook to provide the OIG with a limited sample of the outcome of Industry Operations referrals to Criminal Enforcement through Field Intelligence Groups. In December 2009, we requested the number of Industry Operations referrals to Criminal Enforcement through Field Intelligence Groups from FY 2004 through FY 2009, and their outcomes (whether the referrals were accepted and how many resulted in a criminal investigation). In April 2010, ATF headquarters provided data that indicated 5,106 referrals were made by the four field division Field Intelligence Groups in the stated period. We determined that 476 of those referrals were (1) firearms-related, (2) referred within ATF, and (3) shown as “accepted” in

N-Force.<sup>58</sup> In May 2010, we asked the Office of Strategic Management to provide us the N-Force case management log entries for a random sample of 213 cases. That data was finally provided on August 4, 2010.

When asked why the process had taken so long, the Chief of ATF's Office of Strategic Management, which is responsible for ATF data management, stated it took months to research and to document the specific referral outcomes because of limits in ATF's case management system. Staff in ATF's Field Operations Office had to research each individual referral to locate and document the outcome information. The Chief stated that ATF has annually sought funding needed to modernize its case management system, but that the requests have been disapproved.<sup>59</sup>

### **Recommendations**

We recommend that ATF:

3. Ensure that each Southwest border firearms trafficking enforcement group develops and regularly updates guidelines for their Field Intelligence Group that specify the most useful types of investigative leads.
4. Develop an automated process that enables ATF managers to track and evaluate the usefulness of investigative leads provided to firearms trafficking enforcement groups.

### **ATF intelligence personnel are not adequately sharing firearms trafficking information with each other to develop or enhance intelligence to further investigations.**

Despite the importance of intelligence to Project Gunrunner's mission, we found that sharing of firearms trafficking-related information and techniques among intelligence personnel in Southwest border locations and in the Mexico Country Office is limited.

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<sup>58</sup> We excluded referrals sent to other federal, state, and local law enforcement agencies as these entities are not required to provide ATF with status reports on the outcomes of the referrals.

<sup>59</sup> Budget documents show that ATF has requested funds to improve various N-Force and N-Spect capabilities since at least FY 2004. In its FY 2012 budget request, ATF requested \$3.3 million for this purpose. Proposed improvements include providing a single entry point for all investigative and inspection information and reducing data redundancy. As of August 2010, ATF had not received funds to upgrade N-Force and N-Spect for this purpose.

Routine sharing of information among intelligence personnel is limited.

ATF Order 3700.2A directs Intelligence Research Specialists to “routinely interact with their counterparts in other field divisions, and conduct liaison with analysts from other law enforcement agencies and the Office of Strategic Intelligence and Information.”<sup>60</sup> The ATF Office of Strategic Intelligence and Information subsequently created an Intelligence Collection Plan to establish information collection and exchange procedures for Project Gunrunner, including intelligence that may be shared with Mexican officials. The Plan states that to develop “real-time, actionable intelligence relating to firearms trafficking networks operating in both the United States and Mexico,” ATF field offices will establish procedures to collect information from a variety of sources, including “exchanging information with other ATF field offices . . . .” ATF’s National Firearms Trafficking Enforcement Implementation Plan, sent from the Acting Assistant Director (Field Operations) to all Special Agents in Charge on June 25, 2009, mandated that the Intelligence Collection Plan be provided to, and “thoroughly reviewed by,” all Field Intelligence Group personnel by July 31, 2009. ATF also established the requirement for Field Intelligence Group communications in its June 2007 Gunrunner strategy, which stated, “ATF [Field Intelligence Groups] need to coordinate inter- and intra-division intelligence activities much like operational activities.”<sup>61</sup>

During our fieldwork, we interviewed 11 intelligence personnel in Southwest border field divisions and Mexico City, as well as 4 of their supervisors. We determined through those interviews that routine communication between Field Intelligence Groups primarily occurs at the supervisory level. Southwest border Field Intelligence Group supervisors participate in quarterly teleconferences with their counterparts in the Western region and ATF headquarters intelligence personnel from the Office of Strategic Intelligence and Information to share information on investigations and trends related to firearms trafficking. The supervisors also told us that, although each Group pursues cases separately, the supervisors contact each other when they need to and share information pertaining to cases or investigative referrals with other Field Intelligence Groups. However, we determined that non-supervisory Group members do not participate in these exchanges.

Non-supervisory intelligence personnel in these offices told us that they rarely receive information from their counterparts in other Southwest border field divisions and that they communicate with these counterparts

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<sup>60</sup> ATF Order 3700.2A, “Criminal Enforcement Intelligence Program Standard Operating Policies and Procedures” (October 2004), 12.

<sup>61</sup> ATF, *Southwest Border Initiative: Project Gunrunner* (June 2007), I-13.

infrequently. In addition to the lack of communication across Field Intelligence Groups, non-supervisory staff members told us there is limited interaction and poor communication internal to the field division – both among Field Intelligence Group members and with non-Group members working on Project Gunrunner, such as agents and Industry Operations Investigators. In our interviews, we were told that intelligence personnel are typically excluded from meetings with agents. An Intelligence Research Specialist in one Field Intelligence Group said the Specialists are not included in meetings with agents and do not receive the information they need to effectively support the cases the agents are working on. This Specialist stated that the Intelligence Research Specialists should not be overlooked by agents as they perform additional research to supplement the information provided to agents to support their cases.

An Intelligence Research Specialist in another Field Intelligence Group said that because personnel working on Project Gunrunner – including agents, Intelligence Research Specialists, and Industry Operations Investigators – do not all communicate, they do not understand each other's responsibilities. Further, she said intelligence personnel were missing opportunities to regularly share firearms trafficking-related information and analytical techniques with their intelligence peers that they told us would be useful to them.

Field Intelligence Group supervisors, Office of Strategic Intelligence and Information staff, and Mexico Country Office personnel also told us that they believed there is a need for more communication between Field Intelligence Groups. For example, a Southwest border Group supervisor stated that it would be beneficial to have one-on-one meetings between Field Intelligence Group supervisors and the Intelligence Research Specialists working on Project Gunrunner cases to discuss the available information and to coordinate with each other. Similarly, Office of Strategic Intelligence and Information officials told us that Field Intelligence Groups are responsible for communication and deconfliction across divisions and therefore the Groups need to increase the information flow between them. An Assistant Attaché in ATF's Mexico Country Office also stated that communication between Southwest border Field Intelligence Group personnel needed to be improved to increase the flow of information to Mexico.

We were told by Southwest border intelligence personnel that non-supervisory intelligence personnel have not been included in cross-division Field Intelligence Group conferences. Intelligence Research Specialists we interviewed stated that attending such conferences would enable them to, for example, identify regional and national needs, inform ATF managers what resources the intelligence personnel need to accomplish their job, and allow the personnel to share best practices. Several Group members stated

that this type of collaboration with each other would help the Groups to operate more efficiently and to better support agents' needs.

ATF officials told us of two recent conferences held by the Office of Strategic Intelligence and Information. The first was a national Field Intelligence Group conference in August 2009 with an agenda that included intelligence requirements and analysis of firearms trafficking. However, that conference was limited to Group supervisors, Assistant Special Agents in Charge, and Special Agents in Charge. Non-supervisory intelligence personnel were excluded. The second national Field Intelligence Group conference, held in August 2010, included non-supervisory intelligence personnel, but ATF officials told us the conference was not focused on Project Gunrunner or Southwest border issues.

ATF border liaisons are not effectively coordinating with ATF's Mexico Country Office.

The Border Liaison Program is a key element of Project Gunrunner's information sharing strategy. ATF's June 2007 Project Gunrunner strategy states that each Southwest border field division will assign a special agent to act as border liaison in the respective division area of operation. The strategy states that border liaisons "will be the front line of [the Project Gunrunner] initiative, attacking the issues on the ground level. In their areas of operation, they will be responsible for driving the collection and subsequent dissemination of actionable investigative intelligence through the Project Gunrunner structure."<sup>62</sup>

Designated border liaisons in each Southwest border field division are required by ATF's Intelligence Collection Plan to share firearms trafficking intelligence with both EPIC and the Mexico Country Office. Further, ATF's Gunrunner strategy states that all ATF activities in Mexico should be coordinated through the Mexico Country Office at the U.S. Embassy in Mexico City. The Gunrunner strategy states that "failure to coordinate all ATF official activities can cause serious problems for all personnel in country and for TDY personnel requiring country clearance or other diplomatic assistance."<sup>63</sup> Mexico Country Office staff also stated that it is vital for them to be aware of all discussions and agreements between border liaisons and Mexican officials so that ATF's position and response are uniform.

However, we found the border liaisons were not effectively coordinating with the ATF Mexico Country Office. Staff in the Mexico

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<sup>62</sup> ATF, *Southwest Border Initiative: Project Gunrunner* (June 2007), 12.

<sup>63</sup> ATF, *Southwest Border Initiative: Project Gunrunner* (June 2007), 5.

Country Office told us that border liaisons had frequently been traveling back and forth to Mexico and holding discussions with Mexican officials without the required coordination.<sup>64</sup> We were told that key firearms trafficking intelligence collected by border liaisons and outcomes of meetings between border liaisons and Mexican officials were not consistently shared with the ATF Mexico Country Office, which created problems. For example, border liaisons told Mexican officials that ATF would be able to provide them with requested training, but the Office was unaware of the obligation and unable to provide the training. Mexico Country Office staff told us, “We want to make sure we can deliver what’s promised to the Mexicans. It’s a coordination issue.”<sup>65</sup>

Another ATF Assistant Attaché described the border liaison process as “disjointed” and informal. He noted that the Border Liaison Program is new for ATF and that ATF officials “need to work the kinks out.” Although he explained that the border liaisons contact him when they need something, he told us that some field divisions’ liaisons are more proactive than others. Yet another Assistant Attaché told us he does not even know who the border liaisons are in ATF or what they are doing and he “never hears from them.”

ATF Mexico Country Office officials told us that they believe the problems stemmed from a lack of direction governing the information exchange and communication protocols for border liaisons. One Assistant Attaché said he has tried on multiple occasions to convene a meeting with all border liaisons to devise a strategy for intelligence exchange between the border liaisons and the Mexico Country Office, but has not been successful. That Assistant Attaché said, “[Mexico Country Office] has an overall strategy in Mexico and would like to have an overall strategy ATF-wide . . . then [border liaisons] would fit within that strategy.” According to the Mexico Country Office, a coordinated approach has been difficult to develop because the liaisons report to their respective field divisions, while the Mexico Country Office is organizationally aligned under the International Affairs Office at ATF headquarters.

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<sup>64</sup> Border liaisons told us they often coordinate with the Mexico Country Office representative at the location closest to them. For example, the border liaison in the San Diego Field Office might contact the Assistant Attaché assigned to the consulate in Tijuana, Mexico.

<sup>65</sup> During our site visit in March 2010, Mexico Country Office staff indicated that ATF created rules requiring border liaisons to contact Mexico City in advance of any travel to Mexico and that since the rules were established, communications have improved. However, when we inquired about those rules, the Chief of ATF’s International Affairs Office reported that ATF does not currently have a directive addressing border liaisons but that border liaisons will be addressed in a Foreign Operations Order, which was still being drafted as of July 2010.



We examined the direction given to the border liaisons and found that one reason for the lack of coordination may be that the duties of the border liaison position have not been well defined. Only the Phoenix Field Division has established a written description of qualifications and responsibilities for its border liaisons. According to that description, prior to any meetings in Mexico the border liaisons were to advise their supervisors of the intended travel and receive prior approval from their Assistant Special Agent in Charge or Special Agent in Charge. The description states that it is the Phoenix Field Division's responsibility to ensure that the Mexico Country Office is made aware of any significant liaison activities in Mexico prior to assistance being rendered. The description also requires liaisons to document their activities in N-Force at the end of each month for review and to forward the information to the Mexico Country Office and International Affairs Office (at ATF headquarters). ATF provided us no additional information on the roles or responsibilities of its border liaison personnel at other Southwest border field divisions.

In sum, we found that ATF has not established minimum expectations for border liaisons' information sharing role with the government of Mexico, the ATF Mexico Country Office, or within their own field divisions. While variation in the role of liaisons in different field divisions is to be expected, we believe that ATF should establish minimum expectations for the border liaisons to ensure that they effectively coordinate their actions in Mexico with ATF's Mexico Country Office.

### **Recommendations**

We recommend that ATF:

5. Develop and implement procedures for Southwest border intelligence personnel to routinely exchange intelligence related information in accordance with ATF Order 3700.2A and the Intelligence Collection Plan.
6. Develop a method for Southwest border intelligence personnel to regularly share analytical techniques and best practices pertaining to Project Gunrunner.
7. Formalize a position description that establishes minimum expectations regarding the roles and responsibilities of border liaisons.

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**PART III: ATF INVESTIGATIVE FOCUS**

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**ATF has not focused its enforcement efforts on complex conspiracy investigations with multiple defendants, which are the type of cases that can best disrupt firearms trafficking rings. Further, ATF is not fully utilizing the OCDETF Program to investigate complex conspiracy firearms trafficking-related Project Gunrunner cases. Because firearms trafficking is not specifically prohibited by any federal statute, when ATF does identify trafficking operations, it must use other charges – such as providing false information on a federal form – that may be difficult to prove, result in fewer prosecutions by USAOs, or carry low penalties. As a result, USAOs often decline ATF's cases that are based on the most commonly used statutes at a higher rate than other Project Gunrunner cases.**

**Project Gunrunner's focus has remained on gun dealer inspections and straw purchaser investigations rather than targeting higher-level traffickers, smugglers, and recipients of firearms.**

As in other types of organized crime, leaders of firearms trafficking rings typically conspire to commit a series of crimes and deploy lower-level members to carry out those crimes. Although Project Gunrunner has initiated and referred more individual cases for prosecution, as discussed in Part I of this report, those cases mostly involve straw purchasers and corrupt gun dealers, not those who organize and command the trafficking operations. ATF does not measure the number of complex conspiracy cases it initiates or refers for prosecution, but our analysis found that 68 percent of Project Gunrunner cases referred to USAOs for prosecution through the end of FY 2009 were single defendant cases. ATF personnel in one field division told us that they felt that their management discouraged them from conducting the kinds of complex conspiracy cases that can target higher-level members of trafficking rings.

Firearms trafficking conspiracies can involve multiple violations of U.S. law.

Although no federal law specifically prohibits firearms trafficking, the members of trafficking rings typically violate federal firearms and export laws when obtaining and smuggling guns to Mexico. Straw purchasers commit a criminal act by lying on the federal Firearms Transaction Record (Form 4473), which requires purchasers to certify that they are not buying the guns on behalf of others before a gun dealer can sell them the guns. "Prohibited persons" commit criminal acts by obtaining weapons at gun



shows that they are not allowed to possess because, for example, they have criminal convictions or are illegal or nonimmigrant aliens.<sup>66</sup> The act of paying others to illegally purchase and supply guns also is a violation of 18 U.S.C. § 922(a)(1)(A), which is one of the most common statutes under which ATF's Project Gunrunner cases are prosecuted, as discussed later in this Part of the report. Smuggling illegally obtained guns across the border into Mexico is a violation of 18 U.S.C. § 554, a statute under which ICE cases are typically prosecuted.<sup>67</sup> And while the violent criminal activities of the cartels in Mexico do not fall under U.S. law, the United States can extradite traffickers from Mexico and prosecute them for any crimes they have committed in the United States.

Although the members of firearms trafficking rings typically conspire to commit crimes in the United States when obtaining and smuggling guns to Mexico, we found that Project Gunrunner is aimed primarily at the initial sellers and purchasers of guns, not at those who direct and most profit from the trafficking. USAO and ATF personnel we interviewed stated that Project Gunrunner cases rarely pursue those who request and pay for the guns. Although typically these cases pursue one or two suspects, others – including those orchestrating the conspiracy – usually escape prosecution. This low-level investigative focus is discussed in ATF's 2009 National Firearms Trafficking Enforcement Strategy and the accompanying Implementation Plan, which emphasize investigations of gun dealers with firearms trafficking indicators, gun shows, flea markets, unlicensed dealers, and straw purchasers.

ATF has not focused enforcement efforts on complex conspiracy cases involving multiple defendants.

The OIG's analysis of all Project Gunrunner cases that ATF referred to USAOs for prosecution from FY 2004 through FY 2009 found that the majority (68 percent) involved only 1 defendant (see Table 3). Only 5 percent of the cases had more than 6 defendants, and 2 percent had more than 10 defendants. Overall, the average number of defendants per case was 2.03.

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<sup>66</sup> 18 U.S.C. § 922(g) lists nine categories of prohibited persons.

<sup>67</sup> 18 U.S.C. § 554 states that whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title, imprisoned not more than 10 years, or both.

**Table 3: ATF Project Gunrunner Cases and Defendants**

	<b>Number of Cases</b>	<b>Percentage of Cases</b>
Cases with 1 defendant	693	68%
Cases with 2 defendants	150	15%
Cases with 3-5 defendants	118	12%
Cases with 6-10 defendants	35	3%
Cases with more than 10 defendants	19	2%
<b>Totals</b>	<b>1,015</b>	<b>100%</b>

Source: ATF N-Force data.

AUSAs in Southwest border locations told us that directing the efforts of Project Gunrunner toward building larger, multi-defendant conspiracy cases would better disrupt the trafficking organizations. For example, one AUSA discussed the benefit of pursuing the top of the trafficking organizations, although he said he did not receive many of those cases from ATF. He stated:

Are there 15 or 20 guys told to go out and buy 1 gun [each] which are [then] collected at one point? Can we find that collector, the one who is actually gathering up the stuff? Where is the money coming from? . . . If you answer those questions, then you can start making some progress in terms of fighting guns going south.

Other AUSAs told the OIG that they also had a strong preference for larger, complex conspiracy cases.

In our interviews with agents in one Southwest border field division, we found that a contributing factor to ATF's lack of multi-defendant cases was the approach of field supervisors. ATF staff in this field division told us they felt discouraged from conducting complex conspiracy cases. Agents we interviewed told us that after investigating the lower ranking members of a firearms trafficking ring, cases are often closed and referred for prosecution. These agents stated that they believe this practice limited their ability to pursue higher level cases and resulted in cases being opened and closed quickly, with less regard to the significance or outcome of the cases.

We asked the ATF Special Agent in Charge of that field division about pursuing these higher level cases. He acknowledged that he preferred his agents to initiate cases that could be completed within 1 month rather than cases that involve surveillance, wiretaps, and other investigative methods typical of complex conspiracy cases.

One Field Intelligence Group supervisor told us that Project Gunrunner is not seeking information to conduct proactive investigations and producing complex conspiracy cases for prosecution. According to this supervisor, ATF should conduct its investigations “with the mindset of not only ‘you [the suspects] are guilty of this,’ but ‘Where did you get that gun?’” He went on to say, “If we know that specific individuals . . . are hiring straw purchasers . . . we can target them, do surveillance on them, build a conspiracy case, and go after them.”

After we provided a draft of this report to ATF, ATF issued a strategy document, entitled “Project Gunrunner – A Cartel Focused Strategy” (September 2010 cartel strategy), to revise its approach to combating firearms trafficking to Mexico and related violence. ATF distributed the strategy document to ATF field personnel and International Affairs Office staff on September 16, 2010. In this document ATF acknowledged the limitations of ATF’s historical investigative focus on straw purchasers and corrupt gun dealers and stated that ATF would “place greater emphasis on multi-defendant conspiracy cases that focus on persons who organize, direct, and finance cartel-related firearms and explosives trafficking operations.”<sup>68</sup>

### **Recommendation**

We recommend that ATF:

8. Focus on developing more complex conspiracy cases against higher level gun traffickers and gun trafficking conspirators.

### **Project Gunrunner has not made full use of the OCDETF Program’s resources to conduct more complex conspiracy investigations.**

ATF’s Project Gunrunner investigations generally have not been conducted in coordination with the Department’s multi-agency Organized Crime Drug Enforcement Task Force (OCDETF) Program, which often targets drug organizations. Although ATF has achieved some good results when coordinating with OCDETF, we found that ATF’s focus on fast investigations as well as management and staff misunderstandings about how the OCDETF Program works have created barriers to greater coordination.

The OIG’s analysis of ATF case data illustrated ATF’s underutilization of the OCDETF Program. Of the 374 Project Gunrunner cases that ATF

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<sup>68</sup> ATF, “Project Gunrunner – A Cartel Focused Strategy” (September 2010), 4.

closed in FY 2009, only 8 percent (30 cases) were designated as OCDETF.<sup>69</sup> We also found that when ATF referred OCDETF cases to USAOs for prosecution, the cases resulted in much longer sentences than non-OCDETF cases. The 30 Project Gunrunner cases designated as OCDETF resulted in an average sentence of 80 months. In comparison, the average sentence for all Project Gunrunner cases from FY 2004 through FY 2009 was 33 months. Similarly, the average number of defendants differed sharply. While the average number of defendants for the 30 OCDETF cases was 6, the average number of defendants for all Project Gunrunner cases was just 2.

ATF previously has directed staff to use the OCDETF Program, and the Department now requires that the OCDETF Program be used for cases involving Mexican drug cartels.

ATF policy has directed field staff to use the OCDETF Program since at least July 2005, and in ATF's June 2007 Gunrunner strategy, ATF emphasized using OCDETF for appropriate firearms trafficking cases.<sup>70</sup> According to the Gunrunner strategy, "OCDETF assets will be sought at the earliest possible time once a qualifying nexus to a known [drug trafficking organization] is documented."<sup>71</sup> Further, in April 2009, the Associate Deputy Attorney General serving as the Director of the OCDETF Program issued a memorandum stating that firearms trafficking cases are eligible for the OCDETF Program. He stated:

Investigations principally targeting firearms trafficking, rather than the underlying drug trafficking, are eligible for OCDETF designation if there is a sufficient nexus between the firearms and a major Mexican drug trafficking organization, provided the investigation otherwise meets OCDETF case standards.<sup>72</sup>

Despite this emphasis, in the 15-month period following the memorandum, ATF reported that it has opened only 11 OCDETF cases related to the firearms trafficking activities of Mexican drug cartels.

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<sup>69</sup> ATF was the lead agency in 21 percent (768 of 3,671) of all OCDETF cases in which ATF participated from FY 2004 through FY 2009.

<sup>70</sup> ATF Order 3530.3, Organized Crime Drug Enforcement Task Force Program (July 2005), and ATF Southwest Border Initiative Project Gunrunner (June 2007).

<sup>71</sup> ATF, *Southwest Border Initiative: Project Gunrunner* (June 2007), 12.

<sup>72</sup> Stuart G. Nash, Associate Deputy Attorney General and Director of OCDETF, memorandum to OCDETF Regional Agency and AUSA Coordinators, Lead Task Force Attorneys, Executive Assistants, and Washington Agency Representatives Group, Guidelines for Consideration of OCDETF Designation for Firearms Trafficking Cases Related to Mexican Drug Cartels, April 27, 2009.

In January 2010, the Deputy Attorney General required ATF and other Department components to use the OCDETF Program for all activities targeting the Mexican cartels as part of the Department's strategy for combating the cartels (cartel strategy). The cartel strategy specifically identified combating firearms trafficking as a key objective, named Project Gunrunner as the primary ATF initiative in achieving that objective, and stated that "increasingly close collaboration between ATF and the efforts of the multi-agency drug task forces along the border, including, most particularly, the OCDETF co-located Strike Forces, ensures that scarce ATF resources are directed at the most important targets."<sup>73</sup>

ATF's use of the OCDETF Program is limited by ATF's focus on fast investigations, misunderstandings about the program, and low numbers of ATF staff assigned to OCDETF task forces.

We found that three factors have limited ATF's use of the OCDETF Program in the past – ATF's focus on fast investigations, misunderstandings about how the OCDETF Program operates, and ATF supervisors assigning few or no staff to OCDETF task forces.

The same ATF agents in the Southwest border field division who reported that they felt discouraged from pursuing complex conspiracy cases told us that field supervisors generally discouraged OCDETF cases because the supervisors favored faster investigations. For example, an agent we interviewed from a firearms trafficking enforcement group described "taking a lot of heat" for having taken a case to the OCDETF Program. The agent said that ATF field management had previously turned down a number of cases that might have been proposed for OCDETF consideration. The agent said that not using the OCDETF Program has resulted in agents not pursuing the "higher people in the food chain" of the trafficking rings.

The OIG asked an ATF official responsible for coordinating ATF's participation in the OCDETF Program why ATF field staff were reluctant to use the program. The official expressed concern that staff across the Southwest border, especially managers, incorrectly believed that a case could be counted as a Project Gunrunner or an OCDETF case for the purposes of ATF's performance measures, but not both. As a result, managers were reluctant to take cases to OCDETF. The official said the reluctance was continuing despite the Deputy Attorney General's 2010 cartel strategy and 2009 direction from the OCDETF Executive Council to use OCDETF against drug cartels' firearms trafficking.

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<sup>73</sup> David W. Ogden, Deputy Attorney General, memorandum to heads of Department components and all United States Attorneys, Strategy for Combating the Mexican Cartels, January 7, 2010.

We also found that some ATF agents misunderstood the requirements of the OCDETF Program in ways that may have contributed to the low number of OCDETF-Gunrunner cases. In September 2010, ATF told the OIG that, prior to the April 2009 OCDETF Director's memorandum, ATF firearms trafficking investigations with no significant drug trafficking nexus were frequently refused by the OCDETF Program. However, our review found that even after the April 2009 memorandum, some agents still believed that OCDETF cases must be brought mainly against persons and organizations on the Department's priority drug target list.<sup>74</sup> Other ATF agents indicated that they did not believe that AUSAs would be interested in OCDETF cases involving firearms trafficking, rather than drug trafficking. For example, one field supervisor said he believed that to present an OCDETF case, ATF agents "better have a DEA guy or an ICE guy sitting next to them." ATF agents said that ATF senior management needed to send a clarification to all field staff instructing them to fully implement the Deputy Attorney General's cartel strategy.

We also noted that in some locations, ATF supervisors have assigned few or no staff to OCDETF task forces operating in their areas. For example, in McAllen, Texas – a center of firearms trafficking activity where ATF has two enforcement groups, including one dedicated to Project Gunrunner – ATF has only two agents in the OCDETF satellite office. In San Diego, where ATF has three enforcement teams, one of which is dedicated to Project Gunrunner, only one agent is assigned to the OCDETF task force. In Laredo, Texas, ATF has no agents assigned to the OCDETF task force.

In contrast, ATF's Phoenix Field Division has an enforcement group (up to 10 agents) assigned to and co-located with the Phoenix OCDETF task force. Through one ongoing case from that task force, the ATF agents indicted four people and identified a suspect in Mexico as the head of the trafficking ring. The supervisor of that enforcement group said, "If it is a bigger case that's going to [succeed] on the border, there is a good chance you are going to spend some money," and that OCDETF was an important way to obtain the resources needed for complex conspiracy investigations. Other ATF staff we interviewed told us that through OCDETF task forces they can obtain intelligence from other agencies, particularly the DEA, on drug cartels' firearms trafficking activity, helping ATF to investigate firearms trafficking rings, not just straw purchasers.

We asked ATF officials why they had not assigned more staff to OCDETF task forces. ATF responded that it makes decisions based on

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<sup>74</sup> The Department maintains a unified list of international "command and control" drug traffickers and money launderers called the Consolidated Priority Organization Target list.



where it sees “cases of firearms trafficking or violations of other federal firearm laws more pronounced and where they can maximize results of affecting violent crime.”<sup>75</sup>

According to an ATF official responsible for ATF’s participation in the OCDETF Program, in the past, ATF has consistently requested more funding from the OCDETF Program to cover additional agents that ATF assigns to OCDETF cases. However, the official said that the requests have been rejected by the Department’s Justice Management Division or the White House Office of Management and Budget.

In its September 2010 cartel strategy document, ATF emphasized the advantages of using OCDETF as a part of its efforts to impede firearms trafficking to Mexico. The memorandum that accompanied the strategy document stated, “At the heart of our increased emphasis on cartel focused investigations is greater use of the [OCDETF] program” and the strategy itself directed all field offices to “consider assigning a complement of special agents” to the OCDETF task forces.<sup>76</sup>

### **Recommendation**

We recommend that ATF:

9. Send guidance to field management, agents, and intelligence staff encouraging them to participate in and exploit the resources and tools of the OCDETF Program, as directed in the Deputy Attorney General’s Cartel Strategy.

### **Statutes used to combat firearms trafficking do not have strong penalties.**

There is no federal statute specifically prohibiting firearms trafficking or straw purchases. Consequently, ATF agents and federal prosecutors use other criminal statutes to charge individuals involved in firearms trafficking crimes. These statutes carry relatively low sentences, particularly for straw purchasers of guns. The Sentencing Guidelines also provide short sentences for firearms trafficking-related crimes. As a result, individuals

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<sup>75</sup> As of September 2010, ATF reported that, in addition to the task force in Phoenix, it had an enforcement group (12 personnel) assigned to the Houston OCDETF task force and 1 agent each assigned to OCDETF task forces in El Paso, Texas, and Tucson, Arizona.

<sup>76</sup> Mark R. Chait, Assistant Director for Field Operations, memorandum to all Assistant Directors and Field Operations Personnel, Project Gunrunner – A Cartel Focused Strategy, September 8, 2010, and ATF, “Project Gunrunner – A Cartel Focused Strategy” (September 2010), 10.

convicted under these statutes generally receive lower penalties than persons convicted of other types of trafficking.

In the absence of a specific federal statute, ATF uses a wide variety of statutes to address criminal firearms trafficking activities.

According to ATF guidelines for implementing the *Gun Control Act*, the statutes that are most useful in investigating illegal firearms trafficking activities include 18 U.S.C. §§ 922 and 924.<sup>77</sup> These statutes include subsections that address falsifying information when purchasing a gun. Neither statute specifically prohibits firearms trafficking or straw purchasing.<sup>78</sup>

We analyzed ATF data on all Project Gunrunner cases referred to USAOs for prosecution between FY 2004 and FY 2009 and identified the most frequently used statutes and the average sentences given in cases that were prosecuted federally.<sup>79</sup> ATF used 75 different statutes to obtain federal prosecutions of Project Gunrunner cases during that period.<sup>80</sup> We determined through our interviews of ATF personnel and analysis of ATF cases referred to USAOs for prosecution that four of the statutes are most often used to build cases against firearms traffickers:

1. Knowingly making a false statement – 18 U.S.C. § 924(a)(1)(A) – ATF commonly uses this charge for straw purchasers who knowingly made false statements to gun dealers or in the records that gun dealers are required to maintain (Form 4473);
2. Knowingly making a false statement in connection with a firearm purchase – 18 U.S.C. § 922(a)(6) – ATF commonly uses this charge when individuals make false statements that affect the legality of sales;<sup>81</sup>

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<sup>77</sup> ATF Order 3310.4B, Firearms Enforcement Program (February 1989), 109.

<sup>78</sup> In fact, the term “trafficking” appears in the *Gun Control Act* only in §§ 924(c)(1), 924(g), and 929, and in those places it refers to the use of a gun during *drug* trafficking.

<sup>79</sup> We noted that ATF used 25 different statutes to refer Project Gunrunner cases to state prosecutors.

<sup>80</sup> Table 1 (in the Background section of this report) provides the top 10 statutes used for prosecution of Project Gunrunner cases during that period.

<sup>81</sup> The difference between 18 U.S.C. § 922(a)(6) and 18 U.S.C. § 924(a)(1)(A) pertains to whether the false statement in question affected the legality of the gun sale. Defendants can be charged with 18 U.S.C. § 922(a)(6) if, for example, they lied about their ages because they were under 18 or lied about their state residency because they were from another

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3. Knowing possession of a firearm by a convicted felon – 18 U.S.C. § 922(g)(1) – ATF uses this charge for convicted criminals who qualify as “prohibited persons” under the *Gun Control Act* and can be prosecuted for being in possession of a firearm; and
4. Willfully engaging in firearms business without a license – 18 U.S.C. § 922(a)(1)(A) – ATF commonly uses this charge when individuals deal in guns as a regular course of trade or business. Those who make occasional gun sales cannot be charged under this statute.

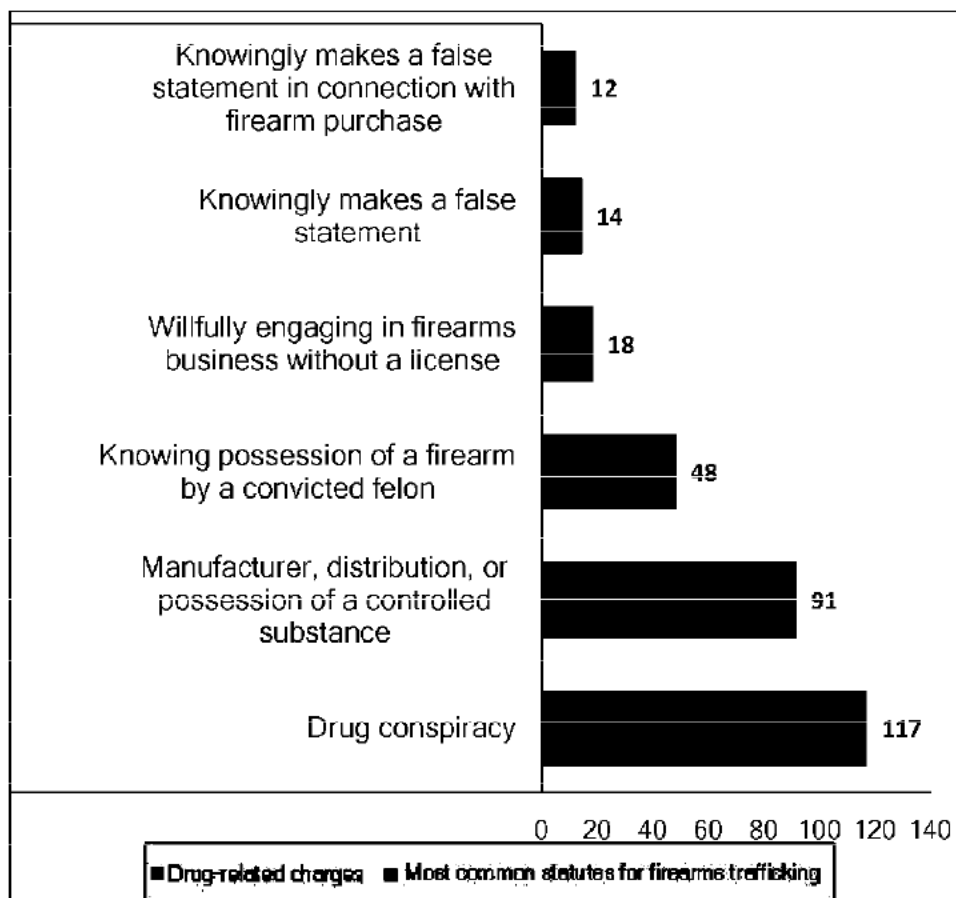
Statutes used to prosecute firearms traffickers carry relatively low sentences, particularly for straw purchasers of guns.

According to our analysis of ATF data, the penalties imposed for violations of the four statutes that ATF most frequently used to combat firearms trafficking with Project Gunrunner cases are lower than penalties for violations of statutes on other types of Project Gunrunner cases. The difference is especially acute when compared to penalties imposed for violations with a drug nexus. However, criminal defendants are often charged with criminal statutes that include firearms trafficking offenses and other crimes which carry longer sentences. For drug conspiracy violations, the penalties imposed average almost 10 years. In comparison, although straw purchasing is one of the most frequent methods used to divert guns out of lawful commerce according to ATF, we found defendants convicted of offenses related to only this criminal activity are generally sentenced to less than 1 year in prison. Figure 5 compares sentences of defendants convicted only under each of the statutes used in Project Gunrunner firearms trafficking cases with sentences for violations of drug-related statutes.

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state. A defendant’s false statement in a § 922(a)(6) prosecution must concern a fact material to the lawfulness of the firearms transaction. Conversely, prosecutions for 18 U.S.C. § 924(a)(1)(A) do not need to prove the defendant intended to affect the legality of the sale. Rather, this statute requires: “(1) the defendant knowingly made a false statement; and (2) the statement pertained to information that the law requires [a gun dealer] to keep.”

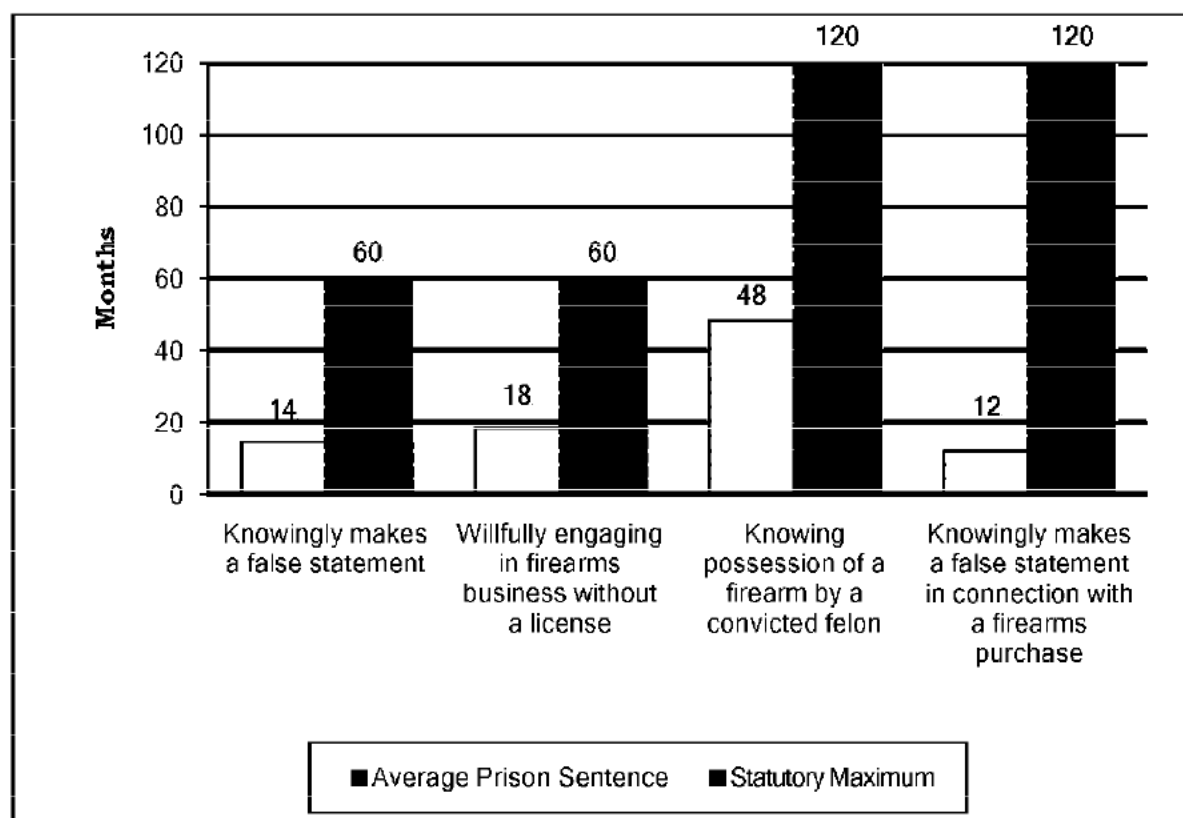
**Figure 5: Average Prison Sentences in Months for Project Gunrunner Cases by Statute, FY 2004 through FY 2009**



Source: OIG analysis of N-Force data.

Figure 6 shows the average prison sentences for defendants charged with sole violations of the four statutes that ATF most used on Project Gunrunner firearms trafficking cases between FY 2004 and FY 2009 compared with the maximum penalties.

**Figure 6: Average Prison Sentences for Project Gunrunner Cases and Maximum Allowable Sentences, FY 2004 through FY 2009**



Source: OIG analysis of N-Force data.

Sentencing Guidelines provide short sentences for firearms trafficking violations.

We examined the Sentencing Guidelines for the statutes that ATF most frequently used in charging defendants with firearms trafficking.<sup>82</sup> Under the Guidelines, straw purchasing-related offenses are categorized as lesser crimes, punishable by 10 to 16 months in prison. This is because these crimes are assigned low “offense levels” and because to legally purchase a gun, by definition, a gun purchaser must have had no prior felony convictions. The OIG’s analysis of ATF’s case data found that 40 percent of all defendants who were charged and convicted of “knowingly

<sup>82</sup> The guidelines, established by the U.S. Sentencing Commission, “provide federal judges with fair and consistent sentencing ranges to consult at sentencing” and, among other things, are “designed to incorporate the purposes of sentencing (i.e., just punishment, deterrence, incapacitation, and rehabilitation).” U.S. Sentencing Commission, “An Overview of the United States Sentencing Commission” (June 2009), [www.ussc.gov/general/USSC\\_Overview\\_200906.pdf](http://www.ussc.gov/general/USSC_Overview_200906.pdf) (accessed July 2010). In *United States v. Booker* 375 F.3d 508 (04-104) 543 (2005), the U.S. Supreme Court ruled that binding sentencing guidelines are unconstitutional and that the guidelines were no longer binding.

making a false statement in connection with firearm purchase” (18 U.S.C. § 922(a)(6)) – one of the primary charges associated with straw purchasing – received only probation.

**USAOs often decline Project Gunrunner cases that are based on the most commonly used statutes.**

USAOs are less likely to accept and to prosecute ATF’s Project Gunrunner cases for several reasons, including the lower penalties described above. We found that AUSAs often decline Project Gunrunner cases because they believe it is difficult to obtain convictions on the violations established in the four statutes that ATF typically uses for firearms trafficking and because they believe it is difficult to obtain evidence from Mexico. We also found that USAOs decline to prosecute ATF Project Gunrunner cases that are based on the four statutes at a much higher rate than Project Gunrunner cases citing violations of other statutes.

We examined the reasons for the declinations of Project Gunrunner cases recorded in the Executive Office for United States Attorneys’ case management system, Legal Information Office Network System (LIONS).<sup>83</sup> Of the 125 cases recorded as declined in N-Force, there were 45 cases for which declination reasons were recorded in LIONS.<sup>84</sup> For those 45 cases, USAOs gave 12 different reasons for declination in LIONS. The most common reasons USAOs declined these cases were a “lack of evidence of criminal intent” or “weak or insufficient admissible evidence,” accounting for a combined 38 percent (17 of 45 cases). Other reasons USAOs cited for declining Project Gunrunner cases were resource-related, such as “lack of investigative resources” or “lack of prosecutorial resources,” a combined 11 percent (5 of 45). In addition, ATF agents told us that they do not refer cases to the USAOs that they assume would be rejected.

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<sup>83</sup> In response to an OIG recommendation made in our review on the Department’s efforts to prevent staff sexual abuse of inmates (Evaluation and Inspections Report I-2009-004), in a November 24, 2009, memorandum to all USAOs, the EOUSA Director required that all declinations of cases be entered into LIONS, whether an investigative agency presents the referral in writing and the USAO immediately declines it (“immediate declination”), or a matter is opened in LIONS and the USAO later decides to close the matter without filing charges (“later declination”). However, EOUSA officials noted that many declinations occur informally, such as over the telephone, in which case the reasons for the declination have not been recorded in LIONS in the past. In June 2010, EOUSA reported to the OIG that it was still considering revising its policy to require the recording of all declinations.

<sup>84</sup> As a part of this review, we did not examine the reasons for the decisions by USAOs to decline Project Gunrunner cases referred to them for prosecution by ATF.

AUSAs believe ATF's Project Gunrunner cases are difficult to prosecute.

In discussions with the OIG, Department and USAO attorneys explained that proving the elements necessary to obtain convictions under the statutes used to combat firearms trafficking is difficult. For example, a Deputy Assistant Attorney General who was a former AUSA told the OIG that willfully engaging in a firearms business without a license is a very difficult charge to prove because the government has to prove that an individual was acting in a business capacity. To do that, ATF must establish that the sale was not a private transaction but was part of a revenue earning enterprise. In practice, this means ATF must get the suspect to admit or acknowledge selling guns "willfully," as specified in the statute.<sup>85</sup> According to the Deputy Assistant Attorney General, many suspects can avoid prosecution simply by claiming they were selling guns from their private collection, which is not a crime.

We also found that some of the reluctance of prosecutors to accept ATF's Project Gunrunner cases appeared to be because of concerns over difficulties in obtaining evidence from Mexico. For example, building a case against a firearms trafficker may require the prosecutor to obtain evidence from Mexico to prove that the gun seized in Mexico is the same one purchased by an individual in the United States. Several AUSAs we interviewed told us that because they believed that the process for obtaining this evidence is cumbersome and time consuming, they had never attempted to obtain evidence from Mexico. In contrast, ATF personnel in Mexico City who are familiar with evidentiary matters told us that the process of obtaining this evidence was straightforward and undemanding, although underused.

Similarly, some prosecutors were unsure how to establish that a case has a nexus to gun trafficking to Mexico and were unaware that a gun trace can prove a gun acquired by a straw purchaser ended up in Mexico. This lack of understanding is important because five out of six AUSAs we spoke with told us that proving that a case has a nexus to Mexico is key to their decision to accept the case.

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<sup>85</sup> 18 U.S.C. § 922(a)(1) states, "It shall be unlawful for any person except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce."

AUSAs decline more ATF Project Gunrunner cases involving firearms trafficking than Project Gunrunner cases not involving firearms trafficking.

We examined ATF data regarding referrals of 607 cases from FY 2004 through FY 2009 that cited at least one of the four statutes most used by ATF to charge firearms traffickers. According to ATF's case management system, 29 percent of the referrals to USAOs were pending a decision as of April 2010. Of the referrals that had been responded to by USAOs, the referrals based on the statute knowingly making a false statement in connection with a gun purchase were declined by USAOs 32 percent of the time, and those based on the statute knowingly making a false statement were declined 21 percent of the time. Referrals based on the statute willfully engaging in a firearms business without a license were declined 24 percent of the time and those based on knowing possession of a firearm by a convicted felon were declined less frequently – 12 percent of the time.

In contrast, AUSAs declined Project Gunrunner referrals that were not directly related to firearms much less frequently during FY 2004 through FY 2009. For example, when ATF pursued the statute “manufacturer, distribution, or possession of a controlled substance” (21 U.S.C. § 841(a)(1)) in a Project Gunrunner case, it was declined only 7 percent of the time and “drug conspiracy” (21 U.S.C. § 846) was declined 9 percent of the time. Significantly, the statute “use of a communication device in furtherance of drug trafficking” (21 U.S.C. § 843(b)) was never declined by federal prosecutors. We also found that USAOs responded more promptly to ATF Project Gunrunner referrals not directly related to firearms. ATF's case management system reflected that only 5 percent of the referrals that were not directly related to firearms trafficking were awaiting a response from a USAO, compared to 29 percent of firearms-related referrals.

AUSAs stated they were less likely to prosecute ATF's firearms trafficking-related Project Gunrunner cases.

Overall, our interviews with AUSAs in Southwest border districts indicated that the factors cited above make USAOs less likely to dedicate their resources to ATF's firearms trafficking-related Project Gunrunner cases than to other types of cases. Our interviews with AUSAs found that the lack of long sentences is also a key factor in their decisions about whether to accept these Project Gunrunner cases. As one AUSA stated, “If there were more penalties for firearms trafficking cases, you would see a lot more interest [from USAOs] in pursuing [those cases].” AUSAs told us that the limited prosecutions and low penalties reduce their ability to use the threat of prosecution to induce suspects to cooperate and provide evidence against their co-conspirators.

To improve the USAOs' support for and understanding of firearms trafficking-related Project Gunrunner cases, in June 2009 ATF's Assistant Director for Field Operations directed all ATF field divisions to meet with their respective U.S. Attorneys to convey the importance of firearms trafficking.<sup>86</sup> However, three AUSAs and some ATF agents told the OIG that much more communication is needed.

Some ATF agents are reluctant to refer cases because they believe the cases will not be accepted for prosecution.

In addition to the high USAO declination rate for Project Gunrunner cases focused on firearms traffickers, ATF agents told us that they do not refer many cases to the USAOs that they assume would be rejected because of criteria set by individual USAOs. For example, ATF agents told us that the USAO in one Southwest Border district will not seek to indict a suspect for willfully engaging in a firearms business without a license unless the suspect was given an official "cease and desist" letter and then was caught committing the same crime again. This burden of proof, according to ATF agents, means that many agents do not bother to present such cases to USAOs for prosecution.

Similarly, straw purchasing cases, in which a suspect obtains one or more guns on behalf of a prohibited person, were also identified by ATF as likely to be declined by USAOs. In fact, one AUSA stated that he declines straw purchasing cases because they lack "jury appeal" and result in light sentences. The Deputy Assistant Attorney General also stated that because straw purchasers' crime is essentially lying on a federal form, many judges and defense attorneys treat the crime as "paperwork violations." Consequently, agents told us, they may not even refer straw purchasing cases for prosecutorial consideration. Like AUSAs, ATF agents in Southwest border field divisions also told us that the lesser penalties and infrequent prosecution of trafficking offenses reduce their ability to use prosecution as a lever to obtain cooperation from defendants when they are arrested, which is important in investigating firearms trafficking rings.

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<sup>86</sup> ATF National Firearms Trafficking Enforcement Implementation Plan (June 25, 2009).



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**PART IV: MULTI-AGENCY COORDINATION ISSUES**

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**ATF coordinates well with the DEA and CBP on firearms trafficking cases, but ATF and ICE do not consistently work together effectively on investigations of firearms trafficking to Mexico despite the memorandum of understanding these two agencies signed in 2009.**

**ATF coordinates well with the DEA and CBP, but ATF and ICE are not working together effectively on investigations.**

ATF cites its coordination with other U.S. agencies – in particular, the DEA, CBP, and ICE – as an integral aspect of ATF’s efforts to stem the flow of guns to Mexico under Project Gunrunner.<sup>67</sup>

ATF works well with the DEA and CBP in operations and investigations.

The DEA’s counternarcotics mission parallels ATF’s Project Gunrunner, as the two organizations are targeting the same organizations and often the same individuals. We found that the DEA and ATF support each other’s investigations, and the DEA lends resources to ATF through multi-agency OCDETF task forces and other field operations. The CBP, in its role in securing the border into Mexico, also complements Project Gunrunner.

Regarding the DEA, OCDETF task forces provide an opportunity for ATF and the DEA to share information in building cases to the benefit of both agencies. In addition, in Mexico itself, where the DEA has approximately 100 staff in 11 different cities, the DEA assists ATF with gathering information on seized guns. The DEA Attaché to Mexico is currently allowing ATF to assign an agent to the DEA’s Sensitive Investigations Unit, composed of U.S.-vetted and trained Mexican law enforcement personnel, and ATF uses the unit in gun-related investigations. ATF plans to assign one supervisor permanently to this unit.

Similarly, ATF reported that when it “develops credible information that firearms, explosives, and ammunition are approaching a border crossing, ATF provides information to CBP to support southbound

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<sup>67</sup> Although ATF also seeks to coordinate, as necessary, with other federal agencies, including the FBI, the Secret Service, and the Internal Revenue Service, we limited our review to the agencies with which ATF has the most frequent contact under Project Gunrunner – the DEA, CBP, and ICE.



interdiction stops.” Our interviews with ATF officials and documents they supplied provided numerous examples of this.

ATF and ICE are not collaborating effectively on investigations of firearms trafficking to Mexico.

ATF and ICE have overlapping authorities and responsibilities for investigating firearms trafficking to Mexico. ATF’s Project Gunrunner and ICE’s Operation Armas Cruzadas separately focus on firearms trafficking from the United States to Mexico. Project Gunrunner implements a range of ATF enforcement and regulatory activities, as discussed in this report, while Operation Armas Cruzadas targets firearms trafficking as a smuggling violation. ATF cannot effectively combat firearms trafficking to Mexico without border and smuggling enforcement by ICE, and ICE cannot always investigate smugglers without investigating the source of these guns (gun dealers and gun shows). Despite this, we found that ATF and ICE have not worked well together in their respective firearms trafficking investigations. A memorandum of understanding (MOU) between ATF and ICE, which was updated in June 2009 to address firearms trafficking investigations and related activities, has not significantly improved coordination between the two agencies.<sup>88</sup>

**Memorandum of Understanding  
Between ATF and ICE, June 2009**

- Recognizes the relevant jurisdiction of each agency and the legal authority granting each its respective jurisdiction.
- Instructs ATF and ICE to share intelligence that relates to the jurisdiction of the other agency “in a timely manner.”
- Acknowledges that gun dealer inspections are within the “sole purview” of ATF and investigations concerning ports of entry and borders must be coordinated through ICE.
- States that the resolution of any interagency conflicts will begin at the lowest level possible.
- Instructs ATF and ICE that when it becomes apparent that an investigation leads into an area of concurrent jurisdiction, the agencies must “coordinate all pertinent and necessary information concerning that investigation and do so at the local level.”

The MOU between ATF and ICE states, “The Agencies recognize the inherent and shared responsibility to operate collaboratively in order to ensure the mutual success of the activities of both agencies . . . .” The agreement further directs the two agencies to “coordinate all pertinent and necessary information concerning firearms/explosives investigations implicating both ATF’s and ICE’s authorities.”

<sup>88</sup> The MOU between ICE and ATF was signed by the Acting Director of ATF and the Assistant Secretary of ICE on June 30, 2009, updated from a previous version. The agreement was made in response to the GAO’s report, *Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, GAO-09-709 (June 2009).

We found that some field staff do not know what the MOU requires of them, while other agents were reluctant to implement its provisions. Many ATF and ICE field personnel we interviewed misinterpreted the intent of the MOU as being to keep everyone “in their own lanes,” meaning to keep ICE from conducting investigations at the source of firearms trafficking and ATF from investigations that involve smuggling, rather than “to strengthen the partnership between the agencies,” as the MOU states.

One supervisor stated that he viewed the purpose of the MOU as being to keep the other agency from “screwing things up.” Another supervisor, referring to one specific field office as “a loose cannon,” told the OIG that if everyone would “stay in their lane, we would all work together better.” Yet another supervisor told the OIG that he had no problems with the other agency precisely because those agents stay in their lanes. A different supervisor said the MOU had not changed anything, particularly in jurisdictional overlap, despite what he described as the two agencies’ “mutual dependency.” Another conceded to the OIG that he was unfamiliar with the contents of the MOU.

ATF and ICE field personnel described to us incidents in which one provision of the MOU, which stated that all ICE operations at gun dealers must be coordinated with ATF, was not adhered to. For example, one ATF field supervisor told us that ICE tried to assign an undercover agent to a gun dealer without coordinating with ATF. According to the ATF supervisor, the ICE agent involved said he had never read the MOU and did not realize the MOU required notification to ATF.

Another area of concern expressed by ATF personnel is ICE’s criminal enforcement activities at gun shows. ICE agents reported to us that ICE’s gun show operations, which began in early 2009, are a key component of ICE’s Operation Armas Cruzadas. As a part of this Operation, ICE agents may act on information from an informant or other intelligence source, which may involve investigating suspicious straw purchase activity at gun shows. ATF officials cited several concerns about whether ICE had adequate justification for some of the enforcement activities it conducted at gun shows; that ICE’s interaction with sellers at gun shows may be erroneously viewed by gun dealers as an ATF Industry Operations compliance inspection, which by law can occur only once a year for each gun dealer; and, that ATF’s relationships with gun dealers, a primary source of ATF investigative leads, may be harmed by ICE’s actions at gun shows.

ATF supervisors also expressed concern about ICE’s use of eTrace. The MOU states that ICE must inform ATF when ICE initiates an investigation as the result of a gun trace. This provision of the MOU seeks to deconflict agency activities. However, ICE and ATF personnel we interviewed told us that these notifications are not always made. For

example, one ICE field office supervisor stated his agents do not necessarily inform ATF when they initiate an investigation based on trace results. Our analysis of gun trace data shows that in calendar year 2009, ICE submitted 84 Mexican crime guns traced to gun dealers in that Southwest border ICE supervisor's jurisdictional area, 19 of which had a time-to-crime of less than a year. However, according to ATF field supervisors in Mexico, ICE had notified ATF of only one or two investigations it initiated based on these traces.

We also found some instances of ATF personnel not fully complying with provisions of the MOU. In one field office, ATF routinely failed to notify ICE of ongoing investigations with a direct link to the border. Additionally, an ICE field supervisor sought to assign an ICE agent to two different ATF firearms trafficking groups to foster coordination and encourage the sharing of resources and information. However, ICE personnel told us that the offer was rejected by the supervisors of both ATF firearms trafficking groups. According to the ICE supervisor, one of these ATF supervisors stated, "What can ICE do for me?" That ATF supervisor later said the same thing to the OIG.

Another ATF supervisor told us that neither agency involves the other in an investigation until the case is "firm," rather than involving the other agency early on. A senior ATF intelligence official told us, "We are in a constant struggle with ICE about stepping into each other's jurisdiction and sharing information."

*Agents are not routinely sharing information and intelligence.*

The number of joint firearms trafficking investigations involving ATF and ICE has increased since Project Gunrunner began. According to data from ATF's N-Force system, the number of joint investigations related to Project Gunrunner increased from 17 in FY 2005 to 53 in FY 2008, although the number dropped to 35 in FY 2009.<sup>89</sup> Despite the increase in joint investigations, we found that coordination problems remain. The MOU mandates that each agency is to notify the other "in a timely manner" of intelligence relating to the other's jurisdiction. That is, ICE must provide to ATF intelligence relating to a gun dealer and ATF must provide to ICE intelligence on illegal exports, including guns, crossing the U.S. border.

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<sup>89</sup> On October 1, 2010, in response to a draft of this report, ICE provided the OIG with a list of 113 instances in which ICE and ATF jointly investigated between June 2009 and September 24, 2010. According to ICE, only 37 (33 percent) of these joint investigative efforts specifically addressed firearms trafficking to Mexico. Moreover, we do not believe that a list of examples of cases which ICE and ATF jointly investigated undermines the underlying findings in this section of the report. As we note, ATF initiated over 1,800 Project Gunrunner cases between FY 2007 and FY 2009, only 105 (6 percent) of which are shown to be joint investigations in ATF's case management system.

According to our interviews, this is often not occurring. For example, one ICE agent working on Operation Armas Cruzadas told the OIG that his team never receives notification about cases involving firearms trafficking to Mexico, despite several large ATF investigations in that field office. An ICE supervisor we interviewed characterized this type of notification as occurring “to a pretty limited degree,” creating “a missed opportunity for [ATF].”

We also found that many of the problems between ATF and ICE personnel arise out of a lack of knowledge of the other agency’s jurisdiction and operations. ATF has a well-developed specialty in firearms and explosives investigations. ATF’s eTrace system and multiple sales of handgun information can provide investigative leads and intelligence of use to both agencies. ICE has a specialty in cross-border and smuggling crimes. Although ATF has always conducted firearms trafficking cases that include international trafficking, ICE agents have extensive experience in these types of cases. Some ICE agents stated that they feel they are not being used as experts on export violations and that ATF does not fully understand these types of investigations. One ICE Special Agent in Charge told us, “ATF needs to recognize that [when] anything crosses that border in either direction, we [ICE] have jurisdiction.” Another ICE agent referred to a specific case in which ATF hoped to charge a suspect with smuggling violations in an upcoming trial, but ICE had to decline the case referral from ATF because the process of establishing smuggling violations takes much longer than the time ATF allotted. He opined that, had ICE been involved earlier, the smuggling case could have been developed and prosecuted.

*ATF has rarely used ICE’s smuggling charges against gun traffickers, which can yield longer sentences than firearm charges.*

We found that despite the longer sentence prosecutors could obtain from convicting a defendant of smuggling charges, ATF has not frequently used 18 U.S.C. § 554, which makes smuggling contraband from the United States a federal offense. Although ICE has primary jurisdiction to enforce 18 U.S.C. § 554, coordination with ICE could allow ATF’s Project Gunrunner defendants to be charged under this statute and could result in lengthier sentences than under the four charges most commonly used by ATF in firearms trafficking cases.

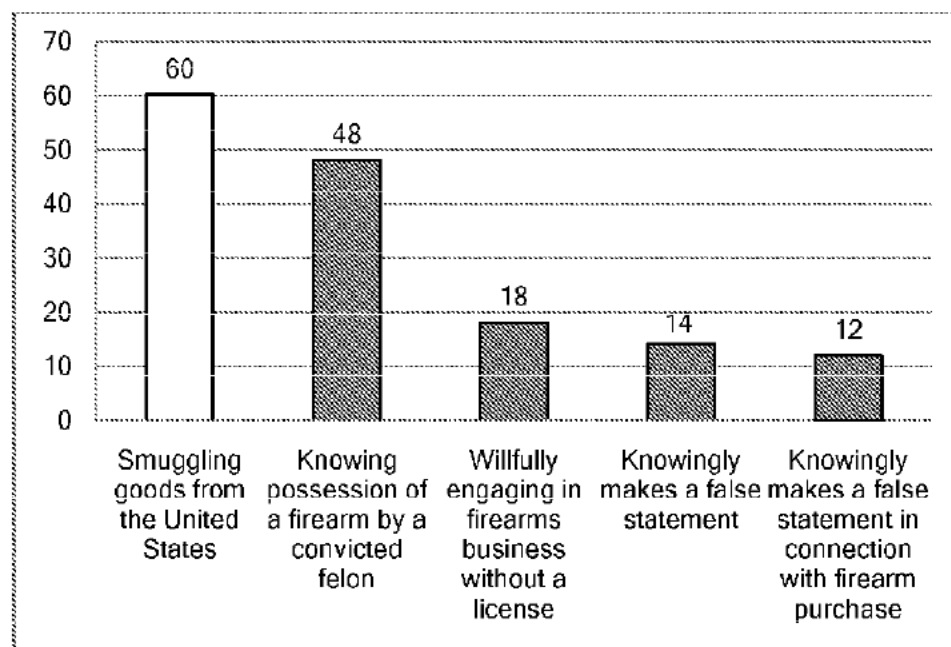
However, we found that from FY 2004 through FY 2009, only seven defendants in Project Gunrunner cases were convicted of smuggling.<sup>90</sup> As Figure 7 illustrates, our analysis found that the average sentence for

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<sup>90</sup> Of the seven defendants in ATF cases convicted of smuggling charges, we were able to verify that six of the seven were trafficking guns to Mexico or Guatemala. In addition to “smuggling goods from the United States,” these defendants were convicted of additional violations such as “willfully engaging in firearms business without a license,” which added to their sentences.

smuggling violations was 5 years (60 months), several times longer than the average sentences for the types of convictions frequently made from ATF investigations.

**Figure 7: Average Prison Sentences for Project Gunrunner Cases**



Source: OIG analysis of N-Force data.

### Recommendation

We recommend that ATF:

10. Provide guidance to ATF field supervisors and agents to better coordinate with ICE, including direction on how to “coordinate all pertinent and necessary information” in areas of “concurrent jurisdiction,” as defined in the memorandum of understanding.

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**PART V: MEXICAN CRIME GUN TRACING**

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**ATF's attempts to expand gun tracing in Mexico have been unsuccessful. Although the number of trace requests from Mexico has increased since FY 2006, most seized guns in Mexico are not traced. Moreover, most trace requests from Mexico do not succeed in identifying the gun dealer who originally sold the gun, and the rate of successful traces has declined since the start of Project Gunrunner. Most Mexican crime gun trace requests that were successful were untimely and of limited use for generating investigative leads. Senior Mexican law enforcement authorities we interviewed do not view gun tracing as an important investigative tool because of limitations in the information tracing typically provides and because ATF has not adequately communicated the value of gun tracing to Mexican officials.**

**Despite ATF's efforts to increase the tracing of guns seized in Mexico, traces are not producing usable investigative leads.**

Gun tracing can help ATF identify firearm traffickers operating in the United States and in Mexico. Gun tracing can also provide intelligence regarding patterns and trends in gun trafficking.

In its June 2007 Project Gunrunner strategy, ATF established the implementation of eTrace in Mexico and improvements in its intelligence capabilities as two of the four key operational elements of Project Gunrunner. Further, the Project Gunrunner strategy states, "In order for intelligence relating to [Project Gunrunner] to be of value, it must be 'real time' in nature."

Yet, we found that most crime guns seized in Mexico are not traced and trace requests often cannot be completed because of missing or improperly entered gun data. Further, Mexican trace requests often are not submitted on a timely basis. As a result, most Mexican crime guns that can be traced were initially sold too long ago to yield useful investigative leads.<sup>91</sup>

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<sup>91</sup> ATF stated that its common definition of a "successful trace" is a trace that provides any additional historical or identifying information concerning the firearm beyond the original information submitted in the trace request. However, some ATF staff provided different definitions of a successful trace, such as one that identifies the first purchaser. We define a successful trace as one that identifies the gun dealer who originally sold the weapon because that is the minimum result that can provide ATF with usable intelligence

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Therefore, few investigative leads and intelligence were developed from Mexican crime gun traces.

ATF's attempts to expand tracing in Mexico have been unsuccessful.

ATF considers Mexican law enforcement's participation in tracing crime guns – by obtaining seized guns and entering the required information into eTrace – vital to the success of Project Gunrunner. Because ATF and other U.S. law enforcement agencies have no authority to conduct their own investigations in Mexico, ATF relies on Mexican officials to collect accurate crime gun information.

Under Project Gunrunner, ATF had intended to deploy a new Spanish language eTrace to all 31 state crime laboratories in Mexico to expand gun tracing. ATF reported that after its Spanish eTrace pilot program in December 2009, ATF deployed Spanish eTrace to all Spanish-language users in March 2010. However, as of June 2010, ATF Mexican federal authorities still had not agreed to deploy Spanish eTrace to the state laboratories. We asked officials from the Mexico Attorney General's office and the Secretariat of Public Security why they were unwilling to provide Mexican state police laboratories with access to Spanish eTrace. They stated that illegal possession of guns is a federal offense in Mexico and not within the jurisdiction of the Mexican states. They said all gun-related investigative and intelligence activity, including tracing, should be centralized at the national level. The officials told us that they fear decentralizing gun tracing would lead to duplication of effort between federal and state governments, an increased rate of errors by state officials who are untrained and inexperienced, and operational confusion.

ATF has continued its efforts to promote eTrace use among Mexican officials, with the ultimate goal of Mexican officials independently conducting comprehensive gun tracing. Following a September 2010 eTrace memorandum of understanding between ATF and the government of Mexico, ATF told us it plans to provide Spanish eTrace and firearms identification training to approximately 300 Mexican Attorney General staff located in Mexico City and all 31 states beginning in November 2010. ATF plans to provide eTrace user accounts to the PGR staff who received the training.

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information. Trace requests that cannot be completed because of missing or improperly entered gun data are considered "unsuccessful traces."

The number of trace requests from Mexico has increased since FY 2006, but most seized guns are not traced.

Mexican crime gun trace requests to ATF have increased since Project Gunrunner was established. The number of traces of Mexican crime guns increased from 5,834 in FY 2004 to almost 22,000 in FY 2009.

Yet, in a June 2009 report, the GAO estimated that less than a quarter of crime guns transferred to the Mexican Attorney General's office in 2008 were submitted to ATF for tracing.<sup>92</sup> ATF Mexico Country Office staff said that CENAPI traces only weapons from high-profile seizures. Although ATF provided CENAPI with 10 laptops and trained CENAPI staff on how to submit traces through eTrace, ATF Mexico Country Office staff reported that Mexican officials are not entering many trace requests. Specifically, ATF reported that from FY 2007 through FY 2009, only about 6 percent of Mexican crime gun traces were entered into eTrace by CENAPI personnel. The remaining 94 percent of traces were entered by ATF personnel on behalf of CENAPI. Consequently, ATF Mexico Country Office personnel told us that, whenever they can, they respond to the scene of the seizures and initiate trace requests themselves on behalf of CENAPI.

However, if ATF or CENAPI does not collect tracing information quickly, it becomes unavailable. In accordance with Mexican law, all guns seized by the Mexican government must be surrendered to the Mexican military, generally within 48 hours. We determined that after the Mexican military obtains custody of the guns, ATF or CENAPI is unlikely to gain timely access to them to gather the information needed to initiate traces. Mexican military officials we interviewed said their role is to safeguard the weapons and that they have no specific authority to assist in trafficking investigations. Officially, these weapons are the property of the Mexican court.

To gain access to the weapons, ATF officials told us that they must make a formal request to the Mexico Attorney General's office for each gun, (1) citing a specific reason that access is needed, (2) demonstrating that the requested information is related to a Mexican criminal investigation, and (3) providing a description of the gun with the serial number. Yet, if ATF had the gun description and serial number, ATF officials would not need to request access to the gun. Due to these barriers, ATF and wider Department efforts to gain access to weapons in Mexican military custody have not been successful. Because many weapons are transferred to the military before basic information is collected, and many weapons for which

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<sup>92</sup> U.S. Government Accountability Office, *Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, GAO-09-709 (June 2009).

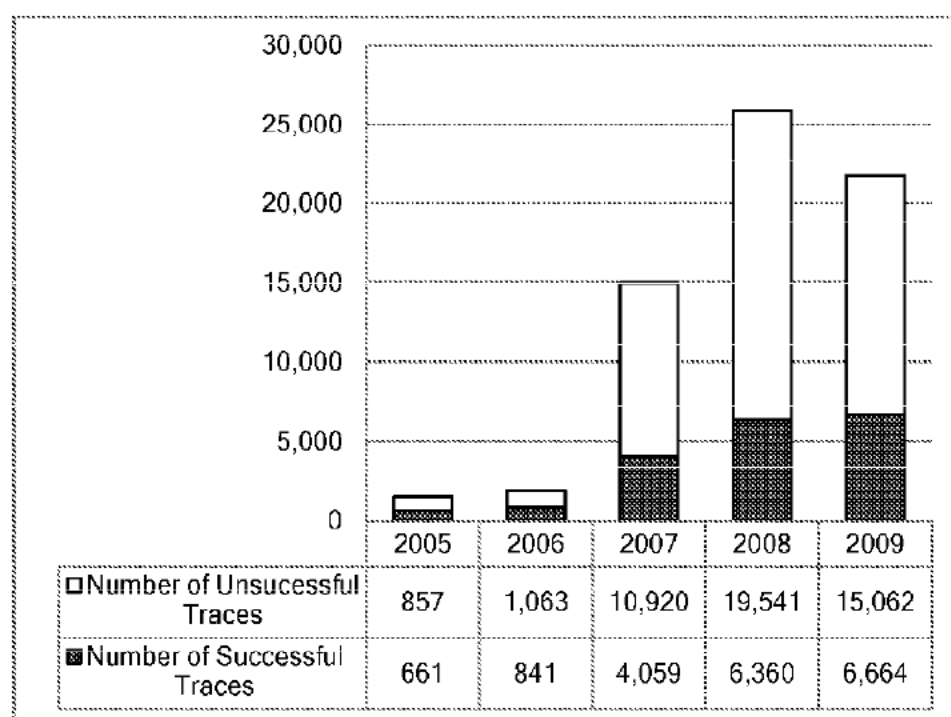


information is available are not traced, the majority of seized Mexican crime guns are not traced.

Most trace requests from Mexico have not been successful, and the success rate has declined since the start of Project Gunrunner.

Deployment of eTrace is only one barrier to ATF's successful development of intelligence through tracing of Mexican crime guns. Although requests from Mexico increased from FY 2005 through FY 2009, most traces were unsuccessful. Further, the success rate of Mexican crime gun trace requests has declined since the start of Project Gunrunner. As illustrated in Figure 8, in FY 2005, 44 percent (661 of 1,518) of Mexican crime gun traces were successful. The success rate fell to 27 percent (4,059 of 14,979) in FY 2007 and remained only at 31 percent (6,664 of 21,726) in FY 2009. We found that the rate of successful traces was far lower for traces initiated in Mexico than for those initiated in the United States. By comparison, successful traces from within the vicinity of ATF's Houston Field Division ranged from 64 percent in FY 2005 to 68 percent in FY 2009.

**Figure 8: Total Number of Mexican Crime Gun Traces and Number of Successful Traces, by Fiscal Year**



Source: OIG analysis of ATF data.

Many of the reasons trace requests from Mexico were unsuccessful are attributable to preventable human error. According to the National Tracing Center and our own data analysis, an invalid serial number was the

most common reason for unsuccessful traces from Mexico. The number of trace requests from Mexico that failed because of serial number errors more than doubled since Project Gunrunner began, increasing from 11 percent in FY 2005 to 26 percent in FY 2009. Crime gun traces can be unsuccessful for many other reasons. For example, a trace request may be unsuccessful if no manufacturer or importer is identified, if the gun predates the start of ATF's tracing program in 1969, or if the necessary gun dealer records are not obtainable. ATF staff in Mexico City told the OIG that they had noted these types of errors on incoming requests and that these errors could be prevented through training Mexican law enforcement personnel.

However, we found that the training of Mexican law enforcement in firearms identification has not resulted in accurate trace submissions by Mexican law enforcement. ATF reported that between calendar years 2007 and 2009, it had trained 961 Mexican law enforcement personnel in firearms identification and tracing. In discussions with the OIG, ATF and Mexican authorities stated that further training is needed. The poor quality of the tracing data and the resulting high rate of unsuccessful traces suggest that either the training is insufficient, training has been provided to the wrong people, or there are other unidentified problems with Mexican law enforcement's crime gun tracing.

Most successful Mexican crime gun trace requests were nonetheless untimely and of limited use for generating investigative leads.

Many ATF field and intelligence personnel told us that trace information they received from successful traces on Mexican crime guns was of limited use because the time-to-crime interval was too long.<sup>93</sup> According to ATF staff, many successful traces of Mexican crime guns are not worth acting upon because few federal prosecutors will accept cases with a time-to-crime of over 3 years, and some will not accept a case with a time-to-crime of over a year.<sup>94</sup> The large majority of crime guns that are

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<sup>93</sup> ATF defines time-to-crime as "the period of time (measured in days) between a gun's acquisition from a retail market and law enforcement's recovery of that gun during use, or suspected use, in a crime." See ATF Order 3310.4B, Firearms Enforcement Program (February 1989), 110. However, the time-to-crime data for Mexican crime guns is not always based on the actual recovery date because, according to ATF personnel, when a recovery date is unknown, ATF uses the trace request date to calculate the time-to-crime. ATF personnel also said time-to-crime statistics for Mexican crime guns are skewed because of a large amount of crime gun data the government of Mexico provided to ATF in 2009 regarding guns seized years before.

<sup>94</sup> The statute of limitations for straw purchasing-related crimes is 5 years. See 18 U.S.C. § 3282. Notwithstanding the 5-year statute of limitations, we found that many Southwest border USAOs establish much shorter thresholds for the prosecution of these types of cases. For example, the Northern District of Texas (encompassing ATF's Dallas Field Division) typically will not accept ATF straw purchasing-related cases with a time-to-

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recovered in Mexico and traced – over 75 percent – have a time-to-crime of over 5 years. Only 18.2 percent of recovered crime guns have a time-to-crime of less than 3 years. Further, the long time-to-crime interval has been exacerbated because ATF has been unable to gain timely access to the guns seized by Mexican law enforcement.

ATF officials told us that some gun trace requests submitted to ATF by Mexican officials in 2009 were of guns that had been held in Mexican federal storage for 3 years or longer prior to being submitted for tracing. In one particularly large volume trace request from Mexican officials to ATF, very few of the guns had been seized by Mexican law enforcement within the year previous to the submission of the trace request. Consequently, this information provided to ATF was of limited use for identifying ongoing trafficking conspiracies.

Mexican law enforcement authorities do not view gun tracing as an important investigative tool.

We examined why Mexican law enforcement authorities do not consistently submit guns for tracing or delay their submissions. In interviews with us, Mexican law enforcement officials indicated a lack of interest in tracing. One Mexican official stated that U.S. officials talk of eTrace as if it is a “panacea” but that it does nothing for Mexican law enforcement. An official in the Mexico Attorney General’s office told us he felt eTrace is “some kind of bad joke.”

Mexican officials told us that they are not satisfied with the details of the information they receive on U.S. citizens and gun dealers from crime gun trace requests they submit to ATF. The officials cited this as a reason why they do not believe eTrace has benefit for Mexican law enforcement. However, we found that the information that Mexican officials are seeking extends beyond the information provided in trace results.<sup>95</sup> We asked Department attorneys about the legal restrictions on ATF for sharing investigative information about suspected firearms traffickers with the government of Mexico. The attorneys stated that ATF may provide Mexican law enforcement with most of the information that is returned in a typical response to an eTrace request generated by Mexican officials. It is the criminal history of suspected firearms traffickers that Mexican law enforcement is seeking which is not a part of this typical eTrace response.

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crime of more than 1 year, while the Southern District of Texas (encompassing the Houston Field Division) established a threshold of less than 3 years for these cases.

<sup>95</sup> There is a memorandum of understanding between ATF and the Mexico Attorney General’s office (including the office’s intelligence unit, CENAPI) governing Mexico’s use of eTrace. The MOU does not state that Mexican eTrace users are to be provided any less information than would U.S. law enforcement eTrace users.

However, if an investigation results in an arrest, ATF will provide information regarding the arrestee in response to an official request from Mexico.

ATF officials asserted that providing Mexican law enforcement agencies with information on U.S. purchasers and gun dealers would be of little use to Mexican authorities, whom cannot conduct investigations in the United States. Rather, it is ATF's responsibility to pursue crime gun trace leads in the United States. ATF noted that firearms tracing is not designed to "pinpoint the date, time, and place a firearm" crossed the border. ATF further noted that even if additional, detailed information might contribute to an investigation in Mexico, it would be unlikely to result in a prosecution there, as less than 3 percent of Mexican investigations are brought to trial.

We found that Mexican officials' perception is that ATF does not reciprocate information sharing with them. This remains an impediment to reciprocity in coordination between ATF and Mexican law enforcement.

Several ATF officials told us they are aware of the Mexican officials' concerns and acknowledged that ATF has not adequately communicated the value of tracing in generating leads from Mexican crime guns that can ultimately serve to reduce firearms trafficking into Mexico and its associated violence. For example, one ATF Special Agent in Charge stated, "Those guys want to know what [the] information they are providing is doing, they want to see results and I don't think we [ATF] are doing that." Another Southwest border Special Agent in Charge told us, "One of the things we [ATF] do not do well is take credit for what we do. The Mexicans say 'Ok, you want us to trace your guns, but the guns are already here. So what is it that tracing does for us?' We need to show them through training and success. We don't do that well in ATF."

We concluded that because ATF has not been able to communicate the value of gun tracing to Mexican law enforcement officials, they are less likely to prioritize their efforts to obtain tracing information from seized crime guns and enter it into eTrace. This hinders ATF's plans to deploy Spanish eTrace throughout Mexico. Because the expansion of tracing in Mexico is the "cornerstone" of Project Gunrunner, this presents a significant barrier to the successful implementation of ATF's Gunrunner strategy.

**Recommendations**

To gain better cooperation of Mexican law enforcement in tracing, and to increase the timeliness of trace submissions from Mexico, we recommend that ATF:

11. Work with the government of Mexico to determine the causes of unsuccessful traces and develop actions to improve the rate of successful traces.
12. Regularly and more effectively communicate ATF's Project Gunrunner strategy to Mexican law enforcement authorities, including the value of gun tracing and the successes involving information or tracing information provided by Mexican agencies.

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**PART VI: ATF CHALLENGES IN COORDINATING IN MEXICO**

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**ATF has been unable to respond to many training and support requests from Mexican government agencies, and ATF's backlog of requests for information from Mexican authorities has hindered coordination between ATF and Mexican law enforcement. In addition, ATF has not staffed or structured its Mexico Country Office to fully implement Project Gunrunner's missions in Mexico. ATF faces challenges in coordinating with Mexican law enforcement authorities. There is no straightforward mechanism to facilitate the exchange of law enforcement information between ATF and a comparable Mexican law enforcement agency. Finally, ATF has not integrated the Project Gunrunner activities of its Southwest Border field divisions and its Mexico Country Office in a coordinated approach to reduce firearms trafficking from the United States to Mexico.**

**ATF has been unable to fully meet Mexican government requests for support under Project Gunrunner.**

ATF's Mexico Country Office is unable to fully meet the workload associated with coordinating with Mexico due in part to a lack of resources. Training in firearms trafficking enables Mexican law enforcement agencies to become more effective partners for ATF, but ATF has been unable to respond to many key requests for training. Assigning ATF personnel to work directly with Mexican law enforcement is another way to enhance coordination, but ATF has not been able to assign such staff for this purpose. Additionally, we found that official requests to ATF from the government of Mexico for information on gun traffickers are backlogged at ATF's Mexico Country Office.

ATF is not able to respond to many training requests from Mexico.

ATF has provided training to help build Mexico's capacity to conduct its own operations to reduce firearms trafficking. In addition to the 961 Mexican law enforcement personnel that ATF trained in firearms identification and tracing between calendar years 2007 and 2009, ATF also trained 337 Mexican law enforcement personnel in firearms trafficking investigations. However, Mexican officials have sought additional training that ATF has not been able to provide. The Department of State's Narcotics Affairs Section, which facilitates funding for ATF to train Mexican law enforcement, has funded this training. However, although the Department

of State has access to funds to enable the training of Mexican law enforcement, ATF has lacked the staff to provide additional requested training on basic firearms investigations, weapons handling, and firearms identification. For example, ATF has not been able to provide training at the new Secretariat of Public Security Academy, a commitment ATF made as a part of a wider Department plan to assist in training newly hired Mexican law enforcement officers. ATF had planned to teach, at a minimum, interrogation techniques there. Similarly, ATF has had to deny requests from Mexican state and local law enforcement for training in weapons handling and firearms identification and to deny CENAPI intelligence analysts training in analytical intelligence techniques.

Mexican law enforcement officials said they were disappointed that ATF has not provided more training, although officials we interviewed were appreciative of the training they have received so far. The Chief of CENAPI said that more training is needed to develop institutional knowledge that can be passed onto newer staff. A senior official from the Mexico Attorney General's office told us that the increased efforts in Mexican firearms investigations meant that the corresponding training from ATF must be expanded, noting specifically the need for firearms investigation and intelligence training. We concluded that ATF's inability to respond to training requests has hindered the development of better Mexican law enforcement capabilities that would support the goals of Project Gunrunner.

ATF's backlog of requests from Mexican authorities for information impedes coordination between ATF and Mexican law enforcement.

ATF's coordination with Mexican law enforcement is complicated by the differences between the U.S. and Mexican legal systems. The Mutual Legal Assistance Treaty with Mexico governs criminal justice interaction between the two countries.<sup>96</sup> The treaty mandates that except in urgent cases and in informal exchanges, requests for assistance should take place in writing and include certain information, such as the purpose for which the evidence, information, or other assistance is sought. The Mutual Legal Assistance Treaty states that both countries should "promptly comply with the requests or, when appropriate, shall transmit them to other competent authorities to do so."

In accordance with Article 4 of the treaty, Mexican law enforcement officials send such requests in official communications called *oficios* to ATF in Spanish, thus requiring translation before ATF can take action. Some of the most common requests in *oficios* are criminal histories on gun purchasers and detainees, and information from ATF interviews on

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<sup>96</sup> Treaty on Cooperation Between the United States of America and the United Mexican States for Mutual Legal Assistance, Article 2, December 1987.



individuals linked to a multiple handgun sale in the United States. Mexican officials can use this information to generate an investigation in Mexico. ATF must translate the reply into Spanish (the language of the requesting government) before sending the information back to the requester.

ATF has a backlog of *officios* that is hindering Mexico's ability to conduct criminal cases and is affecting the relationship between ATF and Mexican law enforcement. As of June 2010, Mexico Country Office staff told us that about 200 outstanding *officios* from Mexico are awaiting responses, with 15 to 20 arriving every week. A Mexico Country Office official estimated that even if no more *officios* were to arrive, it would still take staff members assigned to that duty several months to process the current backlog.

In their discussions with us, Mexican law enforcement officials noted the impact of these delays. Of particular concern to them was that Mexican authorities would arrest suspects and send an *oficio* to ATF for needed information, but by the time ATF responded the Mexican authorities had released the suspect due to lack of evidence. In addition, the lack of timely support in this area made Mexican law enforcement officials question ATF's commitment to Project Gunrunner and to ATF's Mexican law enforcement partners.

ATF has not been able to assign personnel to work alongside Mexican law enforcement.

ATF has not been able to assign personnel to work directly with Mexican law enforcement agencies, as it planned. In its 2010 Operations Plan, ATF's Mexico Country Office stated that it planned to embed ATF personnel with their Mexican counterparts, including assigning an intelligence analyst with CENAPI, one agent at the Secretariat of Public Security's headquarters, one agent in the Mexico Attorney General's office's headquarters, and an ATF supervisor with the DEA's Sensitive Investigations Unit.<sup>97</sup> ATF staff told us that embedding ATF personnel with Mexican law enforcement is the best way to facilitate coordination and enable Mexican law enforcement to conduct firearms trafficking investigations. This method of coordination also has the full support of Mexican law enforcement. The head of CENAPI, for example, told us he supported the idea of embedding ATF personnel because he felt this would help train his staff in firearms trafficking investigations to make his agency more effective and would help facilitate the exchange of information.

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<sup>97</sup> The DEA's Sensitive Investigations Unit is the vetted unit of Mexican law enforcement officers overseen by the DEA.



However, as of June 2010, ATF has not yet been able to deploy any of these personnel. ATF personnel in Mexico City also said they have been unable to participate in several joint meetings, trainings, and exercises with the Secretariat of Public Security, Mexico Attorney General's office, and other Mexican law enforcement agencies because of the lack of available staff.

One example of the impact of ATF's inability to embed its staff with Mexican law enforcement is the temporary deactivation of the Combined Explosives Investigation Team, an ATF-initiated U.S.-Mexican group composed of staff from the Mexican military, the Mexico Attorney General's office, Secretariat of Public Security, and an ATF Certified Explosive Specialist and Explosives Enforcement Officer.<sup>98</sup> This unit works throughout Mexico responding to scenes where explosives were seized. According to ATF and Mexican officials, this unit is highly regarded not only by other ATF staff, but also by other U.S. law enforcement authorities and especially Mexican law enforcement authorities. Beyond the individual successes of the program, ATF staff who participated in the group told us that they were able to work alongside their Mexican counterparts, which enhanced ATF's relationships with Mexican law enforcement. Despite the successes of the unit and the progress it made in enhancing ATF's relationship with Mexican law enforcement officials, ATF Assistant Attachés told us the group was deactivated in December 2009 over the objection of Mexican law enforcement because the ATF Explosives Enforcement Officer and Certified Explosive Specialist transferred out of Mexico. In March 2010, ATF reactivated the team with newly assigned staff, augmented by Mexican personnel.

ATF is unable to recruit sufficient qualified staff to fill positions in Mexico.

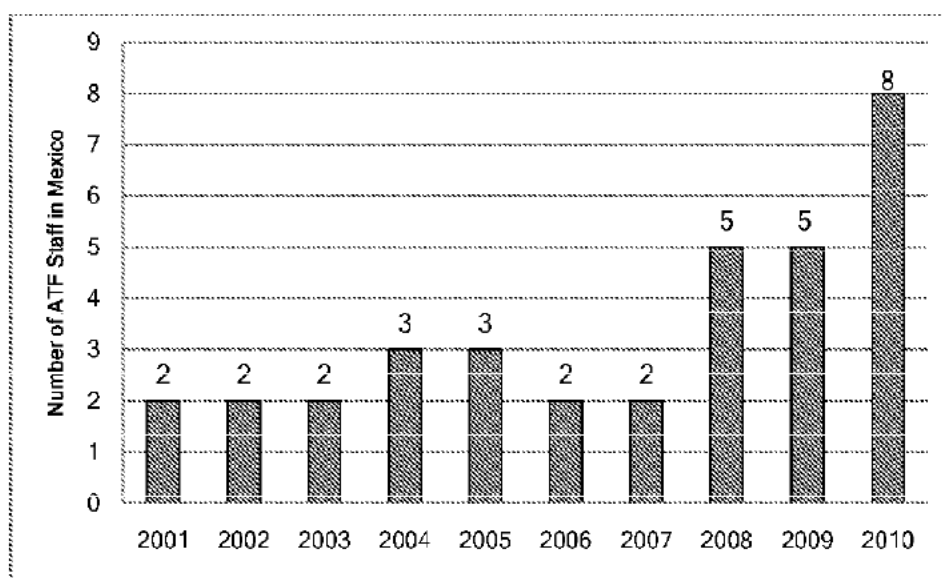
ATF has experienced difficulties in recruiting qualified staff for its Mexico Country Office, which hinders ATF's ability to execute its already challenging duties in Mexico. Given the small number of Spanish-speaking employees throughout ATF, the fact that moving to Mexico is often a hardship for staff and their families, and the lack of incentives for staff to take this assignment, ATF has had difficulty attracting candidates for the positions in Mexico. ATF officials reiterated that it does not have sufficient number of Spanish-speaking agents to mandate Spanish language ability for positions in Mexico. With the escalation of cartel-related violence and the emphasis of Project Gunrunner, the need for ATF staff in Mexico has risen (Figure 9). The number of staff as of June 2010 was more than four

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<sup>98</sup> Certified Explosives Specialists are ATF agents who investigate violations of federal explosives laws. Explosives Enforcement Officers specialize in explosives and bomb disposal, provide explosives device determinations for criminal prosecutions, and conduct explosives threat assessments of vulnerable buildings, airports, and national monuments.

times what it was before Project Gunrunner in 2007, and ATF has plans to assign more staff to Mexico.

**Figure 9: ATF Permanent Staff Assigned in Mexico, FY 2001 through 2010**



Note: Number of permanent staff at the end of each fiscal year (as of June 2010).

Source: ATF International Affairs Office.

Yet, in response to recruiting difficulties, ATF has been relying on temporary duty (TDY) personnel in Mexico rather than permanent staff. As of June 2010, ATF had 13 permanent or TDY staff assigned in Mexico, of which 5 were on TDY status. ATF permanent staff in the Mexico Country Office told the OIG that although they appreciated the assistance of the TDY staff, permanent staff were more effective because they would be in Mexico long enough to build effective relationships with Mexican counterparts and learn the culture. The ATF staff in the Mexico Country Office also said that it takes time for personnel to adjust and settle into living in Mexico, and the cost of sending TDY staff to Mexico is much higher than that of a permanent posting.

Building working relationships with Mexican law enforcement and government officials is important to the success of Project Gunrunner. When ATF personnel are assigned to Mexico for less than a year, it makes building effective relationships very difficult. The impact of the lack of stability of ATF permanent staff in Mexico is compounded by the often high turnover rate of Mexican law enforcement personnel. As an anti-corruption measure, many Mexican law enforcement positions rotate personnel frequently, as often as every 6 months. ATF officials told us this also affects their relationship with Mexican law enforcement.

ATF staff in Mexico that we interviewed suggested several incentives that would encourage qualified ATF staff to come to Mexico. They suggested, for example, reclassifying the positions in Mexico. ATF Assistant Attachés in Mexico City are GS-14s. In the United States, a GS-14 ATF agent is a supervisor of an enforcement group (Group Supervisor or Resident Agent in Charge). In ATF, serving as a supervisor is required for promotion to the GS-15 level. However, assignment as a GS-14 Assistant Attaché in Mexico does not count as a supervisory position. One Assistant Attaché in Mexico cited this as being the primary reason he had decided to transfer back to the United States. Similarly, time spent in Mexico does not count as “headquarters time,” which also helps in advancing within ATF, according to agents we interviewed. ATF agents suggested that Mexico assignments should count as a supervisory assignment or a headquarters assignment, or both.

In response to a draft of this report, in September 2010 ATF reported that all permanent positions in Mexico receive “headquarters credit” for their tour of duty in Mexico. Further, ATF reported that it will upgrade the Attaché position to the Senior Executive Service level to provide that position with greater influence in interactions within ATF, and with U.S. Embassy staff and the government of Mexico.

Bonuses are another incentive that could help attract staff to Mexico. Currently, DEA and FBI personnel qualify for, and receive, “Danger Pay,” which provides increased compensation when assigned to one of several cities in Mexico and other locations throughout the world.<sup>99</sup> This incentive is also used by the Department of State and other government agencies with staff in areas eligible for Danger Pay. However, at the time of our site visit to Mexico City in March 2010, ATF staff in Mexico were not receiving Danger Pay.

In response to a draft of this report, ATF informed us that in March 2010, the U.S. Department of State authorized Danger Pay of 15 percent for ATF staff assigned to Monterrey, Tijuana, and Ciudad Juarez. ATF reported that staff in those locations began receiving the pay effective March 14, 2010. Additionally, ATF reported that, as an incentive, all ATF staff assigned to Mexico began receiving “Difficult to Staff Incentive Pay” of 15 percent in December 2009.

Also, ATF staff in Mexico noted that the current 3-year tour of duty in Mexico is an onerous obligation. The potential of violence in Mexico creates

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<sup>99</sup> According to the U.S. Department of State, Danger Pay is additional compensation above basic compensation for service at designated Danger Pay posts where civil insurrection, terrorism, or war conditions threaten physical harm or imminent danger to all U.S. government civilian employees.

a higher burden on ATF personnel and their families than other posts. ATF and Department officials told us that other federal agencies often send staff on 2-year tours, which can be extended a year.

ATF's Mexico Country Office requires stronger intelligence collection, analysis, and dissemination capabilities.

ATF's Mexico Country Office does not currently have the capability to collect, analyze, and disseminate all available intelligence from weapons seizures occurring in Mexico. ATF personnel in the Mexico Country Office focus their efforts on responding directly to seizure incidents in Mexico, collecting crime gun information in conjunction with Mexican officials, initiating traces, and receiving intelligence on suspected traffickers from Mexican law enforcement. According to ATF officials, there are usually about 120 to 150 gun seizures in Mexico per month. However, the small staff in ATF's Mexico Country Office is unable to respond to all seizures and keep up with the analysis of intelligence and information.

ATF's process of collecting and analyzing information on weapons seizures in Mexico is insufficient to develop intelligence to support firearms trafficking investigations. When Mexico Country Office personnel receive firearms seizure data from Mexican officials, the staff enters the data into eTrace. Office staff attempts to enhance this intelligence with additional information from Mexican law enforcement. However, this effort is limited to ATF staff because the Foreign Service Nationals assigned to the Mexico Country Office are not authorized to access ATF databases and therefore have limited ability to assist with analyzing intelligence for dissemination within ATF. Consequently, Office staff cannot collect information on many firearms seizures in Mexico. ATF representatives at EPIC also collect Mexican crime gun information from open sources such as Mexican newspapers and reports. Office of Strategic Intelligence and Information's Southwest Border Field Intelligence Support Team links EPIC's information with additional intelligence and, when appropriate, sends the intelligence to agents in the field as investigative leads. However, information collected by EPIC often duplicates information already known by the Mexico Country Office.

In its Operations Plan for 2010, the ATF Mexico Country Office identified a strategic goal to improve coordination, communication, and information sharing on firearms seizures between U.S. and Mexican agencies. To meet this goal, the Operations Plan identified a requirement to assign a new, full-time ATF analyst to work with the Mexico City Intelligence Community Group, a multi-agency intelligence group located at the U.S. Embassy in Mexico City. Although the DEA has full-time representation in this group, no one from ATF's Mexico Country Office participates as a full-time member of the group. We believe that the

development of better intelligence and information collection, analysis, and dissemination capability at the Mexico Country Office would respond directly to information sharing concerns expressed to us by officials in Mexico.

**ATF faces difficulty in coordinating with Mexican law enforcement officials to implement Project Gunrunner.**

Despite ATF's efforts with Project Gunrunner, lack of coordination within the government of Mexico is hindering the success of Project Gunrunner. However, we found that a pilot program of assigning a Mexico Attorney General's office representative to the Phoenix Field Division has helped communication and information sharing between ATF and Mexican officials.

Mexican officials are not well informed about Project Gunrunner.

We found that senior Mexican law enforcement officials were often not fully aware of Project Gunrunner's goals, the results it has achieved, and how the program can help reduce firearms trafficking into Mexico. For example, some Mexican officials we interviewed were not aware of Project Gunrunner's successes or of the databases and information systems used to support the project. One Mexican official asked the OIG, "What is it [Project Gunrunner] exactly? Is eTrace part of it?" He complained that Project Gunrunner is a term used as a "political reference point" but that he "cannot see the effects of it." ATF officials agreed that ATF is having problems communicating its strategy and success stories to Mexican law enforcement officials. The ATF Attaché in Mexico City noted the challenge in measuring the impact of Project Gunrunner and that it is impossible to quantify the number of guns that ATF prevented from entering Mexico as a result of enforcement and regulatory programs. Other ATF officials acknowledged that ATF has not adequately communicated about Project Gunrunner with Mexican law enforcement officials. One Southwest border Special Agent in Charge said, "I don't think they [Mexican law enforcement] really understand what we do." He stated:

We as an agency have failed to show them our success stories. 'For the information you gave, this is what it has actually resulted in.' . . . I think if we did a better job on our part, it would help. Those guys want to know what that information they are providing is doing, they want to see results, and I don't think we [ATF] are doing that. . . . They would show some gratification and satisfaction and say, 'Hey, that worked. We stopped this guy from running guns.'

Internal coordination problems within the government of Mexico require ATF to deal with multiple agencies and can slow information sharing.

U.S. officials we interviewed also referred to problems in coordination among the various Mexican law enforcement agencies responsible for combating firearms trafficking. U.S. officials described being asked to serve as intermediaries and to mediate disputes between Mexican agencies. Because there is no equivalent to ATF in Mexico (a federal agency with jurisdiction over firearms crimes), several different Mexican law enforcement agencies work on these crimes, including the Mexico Attorney General's office, its intelligence branch CENAPI, the Mexican military, and the Secretariat of Public Security. While noting that the lack of coordination among Mexican law enforcement continues to be a problem, U.S. officials also told us that there recently has been significant progress in getting Mexican law enforcement agencies to work together, especially at meetings like GC Armas.

We found that that the monthly U.S.-Mexican GC Armas meetings have to some extent improved information sharing between ATF and the government of Mexico. The meetings are intended to coordinate joint U.S.-Mexico operations related to the detection, monitoring, and detention of firearms trafficking suspects crossing the border. According to U.S. and Mexican law enforcement officials, the meetings have become an important tool for agencies to share information. At the meetings, agency representatives discuss their ongoing investigations and significant events. They also frequently make requests and discuss planning for training and intelligence needs. The Mexico Attorney General's office also provides ATF with a report of gun seizure information to be entered into eTrace.

According to officials from the Department of State and ATF, although there are problems with trust, and reservations about sharing information, the U.S.-Mexican GC Armas meetings are developing into an effective venue for sharing intelligence and information.

Information sharing between Mexican law enforcement and ATF could be improved by embedding a Mexico Attorney General's representative in each of the ATF's Southwest border field divisions.

Beyond the ad hoc relationships formed by border liaisons, the Mexico Country Office's reliance on the formal *officios* process, or information obtained from GC Armas meetings, ATF does not have a direct way to gain information from Mexican law enforcement on firearms trafficking suspects. However, in a pilot program in the Phoenix Field Division, a representative from the Mexico Attorney General's office is assigned to that division. This representative is a bilingual prosecutor who works for the Mexico Attorney General's office's intelligence branch, CENAPI, and has experience in



firearms trafficking cases. He primarily responds to requests from the Phoenix Field Division by querying Mexican databases on information about suspects and other leads. He also educates ATF personnel on Mexican law enforcement and educates Mexican law enforcement personnel on ATF.

The representative told us, however, that he has been frustrated that ATF has not been able to reciprocate the information sharing. Like his counterparts in Mexico's statements to us, the representative also cited the need for more detailed information on suspected firearms traffickers who are U.S. citizens. In July 2010, ATF headquarters staff told us that ATF is drafting a Foreign Operations order that will address information sharing protocols with the government of Mexico.

According to the Phoenix Special Agent in Charge, the Mexico Attorney General's office representative has shown "the benefit to each country of being able to have someone who will positively impact the illegal flow of guns to Mexico." One example that staff from the Phoenix Field Division provided was proving the nexus of cases to Mexico, either through sharing seizure information or information on a suspect in Mexico. According to an Assistant Special Agent in Charge in Phoenix, this has made the USAO more likely to accept cases that have such a nexus. The representative also can provide information on interviews of suspects in Mexico and other personal information such as criminal history and known associates.

The Phoenix Assistant Special Agent in Charge said he endorsed the idea of having a Mexico Attorney General's office representative in each of ATF's Southwest border field divisions. A senior official from that agency agreed the arrangement is beneficial and supported sending additional representatives.

**ATF has not integrated the Project Gunrunner activities of its four Southwest border field divisions and its Mexico Country Office in a coordinated approach.**

To assess Project Gunrunner's overall strategy, we reviewed ATF's June 2007 Gunrunner strategy, its 2009 National Firearms Trafficking Enforcement Strategy and Implementation Plan, the 2009 firearms trafficking implementation plans of ATF's Southwest border field divisions, and ATF's Mexico Country Office 2010 Operations Plan.<sup>100</sup> We found that

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<sup>100</sup> We reviewed the Phoenix, Dallas, and Los Angeles Field Divisions' implementation plans. The Houston Field Division did not provide any implementation plan, as of July 2010. The Mexico Country Office is not considered a field division and, accordingly, did not publish a firearms trafficking implementation plan. Rather, the Office published a separate 2010 Operations Plan which addresses its role as a country team

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these strategies and plans do not effectively address U.S.-Mexico coordination, joint operations and activities, or intelligence sharing between the field divisions and the Mexico Country Office. We believe this lack of coordinated planning has contributed to various weaknesses in Project Gunrunner, including unclear roles for border liaison personnel, inadequate and disparate staffing in the Mexico Country Office, failure to focus on complex conspiracy firearms trafficking investigations, and poor coordination with U.S. and Mexican law enforcement agencies on both sides of the border.

For example, ATF's June 2007 Gunrunner strategy specifically identified the need for a Project Gunrunner strategy that would unite the efforts of the four Southwest border field divisions and the Mexico Country Office to "affect firearms and ammunition trafficking to Mexican-based criminal organizations in both the U.S. and Mexico" and to "coordinate intelligence and information-sharing packages with the Mexico Country Office." However, none of the plans that ATF provided to us fulfilled this requirement, or explained how the Southwest border divisions and the Mexico Country Office would work together.

We found that Special Agents in Charge of the Southwest border field divisions we visited did develop internal plans to guide their respective Project Gunrunner regulatory and enforcement activities in their field divisions. However, these plans did not address coordination with the ATF Mexico Country Office. That Office is only briefly mentioned in one Southwest border division's firearms trafficking implementation plans and the plan does not specify how or under what circumstances division staff are to coordinate with the Office. Additionally, although the Mexico Country Office's 2010 Operations Plan states that the Office will assist in the interdiction of illegal arms being trafficked to Mexico, the plan makes no reference to Project Gunrunner.<sup>101</sup>

Further, the majority (20 of 33) of the Southwest border field division agents, intelligence personnel, and supervisors we interviewed told us they had never heard of ATF's 2009 National Firearms Trafficking Enforcement Strategy and Implementation Plan, or that they had heard of the Strategy or Plan but believed they had no impact. Staff of the ATF's Mexico Country Office also expressed concerns about ATF's lack of an integrated strategy and stated that the Southwest border field divisions communicated poorly with them and each other. One Mexico Country Office official we

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member at the U.S. Embassy. ATF Mexico Country Office Operations Plan for 2010, "Benefits to Mission" (undated).

<sup>101</sup> Appendix IV provides an overview of the implementations plans provided us by ATF's Phoenix, Dallas, and Los Angeles field divisions.



interviewed stated, “ATF has no strategy . . . . The Southwest border field divisions don’t talk to each other. There is no exchange of information. Right now, the system [to exchange information] is broken.”

### **ATF has drafted a new strategy relating to Project Gunrunner.**

In September 2010, after we provided ATF with a draft of this report, ATF issued a revised strategy for combating firearms trafficking to Mexico and related violence. ATF’s new strategy included 13 key elements of a revised approach to combating cartels, such as closer coordination with other law enforcement agencies, particularly related to intelligence on drug cartels; the need to improve intelligence collection, sharing, and analysis and the prioritization of leads; improved coordination with Southwest border field divisions and the Mexico Country Office, including the use of Border Liaison Officers; focusing investigations on complex conspiracy cases and entire trafficking rings; greater use of the OCDETF Program; and improved investigative coordination and intelligence sharing with Mexican law enforcement, including on gun tracing.

ATF’s strategy document recognizes the need to address many of the shortfalls we found in our review. However, the strategy document does not provide detailed information on how ATF will implement and monitor efforts to improve operations in the key areas it identified. We believe ATF’s development of an implementation plan – with defined goals, specific actions, and resources – is essential to the successful implementation of improvements discussed in the September 2010 cartel strategy and also to ATF’s overall effort to combat firearms trafficking to Mexico.

### **Recommendations**

We recommend that ATF:

13. Develop better information sharing and intelligence analysis capability at its Mexico Country Office.
14. In coordination with the Mexico Attorney General’s office, evaluate the mutual benefits, roles, and information sharing protocols of the Mexico Attorney General’s office representative pilot program to determine whether to expand the program to each of ATF’s Southwest border field divisions.
15. Ensure that the reforms discussed in ATF’s September 2010 document entitled “Project Gunrunner – A Cartel Focused Strategy” are fully and expeditiously implemented.

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## CONCLUSION AND RECOMMENDATIONS

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In implementing Project Gunrunner, ATF has increased several of its key investigative and inspection program activities, such as the numbers of cases referred for prosecution involving firearms trafficking to Mexico that is fueling deadly violence along the Southwest border, traces of firearms from Mexico, and gun dealer compliance inspections along the Southwest Border.

However, we found significant weaknesses in ATF's implementation of Project Gunrunner that undermine its effectiveness.

ATF does not use intelligence effectively to identify and target firearms trafficking organizations on both sides of the border. ATF could improve in four intelligence-related areas.

For example, we concluded that ATF needs to better coordinate and share strategic intelligence with the government of Mexico and with its U.S. law enforcement partners. In this effort, ATF should develop processes to systematically exchange timely and relevant intelligence with these agencies on both sides of the border.

ATF also needs to improve its own internal processes for collecting, analyzing and disseminating intelligence sent to field agents. ATF Field Intelligence Groups should work with their respective Southwest border enforcement groups to develop guidelines for the production of timely and relevant investigative leads. ATF managers need an automated system to track, monitor the outcome of, and evaluate the usefulness of, investigative leads.

In addition, ATF needs to improve its sharing of firearms-trafficking related information and techniques within its intelligence structure. ATF Southwest border intelligence personnel need to more routinely exchange information, analytical techniques, and best practices within and across field divisions.

ATF also needs to revisit its implementation of a key component of Project Gunrunner – the Border Liaison Program. We found that the liaisons need to coordinate their cross-border activities between their own field divisions and ATF's Mexico Country Office and need their roles more clearly defined.

Project Gunrunner's investigative focus has largely remained on gun dealer inspections and straw purchaser investigations, rather than targeting higher-level traffickers and smugglers. As a result, ATF has not made full use of the intelligence, technological, and prosecutorial resources that can help ATF's investigations reach into the higher levels of trafficking rings.

ATF also needs to make better use of the OCDETF Program, to target the higher levels of firearms trafficking rings.

ATF did not effectively implement Project Gunrunner as a multi-agency program. Despite the existence of an MOU between ATF and ICE, collaboration between the agencies, which share jurisdiction over firearms trafficking, must be improved. ATF needs to provide supplemental guidance to field supervisors on the coordination of pertinent and necessary information in areas of concurrent jurisdiction between ATF and ICE.

ATF is unable to generate timely, actionable intelligence on suspected firearms traffickers, in part because it cannot obtain accurate crime gun trace data from Mexico. Many crime guns seized in Mexico are not traced, and the percentage of traces successfully conducted is low and declining. Even when traces succeed, the results are often untimely and cannot be used to generate investigative leads. ATF needs to more effectively communicate ATF's Project Gunrunner strategy and the successes from tracing information provided by Mexican agencies, to Mexican law enforcement authorities.

ATF has been unable to respond to many training, support and information requests from government of Mexico agencies, and does not have the staff it requires at its Mexico Country Office to fully do so. Nor has ATF fully integrated the activities of its Southwest border field divisions and the Mexico Country Office. ATF needs a better information sharing and intelligence capability in its Mexico Country Office and to integrate activities with the Southwest border field divisions.

In this report, we make 15 recommendations to ATF to help improve their efforts to combat firearms trafficking from the United States to Mexico. Specifically, we recommend that ATF:

1. Coordinate with the government of Mexico, the CBP, DEA and ICE to ensure systematic and regular exchanges of strategic intelligence to combat firearms trafficking to Mexico.
2. Work with the Department to explore options for seeking a requirement for reporting multiple sales of long guns.
3. Ensure that each Southwest border firearms trafficking enforcement group develops and regularly updates general guidelines for their Field Intelligence Group to follow that specify the most useful types of investigative leads.
4. Develop an automated process that enables ATF managers to track and evaluate the usefulness of investigative leads provided to firearms trafficking enforcement groups.

5. Develop and implement procedures for Southwest border intelligence personnel to routinely exchange intelligence-related information in accordance with ATF Order 3700.2A and the Intelligence Collection Plan.
6. Develop a method for Southwest border intelligence personnel to regularly share analytical techniques and best practices pertaining to Project Gunrunner.
7. Formalize a position description that establishes minimum expectations regarding the roles and responsibilities of border liaisons.
8. Focus on developing more complex conspiracy cases against higher level gun traffickers and gun trafficking conspirators.
9. Send guidance to field management, agents, and intelligence staff encouraging them to participate in and exploit the resources and tools of the OCDETF Program, as directed in the Deputy Attorney General's cartel strategy.
10. Provide guidance to ATF field supervisors and agents to better coordinate with ICE, including direction on how to "coordinate all pertinent and necessary information" in areas of "concurrent jurisdiction," as defined in the memorandum of understanding.
11. Work with the government of Mexico to determine the causes of unsuccessful traces and develop actions to improve the rate of successful traces.
12. Regularly and more effectively communicate ATF's Project Gunrunner strategy to Mexican law enforcement authorities, including the value of gun tracing and the successes involving information or tracing information provided by Mexican agencies.
13. Develop better information sharing and intelligence analysis capability at its Mexico Country Office.
14. In coordination with the Mexico Attorney General's office, evaluate the mutual benefits, roles, and information sharing protocols of the Mexico Attorney General's office representative pilot program to determine whether to expand the program to each of ATF's Southwest border field divisions.
15. Ensure that the reforms discussed in ATF's September 2010 "Project Gunrunner – A Cartel Focused Strategy" are fully and expeditiously implemented.

## APPENDIX I: TIMELINE OF KEY PROJECT GUNRUNNER EVENTS

Year	Month	Activity
2005	June	Project Gunrunner pilot project in Laredo, Texas.
2006	April	Project Gunrunner official launch date.
2008	January	Expanded Project Gunrunner by adding 58 staff to the Southwest border field divisions, 3 additional staff to EPIC, and deploying eTrace to all U.S. consulates in Mexico.
	June	Merida Initiative signed into law, allocated \$2 million to expand Spanish eTrace throughout Mexico and Central America.
2009	February	The Recovery Act signed into law, allocated \$10 million to ATF for Project Gunrunner.
	March	White House announced enhanced action at the Southwest border and the relocation of 100 personnel to the Southwest border for 120 days via Gun Runner Impact Teams.
	June	Supplemental Appropriations Act of 2009 allocated an additional \$6 million to ATF for Project Gunrunner.
	September	New Gunrunner Teams established in El Centro, California; McAllen, Texas; and Las Cruces and Roswell, New Mexico.
	December	Spanish eTrace piloted in Mexico.
2010	June (In progress)	Deploy Spanish eTrace to Mexican state police laboratories.
	August	Emergency Border Security Supplemental Appropriations Bill of 2010 allocated \$37.5 million to ATF for Project Gunrunner.
	September (Anticipated)	Hiring of 37 new staff with Recovery Act funds to be completed (89% complete as of June 2010).
		New ATF offices in the U.S. consulates in Tijuana and Juarez (75% complete as of June 2010).

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**APPENDIX II: POSITION DESCRIPTIONS FOR ATF STAFF**

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The information below was obtained from ATF's official position descriptions and interviews with ATF staff.

**Special Agent (agent)** federal law enforcement officers who generally investigate criminal violations of federal laws that fall under the jurisdiction of ATF such as arson and explosive cases, convicted felon in possession of a gun, alcohol and tobacco crimes, and firearms trafficking. They contribute to Project Gunrunner by investigating crimes linked to firearms trafficking to Mexico, securing indictments from the Assistant United States Attorneys, and arresting the individuals. Such crimes include guns acquired by straw purchasers, corrupt gun dealers, and conspiracy firearms trafficking cases.

**Industry Operations Investigator** generally conducts inspections of new gun dealers and federal explosives licensees by reviewing records, inventory, and the licensee's conduct of business. They are also responsible for training gun dealers on the relevant laws as well as detecting and preventing firearms trafficking by noticing indicators and suspicious behaviors. Industry Operations Investigators have an important role in Project Gunrunner to educate gun dealers to avoid selling guns to suspected firearms traffickers, provide intelligence and make referrals to ATF agents when suspected firearms trafficking activity is taking place, and assist with the analysis of gun dealers and the records they keep.

**Intelligence Research Specialist** performs in-depth intelligence analyses in support of ATF operations. They provide intelligence products such as link analyses, visual investigative analyses, and telephone toll record analyses to provide ATF staff with information about ongoing or emerging investigations. Intelligence Research Specialists also act in liaison and coordination functions both within ATF (with headquarters and other field offices) as well as with external partners, such as other federal law enforcement.

**Investigative Analyst** functions in an investigative and research support position for ATF which includes compiling information from ATF databases on criminal leads and compiling reports for the use of ATF staff. Investigative Analysts also perform many of the administrative functions for an enforcement group or field office.

**Area Supervisor** typically manages a group of about 10 Industry Operations Investigators, although these Industry Operations Investigators are frequently dispersed throughout satellite offices. In addition to managing,

hiring, and training, an area supervisor assigns Industry Operations Investigators to inspect gun dealers as well as explosive dealers and, when needed, receives referrals for criminal investigations from Industry Operations Investigators and passes them on to the intelligence group.

**Group Supervisor** typically manages a group of about 10 agents who comprise an enforcement group. He or she provides guidance and supervision for criminal investigations and distributes work to these agents, often based on referrals from intelligence and industry operations. A group supervisor can also be called a “resident agent in charge” when the head of an enforcement group located in a city that is not the field division headquarters.

**Director of Industry Operations** is in charge of all the Industry Operations Investigators and area supervisors within a field division. He or she determines where to locate staff within the field division and decides which gun dealers are inspected, usually based on the time since the last compliance inspection.

**APPENDIX III: INTERVIEWS**

<b>Organization/Division</b>	<b>Position</b>
<b>ATF Interviews</b>	
ATF Headquarters	Chief, Firearms Programs Division, Office of Field Operations
	Chief, Firearms Operations Division, Office of Field Operations
	Chief, Criminal Intelligence Division, OSII
	Field Intelligence Support Branch, Criminal Intelligence Division, OSII (x4)
	Program Manager, N-FOCIS Branch
	Chief, Office of International Affairs
	Chief of Staff, Office of Training and Professional Development
	Staff member, Special Operations Division
	Deputy Assistant Director, Field Operations (West)
National Tracing Center	Chief, and Deputy Chief, National Tracing Center
	Branch Chief, Law Enforcement Support Branch
	Supervisory Analyst, Information Systems Analysis Group
	Branch Chief, Industry Records Branch
	Program Analyst, Firearms Tracing Branch, International Trace Section
Violent Crime Analysis Branch	Branch Chief
Los Angeles Field Division	Special Agent in Charge
	Assistant Special Agent in Charge (x2)
	Director of Industry Operations
	Area Supervisor
	Industry Operations Investigator
	Field Intelligence Group Supervisor
	Intelligence Research Specialist
	Industry Operations Intelligence Specialist
	Tracing Specialist, Regional Crime Gun Center
	Group Supervisor, Glendale
	Resident Agent in Charge, San Diego
	Resident Agent in Charge, El Centro
	Special Agent, Glendale
	Special Agent, San Diego
Border Liaison Officer	
Phoenix Field Division	Special Agent in Charge
	Assistant Special Agent in Charge (x2)
	Director of Industry Operations
	Area Supervisor (x2)
	Field Intelligence Group Supervisor
	Intelligence Research Specialist/e-Trace Coordinator
	Intelligence Agent, Field Intelligence Group
	Group Supervisor
Special Agent (x2)	
Dallas Field Division	Special Agent in Charge



Organization/Division	Position
	Assistant Special Agent in Charge (x2) Director of Industry Operations Area Supervisor Field Intelligence Group Supervisor Intelligence Research Specialist Industry Operations Intelligence Specialist Group Supervisor, Dallas Group Supervisor, Fort Worth Special Agent (x4)
Mexico Country Office	Attaché to Mexico Assistant Attaché (x2) Special Agent Intelligence Research Specialist Foreign Service National (x4)
<b>Non-ATF Interviews</b>	
Drug Enforcement Administration	Staff Coordinator, Operations Division, Office of Global Enforcement, Mexico and Central America Section Mexico-Central America Intelligence Unit Chief, DEA Office of Strategic Intelligence Assistant Special Agent in Charge, Los Angeles Field Division Assistant Special Agent in Charge, Phoenix Field Division Assistant Special Agent in Charge, Dallas Field Division Regional Director, Mexico and Central America Division, Mexico City, Mexico
Immigration and Custom Enforcement Headquarters	Chief, Office of Investigations, Contraband Smuggling Unit; Program Manager, Operation Armas Cruzadas Assistant Special Agent in Charge, Los Angeles Field Division Special Agent in Charge, Phoenix Field Division Special Agent, Dallas Field Division Deputy Attaché, Mexico City, Mexico
Customs and Border Protection Headquarters	Director, International Affairs Office; International Affairs Officer, International Affairs Office; Program Manager, Office of Field Operations; Assistant Chief, Southwest Border Division, Office of Border Patrol; Officer, Office of Border Patrol; Policy Advisor, Office of Policy and Planning; Liaison, Office of Air and Marine; Liaison, Office of International Affairs; Liaison, Office of Border Patrol; Liaison, Office of Training and Development Acting Assistant Director, Border Security, Los Angeles Field Office Lead Border Patrol Agent, U.S. Border Patrol, Marfa Sector Intelligence, Sierra Blanca, Texas Special Operations Supervisor, Canine Unit, El Paso, Texas Assistant Director for Border Security, U.S. Customs and Border Patrol, Tucson, Arizona Yuma Sector Chief, U.S. Border Patrol

<b>Organization/Division</b>	<b>Position</b>
	Attaché and Assistant Attaché to Mexico
Executive Office for United States Attorneys	Project Safe Neighborhoods National Coordinator
U.S. Attorney's Office for the Central District of California	Project Safe Neighborhood/Assistant United States Attorney; Assistant United States Attorney
U.S. Attorney's Office for the Northern District of Texas	Deputy Criminal Chief
U.S. Attorney's Office for the Eastern District of Texas	Assistant United States Attorney
U.S. Attorney's Office for Arizona	United States Attorney for Arizona and Assistant United States Attorney
Criminal Division	Deputy Assistant Attorney General
International Affairs Office	Department of Justice Attaché to Mexico
Office of Overseas Prosecutorial Development, Assistance, and Training	Chief and Deputy Chief
Department of State	U.S. Ambassador to Mexico; Deputy Chief of Mission, U.S. Embassy in Mexico City
	Merida Coordinator, Bureau of International Narcotics and Law Enforcement Affairs
	Deputy Director and Drug Interdiction Program Coordinator, Narcotics Affairs Section, Mexico City, Mexico
	Assistant Regional Security Officer, Mexico City, Mexico
Government Accountability Office	GAO Analyst-In-Charge, International Affairs Section, Washington DC
<b>Mexican Government Interviews</b>	
Mexican Military	Senior Officers
PGR	Assistant Attorney General for Special Investigations and Organized Crime, representatives from the Special Unit for Investigation into Crimes Against Health and the Special Unit for Investigation of Terrorism, Arms Stockpiling and Trafficking.
PGR-CENAPI	Director of CENAPI along with representatives from the General Analysis Against Crime, Office of International Analysis, Office of Weapons and Armed Groups, Office of Information against Kidnappings and other Crimes, Directorate of Firearms and Explosives.
	PGR-CENAPI Representative to ATF Phoenix Field Division
Secretariat of Public Security	Representative from the International Affairs Office (x2)
Mexican Secretariat of Foreign Affairs	Representative from the Directorate of North America (x2)

**APPENDIX IV: ATF SOUTHWEST BORDER FIELD DIVISIONS'  
FIREARMS TRAFFICKING IMPLEMENTATION PLANS**

Phoenix	<ul style="list-style-type: none"> <li>• Developed a strategy of intelligence-lead policing whereby the Field Intelligence Group will analyze and disseminate leads, as the point of contact for other field divisions and agencies.</li> <li>• Two agents each dedicated full time to the Phoenix and Tucson OCDETF.</li> <li>• Border liaison officers in Phoenix, Tucson, and Yuma, Arizona.</li> <li>• Embedded a representative from the Mexico Attorney General's office (CENAPI).*</li> <li>• Conducted a conference call with Los Angeles and San Francisco Field Divisions.</li> <li>• Industry Operations would target high-risk gun dealers for inspections based on risk factors found through intelligence.</li> </ul>
Dallas	<ul style="list-style-type: none"> <li>• Field Intelligence Group will coordinate trafficking intelligence to appropriate field offices, within ATF including the Mexico Country Office and Southwest border Field Intelligence Groups, and other law enforcement.</li> <li>• Field Intelligence Group will be the conduit between law enforcement and Industry Operations, with regular collaboration between the two.</li> <li>• Border liaison officer in El Paso, Texas.</li> <li>• Due to close proximity to the border, agents work closely with other federal agencies (DEA and ICE) and local police.</li> <li>• Train and coordinate U.S. Attorneys and local prosecutors, to ensure that cases are successfully prosecuted.</li> <li>• Industry Operations will conduct focused inspections on gun dealers who show indicators of firearms trafficking.</li> </ul>
Los Angeles	<ul style="list-style-type: none"> <li>• Field Intelligence Group will analyze information and leads to assign to field offices for investigation.</li> <li>• Conference calls will be conducted between the Los Angeles, San Francisco, and Phoenix field divisions for coordination and information sharing between field divisions.</li> <li>• Border liaison officer in San Diego, California.</li> <li>• Firearms trafficking group (San Diego I) works with local law enforcement, ICE, the FBI, and through the border liaison, Mexican law enforcement</li> <li>• Will coordinate with U.S. Attorneys and county District Attorneys to address issues in cases so fast and successful prosecutions can occur</li> </ul>

\* The representative from the Mexico Attorney General's office was a pilot program that was to be evaluated in summer 2010.

**APPENDIX V: THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
EXPLOSIVES' AMENDED RESPONSE**

U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives*Office of the Director*

Washington, DC 20525

October 21, 2010

Mr. Michael D. Gulleaga  
Assistant Inspector General for Evaluation and Inspections  
United States Department of Justice  
Office of the Inspector General  
1425 New York Avenue, NW  
Suite 6100  
Washington, DC 20530

Dear Mr. Gulleaga:

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) appreciates the opportunity to review and comment on the Office of the Inspector General's (OIG) formal draft report entitled "Review of ATF's Project Gunrunner." While the OIG's review identified several areas for improvement, it also found a number of significant accomplishments as a result of ATF's Project Gunrunner, including the increased number of investigations initiated, the number of cases and defendants referred to United States Attorney's Offices (USAOs), the number of gun dealer compliance inspections along the Southwest Border, the number of compliance inspection hours worked, and ATF Industry Operations referrals made to ATF criminal investigators. It is worth noting that these advances were made at the same time ATF faced significant challenges to the expansion of Project Gunrunner. We are committed to building on these successes and improving the program in the areas identified by the OIG.

As the OIG review reports, Project Gunrunner has increased the number of investigations initiated by 109%, the number of cases and defendants referred to United States Attorney's Offices (USAOs) by 54%, the number of gun dealer compliance inspections along the Southwest Border by 133%, the number of compliance inspection hours worked by 102%, and the number of ATF Industry Operations referrals made to ATF criminal investigators by 47%. These statistics represent only part of the accomplishments achieved under Project Gunrunner.

FY 2008 through FY 2009:

When all of the data is considered, including cases that were investigated and developed by ATF, then referred to state and local courts for prosecution, the results show that:

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- 1,256 defendants have been recommended for prosecution.
- 5,457 firearms and 535,262 rounds of ammunition that are not in Mexico or being used in crimes of violence because they are in ATF evidence vaults.
- 608 defendants are serving an average of 94 months in prison and an additional 198 are under the supervision of the court for an average of 41 months.
- 233 defendants have been convicted and await their sentence.
- 789 defendants (63 percent of all defendants recommended for prosecution) faced charges related to firearms trafficking.
- ATF conducted 6,676 compliance inspections.
- ATF investigators identified 49,625 firearms that Federal Firearms Licensees could not locate in inventory or account for by sale or other disposition. By working with industry members, Industry Operations Investigators (IOIs) located either the firearms or the records to confirm the disposition of 43,249, or 87% of the missing firearms.
- ATF's IOIs reviewed over 1 million firearm transaction records to both validate their correct and accurate completion as well as glean investigative leads regarding patterns of purchases.

(Please see attachment entitled: "PROJECT GUNRUNNER CASES AND DEFENDANTS RECOMMENDED FOR PROSECUTION FY 2006 THROUGH FY 2009")

Review of the Gunrunner program requires in-depth knowledge and understanding of the context in which the Gunrunner program resides, the available resources, and the limitations imposed on the program. Although we believe the OIG review covered significant portions of the program, we believe some of those areas would have benefitted from a more comprehensive review and analysis. For example, the absence of substantive interviews of the current or former Assistant Director for Field Operations, the Assistant Director for Strategic Intelligence and Information (OSII), the Deputy Assistant Director with responsibility for Project Gunrunner (including the four Southwest Border field divisions, and ATF's Office of International Affairs), or the Deputy Assistant Director for Industry Operations limits the completeness of the OIG review. These interviews would have provided an important historical perspective, put Project Gunrunner in its proper context within ATF's overall strategy for combating gun crime and described ATF's plans for the program.



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Project Gunrunner is a focused subset of ATF's broader firearms enforcement program to reduce violent crime by stemming the flow of firearms from legal to illegal commerce on a national and international level. The OIG suggests the absence of a strategic approach to Project Gunrunner. This is belied by the existence of the many documents referred to in the review including ATF's cartel strategy. Contrary to the OIG's statement that ATF's cartel strategy was developed as a response to their working draft report, it was in fact developed over several months to communicate further refined Project Gunrunner enforcement strategies to the entire ATF organization.

While the OIG report reflects the amount and approximate timing of the appropriated funds received to support Project Gunrunner, it fails to provide the full funding context of the implementation of Project Gunrunner. In particular, we note that because ATF first received funding for Project Gunrunner on March 3, 2009, and this review was initiated 48 working days later, the OIG's review was premature. To be clear, ATF initiated Project Gunrunner as an emerging priority beginning in 2006. From 2006 through March of 2009, across three flat fiscal year budgets, ATF redirected base budget resources and 54 special agent and 32 industry operations investigator personnel to Project Gunrunner absent any new funding. In the early days of Project Gunrunner, ATF prioritized its limited resources on achieving an immediate operational impact and placed agents and IOIs on the border as a primary means to stem the flow of firearms to Mexico. In the absence of new funding, the needed administrative and intelligence support positions were deferred and the significant expense of placing additional personnel in Mexico on a permanent basis was simply not possible.

From the OIG's presentation of the Project Gunrunner budget, and the expansion of domestic, and international staffing, one might infer that ATF had full access to unconstrained resources and that there are and were no challenges in the expansion of Project Gunrunner. In contrast, new personnel resources and funding were provided in increments over time, raising the related challenges of transferring existing personnel or quickly hiring, training, and placing new government personnel in newly created offices, in order to begin to expand ATF's impact. In fact, in March of 2009, ATF received funding and authorization for only seven of the 23 personnel required to expand ATF's intelligence and information sharing capabilities both domestically and internationally. The remaining 16 positions were not authorized or funded before FY 2010.

In many sections of the review, the OIG review tends to lose sight of the complete purpose of Project Gunrunner. In Parts II and III of the review the OIG focuses only on the firearms trafficking elements of Project Gunrunner, to the exclusion of discussing the equally important and intimately related purpose of reducing the high level of violence associated with cross border drug and firearms trafficking. This is evident in the discussion of single defendant versus

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complex cases and the comparative penalties received for drug trafficking versus firearms trafficking cases. In both situations, the focus is on firearms trafficking related offenses. The OIG does not address the substantial and important work (including many single defendant cases) undertaken to reduce violent crime.

Further, in their review, the OIG evaluated the number of criminal cases initiated under Project Gunrunner, but did not address the many intelligence cases ATF developed in support of Project Gunrunner to document seizures of firearms in Mexico and/or leads developed in the United States. We believe this omission understates the ATF's proactive efforts in addressing the intelligence requirements of Project Gunrunner. While much of the information in these intelligence cases is derived from open source seizure information from Mexico, this information often provides the who, what, when, where, and why surrounding a firearms seizure that is frequently omitted from a trace request. By entering this information into N-Force, any ATF intelligence analyst at Headquarters, El Paso Intelligence Center (EPIC), or in the field can monitor and query this data. Once trace data is entered into eTrace, ATF analysts can backfill the N-Force data where applicable and notify the field of any links to on-going Project Gunrunner investigations. In this way, Mexican data, including DTO affiliation, can be added to firearms trace data, to support on-going investigations or to generate new investigative leads.

In general, ATF is concerned that this review does not adequately reflect the challenges that the United States and Mexican governments face in trying to reduce violence, gun trafficking and drug trafficking along and across the border. Specifically, there have been significant challenges given the differences between the Mexican and United States legal systems, the investigative capabilities and resources, and the culture and laws relating to firearms possession.

ATF has a distinct and proud heritage of sharing information with State and local police officers with the sole goal of reducing violent crime. This is no different with our mission in Mexico. We are currently operating in an unprecedented capacity in Mexico and provide more assistance regarding firearms trafficking and explosives investigations than ever before. Our work in Mexico has not been without challenges, including effective sharing of information. Accordingly, these very dynamic circumstances create information sharing challenges that ATF and the Government of Mexico are diligently collaborating to overcome.

During FY 2010 ATF developed an internal publication entitled, "Project Gunrunner – A Cartel Focused Strategy." As the OIG notes in their review, this strategy addresses most of the recommendations contained in the OIG review. Accordingly, ATF believes that many of the recommendations made below have already been addressed and the OIG should note this in their review. Nonetheless, ATF's response to the OIG's specific recommendations follows:

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*ATF's Response to the OIG Recommendations*

***1. Coordinate with the government of Mexico, the CBP, DEA and ICE to ensure systematic and regular exchanges of strategic intelligence to combat firearms trafficking to Mexico.***

**ATF concurs.** ATF has been and will continue to evaluate and refine protocols for sharing strategic intelligence with the Government of Mexico and our domestic partners. For example, ATF's National Gunrunner Coordinator and OSII recently initiated coordination with ICE and CBP. ATF's National Coordinator attended the DHS "BEST" conference in San Diego in August 2010 where he interfaced with program level personnel. The National Coordinator continues to co-chair with an ICE representative the development and implementation of the ONDCP Southwest Border Counternarcotics Strategy, Chapter 7, Weapons. In September 2010, ATF's Criminal Intelligence Division Chief, and the Gunrunner National Coordinator initiated meetings with ICE and CBP Southwest Border coordinators in Headquarters. Another coordination meeting is scheduled for October 2010 in San Diego.

**In October 2010, ATF participated in a bilateral joint Mexico/United States conference hosted by the United States Ambassador in Mexico City that focused on dismantling the tools of transnational crime. The Arms Trafficking workshop was chaired by the ATF Deputy Director and the Director of CENAPI. The principal topics of discussion included the eTrace implementation plan, the means and manner of the transportation of firearms into Mexico, and strategic and tactical information sharing.**

**During the workshop, ATF agreed to accelerate eTrace training to pre-identified FGR personnel located in each of the states in Mexico and provide them access to the system to aid in the timely input of trace requests of seized firearms. ATF also offered CENAPI to place a representative at EPIC in ATF's Firearms and Explosives Intelligence Team to improve the facilitation and sharing of real time actionable information. ATF also agreed to provide regular intelligence bulletins, recently created by ATF at EPIC that contain aggregate trace information that among other things will assist with identifying firearms trafficking trends. These bulletins also contain information regarding ATF investigations including defendants, seizure, and other investigative information.**

**ATF also encouraged Mexico to make use of ATF's explosives expertise through the Combined Explosives Investigations Team for response to significant explosives seizures or bombings to assist with explosives identification and post blast investigation.**



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*2. Work with the Department to explore options for seeking a requirement for reporting of multiple sales of long guns.*

ATF concurs, but notes that this may require a change to the Gun Control Act which is beyond ATF's and the Department's authority. ATF will explore the full range of options to seek information regarding multiple sales of long guns.

*3. Ensure that each Southwest border firearms trafficking enforcement group develops and regularly updates general guidelines for their Field Intelligence Group to follow that specify the most useful types of investigative leads.*

ATF concurs. ATF's Headquarters has communicated and will continue to reinforce the guidance previously provided to FIGs through the Southwest Border Collection Plan, the FIG Group Supervisor Guidebooks, national training conferences, and policy documents. These materials and training include guidance related to coordination between FIGs and the respective field offices in the development of local guidelines for the referral of investigative leads. Additionally, a firearms trafficking coordinator (Assistant Special Agent in Charge (ASAC)) from each division attended the August 2010 FIG national training conference in Washington, DC.

In August 2010, Directors of Industry Operations (DIOs) in the Southwest Border field divisions were asked for assistance in identifying and updating the indicators of firearms trafficking and straw purchasing. This information will be collected, analyzed, and disseminated to the field, for incorporation into the licensee risk assessment process for the inspection plans and the subsequent compliance inspections. This information will also support the enhancement of referrals generated from compliance inspections.

Finally, ATF has scheduled a Project Gunrunner coordination conference at EPIC in December 2010, for all SACs, ASACs, DIOs, RACs, GSe, and FIG supervisors for field divisions/field offices with designated Gunrunner groups, border liaison agents, and members of the International Affairs Office, the MCO, and the OSII Criminal Intelligence Division, Southwest Border Field Intelligence Support Team (FIST), and ATF EPIC staff.

*4. Develop an automated process that enables ATF managers to track and evaluate the usefulness of investigative leads provided to firearms trafficking enforcement groups.*

ATF concurs. In September 2010, ATF awarded a contract to begin business process reengineering (BPR) of its case management and related business processes. This BPR effort

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will examine the flow of information throughout ATF, acknowledging the close relationship of our regulatory mission and our law enforcement mission and the need for information, including referrals of information and investigative leads, to be exchanged seamlessly across those missions.

The BPR will also address the need for better integration between our case management system(s) and our firearms information systems, including eTrace and the Firearms Tracing System, to streamline processes and eliminate duplication of data entry. Completion of the BPR effort is expected by mid FY 2012. The BPR will produce as its deliverable, a set of reengineered business processes and requirements for ATF's next-generation case management system. Completing a BPR is a recognized best practice prior to completing requirements for a new system or identifying a technical solution.

ATF will use the results of the BPR and the requirements developed from it to identify the best solution. There are no credible estimates of the cost of a replacement system pending the outcome of the BPR and no funding stream has been identified. ATF does not contemplate identifying, acquiring, and implementing an automated solution in order to resolve this recommendation before FY 2014.

While awaiting necessary funding and system enhancements to automate the tracking and evaluation of investigative leads, ATF will assess existing guidance regarding the "manual" exchange and documentation of referrals between industry operations, FIGs, and criminal enforcement field offices. If opportunities for increased efficiency and effectiveness are identified, ATF will issue revised guidance to field personnel.

*5. Develop and implement procedures for Southwest Border intelligence personnel to routinely exchange intelligence-related information, in accordance with ATF Order 3700.2A and the Intelligence Collection Plan.*

ATF concurs. As discussed in its response to recommendation number 1, ATF has been and will continue to ensure systematic exchanges of information. ATF will also further review ATF Order 3700.2A for potential revisions responsive to the OIG's recommendations.

*6. Develop a method for Southwest border intelligence personnel to regularly share analytical techniques and best practices pertaining to Project Gunrunner.*

ATF concurs. ATF has taken and will continue to take steps to improve in this area as noted in response to recommendations numbers 3 and 5. In addition, FIG personnel participate in

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periodic conference calls involving their respective FIST and regional FIGs, during which analytical techniques and best practices may be discussed. There is a FIST dedicated to the Southwest Border field divisions.

***7. Formalize a position description that establishes minimum expectations regarding the roles and responsibilities of border liaisons.***

ATF concurs in the recommendation to provide a more detailed description of the roles and responsibilities of border liaisons, but does not believe that a unique position description is necessary. The general duties and role of the BLO were addressed within ATF's "Project Gunrunner – A Cartel Focused Strategy," which was disseminated to Field Operations personnel in September 2010. ATF will further document the roles and responsibilities of BLOs in an ATF order addressing international operations. The order will include details such as qualifications; selection; role, responsibilities, and authorities; area of responsibility; coordination with and between the field division and the respective country office; training and development; and administrative matters such as passports, country clearances, expenses and equipment.

***8. Focus on developing more complex conspiracy cases against higher level gun traffickers and gun trafficking conspirators.***

ATF concurs. ATF has and will continue to develop complex conspiracy cases. ATF will reinforce previously issued guidance including the National Firearms Trafficking Enforcement Strategy and Implementation Plan and "Project Gunrunner – A Cartel Focused Strategy." ATF is working with the Department of Justice, Criminal Division and United States Attorney's Offices to bring prosecutors and agents from both sides of the border together to work on enhancing this effort.

***9. Send guidance to field management, agents, and intelligence staff encouraging them to participate in and exploit the resources and tools of the OCDETF Program, as directed in the Deputy Attorney General's Cartel Strategy.***

ATF concurs. ATF has prioritized multi-defendant complex investigations related to Southwest Border firearms trafficking and violence during monthly management conference calls, management meetings and other venues and will continue to do so. To more formally communicate this priority and targeting strategy, during FY 2010 Field Operations developed an internal publication entitled, "Project Gunrunner – A Cartel Focused Strategy." Portions of the strategy highlight participation in the OCDETF Program. ATF will develop a mandatory roll call training package related to the OCDETF Program for all special agents in the field.

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The April 2009 memo from the ADAG/Director of OCDETF stated that firearms trafficking cases with a nexus to Mexican DTOs are eligible for the OCDETF program. Guidance regarding increased emphasis on OCDETF program participation was communicated to the field by memorandum dated September 15, 2009. ATF notes that prior to this OCDETF policy guidance, ATF efforts to utilize the OCDETF Program for investigations principally targeting firearms trafficking to DTOs frequently met negative results if significant Title 21 violations, targets, and agencies with Title 21 authority were not involved. ATF also notes that we worked closely with the Department of Justice (DOJ) and OCDETF in development of the DOJ cartel strategy, as well as ONDCP in the development of its June 2009 Southwest Border Counternarcotics Strategy, which for the first time recognized the significance of firearms trafficking and devoted a chapter to southbound weapons enforcement initiatives.

Finally, ATF submits that ATF's participation within the OCDETF Program, including multi-agency OCDETF investigations led or co-sponsored by ATF, as well as ATF's participation and lead on OCDETF strike forces, has been increasing and is substantial in relation to the OCDETF funding that ATF receives. For example, in FY 2009, ATF received \$11.436M and 54 FTE for OCDETF, but actually utilized 130 FTE toward OCDETF, resulting in an over burn of 76 FTE. In 2010, ATF OCDETF funding increased, providing for 11 additional FTE, which will increase ATF participation in OCDETF strike forces, DEA Special Operations Division, and the OCDETF Fusion Center. OCDETF also awarded ATF \$1M for Southwest Border activities and, based upon ATF's continued superior performance in OCDETF T-III investigations, received a \$500,000 OCDETF case funding augmentation to support investigations in the field. ATF plans to co-locate new Gunrunner groups in El Paso and Atlanta within the Strike Forces.

*10. Provide guidance to ATF field supervisors and agents to better coordinate with ICE, including direction on how to "coordinate all pertinent and necessary information" in areas of "concurrent jurisdiction," as defined in the memorandum of understanding.*

ATF concurs. ATF is implementing this recommendation as discussed in responses to recommendations numbers 3, 4, 5, 6, 8, and 9.

In addition, the following text, evidencing the perspective of the Deputy Director of ICE on the working relationship between ATF and ICE has been provided to the OIG by ICE:

**"In early October 2010, Immigration and Customs Enforcement (ICE) submitted a lengthy and detailed account of its successful interaction with the Bureau of Alcohol Tobacco Firearms and Explosives (BATFE), between June 2009 and September 2010. The document included general collaborative efforts in which ICE and BATFE have**



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engaged to ensure continuous collaboration and integration of efforts to address enforcement of the various laws in which both agencies' enforcement responsibilities intersect. However, the document also provided specific information regarding 113 investigations in which ICE and BATFE have coordinated efforts to pursue investigative leads related to a variety of violations, which include the smuggling of weapons, ammunition, explosives and cigarettes, as well as prohibited possessor violations. Of these 113 joint investigations, 37 specifically address the smuggling of weapons, explosives, ammunition, and components from the United States to Mexico. The most relevant cumulative enforcement results derived from these 37 investigations include, but are not limited to, the following:

<u>COMMODITY SEIZED</u>	<u>QUANTITY SEIZED</u>
ARRESTS:	119
FIREARMS:	756
INERT GRENADES:	114
DETONATING FUSES:	114
IMPROVISED EXPLOSIVES:	304
AMMUNITION	32,510 ROUNDS
WEAPON COMPONENTS:	12
WEAPON MAGAZINES:	118
BALLISTIC VESTS:	11
VEHICLES SEIZED:	12
MARIJUANA SEIZED:	4,917 KGS
HEROIN SEIZED:	17.8 KGS
METHAMPHETAMINE SEIZED:	20.4 KGS

Although the challenge before us is of great magnitude, ICE and BATFE have undoubtedly proven a strong willingness and a proactive approach to integrating efforts that address existing shortcomings to enhance the U.S. government's ability to identify and target those who violate our weapon related laws."

***11. Work with the government of Mexico to determine the causes of unsuccessful traces and develop actions to improve the rate of successful traces.***

ATF concurs. ATF has and will continue to work with the Government of Mexico to increase the rate of successful traces, through comprehensive deployment of Spanish eTrace and relevant training. Additionally, with funding from the U.S. State Department, Narcotics Affairs Section

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(NAS), ATF will be providing 64 computers to Mexico; two for each of the 31 Mexican States and the Federal District. These computers will be dedicated for e-Trace to ensure that PGR can successfully access Spanish e-Trace to enter, monitor, and retrieve trace data for their recovered firearms. The ATF MCO, in conjunction with ATF International Training Branch and with funding from NAS, will provide Spanish e-Trace training for approximately 31 PGR Delegados and their designees. Additionally, ATF's National Tracing Center will conduct periodic reviews of GOM e-Trace entries for completeness and accuracy.

*12. Regularly and more effectively communicate ATF's Project Gunrunner strategy to Mexican law enforcement authorities, including the value of gun tracing and the successes involving information or tracing information provided by Mexican agencies.*

ATF concurs. As ATF noted in our response to recommendation number 11, efforts are underway to increase access and training for Mexico's Federal Delegados and their PGR staffs in all 31 Mexican States and the Federal District.

The total number of authorized ATF positions in Mexico is now 18, and there are currently 8 PSNs supporting ATF's work. As discussed in response to recommendation number 7, ATF will establish and communicate the roles and responsibilities of BLOs to affected SACs, designated special agents, and personnel assigned to applicable country offices. ATF's increased staffing and improvements to the BLO program will enhance the communications, responsiveness, and relationships between ATF and Mexican law enforcement officials, and promote increased understanding and support of ATF's Project Gunrunner, including the value of and successes resulting from tracing of firearms recovered in Mexico. To further enhance ATF's capabilities in the U.S. Southwest Border region, and in recognition of ATF's ongoing significant commitment and priority on bilateral investigations of the criminal possession, trafficking, and use of firearms and explosives in Mexico, ATF will establish an ES-1811, Country Attaché, in Mexico City.

*13. Develop better information sharing and intelligence analysis capability at its Mexico Country Office.*

ATF concurs. As noted in ATF's response to recommendation number 12, to enhance ATF's overall capabilities in the U.S. Southwest Border region, and in recognition of ATF's ongoing significant commitment and priority on bilateral investigations of the criminal possession, trafficking, and use of firearms and explosives in Mexico, ATF will establish an ES-1811, Country Attaché, in Mexico City.

ATF's Attaché in Mexico City will act as ATF's principal advisor to the Government on all matters relating to the control of illicit traffic in firearms and explosives in Mexico; represent

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ATF on the U.S. Ambassador's staff as an integral part of the U.S. Country Team within the host country; serve as principal advisor to the U.S. Ambassador on international firearms and explosives trafficking matters; plan, organize, and oversee ATF programs in Mexico; conduct and support complex, multi-agency investigations involving international conspiracies; provide direction, leadership, and training to law enforcement agencies within the host country; assist in persuading these agencies to assume greater responsibility in controlling illicit traffic; provide criminal investigative expertise and guidance to these agencies in support of their enforcement efforts; and provide direction on legislative changes required to develop adequate firearms and explosives extradition treaties and other laws for the effective enforcement and control of illicit firearms and explosives traffic.

*14. In coordination with the Mexico Attorney General's office, evaluate the mutual benefits, roles, and information sharing protocols of the Mexico Attorney General's office representative pilot program to determine whether to expand the program to each of ATF's Southwest Border field divisions.*

ATF concurs. In coordination with the Mexico Attorney General's office, ATF will evaluate the mutual benefits, roles, and information sharing protocols of the Mexico Attorney General's office representative pilot program to determine whether to expand the program to each of ATF's Southwest Border field divisions. ATF also offered CENAPI to place a representative at EPIC in ATF's Firearms and Explosives Intelligence Team to improve the facilitation and sharing of real time actionable information as outlined in our response to recommendation 1.

*15. Ensure that the reforms discussed in ATF's September 2010 "Project Gunrunner - A Cartel Focused Strategy" are fully and expeditiously implemented.*

ATF concurs. The Cartel Strategy document, a transmittal memorandum, and a series of PowerPoint slides containing N-Force screen shots related to enhanced coding instructions for Southwest border and cartel-related investigations were transmitted to all field special agents in charge and affected Field Operations headquarters division chiefs via e-mail on September 16, 2010. The SACs were directed to review and internally disseminate this material, and on September 23, 2010, the documents were posted to ATF IntraWeb. These materials have been designated as the topic for mandatory roll call training for all field special agents in October 2010.

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Should you have any questions regarding this response, please contact Melanie Stinnett,  
Assistant Director, Office of Professional Responsibility and Security Operations at (202)  
648-7500.

Sincerely yours,



Kenneth E. Melson  
Deputy Director



# ATTACHMENT

PROJECT GUNRUNNER CASES AND DEFENDANTS RECOMMENDED FOR PROSECUTION FY 2006 THROUGH FY 2009	
(Judicial Status as of April 2009)	Number
Cases Recommended for Prosecution	853
Cases Accepted for Prosecution	576
Cases Declined	129
Cases Pending A Prosecutorial Decision	148
Cases With Arrests	617
Cases With Indictments	558
Cases With Convictions	422
Cases With Sentencing	375
Defendants Recommended for Prosecution	1,802
Defendants Accepted for Prosecution	1,256
Defendants Declined	250
Defendants Pending A Prosecutorial Decision	296
Defendants Arrested	1,306
Defendants Indicted	1,213
Defendants Convicted	841
Defendants Sentenced to Frison	608
Total Prison Months Sentenced	56,943
Average Defendants Sentence (In Months)	94
Defendants Sentenced to Probation	198
Total Probation Months Sentenced	8,115
Average Probation Sentence (In Months)	41
Firearms Trafficking Cases Recommended for Prosecution	429
Firearms Trafficking Cases as a Percent of All Cases Recommended	50%
Firearms Trafficking Defendant Recommended	789
Firearms Trafficking Defendant Convicted	512
Estimated Number of Guns Trafficked	13,481
Gang Related Cases Recommended for Prosecution	260
Gang Related Defendants Recommended for Prosecution	777
Gang Related Defendant Convicted	841
Firearms Taken Into Evidence	5,457
Ammunition Taken Into Evidence	535,262

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**APPENDIX VI: OIG ANALYSIS OF THE BUREAU OF ALCOHOL,  
TOBACCO, FIREARMS AND EXPLOSIVES' RESPONSE**

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The Office of the Inspector General provided a draft of this report to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for its comment. ATF's response is included in Appendix V to this report. The OIG's analysis of ATF's response and the actions necessary to close the recommendations are discussed below.

In its response, ATF commented on several aspects of the review and provided some new data pertaining to Project Gunrunner. Further, although ATF concurred with all of our recommendations, the proposed corrective actions in many cases did not adequately address how ATF would implement the corrective action or address the deficiencies that the OIG report identified in ATF's implementation of Project Gunrunner.

In this analysis, we first address the general comments in ATF's response, and then we provide our specific analysis of ATF's response to each recommendation.

**Project Gunrunner Data**

In its response, ATF provided some new data regarding the accomplishments it said it has achieved under Project Gunrunner from FY 2006 through FY 2009. ATF provided data on defendants recommended for prosecution, convicted, and the judicial outcomes; firearms and ammunition in ATF evidence vaults; compliance inspections conducted; and statistics on the actions and outcomes of those compliance inspections. ATF also provided an attachment that contains data on 31 different Project Gunrunner program elements.

When we first received ATF's response, we questioned ATF about apparent errors in the new data, and ATF then provided some revised data. The analysis in this appendix applies to ATF's revised response.

Notwithstanding ATF's revisions, we still found significant portions of ATF's data to be questionable. After reviewing ATF's methodology for deriving the new statistics and obtaining clarification from ATF on its Project Gunrunner data, we determined that the revised data still contained many discrepancies that resulted in incorrect data being provided to the OIG. Those discrepancies were caused by incomplete data in ATF's N-Force and N-Spect databases, inconsistent coding of work activities by ATF, errors in ATF's description of the data, unsupportable data entries by ATF, and variations in the time frame covered by ATF's data. Also, in some cases ATF

included data in its analyses regarding activities that the OIG found to be of limited value for assessing the effectiveness of Project Gunrunner.

For example, we found that an ATF manager provided the OIG data in which he had categorized hundreds of defendants as having been referred for prosecution in state courts without knowing whether that information was correct. Specifically, ATF stated in its response that, from FY 2006 through FY 2009, 1,256 defendants were recommended for prosecution in federal, state, and local courts.<sup>102</sup> However, when we examined the number of defendants referred to each level of courts, using the same April 2010 ATF data set that ATF used, we found there were 1,110 defendants recommended to federal, state, and local courts for prosecution. When we asked ATF to explain this discrepancy, the Acting Chief of Staff responsible for the data analysis stated that for 344 entries that had not been designated as having been referred to either federal or state courts for prosecution, he assigned all the entries the code “state,” despite no information to verify this. We believe this significantly undermines the validity of ATF’s data.

Other examples where ATF’s data and its analyses of its data were questionable include:

- Most of the numbers in the attachment to ATF’s comments were different from those previously provided by ATF to the OIG in response to our initial data request in April 2010, even though ATF’s response was described as being based on that same data.
- ATF stated in the response that 789 defendants, constituting 63 percent of all defendants referred for prosecution, “faced charges related to firearms trafficking.” However, when we requested clarification, ATF stated that this number included all individuals charged in a case where firearms had been trafficked, even if firearms trafficking charges were not filed.
- The data provided by ATF lack any context to demonstrate how those accomplishments contributed to Project Gunrunner, or even to allow for a comparative analysis of trends over time.

Moreover, it is important to note that throughout this review, we encountered discrepancies between our analyses of ATF’s data and those completed by ATF, which were caused by various factors, including

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<sup>102</sup> Page 2 of ATF’s response describes the 1,256 defendants as having been “recommended” for prosecution. However, the attachment accompanying ATF’s response described the 1,256 defendants as having been “accepted” for prosecution. The second designation is correct, and the description on page 2 of ATF’s response is incorrect.

deficiencies in ATF's data management system. We worked with ATF to obtain clarification regarding these discrepancies and to make adjustments to the report when appropriate. However, we did not make adjustments based on the new data provided by ATF because the validity of that data was questionable. The major cause of the inconsistent data is ATF's lack of a comprehensive data management system, and we are concerned that the lack of reliable, consistent data hinders ATF's ability to track and accurately report on the performance of its programs.

### **Context of Project Gunrunner and ATF Interviews**

ATF also argued in its response that a review of Project Gunrunner requires in-depth knowledge and understanding of the program's context, the available resources, and the limitations imposed on the program, and that while the OIG review covered significant portions of the program, some of these areas would have benefitted from a more comprehensive review. As an example, ATF stated that the OIG did not conduct interviews of certain senior ATF headquarters officials, which ATF asserted would have provided an important historical perspective, put Project Gunrunner in its proper context within ATF's overall strategy, and conveyed ATF's plans for the program.

In fact, during the course of our review, the OIG interviewed 64 ATF officials, including the Deputy Assistant Director with responsibility for Project Gunrunner; division and branch Chiefs at ATF headquarters; Southwest border Special Agents in Charge, including the one now appointed as the new Mexico Country Office Attaché at the Senior Executive Service level; Assistant and Resident Special Agents in Charge; Directors of Industry Operations; Group and Area supervisors; agents; Intelligence Research Specialists; Industry Operations Investigators; and other field personnel. Through these extensive interviews, we obtained both historical perspective and a context for the implementation of Project Gunrunner from those who are responsible for the hands-on execution of the program.

In addition, throughout this review we repeatedly requested information from ATF about the program's plans – including revised policies, documents, conferences, training, and other matters. These requests were generally coordinated through ATF's Office of Inspections at headquarters. However, at no time during our review did ATF indicate that the officials it now names in its response would be better suited to address our inquiries or that we should interview them. Nor did ATF ever suggest at the entrance conference or during the review that we should interview additional ATF officials. Rather, during our review we were directed to the many officials who we did interview. In short, we believe through our extensive interviews, we obtained a clear understanding of the program, and ATF did not state

specifically what these new individuals it named would have told us that would have changed our findings.

### **Strategic Approach to Project Gunrunner**

ATF asserted that the existence of many documents referred to in the report, including ATF's September 2010 cartel strategy, "belied" the report's finding that ATF lacks a strategic approach to Project Gunrunner. We disagree. First, we do not believe that the documents referred to in our report demonstrate that ATF had a strategic approach to Project Gunrunner. To assess the program's overall strategy, we reviewed ATF's June 2007 Gunrunner strategy, its 2009 National Firearms Trafficking Enforcement Strategy and Implementation Plan, the 2009 firearms trafficking implementation plans of ATF's Southwest border field divisions, and ATF's Mexico Country Office 2010 Operations Plan. We compared those plans with the actual operations in the field. We found that these strategies and plans did not effectively address U.S.-Mexico coordination, joint operations and activities, or intelligence sharing between the Southwest border field divisions and the Mexico Country Office.

Further, the majority (20 of 33) of the Southwest border field division agents, intelligence personnel, and supervisors we interviewed told us they had never heard of ATF's 2009 National Firearms Trafficking Enforcement Strategy and Implementation Plan, or that they had heard of the Strategy or Plan but believed they had no impact. We concluded that despite the existence of these documents, the actual performance of ATF does not reflect a strategic approach to combating firearms trafficking.

With regard to the new September 2010 cartel strategy, that document was issued very recently, after we had provided our report to ATF. ATF's response stated that, contrary to the OIG's statement that ATF developed the cartel strategy in response to the working draft of the OIG's report, ATF had developed the strategy over several months. Yet, we note that despite our frequent contact with ATF officials during this review, no one at ATF mentioned the development of the cartel strategy to the OIG until after we provided our draft report to ATF on September 3, 2010. During our review, we had corresponded with ATF headquarters personnel in over 240 documented communications (e-mail, telephone, and in person) through September 2010. The first time ATF mentioned the existence of its new strategy was on September 13, 2010, in its technical comments to the OIG's September 3, 2010, draft report. On September 16, 2010, the OIG asked ATF when the strategy was drafted, and ATF did not respond.

Nevertheless, we included information about the September 2010 cartel strategy in our report. However, the September 2010 cartel strategy does not adequately address how ATF will implement this strategy. Thus,



we do not believe the fact that ATF has issued its September 2010 cartel strategy undermines our conclusion that ATF still needs to improve its implementation of Project Gunrunner in several key program areas. We also believe, as stated in the report, that ATF's development of an implementation plan for its new cartel strategy – with defined goals, specific actions, and resources – is essential to the success of the strategy and also to ATF's overall effort to combat firearms trafficking to Mexico.

### **Project Gunrunner Funding**

ATF's response stated that the OIG failed to provide the full funding context for Project Gunrunner's implementation and that ATF did not initially receive all the funding it needed to support the program. The response stated that, as a result, ATF prioritized its limited resources to achieve an immediate operational impact and deferred needed administrative and intelligence support positions. ATF's response also stated that one might infer from the OIG's report that ATF had full access to unconstrained resources and that there are and were no challenges in expanding Project Gunrunner.

We recognize the significant challenges, including limitations on funding and personnel that ATF has faced in supporting and expanding Project Gunrunner. The Background section of our report describes how ATF created Project Gunrunner and states that the initiative did not have dedicated funding within ATF's budget until FY 2009.

However, many of our findings pertain to needed improvements within ATF's existing program areas that are unrelated to these funding challenges and are not attributable to hiring, transferring, and training personnel using new resources. For example, ATF needs more systematic, regular exchanges of strategic intelligence with its partner agencies; guidelines for Field Intelligence Groups in generating investigative leads; procedures for intelligence personnel to routinely exchange information; and a method for intelligence personnel to regularly share analytical techniques and best practices. These are not predominantly personnel or resource issues. Further, dedicated funding is not required to establish a position description for border liaisons, to focus on more complex conspiracy cases against traffickers, to make greater use of the OCDETF Program, or to provide guidance for better coordination with ICE on firearms trafficking along the Southwest border.

### **Scope of Project Gunrunner**

ATF stated that the report does not reflect the complete purpose of Project Gunrunner and focuses only on the firearms trafficking elements of the program, excluding the purpose of reducing the high level of violence associated with cross-border drug and firearms trafficking. Specifically, ATF

cited our discussion in Parts II and III of the report regarding single defendant versus complex cases, and the comparative penalties received for drug trafficking cases versus firearms trafficking cases, as not addressing the work ATF has undertaken to reduce violent crime.

We disagree that the report does not acknowledge that Project Gunrunner also seeks to reduce violent crime along the border. At the same time, stemming the flow of guns into Mexico is integral to Project Gunrunner's mission, and the main purpose of our review was to examine ATF's implementation of the Project Gunrunner mission to reduce firearms trafficking to Mexico.

However, in Part I of the report we present our analysis of seven categories of ATF data that illustrate the program's performance, using ATF's own definition of a "Project Gunrunner case" as one that involves firearms trafficking *or* violent crime with a nexus to the Southwest border. Moreover, because our analysis included all ATF investigations designated as Project Gunrunner cases, we did include those related to violent crime, to the extent they exist.

Our findings in Part II of the report are based on our detailed examination of intelligence and information sharing under Project Gunrunner, internal ATF coordination, and ATF's coordination with Mexican and U.S. partner agencies. Although we describe this as intelligence and information pertaining to firearms trafficking to Mexico, we did not find any distinctions between that and other types of intelligence pertaining to associated violent crime. Further, both ATF field personnel and U.S. and Mexican agency officials we interviewed specified that more intelligence and information on firearms trafficking to Mexico was needed.

Also, contrary to ATF's statement, our findings in Part III of the report were based on the broader "Project Gunrunner case" data, which included the associated violent crime. We also recognize that ATF has undertaken significant work, including single defendant cases, to attempt to reduce violent crime. However, as our analysis shows, these actions have not resulted in the targeting of higher-level firearms traffickers, smugglers, and recipients.

### **Intelligence Cases**

ATF's response stated that our report evaluated the number of criminal cases initiated under Project Gunrunner but did not address the many intelligence cases (intelligence files) ATF developed in support of the program to document gun seizures in Mexico and leads developed in the



United States.<sup>103</sup> ATF stated that it believes this omission understates its proactive efforts in addressing the intelligence requirements of Project Gunrunner.

In our discussion of ATF's performance measures under Project Gunrunner, we did not include in our analysis of the number of criminal investigations (cases) initiated by ATF the 2,271 intelligence files that ATF opened. In fact, as ATF's response acknowledges, the intelligence files to which ATF is referring were derived from open source seizure information in Mexico. Most (97 percent) involved ATF personnel at EPIC translating Spanish language newspaper articles into English and entering the information into N-Force. Such information, together with gun trace and descriptive information surrounding a seizure, may provide the foundation for future investigative leads and may result in the initiation of Project Gunrunner cases. However if that happened, the intelligence file is converted into a criminal case and would be included in our analysis. The intelligence files cited by ATF have, by definition, not had such a result.

We agree that monitoring open source information is proactive intelligence work, but we do not believe that it should be counted as the equivalent of a criminal investigation or that it represents a major outcome for ATF's Project Gunrunner. We believe that including such data as ATF suggests would be misleading as an indicator of Project Gunrunner's impact on the initiation of investigative cases, and we have not done so.

### **Challenges Facing the U.S. and Mexican Governments**

ATF's response stated that ATF is concerned that the OIG's review does not adequately reflect the challenges that the U.S. and Mexican governments face in trying to reduce violence and gun and drug trafficking along and across the Southwest border. ATF noted that there have been significant challenges, given the difference between the U.S. and Mexican legal systems, the investigative capabilities and resources, and the culture and laws relating to firearms possession. ATF stated that it is currently operating in an unprecedented capacity in Mexico and that it provides more assistance regarding firearms trafficking and explosives investigations than ever before.

We agree that ATF and other U.S. agencies face significant challenges in trying to reduce violence, gun trafficking, and drug trafficking along and across the border. In our report, we explain that these challenges are compounded by the many differences between Mexico's government

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<sup>103</sup> Although ATF's response refers to intelligence "cases," they are not cases in the traditional sense of a criminal investigation. We refer to them as intelligence files, which we believe is a more accurate description.

structure and that of the United States. We carefully considered these issues when drafting the report findings and recommendations. Where applicable we augmented the report to include ATF's comments on these challenges. Further, our report acknowledges ATF's assistance and training efforts in Mexico.

Nonetheless, our review evaluated ATF's implementation of Project Gunrunner in the face of these challenges. In some cases, the causes of the problems are outside of ATF's control and occur within the context of broader cross-governmental challenges. Yet, as described in the report, we believe that many deficiencies related to the implementation of Project Gunrunner are within ATF's control and that ATF should take aggressive action to implement improvements.

### **ATF's September 2010 Cartel Strategy**

Finally, ATF stated that its new September 2010 cartel strategy addresses most of our recommendations. Although ATF concurred with each of our recommendations and provided specific responses to them, ATF stated that the OIG should note that it had already addressed many of the recommendations.

As noted above, we reviewed ATF's September 2010 cartel strategy and incorporated elements of it into applicable portions of the report. We also believe that the strategy recognizes and reinforces many of our key findings.

More important, dissemination of the strategy does not in itself ensure its effective implementation throughout ATF. As our report noted, the strategy does not provide detailed information on how ATF will implement and monitor efforts to improve operations in the key areas identified in the strategy. As we also describe in our responses to the specific recommendations below, we believe ATF's development of an implementation plan – with defined goals, specific actions, and resources – is essential to the successful implementation of improvements discussed in the September 2010 cartel strategy and also to ATF's overall effort to combat firearms trafficking to Mexico.

### **OIG'S ANALYSIS OF ATF'S RESPONSE TO EACH RECOMMENDATION**

**Recommendation 1.** Coordinate with the government of Mexico, the CBP, DEA, and ICE to ensure systematic and regular exchanges of strategic intelligence to combat firearms trafficking to Mexico.

**Status.** Resolved – open.

**Summary of ATF Response.** ATF concurred with our recommendation. ATF stated that it has been and will continue to evaluate and refine protocols for sharing strategic intelligence with its partner agencies. It listed several examples, including recently initiated meetings with ICE and the CBP by ATF's National Gunrunner Coordinator and the Office of Strategic Intelligence and Information. Other examples included two additional roles played by the National Gunrunner Coordinator that involve coordinating with other federal law enforcement agencies. ATF also referred to an October 2010 Mexico and U.S. conference co-chaired by ATF's Deputy Director and CENAPI's Director that focused on dismantling the tools of transnational crime. ATF stated that this meeting resulted in ATF agreeing to accelerate eTrace training, ATF inviting CENAPI to join its unit at EPIC, and ATF agreeing to provide regular intelligence bulletins containing aggregated gun trace and investigative information. ATF stated that it is encouraging Mexican law enforcement officials to make use of its expertise through the Combined Explosives Investigations Team.

**OIG Analysis.** The actions planned by ATF are partially responsive to the recommendation, and ATF has taken some actions to improve coordination with its partner agencies. However, we believe that the actions ATF described will not fully ensure systematic and regular exchanges of strategic intelligence with all of its partner agencies.

Regarding ATF's exchange of strategic intelligence with Mexican law enforcement, we believe the regular sharing of ATF's recently developed intelligence bulletins with CENAPI can improve the exchange of strategic intelligence between both agencies. The agreements made at the October 2010 bilateral meeting can help ATF establish a foundation to improve the regular exchange of strategic intelligence with Mexican officials. The assignment of a CENAPI representative to EPIC can also improve information sharing, but the roles and information sharing responsibilities for this position have not been defined, and the position has not been filled as of October 2010. In addition, ATF's agreement to accelerate eTrace training and ATF's encouraging Mexican officials to make use of the Combined Explosives Investigations Team is a positive development, but ATF's response does not indicate how it will ensure systematic and regular exchanges of strategic intelligence between ATF and the government of Mexico.

By February 15, 2011, please provide (a) copies of all newly developed intelligence bulletins disseminated to Mexican officials between October 31, 2010, and January 31, 2011, and (b) a list of all recipients of these intelligence bulletins.

Regarding ATF's exchange of strategic intelligence with the CBP and ICE, we believe that the meetings between ATF and those agencies also can

improve the exchange of strategic intelligence. Our review found that ICE, an agency with a parallel mission to ATF's of combating firearms trafficking to Mexico, would benefit from receiving the same strategic intelligence products that ATF field agents told us are useful, including those produced by the Office of Strategic Intelligence and Information's Southwest Border Field Intelligence Support Team, the Violent Crime Analysis Branch, and other ATF intelligence entities. However, ATF's response did not indicate how these meetings would be used to promote the regular exchange of such strategic intelligence or whether information exchange protocols were established at the meetings that have already been held. In addition, while ATF described a coordination meeting scheduled in San Diego in October 2010, ATF did not indicate whether additional meetings would occur.

By February 15, 2011, please provide (a) a list of the meetings held between October 31, 2010, and January 31, 2011, (b) copies of the meeting agendas, (c) a list of the attendees at each of the meetings, and (d) a description of the information exchanged or agreed to be exchanged.

ATF's response did not mention the DEA. During our review, we found that the systematic and regular exchange of strategic intelligence was not occurring between ATF and the DEA, despite officials from both agencies recognizing that such intelligence sharing is beneficial to their missions. As stated in the report, the DEA has a significant amount of strategic intelligence on drug cartels that ATF officials stated would benefit Project Gunrunner, especially in the cartel-focused strategy that ATF will be adopting pursuant to its new emphasis on larger cases tied to specific drug cartels.

By February 15, 2011, please provide a detailed description of ATF's establishment of regular exchanges of strategic intelligence with the DEA, including (a) a list of any meetings held between October 31, 2010, and January 31, 2011, or the dates of any planned meetings, (b) copies of the meeting agendas, (c) a list of the attendees at each of the meetings, and (d) a description of the information exchanged or agreed to be exchanged.

**Recommendation 2.** Work with the Department to explore options for seeking a requirement for reporting multiple sales of long guns.

**Status.** Resolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation, but noted that it may require a change to the *Gun Control Act*, which is beyond ATF's and the Department's authority. ATF stated that it would explore the full range of options to seek information regarding multiple sales of long guns.

**OIG Analysis.** The actions planned by ATF are responsive to our recommendation. Although some of the options for addressing this issue would require legislation, responsive actions may be possible within the authority already legally granted to ATF.

By February 15, 2011, please provide the OIG with an update on the options considered and the results obtained for improving ATF's oversight of multiple sales of long guns.

**Recommendation 3.** Ensure that each Southwest border firearms trafficking enforcement group develops and regularly updates general guidelines for their Field Intelligence Group to follow that specify the most useful types of investigative leads.

**Status.** Unresolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation. ATF stated that it has communicated and will continue to reinforce guidance previously provided to Field Intelligence Groups through the Southwest Border Collection Plan, the Field Intelligence Group Supervisor's Guide Book, national training conferences, and policy documents. ATF stated that these materials and training include guidance on coordination between Field Intelligence Groups and the respective field offices in the development of local guidelines for the referral of investigative leads. ATF said that a firearms trafficking coordinator from each division attended the August 2010 Field Intelligence Group national training conference in Washington, D.C. ATF also stated that it recently (August 2010) initiated an effort to update its firearms trafficking indicators, which would support the enhancement of referrals generated from compliance inspections. In addition, ATF stated that it has scheduled a Project Gunrunner coordination conference at EPIC in December 2010 for various field personnel, including those with Gunrunner groups.

**OIG Analysis.** We believe that the actions planned by ATF are not responsive to the recommendation. Although ATF concurred with the recommendation, the actions it described do not provide sufficient details regarding how firearms trafficking enforcement groups will develop and regularly update general guidelines for their Field Intelligence Groups. Our review found that despite the existence of the documents cited by ATF's response, ATF did not have minimum national standards for Field Intelligence Groups to use in determining which leads to forward to agents. We found that the Field Intelligence Groups in the four Southwest border field divisions varied in their development of localized standards for screening potential leads, and many of the local standards were not useful to agents. Further, the Southwest Border Collection Plan and the Field Intelligence Group Supervisor's Guide Book are broader scoped documents

that do not provide specific guidance tailored to the needs of each enforcement group.

Regarding the conferences that ATF reported it has conducted or will conduct, ATF did not indicate whether Field Intelligence Group guidelines were, or will be, discussed at those conferences. Also, we question whether the attendees at these conferences are the appropriate individuals to identify and update guidelines specific to each of the firearms trafficking enforcement groups. Further, any updated firearms trafficking and straw purchasing indicators may enhance referrals generated from compliance inspections but will not assist Field Intelligence Groups in screening investigative leads.

By February 15, 2011, please provide the OIG with copies of guidelines developed or updated by each Southwest border firearms trafficking enforcement group.

**Recommendation 4.** Develop an automated process that enables ATF managers to track and evaluate the usefulness of investigative leads provided to firearms trafficking enforcement groups.

**Status.** Resolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation. ATF stated that it had awarded a contract to begin business process reengineering of its case management and related business processes in September 2010. ATF stated that the reengineering project will examine the flow of information throughout ATF, including referrals of information and investigative leads. The reengineering project will also address the need for better integration between ATF's case management systems and its firearms information systems and assist ATF in developing the best technical solution. ATF stated that it expects completion of the reengineering project by mid FY 2012, although ATF does not contemplate identifying, acquiring, and implementing an automated solution to resolve this recommendation before FY 2014. ATF stated that in the interim it will assess existing guidance regarding the "manual" exchange and documentation of referrals between industry operations, Field Intelligence Groups, and criminal enforcement field offices. If opportunities for increased efficiency and effectiveness are identified, ATF will issue revised guidance to field personnel.

**OIG Analysis.** The actions planned by ATF are partially responsive to the recommendation. We recognize that the business process reengineering will not be complete until mid FY 2012 and that identification of the best technical solution may not occur before FY 2014 and is dependent upon adequate funding. However, ATF's interim plan to assess existing guidance



on the “manual” exchange and documentation of referrals between industry operations, Field Intelligence Groups, and criminal enforcement field offices did not include any details on how it would accomplish this assessment, such as whether ATF would collect and disseminate best practices across field divisions, or any timeline for accomplishments.

By February 15, 2011, please provide the OIG with (a) the timeline and scope of work to be performed in the business process reengineering; (b) the results of ATF’s assessment of the “manual” exchange and documentation of referrals between industry operations, Field Intelligence Groups, and criminal enforcement field offices; and (c) a list of the improvements to be implemented.

**Recommendation 5.** Develop and implement procedures for Southwest border intelligence personnel to routinely exchange intelligence-related information in accordance with ATF Order 3700.2A and the Intelligence Collection Plan.

**Status.** Unresolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation. ATF referred to its response to Recommendation 1 and stated that it has and will continue to ensure systematic exchanges of information. ATF stated that it will also further review ATF Order 3700.2A for potential revisions responsive to the OIG’s recommendations.

**OIG Analysis.** We believe the actions identified by ATF are not responsive to the recommendation. Although ATF concurred with the recommendation, it stated only that it “has been and will continue to ensure systematic exchanges of information.” Our review found that there was not systematic exchange of information between Southwest border intelligence personnel below the supervisory level. Further, the OIG’s review did not identify deficiencies in the guidance contained in Order 3700.2A, and it is unclear how revising this document would fulfill the need for Southwest border intelligence personnel to routinely exchange intelligence-related information. Regarding the information in ATF’s response to Recommendation 1, those actions address ATF’s sharing of strategic intelligence with Mexican and U.S. partner agencies, not procedures for internally exchanging information among Southwest border intelligence personnel.

By February 15, 2011, please provide the OIG with copies of the information exchange procedures issued by ATF or a status report on their development.

**Recommendation 6.** Develop a method for Southwest border intelligence personnel to regularly share analytical techniques and best practices pertaining to Project Gunrunner.

**Status.** Unresolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation. ATF stated that it has taken and will continue to take steps to improve in this area as noted in its responses to Recommendations 3 and 5. In addition, ATF stated that Field Intelligence Group personnel participate in periodic conference calls involving their respective Field Intelligence Support Teams and regional Field Intelligence Groups during which analytical techniques and best practices may be discussed. ATF noted that it has a Field Intelligence Support Team dedicated to the Southwest border field divisions.

**OIG Analysis.** The information provided by ATF is not responsive to the recommendation because it only indicates that ATF will continue operating as it has in the past. As described in Part II of this report, we found that ATF's current processes have not ensured that Southwest border intelligence personnel regularly share analytical techniques and best practices and that the conference calls with Field Intelligence Group personnel were limited to supervisors. Regarding the August 2010 Field Intelligence Group conference and a planned December 2010 Project Gunrunner coordinator conference, ATF did not indicate whether these conferences covered the topics of sharing analytical techniques and best practices. ATF also did not indicate in its response whether the conference calls it described would serve as the method for sharing analytical techniques and best practices pertaining to Project Gunrunner.

By February 15, 2011, please provide (a) the topics covered in the conference calls, (b) documentation of the Field Intelligence Group non-supervisory intelligence personnel who participate in the aforementioned periodic conference calls, (c) the dates of the calls, (d) whether the conferences ATF referred to in its response to Recommendation 3 included analytical techniques and best practices, and (e) a description of any other methods used to facilitate the regular sharing of analytical techniques and best practices between Southwest border intelligence personnel.

**Recommendation 7.** Formalize a position description that establishes minimum expectations regarding the roles and responsibilities of border liaisons.

**Status.** Resolved – open.



**Summary of ATF Response.** ATF concurred with the recommendation to provide a more detailed description of the roles and responsibilities of border liaisons, but stated that it did not believe that a unique position description is necessary. ATF noted that the general duties and roles of the border liaisons were addressed within ATF's September 2010 cartel strategy. ATF stated that it will further document the roles and responsibilities of border liaisons in an ATF order addressing international operations. ATF described the details that the planned order will include, such as qualifications; selection; role, responsibilities, and authorities; area of responsibility; coordination with and between the field division and the respective country office; training and development; and administrative matters such as passports, country clearances, expenses and equipment.

**OIG Analysis.** The actions planned by ATF are responsive to our recommendation. By February 15, 2011, please provide the OIG with a copy of the ATF order, or a status report on its development.

**Recommendation 8.** Focus on developing more complex conspiracy cases against higher level gun traffickers and gun trafficking conspirators.

**Status.** Unresolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation, adding that it “has and will continue to” develop complex conspiracy cases. ATF stated it will reinforce its National Firearms Trafficking Enforcement Strategy and Implementation Plan, as well as its September 2010 cartel strategy. It also stated that it is working with the Department, the Criminal Division, and the USAOs to bring agents and prosecutors from Mexico and the United States together to work on enhancing this effort. Additionally, in its response to Recommendation 9 below, ATF stated it has prioritized complex investigations related to firearms trafficking during monthly management conference calls and other venues.

**OIG Analysis.** The actions planned by ATF are partially responsive to the recommendation. ATF's plan to work with the Department, Criminal Division, and the USAOs to improve the focus of its investigations is responsive to the recommendation. However, ATF's statement that it “has and will continue to develop complex conspiracy cases” ignores the data and other information we developed in this review demonstrating that ATF has not sufficiently focused on multi-defendant cases that target higher-level traffickers. Also, ATF's September 2010 cartel strategy recognizes the need for increased emphasis on “targeting the persons with greater responsibility for the trafficking schemes” by attempting to “conduct investigations focusing greater attention on the cartels that finance and direct these trafficking operations.”

By February 15, 2011, please provide specific information regarding the efforts to emphasize complex conspiracy cases in accordance with the September 2010 cartel strategy.

**Recommendation 9.** Send guidance to field management, agents, and intelligence staff encouraging them to participate in and exploit the resources and tools of the OCDETF Program, as directed in the Deputy Attorney General's cartel strategy.

**Status.** Resolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation. ATF stated that in addition to prioritizing multi-defendant complex investigations related to Southwest border firearms trafficking and violence during its monthly management conference calls, meetings, and other venues, its September 2010 cartel strategy highlights increased participation in the OCDETF Program. ATF also stated that it will develop a mandatory roll call training package related to the OCDETF Program for all field agents. ATF stated that after the April 2009 memorandum from the OCDETF Program Director on the eligibility of firearms trafficking cases with a nexus to Mexican [cartels], ATF communicated guidance to the field on September 15, 2009, regarding increased emphasis on the OCDETF Program. ATF noted that prior to the April 2009 memorandum, its efforts to utilize the OCDETF Program for these types of cases frequently met negative results if Title 21 (drug-related) violations, targets, and agencies with Title 21 authority were not involved. ATF stated that its participation in the OCDETF Program has been increasing, that its participation is substantial in relation to the OCDETF funding that it receives, that it dedicates more resources to the OCDETF Program than it receives funding for, and that in 2010 its OCDETF funding increased. ATF also plans to co locate new Gunrunner groups with El Paso and Atlanta OCDETF task forces.

**OIG Analysis.** The actions planned by ATF are partially responsive to the recommendation. Like ATF's June 2007 Gunrunner strategy, the September 2010 cartel strategy is an affirmation of the importance of using the OCDETF Program. Regarding ATF's statement on the April 2009 OCDETF Director's memorandum, our report states that ATF told us that firearms trafficking investigations with no significant drug trafficking nexus were frequently refused by the OCDETF Program. We also found that even after the April 2009 guidance was issued, ATF underutilized the OCDETF Program for several reasons, including a focus on fast investigations, misunderstandings about the program, and low numbers of ATF staff assigned to OCDETF task forces.

By February 15, 2011, please provide (a) a copy of the roll call training package on the OCDETF Program; (b) the September 15, 2009, memorandum to field staff regarding increased emphasis on the OCDETF Program; (c) a status report on ATF's plans to co-locate new Gunrunner groups with El Paso and Atlanta OCDETF task forces; and (d) information on how ATF plans to monitor the field divisions' use of the OCDETF Program.

**Recommendation 10.** Provide guidance to ATF field supervisors and agents to better coordinate with ICE, including direction on how to “coordinate all pertinent and necessary information” in areas of “concurrent jurisdiction,” as defined in the memorandum of understanding.

**Status.** Unresolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation and stated that it is implementing the recommendation as discussed in its responses to Recommendations 3, 4, 5, 6, 8, and 9. ATF's response also provided excerpts from a document sent by ICE to the OIG in October 2010 that described collaborative investigative efforts between ATF and ICE during June 2009 and September 2010. That document described 113 joint ATF/ICE collaborative efforts, 37 of which ICE stated specifically address the trafficking of weapons, explosives, ammunition, and components from the United States into Mexico. The document provided some statistics on the results of these cases, including 119 arrests and 756 firearms seized, and a statement that ICE and ATF “have undoubtedly proven a strong willingness and a proactive approach to integrating efforts that address existing shortcomings to enhance the U.S. government's ability to identify and target those who violate our weapon related laws.”

**OIG Analysis.** The information provided by ATF is not responsive to the recommendation. ATF did not indicate that it has provided, or plans to provide, guidance to field supervisors and agents regarding coordination with ICE. Our review found that many field supervisors and agents from both ICE and ATF do not coordinate with each other, as required, and do not understand the contents of the memorandum of understanding signed by the two agencies over a year ago.

Regarding the information that ICE provided to the OIG on its 113 joint collaborative efforts with ATF, ICE described only 37 (33 percent) as related to firearms trafficking to Mexico. Although we noted an increase in ATF/ICE joint investigations in our report, we found that 105 of 1,800 (6 percent) Project Gunrunner cases between FY 2007 and FY 2009 were joint ATF/ICE investigations. These numbers, in our view, do not show “a strong willingness and proactive approach to integrating efforts,” as stated by ICE.

By February 15, 2011, please provide a copy of the guidance issued to field supervisors and agents implementing the memorandum of understanding's provisions for coordination with ICE.

**Recommendation 11.** Work with the government of Mexico to determine the causes of unsuccessful traces and develop actions to improve the rate of successful traces.

**Status.** Resolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation. ATF stated that it has and will continue to work with the government of Mexico to increase the rate of successful traces through comprehensive Spanish eTrace deployment and relevant training. In addition, ATF stated that it will use funding from the Department of State's Narcotics Affairs Section to provide 64 computers to Mexico – 2 for each of the PGR offices located in 31 Mexican states and the Federal District – to ensure that PGR can successfully access Spanish eTrace to enter, monitor, and retrieve trace data for its recovered firearms. ATF also stated that it will provide training to PGR officials on Spanish eTrace and that ATF's National Tracing Center will conduct periodic reviews of Mexican eTrace entries for completeness and accuracy.

**OIG Analysis.** The actions planned by ATF are responsive to the recommendation. By February 15, 2011, please provide (a) copies of the training agenda provided to Mexican law enforcement, (b) the frequency of the National Tracing Center's planned periodic reviews of Mexican eTrace entries, and (c) how ATF will use the results of these reviews to improve the rate of successful traces.

**Recommendation 12.** Regularly and more effectively communicate ATF's Project Gunrunner strategy to Mexican law enforcement authorities, including the value of gun tracing and the successes involving information or tracing information provided by Mexican agencies.

**Status.** Resolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation and repeated that it plans to increase eTrace access and training to Mexican law enforcement. ATF also stated that it will increase its positions in Mexico to 18 ATF positions and 8 Foreign Service Nationals, as well as establish and communicate the roles and responsibilities of border liaisons. ATF stated that this will enhance the communications, responsiveness, and relationships between ATF and Mexican law enforcement officials, and promote increased understanding and support of ATF's Project Gunrunner, including the value of and successes resulting

from tracing of firearms recovered in Mexico. ATF also stated that it will establish a Country Attaché position at the Senior Executive Service level to further enhance its capabilities in the U.S. Southwest border region.

**OIG Analysis.** The actions planned by ATF are partially responsive to the recommendation. Although more staff can make it easier for ATF to convey the value of firearms tracing to Mexican law enforcement, to effectively respond to this issue ATF should develop a more defined approach that includes regularly informing Mexican law enforcement when a gun trace results in an investigation and when a trace leads to a successful prosecution.

By February 15, 2011, please provide (a) a description of ATF's plan to regularly convey to Mexican law enforcement authorities its overall Project Gunrunner strategy, including the value of gun tracing and the successes involving information or tracing information provided by Mexican agencies; and (b) what specifically has been communicated to Mexican authorities and through which venues.

**Recommendation 13.** Develop better information sharing and intelligence analysis capability at its Mexico Country Office.

**Status.** Unresolved – open.

**Summary of ATF Response.** In its response, ATF concurred with the recommendation and stated that it will establish a Country Attaché position at the Senior Executive Service level to further enhance its capabilities in the U.S. Southwest border region and in recognition of ATF's commitment to impeding firearms trafficking to Mexico. ATF stated that the Attaché's duties will include serving as ATF's principal adviser to the government of Mexico and the U.S. Ambassador; planning, organizing, and overseeing ATF programs in Mexico; conducting and supporting complex, multi-agency investigations involving international conspiracies; and persuading Mexican agencies to increase efforts on firearms trafficking.

**OIG Analysis.** The actions planned by ATF are not responsive to the recommendation. Although the Country Attaché and the increased staff that ATF described in its response to Recommendation 12 may enhance capabilities at its Mexico Country Office, these actions do not address how ATF will improve information sharing and intelligence analysis. Our report found that the Mexico Country Office lacks a sufficient capability to collect, analyze, and disseminate all available intelligence to support firearms trafficking investigations. Specifically, we found that the small staff in ATF's Mexico Country Office is unable to respond to all seizures and keep up with the analysis of intelligence and information. Enhancing its information sharing and intelligence analysis capability should allow the Mexico Country

Office to achieve its strategic goal of improving coordination, communication, and information sharing on firearms seizures between U.S. and Mexican agencies.

By February 15, 2011, please describe (a) what specific actions ATF will take to improve information sharing and intelligence analysis capability at the Mexico Country Office and (b) how ATF will measure its improvements.

**Recommendation 14.** In coordination with the Mexico Attorney General's office, evaluate the mutual benefits, roles, and information sharing protocols of the Mexico Attorney General's office representative pilot program to determine whether to expand the program to each of ATF's Southwest border field divisions.

**Status.** Resolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation and agreed to evaluate the pilot program and to determine whether to expand it. As in its response to Recommendation 1, ATF stated that it has invited CENAPI to send a representative to ATF's Firearms and Explosives Intelligence Team at EPIC to improve information sharing on investigations.

**OIG Analysis.** The actions planned by ATF are responsive to the recommendation. A representative from CENAPI at the Firearms and Explosives Intelligence Team at EPIC will further support the objective of this recommendation.

By February 15, 2011, please provide the OIG with a copy of the assessment of the pilot program, conducted in coordination with the Mexico Attorney General's office, or a status report on its development.

**Recommendation 15.** Ensure that the reforms discussed in ATF's September 2010 document entitled "Project Gunrunner – A Cartel Focused Strategy" are fully and expeditiously implemented.

**Status.** Unresolved – open.

**Summary of ATF Response.** ATF concurred with this recommendation and stated that it disseminated to the field its September 2010 cartel strategy, a transmittal memorandum, and a series of slides with N-Force screen shots related to enhanced coding for Southwest border investigations. ATF stated that it posted these documents to its Intranet on September 23, 2010. ATF also stated that the strategy would be part of the mandatory roll call training for all field agents in October 2010.

**OIG Analysis.** The actions planned by ATF are not responsive to the recommendation. Although ATF has created and disseminated the new cartel strategy to the field and plans to conduct roll call training for all field agents on the new cartel strategy, ATF did not indicate that it will create a detailed implementation plan or specific performance measures to ensure that the new strategy is fully and expeditiously implemented. The implementation plan and performance measures should address all of the areas outlined in the 2010 strategy and provide defined goals, specific actions, resources, and all other elements needed to ensure the strategy is executed through Project Gunrunner operations.

By February 15, 2011, please provide a copy of the full implementation plan or the performance measures ATF has established.



**From:** (b) (7)(C)

**Sent:** Friday, April 29, 2011 11:52 AM

**To:** Southwest Border Initiative

**Subject:** FW: Firearms & Explosives Trafficking Intelligence Unit-May 2011 INTEL RPT (Law Enforcement Sensitive)

**Attachments:** DRAFT Firearms Explosives INTEL RPT MAY 2011.pdf

FYI

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**From:** (b) (7)(C)

**Sent:** Friday, April 29, 2011 7:15 AM

**To:** (b) (7)(C)

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**Subject:** Firearms & Explosives Trafficking Intelligence Unit-May 2011 INTEL RPT (Law Enforcement Sensitive)

All,

Attached is the May 2011 Firearms & Explosives Trafficking Intelligence Report. The report is "Law Enforcement Sensitive" please handle accordingly.

(b) (7)(C)

(b) (7)(C)

ATF Intelligence Research Specialist

Project Gunrunner

El Paso Intelligence Center (EPIC)

El Paso, Texas

WK: (b) (7)(C)





Research & Analysis Section, 11339 SSG Sims Street, Biggs AAF, El Paso, Texas 79908 Phone: 915 760-2000

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MAY 2011

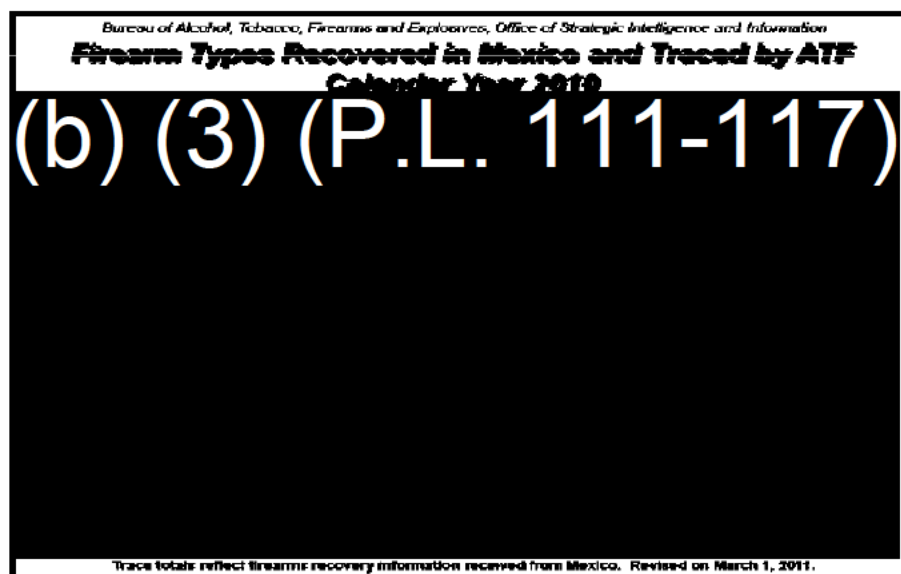
## Firearms & Explosives Trafficking Intelligence Unit Mission

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- Priority Intelligence Requirements (PIRS)

To disrupt the illegal flow of firearms and ammunition being used by Mexican drug trafficking organizations by identifying relevant firearms seizures in the United States and Mexico, and attempting to link those seizures to U.S. based firearms traffickers. The unit also collects information on significant explosives incidents that occur in Mexico.

## Firearm Types Recovered in Mexico and Traced by ATF - Calendar Year 2010



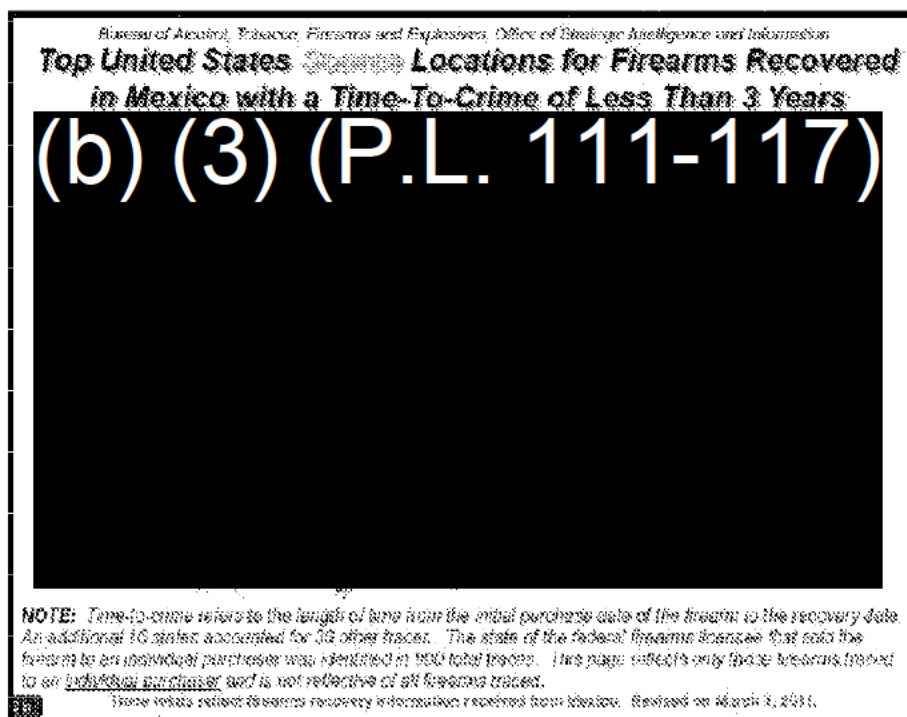
### ATF Firearms Trace Data Disclaimer

Public L. No. 111-117, Consolidated Appropriation Act of 2010, Sec. 516

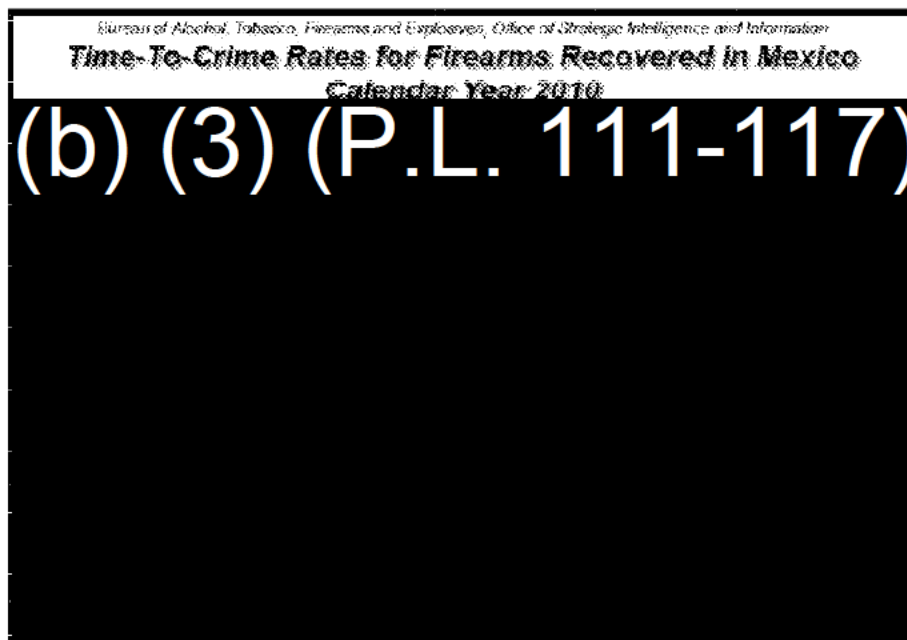
(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

## Top United States Source Locations for Firearms Recovered in Mexico with a Time-To-Crime of Less Than 3 Years Calendar Year 2010



## Time-To-Crime Rates for Firearms Recovered in Mexico Calendar Year 2010



**Top Firearm Calibers Recovered in Mexico with a Time-To-Crime of Less than 3 Years Calendar Year 2010**

*Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information*

**Top Firearm Calibers Recovered in Mexico  
with a Time-To-Crime of Less than 3 Years  
Calendar Year 2010**

**(b) (3) (P.L. 111-117)**

**Average Time-To-Crime Rates in Years for Top Firearm Calibers  
Recovered in Mexico  
Calendar Year 2010**

*Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information*

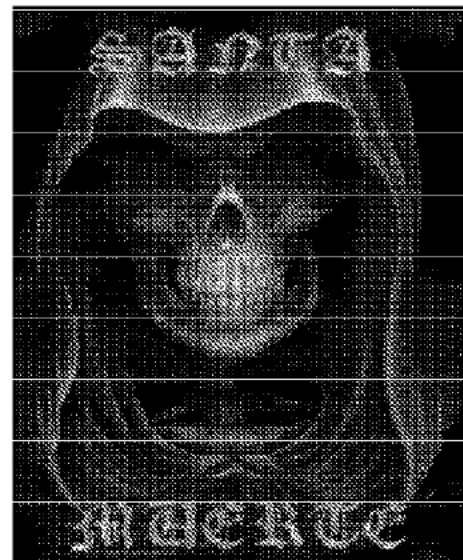
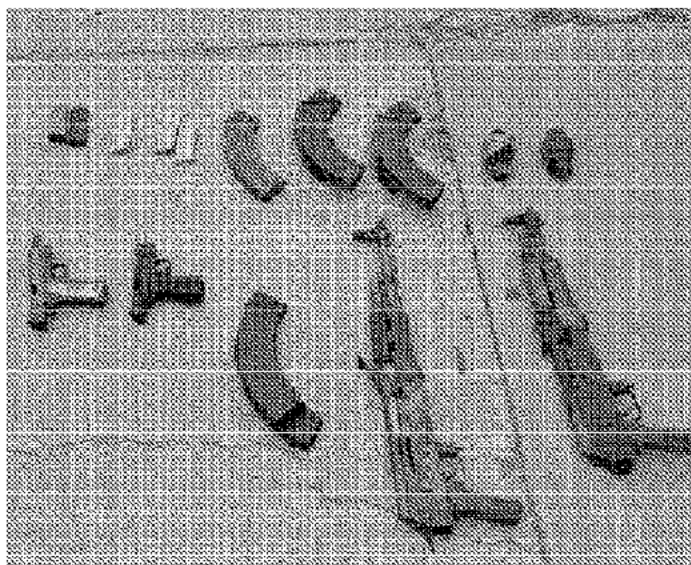
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*Archive Copy*

HIDALGO, TEXAS - On March 30, 2011, CBP officers conducting outbound operations stopped a vehicle at the Hidalgo Port of Entry. The officers noticed that there was a sticker of "La Santa Muerte", an image frequently used by narcotic and firearms traffickers. Upon searching the vehicle, the officers noticed that the seal around the quarter panels in the back seat area were loose and tampered with. Upon removing the coverings, the officers found four pistols and four AK-47 type firearms hidden in the compartments. All eight firearms were loaded with ammunition and each had a round chambered.

While continuing to search the vehicle, the officers located two pineapple type grenades that appeared to be Improvised Explosive Devices (IED's). The McAllen Bomb Squad arrived at the scene and recovered the IED's. ATF agents examined the firearms and determined that the rifles had been converted to fire full automatic.

ATF and ICE agents interviewed the driver and sole occupant of the vehicle. (b) (7)(C) (b) (7)(C) stated that he had owned the vehicle for approximately four years but denied having any knowledge about the firearms and IED's found inside the vehicle. (b) (7)(C) stated that he had been in the United States to (b) (7)(C) (b) (7)(C)

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MISSION, TEXAS – On March 27, 2011, working off a tip, police in Mission, Texas went to a home in the (b) (7)(C) where they observed three men attempting to flee the area. The men were detained and police secured a search warrant for the residence. Found during the search was \$100,297 in U.S. currency, three false Texas driver's licenses, one AK-47 type rifle, one .308 caliber rifle and one .204 caliber rifle. Police also seized 28 cellular phones, two police scanners, one radio frequency jammer, 2 grams of Xanax and 0.2 ounces of marijuana.

(b) (7)(C) was charged with possession of a controlled substance with bond set at \$15,000.  
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The vehicle was taken to a secondary inspection area where CBP officers found 148 AK-47 magazines, one M4 magazine and 6,000 rounds of ammunition concealed in the upper front roof compartment of the vehicle.

The driver, (b) (7)(C) was turned over to Homeland Security Investigations special agents after federal prosecution was accepted. (b) (7)(C) is a Mexican National who resides in Ciudad Juarez, Mexico. He was being held in the El Paso County jail without bond.

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EAGLE PASS, TEXAS - On March 16, 2011, CBP Officers and ICE agents conducting outbound operations at the Eagle Pass Port of Entry selected a Texas registered burgundy van for inspection. As they approached the vehicle they noticed several boxes of AR-15 magazines inside the vehicle. The agents conducted a thorough inspection of the vehicle and found 300 AR-15 magazines, 2,000 rounds of 7.62 x 39 ammunition, 500 rounds of 7.62 x 54 ammunition and two military ammo pouches. The subject was turned over to ICE.



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BROWNSVILLE, TEXAS - On March 18, 2011, (b) (7)(C) was attempting to exit the United States via the B&M Port of Entry in Brownsville, Texas, driving a 2010 White Dodge Dakota with Mexican license plates. CBP officers conducting outbound inspections received a negative declaration from (b) (7)(C) for weapons, ammunition, and currency over 10,000 USD. (b) (7)(C) claimed his purpose in the U.S. was to purchase items for his business in Mexico.

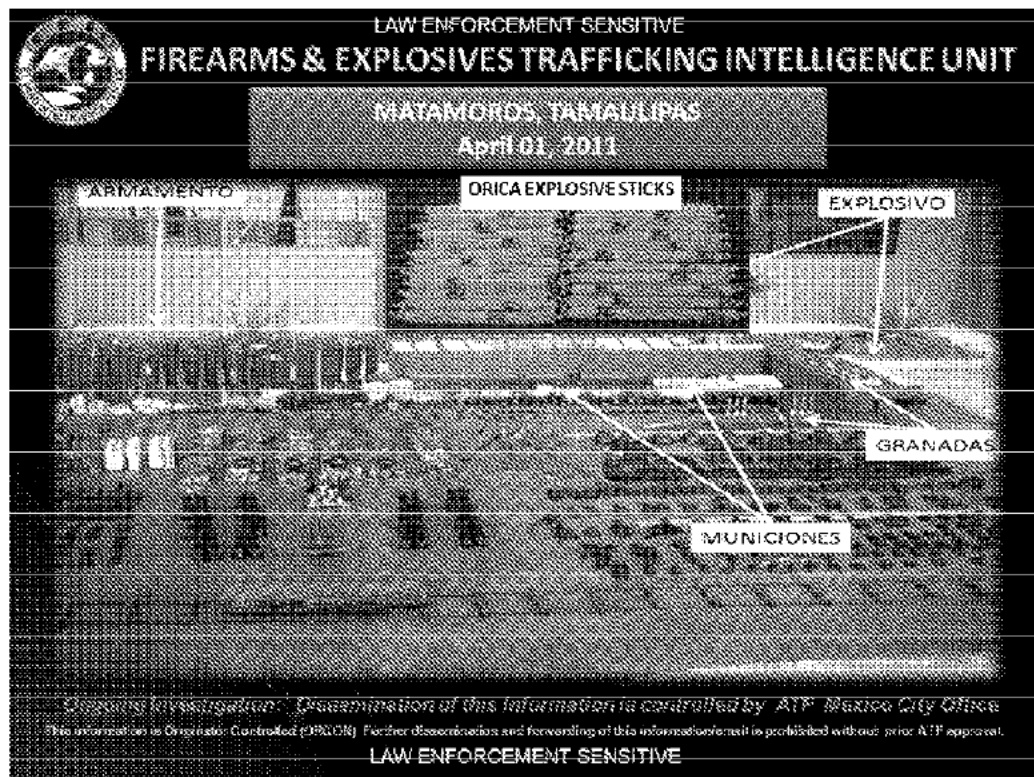
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ICE agents seized the items and took custody of the subject. Federal prosecution was accepted.

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ARIZONA CITY, ARIZONA - On March 21, 2011, CBP agents assigned to the Casa Grande, Arizona Station seized 664 pounds of marijuana, three AK-47 rifles, 92 rounds of 7.62 caliber ammunition and recovered a stolen Chevy Silverado near Arizona City, Arizona. When the agents encountered the vehicle, the occupants abandoned the vehicle in the desert and fled on foot. A search for the subjects met with negative results. The vehicle was turned over to the Pinal County Sheriff's Office. The rifles and ammunition were turned over to ATF.

## 412 Sticks of Explosives and Firearms Recovered in Matamoros, Tamaulipas



On April 1, 2011 elements of the 8TH Military Zone conducting patrol operations in Matamoros, Tamaulipas observed several armed men run into a residence. The military personnel entered the residence and found 59 long guns, 9 machineguns, 21 handguns, 1 rocket launcher, 1 grenade launcher, mortar rounds, hand grenades, rifle grenades, 1 RPG round, 1 possible LAWS rocket, 412 sticks of hydrogel explosives, detonation cord, electric detonators, non-electric detonators, practice grenades, grenade hulls, and \$59,700 in US currency. The military was unable to locate any of the individuals who had fled into the residence.

Hydrogel explosive sticks of this type have been used in the last three Vehicle Borne Improvised Explosive Devices (VBIEDs) incidents in Ciudad Victoria, Tamaulipas. These types of explosives can be purchased commercially from a company named ORICA that has a plant in Monclova, Coahuila, Mexico. In the Ciudad Victoria VBIED incidents, each device contained an estimated 20-25 lbs of hydrogel explosives and each was triggered by a phone call.

**Firearms & Explosives Trafficking Intelligence Unit  
Priority Intelligence Requirements  
(PIRs)**

**(b) (7) (E)**

Questions or comments in reference to this report can be directed to the EPIC Research and Analysis, Firearms & Explosives Trafficking Intelligence Unit, ATF I/A (b) (7)(C) (b) (7)(C)

(b) (7)(C) e-mail (b) (7)(C) r Unit Chief SA (b) (7)(C) at (b) (7)(C) email (b) (7)(C)

Arthur Doty, Director

Approved By: (b) (7)(C)

Chief, NER

Prepared By: I/A (b) (7)(C)

**From:** (b) (7)(C)

**Sent:** Friday, April 29, 2011 10:15 AM

**To:** (b) (7)(C)  
(b) (7)(C)  
(b) (7)(C)  
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**Subject:** Firearms & Explosives Trafficking Intelligence Unit-May 2011 INTEL RPT (Law Enforcement Sensitive)

**Attachments:** DRAFT Firearms Explosives INTEL RPT MAY 2011.pdf

All,  
Attached is the May 2011 Firearms & Explosives Trafficking Intelligence Report. The report is "Law Enforcement Sensitive" please handle accordingly.

(b) (7)(C)

(b) (7)(C)

ATF Intelligence Research Specialist  
Project Gunrunner  
El Paso Intelligence Center (EPIC)  
El Paso, Texas  
WK: (b) (7)(C)

\*\*\*\*\*

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Research & Analysis Section, 11339 SSG Sims Street, Biggs AAF, El Paso, Texas 79908 Phone: 915 760-2000

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MAY 2011

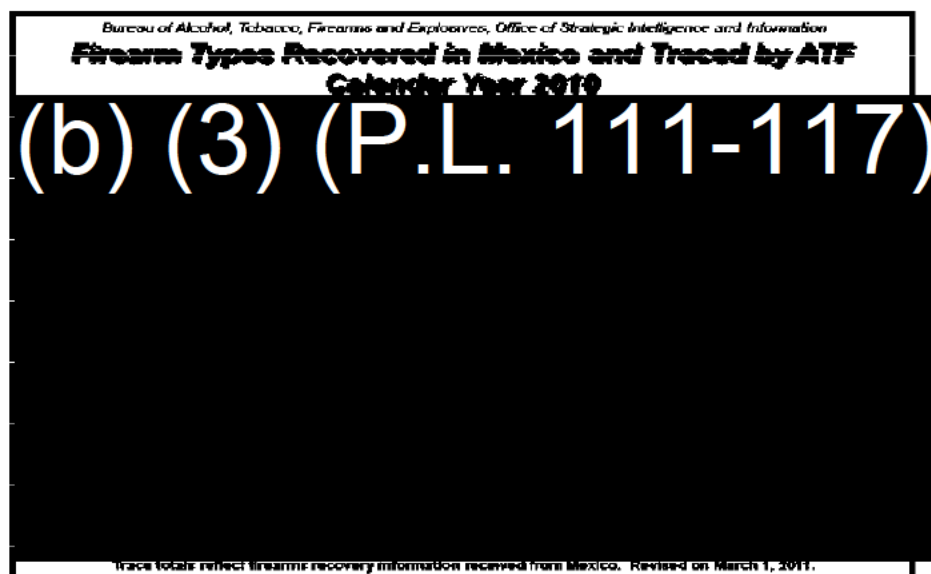
## Firearms & Explosives Trafficking Intelligence Unit Mission

### INSIDE THIS ISSUE

1. Firearms & Explosives Trafficking Intelligence Unit Mission  
Firearm Types Recovered in Mexico and Traced by ATF-Calendar Year 2010
  2. Top United States Source Locations for Firearms Recovered in Mexico with a Time-To-Crime of Less Than 3 Years-Calendar Year 2010  
Time-To-Crime Rates for Firearms Recovered in Mexico-Calendar Year 2010
  3. Top Firearm Calibers Recovered in Mexico with a Time-To-Crime of Less than 3 Years-Calendar Year 2010  
Average Time-To-Crime Rates in Years for Top Firearm Calibers Recovered in Mexico-Calendar Year 2010
  4. CBP Seizes Firearms at the Port of Entry in Hidalgo, Texas
  5. Mission Police Seize Guns, Cash, and Communications Equipment
  6. CBP Officers at Del Rio Port of Entry Seize Four Rifles, Two Tec-9 Pistols, One 9mm Pistol and Firearm Magazines
  7. CBP Officers Seize AK-47 magazines and Thousands of Rounds of Ammunition
  8. Two Men are arrested after Laredo Police find ammunition in their vehicle  
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- Priority Intelligence Requirements (PIRS)

To disrupt the illegal flow of firearms and ammunition being used by Mexican drug trafficking organizations by identifying relevant firearms seizures in the United States and Mexico, and attempting to link those seizures to U.S. based firearms traffickers. The unit also collects information on significant explosives incidents that occur in Mexico.

## Firearm Types Recovered in Mexico and Traced by ATF - Calendar Year 2010



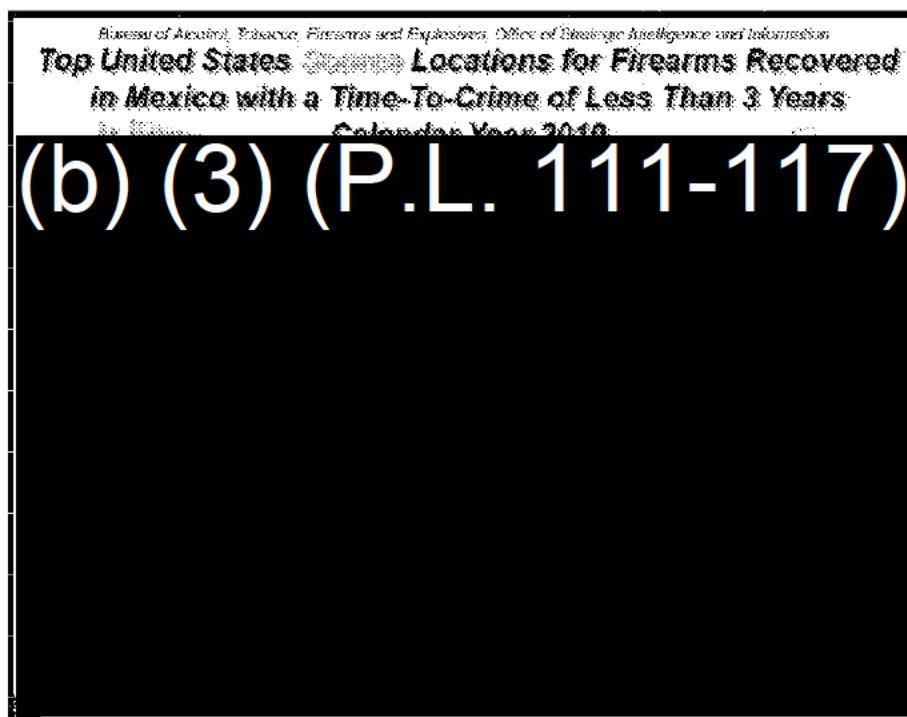
### ATF Firearms Trace Data Disclaimer

Public L. No. 111-117, Consolidated Appropriation Act of 2010, Sec. 516

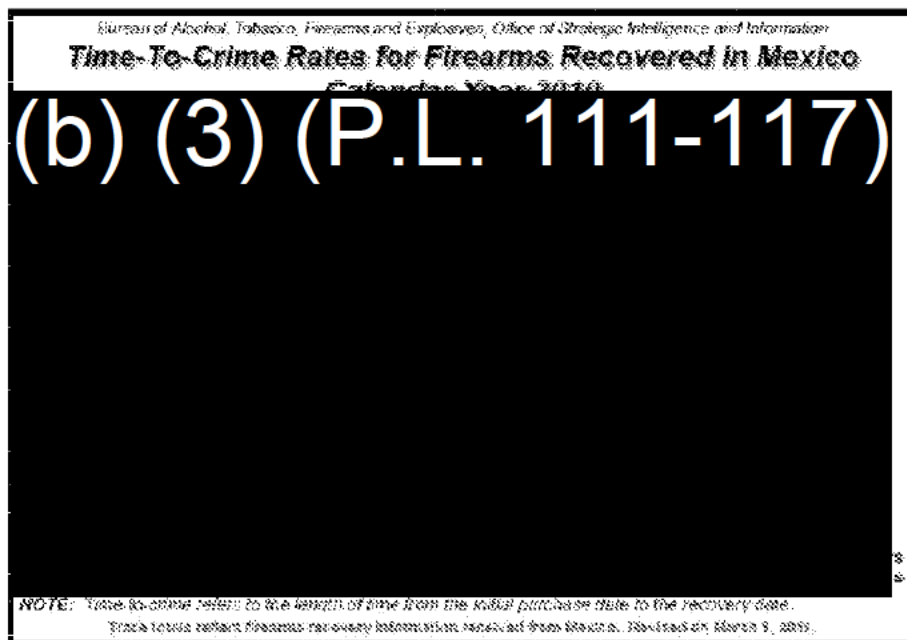
(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

**Top United States Source Locations for Firearms Recovered in Mexico with a Time-To-Crime of Less Than 3 Years  
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**Time-To-Crime Rates for Firearms Recovered in Mexico  
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*Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information*

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*Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information*

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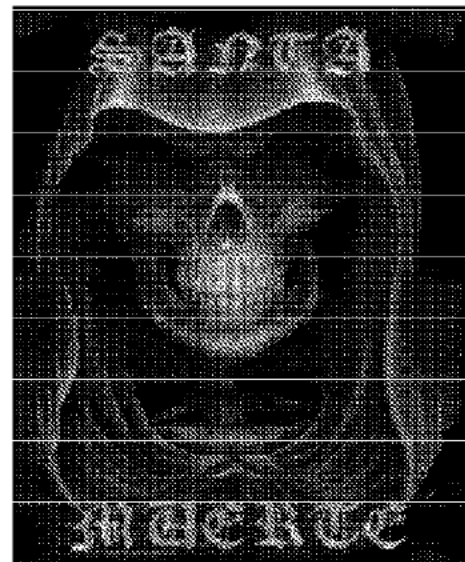
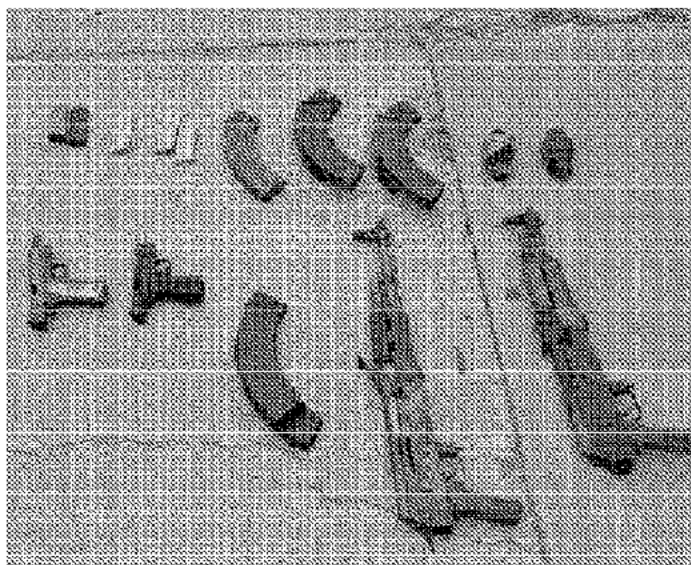
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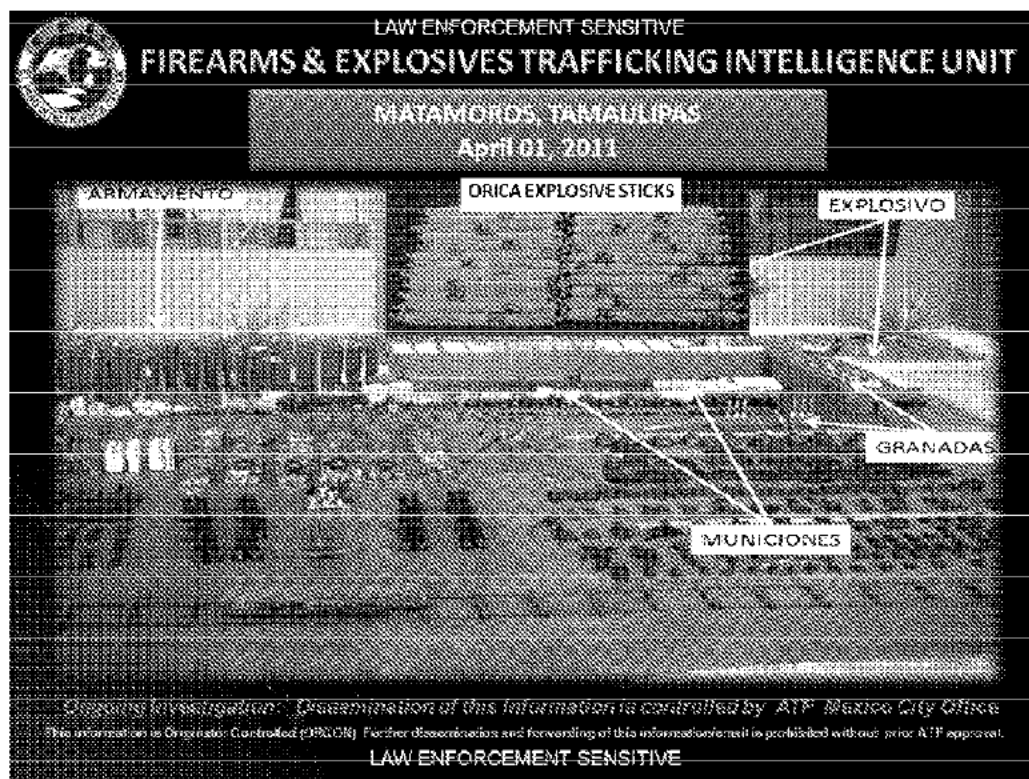
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**Firearms & Explosives Trafficking Intelligence Unit  
Priority Intelligence Requirements  
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**(b) (7) (E)**

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Arthur Doty, Director

Approved By: (b) (7)(C)

Chief, NER

Prepared By: I/A (b) (7)(C)

**U.S. Department of Justice**  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
*Office of Field Operations*  
*Firearms Operations Division*



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**ATF**  
**Gun Runner Impact Team Assessment**  
**Phoenix Field Division Deployment**  
**May 1, 2010 – August 6, 2010**



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UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE



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## **BACKGROUND**

Firearms and explosives violence has escalated to unprecedented levels in Mexico, particularly along the border with the United States. Recent car bombings, increased grenade attacks, and record highs in cartel related killings have further reinforced that the Mexican drug cartels are a threat to Mexico's national security. Power struggles within and among the cartels and between the cartels and the Mexican police and military continue to fuel the demand for increasingly lethal firepower. Organized crime related murders in Mexico more than doubled from 2007 to 2008, and the decade ended with a record breaking 6,587 murders in 2009. During the first week of November 2010, the number of reported organized crime related murders in Mexico surpassed 10,000.<sup>[1]</sup>

Securing the Southwest Border is a top priority of the United States. The 2010 Emergency Border Security Supplemental Appropriations Bill (HR 6080) recently allocated \$600 million for numerous security projects and to bolster the work of Federal law enforcement officials along the border. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) received \$37.5 million of the supplemental funds to expand its personnel and operations dedicated to investigating, disrupting, and dismantling the organizations and networks responsible for trafficking firearms to Mexican cartels and to reduce cartel related border violence.

Since 2006, Project Gunrunner has been ATF's comprehensive strategy to combat firearms related violence by the cartels along the Southwest Border. The strategy aims to reduce firearms and explosives related violent crime associated with Mexican criminal enterprises operating in the U.S. and Mexico by preventing these organizations from acquiring and trafficking firearms and explosives. ATF works toward this goal with an integrated approach that uses all appropriate agency capabilities and by working collaboratively with domestic and international partners.

In April 2009, ATF developed the Gun Runner Impact Team (GRIT) initiative as a supplement to Project Gunrunner to aggressively target and disrupt groups and organizations responsible for the trafficking of firearms to Mexico. The GRIT initiative, designed to be intelligence driven and investigative in nature, focuses on investigating a large number of firearms trafficking leads based on trace information from firearms recovered in Mexico and information obtained from the inspection of Federal firearms licensees (FFLs).

The first GRIT was deployed in ATF's Houston Field Division area, where a majority of firearms recovered in Mexico are sourced. In support of GRIT, ATF deployed an estimated 100 law enforcement, industry operations, intelligence, legal, technical, and administrative support personnel to the Houston Field Division for 120 days. The Houston GRIT was an unprecedented operation that achieved significant success. ATF conducted an extensive post-GRIT assessment to identify lessons learned and applied these lessons in a proposal for a second GRIT operation to be conducted in the Phoenix Field Division.

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<sup>[1]</sup> According to Grupo Reforma's "ejecutómetro" (execution meter), a running tally of cartel-related killings, in 2010 there were 10,095 such killings as of November 8, 2010.

## PHOENIX GRIT

In May 2010, ATF deployed approximately 80 special agents, industry operations investigators (IOIs), intelligence research specialists (IRS), and support personnel to the Phoenix Field Division for a 100-day GRIT operation. The goal of this deployment was to have a focused impact on individuals and groups trafficking firearms from the Phoenix Field Division area into Mexico. The GRIT personnel, combined with Phoenix Field Division personnel, reinforced ATF's unique ability to bring together its firearms trafficking investigative expertise with its regulatory authority and strategic partnerships to combat firearms trafficking to Mexico.

The initiative was conducted under the operational control of the Phoenix Field Division's Special Agent in Charge and received assistance from other ATF components as needed. Special agents and support personnel were detailed to six existing criminal enforcement groups. Two Industry Operations groups consisting of area supervisors, industry operations investigators, and support personnel were created and detailed to Phoenix and Tucson. Additionally, (b) (7)(E) industry operations investigators were detailed to the Albuquerque II office, and (b) (7)(E) special agents, (b) (7)(E) intelligence research specialists, and (b) (7)(E) industry operations investigator were detailed to support the Field Intelligence Group.

The Special Agent in Charge, Phoenix Field Division, recommended the specific human resource requirements (number, type, and locations of assignments) needed to support the initiative, and the Assistant Director of Field Operations approved the recommendation. (See the chart below.) Phoenix Field Division leadership, group supervisors, special agents, industry operations investigators, and intelligence and support personnel provided leadership, guidance, and intelligence and administrative support to the GRIT detailees.

GROUP	DETAILED AGENTS	DETAILED IOIs	DETAILED SUPPORT
Albuquerque II (IO)**		(b) (7)(E)	(b) (7)(E) (IOA)
Phoenix I	(b) (7)(E)		
Phoenix II			(b) (7)(E) (IA)
Phoenix IV (Field Intelligence Group)			(b) (7)(E) (IRS)
Phoenix VII			
Phoenix GRIT (Industry Operations)*			(b) (7)(E) (IOA)
Tucson I			(b) (7)(E) RS (shared by Tucson I & II)
Tucson II			
Tucson GRIT (Industry Operations)*			(b) (7)(E) (IOA)
Division			(b) (7)(E) (SOO, ASA)

Key to detailed support position abbreviations:

IOI – Industry Operations Investigator  
 IOA – Industry Operations Analyst  
 IA – Investigative Analyst  
 IRS – Intelligence Research Specialist  
 SOO – Senior Operations Officer  
 ASA – Administrative Support Assistant

\* GRIT detailees were incorporated into the existing Phoenix Field Division Groups listed above, with the exception of the Phoenix and Tucson GRIT IO groups, which were established separately.

\*\* GRIT detailees remained in their initial locations throughout the deployment, with the exception of an IOA who spent half of the time in Albuquerque and half in Tucson.

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## **GRIT GOALS AND OBJECTIVES**

The overarching goal of the GRIT initiative was to aggressively target and disrupt groups and organizations responsible for trafficking firearms to Mexico. The Phoenix GRIT focused its resources on three main components: an Industry Operations Initiative, a Firearms Trafficking Investigation Initiative, and a Home Invasion Initiative.

The goal of the Industry Operations Initiative was to complete as many inspections as possible of identified high risk FFLs, develop firearms trafficking leads for follow up investigative action, educate FFLs regarding straw purchaser indicators, improve licensees' internal controls, and provide FFLs with a point of contact for reporting suspicious activity.

The Firearms Trafficking Investigation Initiative focused on the two largest metropolitan areas in Arizona; Phoenix and Tucson. These two metropolitan areas are the primary sources of firearms purchased in Arizona and recovered in Mexico. Enforcement groups targeted individuals responsible for illicit firearms trafficking to Mexico in these areas, including illegal firearms suppliers of violent gangs and criminal enterprises that have a direct nexus to Mexico.

Another goal of the Firearms Trafficking Investigation Initiative was to assign a backlog of National Instant Check System (NICS) standard denials for investigative follow up action, with special emphasis on foreign born purchasers who were the subject of a NICS denial. A standard denial is one in which a prohibited person attempts to purchase a firearm, but based on a NICS denial, no firearms transfer takes place.

The Home Invasion Initiative focused on dismantling several home invasion crews in the Phoenix and Tucson areas. The Phoenix Field Division has found that these crews often target drug stash houses, have significant connections to the Mexican drug cartels, and are often engaged in trafficking firearms to Mexico.

## **GRIT SIGNIFICANT ACCOMPLISHMENTS**

### **Criminal Enforcement**

As a result of the GRIT initiative, the Phoenix Field Division opened 174 new investigations. A total of 27 cases and 66 defendants were forwarded for prosecution during the GRIT initiative and approximately 70 percent of backlogged NICS referrals in the Phoenix Field Division were successfully completed during the GRIT operational period.

ATF seized 1,285 firearms, 71,774 rounds of ammunition, two blasting caps, 11 silencers, \$7,763 in currency, 676.2 grams of powder or crack cocaine, 457.7 grams of methamphetamine, and 363.2 grams of marijuana during GRIT operations.

Although all participating Phoenix Field Division field offices completed significant criminal enforcement actions that will be highlighted throughout this assessment, some field offices achieved particularly noteworthy accomplishments during the GRIT operational period. The Tucson II Field Office initiated "Operation Vaquero" and uncovered an ammunition smuggling

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ring associated with the Sinaloa criminal enterprise in Mexico suspected of trafficking over 300,000 rounds of ammunition across the border. The operation disrupted this ammunition pipeline and seized 30,000 rounds of ammunition. The Tucson I Field Office discovered an emerging trend in which criminal enterprises now use white, employed males with no criminal histories to conduct straw purchases in an attempt to elude law enforcement attention.

The Phoenix I Field Office is actively working an investigation in which members of a home invasion crew have been identified through the active monitoring of jail phone calls. The crew has been linked to narcotics trafficking on behalf of a Mexican drug trafficking organization and to home invasions in the Phoenix area.

The Phoenix VII Field Office seized over 230 firearms, including a .50 caliber rifle with an obliterated serial number. In addition, this office, working with the Phoenix Police Department on a joint home invasion investigation, identified a 14-member straw purchasing organization and seized 49 AK-47 style rifles, two pistols, hundreds of magazines, and a Barrett .50 caliber rifle. Four illegal aliens who were arrested as result of this investigation admitted that the guns were headed to Mexico.

Additionally, the GRIT initiative contributed to the discovery of a previously unknown firearms trafficking pattern within the United States. Firearms purchased in the Phoenix area are increasingly being recovered in crimes committed in Texas. This pattern is unusual because both Arizona and Texas have an abundance of FFLs and both are considered source States for firearms.

The GRIT initiative has also led to the identification of two previously unknown firearms trafficking patterns from the U.S. into Mexico. Firearms purchased in the Phoenix area and recovered in Mexico typically make their way directly south into the Mexican border States of Sonora and Chihuahua. Firearms purchased in the Phoenix area and recovered in Mexico are now being recovered as far west as Baja California Norte and as far east as Tamaulipas and Nuevo Leon.

### **Industry Operations**

ATF Industry Operations was able to inspect virtually every FFL that had not been inspected in Arizona's Maricopa County and the Tucson area within the past 5 years. In addition, Industry Operations inspected a number of FFLs that had not been inspected in Maricopa County within the last 3 to 5 years. During the initiative, Industry Operations completed 806 inspections, reviewed 56,117 ATF Forms 4473 for accuracy and firearms trafficking indicators, and recommended 110 administrative actions (109 warning letters and warning conferences, and one recommendation for revocation). Industry Operations verified the accuracy of FFL records for 43,359 firearms and reduced the number of missing and unaccounted for firearms from 1,703 to 333. Industry Operations also uncovered 146 unreported multiple sales totaling 379 firearms and made 108 referrals for follow up action. A total of 69 FFLs surrendered their license during this period.

industry operations investigators were able to identify a number of record keeping deficiencies and educate the licensees about Federal firearms laws and regulations. Several licensees expressed their gratitude for ATF's effort to help improve their internal controls, review the firearms laws and regulations, and improve the overall efficiency of their operations.

There were a number of significant inspections conducted by Industry Operations that resulted in violations identified and referrals generated for firearms trafficking and unlicensed business activity, such as engaging in the business of dealing in firearms without a license and manufacturing firearms without the proper license. An inspection of an FFL located in Maricopa County resulted in a referral to ATF special agents for an individual who had obtained <sup>(b) (3) (P.L. 111-117)</sup>

**(b) (3) (P.L. 111-117)**

During a compliance inspection of another FFL in Maricopa County, four possible firearm traffickers were identified. An e-Trace examination of crime guns from this dealer showed that

**(b) (3) (P.L. 111-117)**

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Another inspection of an FFL in Maricopa County revealed that the licensee had failed to <sup>(b) (3) (P.L. 111-117)</sup>

**(b) (3) (P.L. 111-117)**

A number of licensees in certain outlying areas of New Mexico were found to have significant violations. Additional inspections are planned for these locations.

### COLLABORATION

The Phoenix Field Division continued one of ATF's core enforcement philosophies during GRIT by collaborating with numerous Federal, State, and local law enforcement agencies. Examples ranged from local police departments providing suspect information to ATF agents, to the Albuquerque Police Department pledging 20 to 30 police officers to supplement ATF's participation in GRIT activities in New Mexico.

Although numerous State and local police departments contributed to the success of the Phoenix GRIT, the Phoenix Police Department, Maricopa County Sheriff's Department, and Tucson Police Department played major roles in GRIT activities. Four of the five enforcement groups participating in GRIT reported significant collaboration with these three departments, including intelligence activities and manpower, tactical, equipment, and logistical support. Through their support, the Phoenix and Tucson police departments and the Maricopa County Sheriff's Department directly and positively impacted the GRIT results. Other law enforcement agencies that greatly contributed to the success of the Phoenix Field Division GRIT were the Mesa,

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Arizona and Albuquerque, New Mexico Police Departments, the Pinal County, Arizona Sheriff's Office, the Arizona Department of Public Safety, and the Arizona Department of Revenue.

Several Federal agencies contributed to the overall success of the Phoenix Field Division GRIT, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), U.S. Marshals Service, the U.S. Secret Service, the Internal Revenue Service, and the El Paso Intelligence Center.

Examples of collaboration with other agencies during the GRIT included the following:

- ATF assigned five GRIT detailees to assist the U.S. Border Patrol, ICE, and the DEA in a

**(b) (7)(E)**

- ATF, FBI, U.S. Border Patrol, ICE, the Tohono O'odham Indian Police Department, and the Tucson Police Special Investigations Unit worked together to dismantle a narcotics and firearms trafficking ring operating on the reservation. Several individuals have been arrested on narcotics charges and the case is ongoing.
- Operation Vaquero (mentioned earlier) involved multiple agency coordination to investigate a Tucson based criminal conspiracy suspected of trafficking thousands of rounds of ammunition to a Mexican criminal enterprise. ATF has confirmed that three suspects purchased over a quarter million rounds of ammunition from FFLs and online ammunition retailers. The three suspects are unemployed, used multiple prepaid credit cards to order the ammunition, and used unusual methods to receive and transport the ammunition. One of the suspects is connected to the Sinaloa criminal enterprise. On June 3, 2010, ATF Tucson offices I and II, GRIT special agents, FBI, ICE, and Tucson Police Department officers executed three Federal search warrants in furtherance of this investigation. The three suspects were arrested and indicted on June 23, 2010, by a grand jury in the U.S. District Court – District of Arizona for the smuggling of ammunition and other charges. Seven other persons identified through subsequent investigation are suspected of coordinating and facilitating the trafficking of ammunition and narcotics.
- ATF collaborated with the Government of Mexico through a representative of the Procuraduría General de la República (Mexico's attorney general) detailed to work onsite with ATF in Phoenix. The presence of an onsite representative from the Government of Mexico facilitated the sharing of timely information relating to investigations on both sides of the border.
- The ATF Special Agent in Charge of the Phoenix Field Division conducted two training sessions on ATF's Gunrunner Program to a total of 50 Mexican law enforcement officers from the Mexican States of Sinaloa and Baja California Norte. The training focused on



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ATF's efforts to combat the trafficking of firearms to Mexico and on assistance that Mexico can provide to ATF in this ongoing effort.

### **FIREARMS TRAFFICKING METHODS AND EMERGING TRENDS**

Information gathered from GRIT after-action interviews with supervisors confirmed the existence of certain firearms trafficking methods and uncovered new trafficking trends. The primary method of transporting firearms across the border is vehicles, including tractor trailers. Firearms are often concealed in hidden compartments, false panels, or the spare tire of a vehicle. Another concealment method seen during GRIT was the secreting of firearms secured by zip ties on the undercarriage of vehicles. Firearms are often stored in stash houses near the border and later transported to Mexico. Firearms cross the border in vehicles via ports of entry and also via Indian reservations. Firearms are also simply carried across the border on foot.

A primary method of communication among firearms traffickers continues to be pre-paid cell phones that are used for only a short period of time before being discarded. Often, cell phone SIM cards are swapped out for calls involving illegal activities.

Most often, cash is used to purchase firearms destined for illegal trafficking. One investigation revealed the use of pre-paid credit cards to purchase ammunition.

GRIT investigations have confirmed that individuals who recruit straw purchasers often attempt to insulate themselves from the purchasers by using them for one firearms purchase and then recruiting the purchasers' family, friends, or associates to make additional purchases.

GRIT investigations found that of the straw purchasers who were identified, approximately 75 percent are on public assistance and are between 18 and 24 years old. However, an emerging trend uncovered was the recruitment of older white males with jobs and no criminal histories to straw purchase firearms. According to a confidential informant, these individuals are being sought out in both the Phoenix and Tucson areas to purchase expensive firearms, particularly .50 caliber and belt-fed World War II replica firearms. These straw purchasers, who are valued for their perceived ability to purchase firearms without raising interest of law enforcement, are paid approximately \$700 to \$800 per firearm purchase.

During GRIT, a new pattern of recoveries in Mexico for Arizona-sourced firearms emerged. Normally, firearms purchases in the Phoenix area are recovered directly south of Arizona in the Mexican States of Sonora and Chihuahua. A new east-west trend has been identified in which firearms purchased in the Phoenix Field Division area are now being recovered as far west as Baja California Norte and as far east as Tamaulipas and Nuevo Leon.

Upon detection of the firearms recoveries in Tamaulipas and Nuevo Leon, the Phoenix Field Division Field Intelligence Group began researching trace data for further analysis. Nuevo Leon and Tamaulipas represent territory of the Los Zetas and Gulf cartels, both of which appear to

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obtain the majority of their firearms from Texas, according to recent firearms trace data.<sup>1</sup> The Field Intelligence Group will report its analytical findings in an intelligence assessment.

A previously uncommon intra-U.S. firearm trafficking pattern was discovered, originating in the Phoenix area. Firearms purchased there are now being recovered in Texas. This pattern is unusual because both States have an abundance of FFLs and generally less restrictive State firearms laws and are recognized as “source” States.

### **OUTREACH**

The Phoenix GRIT outreach campaign consisted of providing training for a number of large corporate Federal firearms license holders, including Dick’s Sporting Goods, Inc. on July 8, 2010. The training at Dick’s Sporting Goods, a national sporting goods chain, focused on Federal firearms laws and regulations. The training was prompted by inspections of two stores in the Phoenix area and recent high turnover of employees in local stores. Sixteen managerial employees from different Dick’s stores in Arizona attended the training. Training emphasized proper execution of ATF Forms 4473 and the maintenance of acquisition and disposition records.

As part of the inspection process, industry operations investigators provided FFLs with handout materials that discuss safety and security measures to help prevent the theft or loss of firearms, and information on firearms trafficking indicators that could prevent the FFL from becoming an unwitting participant in illegal firearms transactions. Handout material included ATF Publication 3317.2, “Safety and Security Information for Federal Firearms Licensees,” ATF Publication 3317.6, “Project Gunrunner: The Southwest Border Initiative,” ATF Publication 5300.18, “Nonimmigrant Aliens Purchasing Firearms and Ammunition in the US,” and “Don’t Lie for the Other Guy” posters and flyers.

Industry operations investigators reviewed Federal firearms laws and regulations with FFLs and made recommendations for improving internal controls, which in some cases also helped to streamline the licensees’ operations. A list of contact numbers for the ATF in Arizona and New Mexico was provided to the licensees to report suspicious activity.

During the Houston GRIT in 2009, there was some concern that the extensive media coverage at the inception of the GRIT may have served as a forewarning to offenders, who may have then temporarily suspended their criminal activities or moved to other areas to commit them. As a result of those concerns, no preliminary press conference was held for the Phoenix GRIT. However, at the conclusion of the operation, ATF Deputy Director Kenneth E. Melson and the United States Attorney, District of Arizona, Dennis K. Burke announced the successes of the operation at a press conference.

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<sup>1</sup> According to ATF’s 2009 Project Gunrunner Assessment, of the 517 firearms recovered and traced in Mexico in 2009 and matched with open source seizure events associated with the Gulf cartel/Los Zetas, 80 percent were purchased in Texas.



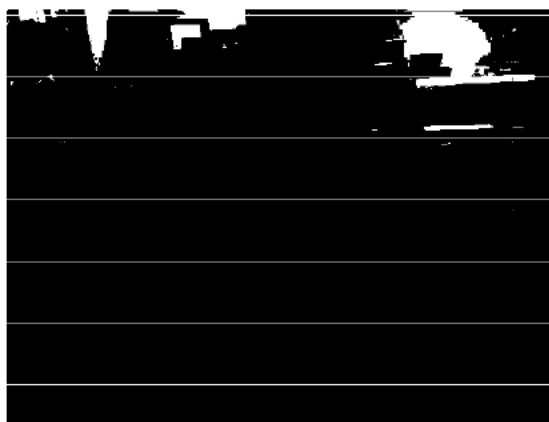
## CONCLUSION

Through a combination of flexible and experienced management; motivated and focused employees; support from outside law enforcement agencies; and large scale Industry Operations, Firearms Trafficking, and Home Invasion Initiatives, GRIT had a positive and lasting impact on violent crime and illegal firearms trafficking in the Phoenix Field Division area.

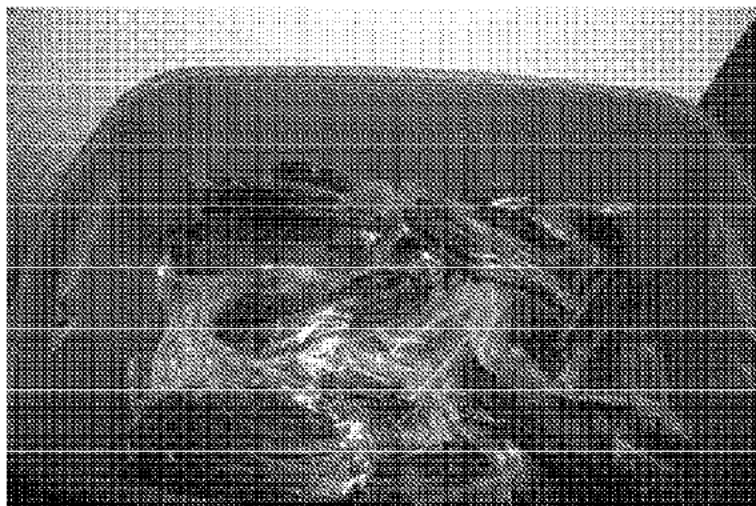
The combination of these elements and initiatives, along with the force multiplier of over 80 additional ATF personnel, led to more than 800 FFLs – one-third of all FFLs in Arizona and New Mexico combined – being inspected, 70 percent of Phoenix Field Division's backlogged NICS referrals being addressed, over 1,200 firearms and 71,000 rounds of ammunition seized from the criminal element, 66 defendants being recommended for prosecution, and 174 investigations being initiated. These statistics will increase in future weeks, months, and years, which is often the case with large scale criminal investigative initiatives. The full success and impact of the Phoenix Field Division GRIT will not be realized for some time, because pending investigations, spin-off investigations, new intelligence, ongoing trials, and additional circumstances inherent in large-scale operations often delay the true impact of an initiative.

Additional GRIT successes were achieved, including the identification of a new east-west firearms trafficking trend from Arizona into Mexico, the identification of a previously unknown firearms trafficking pattern from Arizona into Texas, the discovery of criminal enterprises employing a new type of straw purchaser in the Tucson and Phoenix area, and the identification and break-up of multiple home invasion crews connected to Mexican drug cartels. Expanded outreach to FFLs has improved their relationship with ATF and raised their awareness of what constitutes illegal firearms activity and how to deter would-be offenders. Additionally, GRIT has helped to bring into compliance FFLs that had not been inspected by ATF in a number of years.

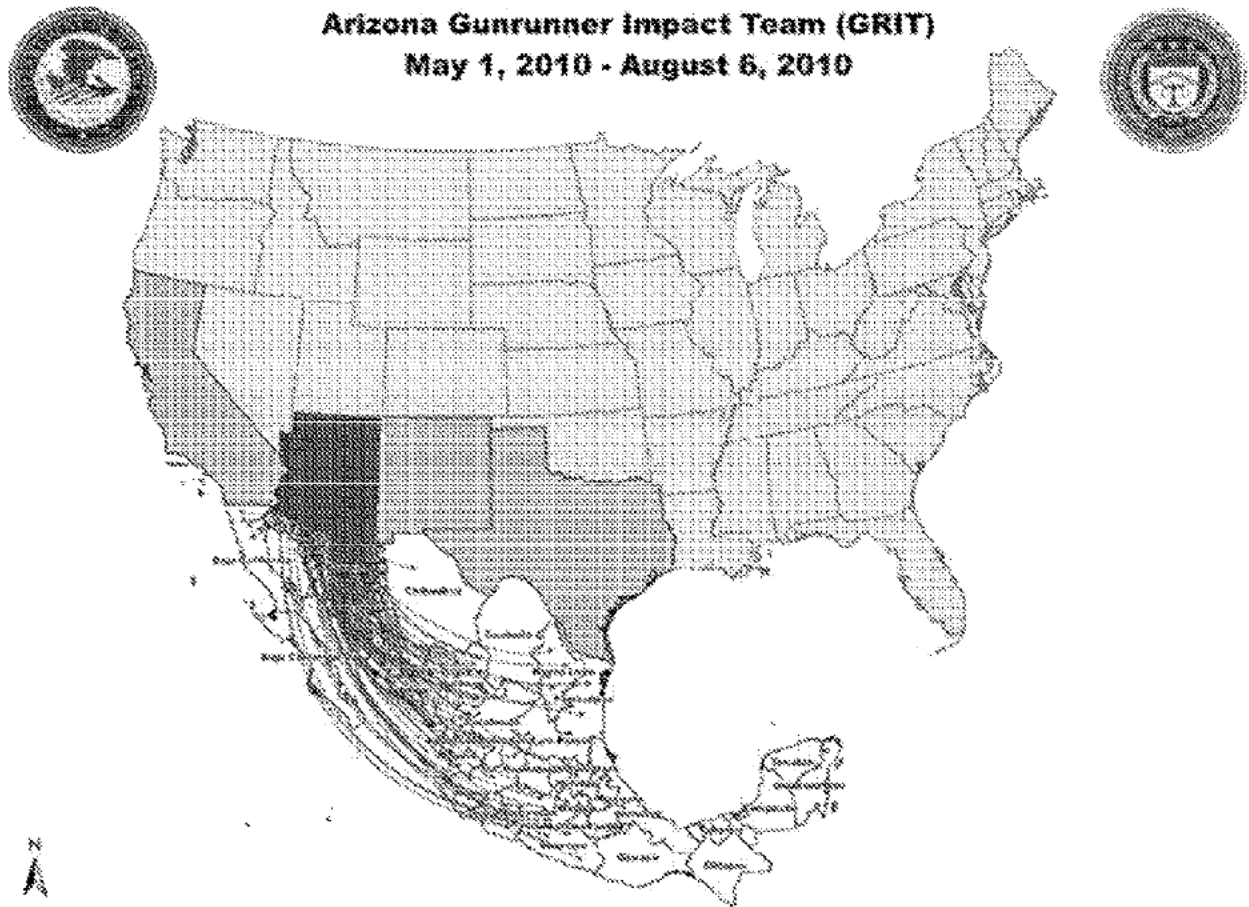
Finally, GRIT has raised awareness along the Southwest Border region in Arizona that ATF and its Federal, State, and local counterparts are committed, focused, and determined to address violent firearms trafficking crimes along the border.



This TNW .50 caliber rifle was seized the day of the GRIT press conference as part of a continuing GRIT investigation.

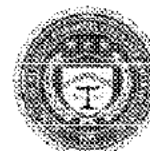


A bin full of magazines (top) and 49 AK variants (bottom) were recovered in a joint home invasion investigation by the Phoenix Police Department and ATF. The four illegal aliens who were arrested admitted that the guns were headed to Mexico. The guns were brand new in their original boxes. Traces showed that all were purchased in the previous 7 to 10 days.



The above map depicts Arizona-sourced firearms recovered in Mexico during the GRIT period. The map reflects recoveries of Arizona-sourced firearms directly south of Arizona, as well as to areas east and west. The east-west recoveries are an emerging trend that was identified during the GRIT operation.

**U.S. Department of Justice**  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
*Office of Field Operations*  
*Firearms Operations Division*



**ATF**  
**Gun Runner Impact Team Internal Assessment**  
**Phoenix Field Division Deployment**  
**May 1, 2010 – August 6, 2010**



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## **BACKGROUND**

Firearms and explosives violence has escalated to unprecedented levels in Mexico, particularly along the border with the United States. Recent car bombings, increased grenade attacks, and record highs in cartel related killings have further reinforced that the Mexican drug cartels are a threat to Mexico's national security. Power struggles within and among the cartels and between the cartels and the Mexican police and military continue to fuel the demand for increasingly lethal firepower. Organized crime related murders in Mexico doubled from 2007 to 2008, and the decade ended with a record breaking 6,587 murders in 2009. During the first week of November 2010, the number of reported organized crime related murders in Mexico surpassed 10,000.<sup>[1]</sup>

Securing the Southwest Border is a top priority of the United States. The 2010 Emergency Border Security Supplemental Appropriations Bill (HR 6080) recently allocated \$600 million for numerous security projects and to bolster the work of Federal law enforcement officials along the border. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) received \$37.5 million of the supplemental funds to expand its personnel and operations dedicated to investigating, disrupting, and dismantling the organizations and networks responsible for trafficking firearms to Mexican cartels and to reduce cartel related border violence.

Since 2006, Project Gunrunner has been ATF's comprehensive strategy to combat firearms related violence by the cartels along the Southwest Border. The strategy aims to reduce firearms and explosives related violent crime associated with Mexican criminal enterprises operating in the U.S. and Mexico by preventing these organizations from acquiring and trafficking firearms and explosives. ATF accomplishes this goal with an integrated approach that uses all appropriate agency capabilities and by working collaboratively with domestic and international partners.

In April 2009, ATF developed the Gun Runner Impact Team (GRIT) initiative as a supplement to Project Gunrunner to aggressively target and disrupt groups and organizations responsible for the trafficking of firearms to Mexico. The GRIT initiative, designed to be intelligence driven and investigative in nature, focuses on investigating a large number of firearms trafficking leads based on trace information from firearms recovered in Mexico and information obtained from the inspection of Federal firearms licensees (FFLs).

The first GRIT was deployed in ATF's Houston Field Division area, where a majority of firearms recovered in Mexico are sourced. In support of GRIT, ATF deployed an estimated 100 law enforcement, industry operations (IO), intelligence, legal, technical, and administrative support personnel to the Houston Field Division for 120 days. The Houston GRIT was an unprecedented operation that achieved significant success. ATF conducted an extensive post-GRIT assessment to identify lessons learned and applied these lessons in a proposal for a second GRIT operation to be conducted in the Phoenix Field Division.

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<sup>[1]</sup> According to Grupo Reforma's "ejecutómetro (execution meter)," a running tally of cartel-related killings, there were 10,095 such killings this year as of November 8, 2010.

## PHOENIX GRIT

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The initiative was conducted under the operational control of the Phoenix Field Division's Special Agent in Charge and received assistance from other ATF components as needed. Special agents and support personnel were detailed to six existing criminal enforcement groups. Two IO groups consisting of area supervisors, IOIs, and support personnel were created and detailed to Phoenix and Tucson. Additionally (b) (7)(E) IOIs were detailed to the Albuquerque II office, and (b) (7)(E) special agents, (b) (7)(E) IRSs, and (b) (7)(E) IOI were detailed to support the Field Intelligence Group (FIG).

The Special Agent in Charge, Phoenix Field Division, recommended the specific human resource requirements (number, type, and locations of assignments) needed to support the initiative, and the Assistant Director of Field Operations approved the recommendation. (See the chart below.) Phoenix Field Division leadership, group supervisors, special agents, IOIs, and intelligence and support personnel provided leadership, guidance, and intelligence and administrative support to the GRIT detailees.

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Phoenix IV (FIG)			(b) (7)(E) (IOA)
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Division			(b) (7)(E) (SOC, ASA)

Key to detailed support position abbreviations::

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## **ASSESSMENT OBJECTIVES**

At the conclusion of the GRIT operation in the Phoenix Field Division, the Firearms Operations Division was charged by the Assistant Director of Field Operations with conducting an assessment of GRIT performance. A team consisting of a program analyst, a special agent project officer, and an IO program manager visited the Phoenix Field Division from August 30 to September 2, 2010, to conduct the assessment of GRIT performance during the 100 day surge operation from May 1, 2010 to August 6, 2010.

The assessment objectives were as follows:

- **Document GRIT performance with regard to established performance measures.**
- **Determine resource issues and concerns.**
- **Document collaboration with other law enforcement agencies and outreach activities.**
- **Determine use and effectiveness of intelligence resources.**
- **Identify any new trends in firearms trafficking methods.**
- **Identify GRIT-specific best practices and areas for improvement.**
- **Document success stories.**
- **Document recommendations for future GRIT deployments.**

### **Interviews**

The team conducted interviews with key members of the division, including the Special Agent in Charge, Assistant Special Agents in Charge, Director of Industry Operations, Division Budget Analyst, Acting Supervisor Field Intelligence Group, and GRIT supervisors in the field. In addition, interviews were conducted with special agent, IOI, and IRS detailees. The team developed surveys specific to both law enforcement and industry operations for the interviews. (See Attachments A and B.)

### **Performance Measurement**

Although the overall goal of the GRIT initiative was to target and disrupt groups and organizations responsible for trafficking firearms to Mexico, the nature of criminal investigative work makes the establishment of meaningful and measurable performance indicators difficult. For example, establishing the number of straw purchasers or suspected firearms traffickers prosecuted as a performance indicator is problematic because ATF cannot directly control this outcome. Also, disrupting or dismantling Mexican criminal enterprises is outside ATF's ability to control since the Mexican criminal enterprises largely operate outside the direct reach of U.S. law enforcement authorities.

A reduction in the number of firearms recovered in Mexico that are U.S. sourced is a measure of success not likely to be realized during a surge period and will only be achieved if sufficient resources continue to be dedicated to the greater Southwest Border strategy beyond the surge period. A reduction in the number of firearms traced from Mexico is also not a meaningful measurement of short term success since the total number of firearms currently in the custody of

the Government of Mexico is unknown and Mexico's progress with tracing all recovered firearms will only result in an increase of this potential measurement, even if incidents of trafficked firearms are actually declining.

Despite the aforementioned challenges, it was essential that ATF develop a method of measuring performance in order to evaluate the success of the GRIT operation. ATF Headquarters, in consultation with the Phoenix Field Division, developed a weekly performance report (see Attachment C, GRIT Performance Report) to gauge the performance of the teams.

### **GRIT GOALS AND OBJECTIVES**

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The goal of the Industry Operations Initiative was to complete as many inspections as possible of identified high risk FFLs, develop firearms trafficking leads for follow up investigative action, educate FFLs regarding straw purchaser indicators, improve licensees' internal controls, and provide FFLs with a point of contact for reporting suspicious activity.

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Another goal of the Firearms Trafficking Investigation Initiative was to assign a backlog of National Instant Check System (NICS) standard denials for investigative follow up action, with special emphasis on foreign born purchasers who were the subject of a NICS denial. A standard denial is one in which a prohibited person attempts to purchase a firearm, but based on a NICS denial, no firearms transfer takes place.

**(b) (7)(E)**

### **Phoenix Field Division GRIT Proposal**

In January 2010, the Phoenix Field Division submitted their GRIT proposal for review to the Office of Field Operations. The proposal outlined the strategy to implement and deploy a GRIT operation in the Phoenix Field Division in 2010. The GRIT proposal focused on several key priorities for the operation, including deployment of integrated firearms enforcement teams, expansion of a risk-based approach to inspections, increasing ATF's firearms trafficking and technical training, expanding awareness and outreach, and improving inventory control of FFLs.



These priorities would be implemented in a staggered yet coordinated time frame and executed through the Industry Operations Initiative and the Firearms Trafficking Investigative Initiative.

The original Phoenix GRIT was designed to conclude within 6 months in 2010 and was constructed around the foundational element of advanced detailee deployments. The operation would begin on February 22, 2010, with an advance deployment team arriving in the Phoenix Field Division to begin the Industry Operations Initiative. This advance team would consist of one detailed IOI/SOO, two detailed area supervisors, three industry operations analysts, and one industry operations intelligence specialist for approximately 2 weeks. During this two week period, the advance team, in coordination with Phoenix Field Division and the Office of Strategic Intelligence and Information (OSII), would focus on the development of a FFL inspection priority list.

Beginning March 8, 2010, 25 IOIs would arrive in the Phoenix Field Division and, in coordination with the Phoenix Intelligence Group (FIG), begin conducting FFL inspections and generating lead referrals. These detailed IOIs would conduct FFL inspections and participate in FFL outreach initiatives for the next 30 days. This 30 day period would provide the necessary time for the collection and interpretation of intelligence data, lead referral perfection, and the creation of an intelligence foundation that would support the next phase of the operation.

On April 5, 2010, the remainder of detail personnel, including detailed group supervisors, detailed special agents, IRSSs, and investigative assistants would arrive in the Phoenix Field Division to begin the Firearms Trafficking Investigative Initiative. Detailees would be integrated into Phoenix Field Division offices in the Phoenix and Tucson metropolitan areas primarily because these areas are the main source of firearms purchased in Arizona and recovered in crimes in Mexico. Detailees would conduct follow-up investigations based on lead referrals generated by the advance teams and be assigned to assist with a backlog of National Instant Check Systems (NICS) denials. Finally, detailees would be incorporated into active firearms investigations within the Phoenix Field Division to fully realize the Firearms Trafficking Investigative Initiative phase of the operation.

For approximately the first four months of 2010, the proposed Phoenix GRIT operation was delayed due to budgetary and administrative issues.

On April 23, 2010, the Phoenix Field Division received instruction from the Office of Field Operations that the proposed Phoenix GRIT was to be operational by May 1, 2010. On April 27, 2010, the Phoenix Field Division submitted a revised GRIT proposal to the Office of Field Operations, which attempted to fully maximize ATF resources while maintaining the integrity of the original plan in a condensed operational time frame. Additionally, the revised Phoenix GRIT proposal contained several key changes to the original January 2010 Phoenix GRIT proposal in an effort to minimize operational issues associated with the limited advance notification for the operation.

The revised Phoenix GRIT operation would commence on May 3, 2010, and be completed within a 3 month schedule on August 8, 2010. (b) (7)(E) was included as a third strategy component and all detail personnel would arrive in the Phoenix Field Division in a

2 week period between May 3, 2010 and May 17, 2010. The original core teams of detailed personnel would remain intact in the revised Phoenix GRIT operation; however, with minimal advance teams and the inability to stagger detailee arrivals set within a condensed operational time frame, operational and logistical challenges were evident in the implementation of the operation. Ultimately, the outcome of these challenges varied widely throughout the operation and will be discussed in the “Best Practices/Ineffective Practices” section of this assessment.

### **GRIT SIGNIFICANT ACCOMPLISHMENTS**

#### **Criminal Enforcement**

As a result of the GRIT initiative, the Phoenix Field Division opened 174 new investigations. A total of 27 cases and 66 defendants were forwarded for prosecution during the GRIT initiative and approximately 70 percent of backlogged NICS referrals in the Phoenix Field Division were successfully completed during the GRIT operational period.

ATF seized 1,285 firearms, 71,774 rounds of ammunition, two blasting caps, 11 silencers, \$7,763 in currency, 676.2 grams of powder or crack cocaine, 457.7 grams of methamphetamine, and 363.2 grams of marijuana during GRIT operations.

Although all participating Phoenix field offices completed significant criminal enforcement actions that will be highlighted throughout this assessment, some field offices achieved particularly noteworthy accomplishments during the GRIT operational period. The Tucson II Field Office initiated “Operation Vaquero” and uncovered an ammunition smuggling ring associated with the Sinaloa criminal enterprise in Mexico suspected of trafficking over 300,000 rounds of ammunition across the border. The operation disrupted this ammunition pipeline and seized 30,000 rounds of ammunition. The Tucson I Field Office discovered an emerging trend in which criminal enterprises now use white, employed males with no criminal histories to conduct straw purchases in an attempt to elude law enforcement attention.

The Phoenix I Field Office is actively working an investigation in which members of a home invasion crew have been identified through the active monitoring of jail phone calls. The crew has been linked to narcotics trafficking on behalf of a Mexican criminal enterprise and to home invasions in the Phoenix area.

The Phoenix VII Field Office seized over 230 firearms, including a .50 caliber rifle with an obliterated serial number. In addition, this office working with the Phoenix Police Department on a joint home invasion investigation, identified a 14 member straw purchasing organization and seized 49 AK-47 style rifles, two pistols, hundreds of magazines, and a Barrett .50 caliber rifle. Four illegal aliens who were arrested as result of this investigation admitted that the firearms were headed to Mexico.

Additionally, the GRIT initiative contributed to the discovery of a previously unknown firearms trafficking pattern within the United States. Firearms purchased in the Phoenix area are increasingly being recovered in crimes in the State of Texas. This pattern is unusual because

both Arizona and Texas have an abundance of FFLs and both are considered source States for firearms.

The GRIT initiative has also led to the identification of two previously unknown firearms trafficking patterns from the U.S. into Mexico. Firearms purchased in the Phoenix area and recovered in Mexico typically make their way directly south into the Mexican border States of Sonora and Chihuahua. Firearms purchased in the Phoenix area and recovered in Mexico are now being recovered as far west as Baja California Norte and as far east as Tamaulipas and Nuevo Leon.

### Industry Operations

ATF IO was able to inspect virtually every FFL that had not been inspected in Arizona's Maricopa County and the Tucson area within the past five years. In addition, IO inspected a number of FFLs that had not been inspected in Maricopa County within the last 3 to 5 years. During the initiative, IO completed 806 inspections, reviewed 56,117 ATF Forms 4473 for accuracy and firearms trafficking indicators, and recommended 110 administrative actions (109 warning letters and warning conferences, and one recommendation for revocation). IO verified the accuracy of FFL records for 43,359 firearms and reduced the number of missing and unaccounted for firearms from 1,703 to 333. IO also uncovered 146 unreported multiple sales totaling 379 firearms and made 108 referrals for follow up action. A total of 69 FFLs surrendered their licenses during this period.

IOIs were able to identify a number of record keeping deficiencies and educate the licensees about Federal firearms laws and regulations. Several licensees expressed their gratitude for ATF's effort to help improve their internal controls, review the firearms laws and regulations, and improve the overall efficiency of their operations.

There were a number of significant inspections conducted by IO that resulted in violations identified and referrals generated for firearms trafficking and unlicensed business activity, such as engaging in the business of dealing in firearms without a license and manufacturing firearms without the proper license. An inspection of an FFL located in Maricopa County resulted in a referral to ATF special agents for an individual who had obtained (b) (3) (P.L. 111-117)

(b) (3) (P.L. 111-117)

(b) (3) (P.L. 111-117)

During a compliance inspection of another FFL in Maricopa County four possible firearm traffickers were identified. An e-Trace examination of crime guns from this dealer showed that

(b) (3) (P.L. 111-117)

(b) (3) (P.L. 111-117)

(b) (3) (P.L. 111-117)

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Another inspection of an FFL in Maricopa County revealed that the licensee had failed (b) (3) (P.L. 111-117)  
**(b) (3) (P.L. 111-117)**

A number of licenses inspected in outlying areas of New Mexico were found to have significant violations. Additional inspections are planned for these locations.

### RESOURCES

Generally, those interviewed felt that the number of IOIs and special agents detailed to support the initiative was adequate. However, the Phoenix FIG needed additional IRSs with field experience to provide support. In addition, IRSs were needed to support each GRIT criminal enforcement group in conducting additional research and analysis, particularly link analysis.

Additional administrative support was needed in the division office to handle the increased volume of operational expenditures. Slow payment of detailee vouchers was a problem during GRIT due to the increased volume of vouchers required to be processed by ATF Headquarters. The Phoenix Field Division Budget Analyst recommended that additional personnel be assigned in Headquarters to process GRIT detailee travel vouchers.

Office space was limited during the GRIT. The outlying field offices lacked sufficient space to accommodate both the detailees and the regularly assigned personnel. When additional space was obtained, it was late in the operation and the lease term did not coincide with the duration of the GRIT. For example, in Tucson, 10 IOIs, an area supervisor, and an industry operations analyst worked out of a small conference room for about a month before temporary office space could be leased. When the space was obtained, it was larger than needed and the lease ran beyond the GRIT operation.

The majority of detailees had sufficient office and investigative equipment. Portable printers were obtained for the majority of IOIs who requested them. However, the IOIs detailed to New Mexico did not have these printers and were not aware they could be acquired. The use of wireless "aircards" greatly enhanced the IOI detailees' ability to work efficiently from remote locations.

The mapping software on the GPS devices used by the IOIs needed to be updated. The outdated software made it difficult for the IOIs to navigate the Phoenix area, which has undergone expansion and new construction over the last couple of years.

Most interviewees felt that 100 days was an adequate length of time for the detail. Some GRIT personnel felt that the detail was too long and recommended a 60 to 80 day time frame for future operations.

Criminal enforcement supervisors generally felt that special agent detailees had adequate experience to conduct investigations, but some special agents did not have border trafficking experience. To compensate for this lack of experience, some detailed special agents were paired with special agents who had previously worked border related investigations.

The morale of the GRIT detailees was generally high; however, most disapproved of the very short notice given prior to the detail assignment. Generally, GRIT supervisors were very pleased with the attitudes and hard work of the detailees. A few detailees offered to stay an extended period of time to complete significant investigations. The practice of allowing employees who had previously scheduled leave to go home during the middle of the GRIT also increased morale.

### COLLABORATION

The Phoenix Field Division continued one of ATF's core enforcement philosophies during GRIT by collaborating with numerous Federal, State, and local law enforcement agencies. Examples ranged from local police departments providing suspect information to ATF agents to the Albuquerque Police Department pledging 20 to 30 police officers to supplement ATF's participation in GRIT activities in New Mexico.

Although numerous State and local police departments contributed to the success of the Phoenix GRIT, the Phoenix Police Department, Maricopa County Sheriff's Department, and Tucson Police Department played major roles in GRIT activities. Four of the five enforcement groups participating in GRIT reported significant collaboration with these three departments, including intelligence activities and manpower, tactical, equipment, and logistical support. Through their support, the Phoenix and Tucson Police Departments and the Maricopa County Sheriff's Department directly and positively impacted the GRIT results. Other law enforcement agencies that greatly contributed to the success of the Phoenix GRIT were the Mesa, Arizona and Albuquerque, New Mexico Police Departments, the Pinal County, Arizona Sheriff's Office, the Arizona Department of Public Safety, and the Arizona Department of Revenue.

Several Federal agencies contributed to the overall success of the Phoenix GRIT, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), U.S. Marshals Service, the U.S. Secret Service, the Internal Revenue Service, and the El Paso Intelligence Center.

Examples of collaboration with other agencies during the GRIT included the following:

- ATF assigned five GRIT detailees to assist the U.S. Border Patrol, ICE and the DEA in a

**(b) (7)(E)**

- ATF, FBI, U.S. Border Patrol, ICE, the Tohono O'odham Indian Police Department, and the Tucson Police Special Investigations Unit worked together to dismantle a narcotics and firearms trafficking ring operating on the reservation. Several individuals have been arrested on narcotics charges and the case is ongoing.
- Operation Vaquero (mentioned earlier) involved multiple agency coordination to investigate a Tucson based criminal conspiracy suspected of trafficking thousands of

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rounds of ammunition to a Mexican criminal enterprise. ATF has confirmed that three suspects purchased over a quarter million rounds of ammunition from FFLs and online ammunition retailers. The three suspects were unemployed, used multiple prepaid credit cards to order the ammunition, and employed unusual methods to receive and transport the ammunition. One of the suspects is connected to the Sinaloa criminal enterprise. On June 3, 2010, ATF Tucson offices I and II, GRIT special agents, FBI, ICE, and Tucson Police Department officers executed three Federal search warrants in furtherance of this investigation. The three suspects were arrested and indicted on June 23, 2010, by a grand jury in the U.S. District Court – District of Arizona for the smuggling of ammunition and other charges. Seven other persons identified through subsequent investigation are suspected of coordinating and facilitating the trafficking of ammunition and narcotics.

- ATF collaborated with the Government of Mexico through a representative of the Procuraduría General de la República (Mexico's attorney general) detailed to work onsite with ATF in Phoenix. The presence of an onsite representative from the Government of Mexico facilitated the sharing of timely information relating to investigations on both sides of the border.
- The ATF Special Agent in Charge of the Phoenix Field Division conducted two training sessions on ATF's Gunrunner Program to a total of 50 Mexican law enforcement officers from the Mexican States of Sinaloa and Baja California Norte. The training focused on ATF's efforts to combat the trafficking of firearms to Mexico and on assistance that Mexico can provide to ATF in this ongoing effort.

### **FIREARMS TRAFFICKING METHODS AND EMERGING TRENDS**

Information gathered from GRIT after-action interviews with supervisors confirmed the existence of certain firearms trafficking methods and uncovered new trafficking trends. The primary method of transporting firearms across the border is vehicles, including tractor trailers. Firearms are often concealed in hidden compartments, false panels, or the spare tire of a vehicle. Another concealment method seen during GRIT was the secreting of firearms, secured by zip ties, on the undercarriage of vehicles. Firearms are often stored in stash houses near the border and later transported to Mexico. Firearms cross the border in vehicles via ports of entry and also via Indian reservations. Firearms are also simply carried across the border on foot.

A primary method of communication among firearms traffickers continues to be pre-paid cell phones that are used for only a short period of time before being discarded. Often, cell phone SIM cards are swapped out for calls involving illegal activities.

Most often, cash is used to purchase firearms destined for illegal trafficking. One investigation revealed the use of pre-paid credit cards to purchase ammunition.

GRIT investigations have confirmed that individuals who recruit straw purchasers often attempt to insulate themselves from the purchasers by using them for one firearms purchase and then recruiting the purchasers' family, friends, or associates to make additional purchases.



GRIT investigations found that of the straw purchasers who were identified, approximately 75 percent are on public assistance and are between 18 and 24 years old. However, an emerging trend uncovered was the recruitment of older white males with jobs and no criminal histories to straw purchase firearms. According to a confidential informant, these individuals are being sought out in both the Phoenix and Tucson areas to purchase expensive firearms, particularly .50 caliber and belt-fed World War II replica firearms. These straw purchasers, who are valued for their perceived ability to purchase firearms without raising interest of law enforcement, are paid approximately \$700 to \$800 per firearms purchase.

During GRIT, a new pattern of recoveries in Mexico for Arizona sourced firearms emerged. Normally, firearms purchases in the Phoenix area are recovered directly south of Arizona in the Mexican States of Sonora and Chihuahua. A new east-west trend has been identified in which firearms purchased in the Phoenix area are now being recovered as far west as Baja California Norte and as far east as Tamaulipas and Nuevo Leon.

Upon detection of the firearms recoveries in Tamaulipas and Nuevo Leon, the Phoenix FIG began researching trace data for further analysis. Nuevo Leon and Tamaulipas represent territory of the Los Zetas and Gulf cartels, both of which appear to obtain the majority of their firearms from Texas, according to recent firearms trace data.<sup>1</sup> The FIG will report its analytical findings in an intelligence assessment.

A previously uncommon intra-U.S. firearm trafficking pattern was discovered, originating in the Phoenix area. Firearms purchased there are now being recovered in Texas. This pattern is unusual because both States have an abundance of FFLs and generally less restrictive State firearms laws and are recognized as "source" States.

## **OUTREACH**

The Phoenix GRIT outreach campaign consisted of providing training for a number of large corporate Federal firearms license holders, including Dick's Sporting Goods, Inc. on July 8, 2010. The training at Dick's Sporting Goods focused on Federal firearms laws and regulations. The training was prompted by inspections of two stores in the Phoenix area and recent high turnover of employees in local stores. Sixteen managerial employees from different Dick's stores in Arizona attended the training. Training emphasized proper execution of ATF Forms 4473 and the maintenance of acquisition and disposition records.

As part of the inspection process, IOIs provided FFLs with handout materials that discuss safety and security measures to help prevent the theft or loss of firearms, and information on firearms trafficking indicators that could prevent the FFL from becoming an unwitting participant in illegal firearms transactions. Handout material included ATF Publication 3317.2, "Safety and Security Information for Federal Firearms Licensees," ATF Publication 3317.6, "Project Gunrunner: The Southwest Border Initiative," ATF Publication 5300.18, "Nonimmigrant Aliens

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<sup>1</sup> According to ATF's 2009 Project Gunrunner Assessment, of the 517 firearms recovered and traced in Mexico in 2009 and matched with open source seizure events associated with the Gulf cartel/Los Zetas, 80 percent were purchased in Texas.

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Purchasing Firearms and Ammunition in the US,” and “Don’t Lie for the Other Guy” posters and flyers.

IOIs reviewed Federal firearms laws and regulations with FFLs and made recommendations for improving internal controls, which in some cases also helped to streamline the licensees’ operations. A list of contact numbers for the ATF in Arizona and New Mexico was provided to the licensees to report suspicious activity.

During the Houston GRIT in 2009, there was some concern that the extensive media coverage at the inception of the GRIT may have served as a forewarning to offenders, who may have then temporarily suspended their criminal activities or moved to other areas to commit them. As a result of those concerns, no preliminary press conference was held for the Phoenix GRIT. However, at the conclusion of the operation, ATF Deputy Director Kenneth E. Melson and the United States Attorney, District of Arizona, Dennis K. Burke announced the successes of the operation at a press conference.

### **BEST PRACTICES/AREAS FOR IMPROVEMENT**

#### **Best Practices**

Although the lack of advanced notification caused operational and logistical challenges for the Phoenix Field Division and shifted the emphasis of the GRIT from an intelligence based operation to an active investigation based operation, the Division was highly successful at adapting to these challenges and changes. By expanding the original proposal and incorporating a greater number of detailed personnel into existing Southwest Border firearm trafficking cases, several benefits were realized, including expediting and perfecting existing cases more quickly and producing new leads and spin off cases. The fusing of additional manpower, knowledge, and perspectives into existing cases proved invaluable to the overall success of the operation.

Another effective practice was the inclusion of the Home Invasion Initiative in the GRIT. Violent home invasions have been more prolific in the Phoenix Field Division over the past several years as evidenced by the recent success of the Phoenix Field Division’s Operation Gideon. The success of Operation Gideon provided a bridge for the inclusion of the Home Invasion Initiative into the Phoenix GRIT, resulting in the opening of multiple home invasion cases with links to Mexico including Operation Middleman and the Manuel Trinidad Lopez case.

#### **Areas for Improvement**

The original Phoenix GRIT proposal requested the use of advanced and staggered detailee deployments which would serve as the cornerstones of the proposal. The Phoenix Field Division incorporated these elements directly from the 2009 Houston GRIT Assessment in an attempt to maximize the “intelligence driven” element of GRIT. The ability to send advanced teams and stagger detailee deployments would allow for the collection and interpretation of intelligence data and lead referral perfection, thereby creating an intelligence foundation that would support the next phases of the operation.



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Once the limited advance notification for the operation was received by the Phoenix Field Division on April 23, 2010, it became apparent that there would be minimal lead-in time for the operation. Although an IO advance team consisting of two area supervisors, an IOI, and an industry operations analyst did arrive prior to the other detailees and was able to issue a limited number of assignments and obtain some of the necessary inspection documents such as VCAB and NICS audit log reports, the limited advance notification effectively neutralized most benefits that would have been provided by advance teams and staggered detailee deployments and began a chain of events that directly impacted each of the planned phases of the operation.

One example of this negative chain of events was visible in the Phoenix Field Division FIG. Combined with understaffing, the lack of advance notification led to delays by the FIG in perfecting referrals and providing timely intelligence information to the field. Out of the 108 referrals generated by IO, approximately 100 had not been perfected or acted upon by the end of the GRIT. Additionally, a FFL inspection priority list was not completed in advance and no advance FFL inspections took place to serve as a foundation for subsequent phases of the operation.

The limited advance notification coupled with the inability of the Phoenix Field Division FIG to provide an advance intelligence product to arriving detailed personnel caused the subsequent Firearms Trafficking Investigative Initiative phase to be negatively affected. Arriving detailed personnel were used mainly in a supplemental capacity during the Firearms Trafficking Investigative Initiative by being placed into active investigations within the Phoenix Field Division. Additionally, the actual length of time for the GRIT initiative was approximately 85 to 90 days and not 100 days as originally proposed. This lost operational time during GRIT was due to detailed personnel having to deal with unresolved logistical issues that would have been settled prior to arrival in the Phoenix Field Division with advanced notification. These lost operational days could have been used to further the initiative's objectives during all phases of the operation.

Additional noteworthy issues as a result of the limited advance notification:

- The limited advance notification caused conflicts with detailed personnel who had previously scheduled leave. Multiple detailed personnel had made monetary commitments for scheduled leave prior to being notified of the operation. The Phoenix Field Division honored this previously scheduled leave with the understanding that multiple lost operational days by detailed personnel would be incurred.
- The limited advance notification caused a reduction in volunteers and contributed to some detailed personnel not being able to serve the entire duration of the GRIT initiative. Individual volunteers who were willing to participate during the original GRIT set to start in February 2010 were no longer able to participate or were not able to serve the entire duration due to multiple reasons such as the GRIT initiative overlapping into their children's summer vacation schedules, previously scheduled leave, and court and personal responsibilities.

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Two additional ineffective practices not related to the limited advance notification were ineffective communication between special agents and IOIs and the FIG's standardized intelligence collection process.

- There was minimal communication between special agents and IOIs during the GRIT operation. Most persons interviewed for this assessment stated they witnessed little to no communication on a daily basis between special agents and IOIs.
- The FIG had standardized the intelligence collection process by assigning specific types of intelligence queries to different IRS personnel. Many GRIT personnel felt that this process was inefficient and ineffective because multiple personnel worked on the same lead which often led to delays in the collection process.

### **RECOMMENDATIONS**

- IRS and IOI detailees must be detailed two to four months before the special agent detailees arrive. This is critical if GRIT is to be intelligence driven as intended. IOIs must conduct intelligence driven inspections and IRSs must fully develop lead packages in advance of special agent deployment. Bringing in the "advanced IO team" earlier would have improved the overall efficiency of the operation by allowing the team to issue all the assignments before the arrival of the IOIs and gather all the necessary inspection documents (e.g., VCAB reports, NICS audit logs, etc.) in advance. In addition, the assignments could have been issued to each IOI based on a specific area of coverage. This would have allowed the IOIs to better plan their assignments and complete them in a more efficient manner. It would have reduced the amount of travel involved, and in some cases, eliminated duplicate visits to the same FFL by different IOIs. It also could have resulted in an increased number of inspections conducted over a larger geographic area. This is the single most important recommendation and is absolutely critical to the success of the operation.
- Funding for future GRIT operations should be dedicated and set aside so that the appropriate advance planning can occur. Without dedicated GRIT funds, field divisions selected to host a GRIT operation cannot properly apply all division resources in an efficient manner to accommodate a GRIT operation. Selected field divisions must delay, postpone, or in some cases cancel planned future enforcement or regulatory operations in anticipation of a GRIT operation.
- There were no detailed criminal enforcement supervisors during the Phoenix GRIT. These supervisory personnel could have relieved some of the additional supervisory burden placed on the existing division supervisors. Also, there should be one IO area supervisor deployed for every 20 detailees; however, no GRIT supervisor should be required to supervise in excess of 20 detailees.
- Additional detailed IRS personnel are needed in the FIG to assist in the timely development and processing of GRIT generated leads. These personnel should be detailed in advance with IOI detailees to provide lead packages ahead of the special agent

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detailees' arrival. Additional IRSs with field experience are also needed in the enforcement groups to assist with the additional research and analysis required for investigation of GRIT generated leads.

- The National Southwest Border Coordinator should serve as the point of contact to oversee all issues arising before and during the GRIT that requires Headquarters assistance. This will help streamline communication between Headquarters and the field and help resolve issues such as securing space, obtaining equipment, and processing vouchers in a more expeditious manner.
- GRIT detailees would benefit from an initial day of orientation training, in-depth regional trafficking training, and a review of basic safety measures for the area in which they will be working. The local training should consist of briefings on major investigations for deconfliction purposes, orientation to the local area, a review of State firearms laws, and participation by the U.S. Attorney's office in establishing criteria for prosecution. Inspection procedures should be reviewed with special emphasis on trafficking indicators, commonly trafficked firearms, examination of records and inventory, forward trace and secondary market procedures, and use of E-Trace. It would also be beneficial if both the IOI and agent detailees attended advanced firearms trafficking training prior to GRIT deployment.
- GRIT planning for detailees should include consideration of long-term lodging with kitchenette and laundry facilities, cash allowances, and a fair policy for return trips home during the detail. Also, the lodging accommodations should be flexible and allow for a change in location if safety becomes an issue or operational requirements change.
- While participating in a GRIT operation, it would be helpful for IOIs to have upgraded mapping software for GPS devices. The last upgrade for the devices is approximately 4 years old. This software is relatively inexpensive and would help reduce travel time and mileage costs, especially in areas that have undergone significant expansion and new construction in recent years.
- OSII created an FFL risk criteria worksheet which was beneficial in identifying those FFLs with high risk factors for inspection. (See attachment D.) Advance preparation of this worksheet would help in targeting FFLs to inspect for future GRITs. Upon completion of the GRIT it could also be used to determine if there is a correlation between certain risk factors associated with an FFL and the referrals generated and administrative action recommended.
- OSII also developed an Intelligence Analyst Summary sheet for suspicious persons, which included multiple sales, trace data, and the results of various intelligence data base queries (e.g., Accurint, Open Source, FLS, ANR, DMV, EPIC-10, etc.). This sheet was very useful in providing a snapshot of an individual's criminal and financial history. (See attachment E.)

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- GRIT offices in proximity to the border could have functioned more effectively with a greater number of Spanish speaking detailees. Currently, there are 157 ATF employees who participate in the Spanish Foreign Language Awards Program. Consideration to solicit these participating Spanish speaking employees first or in conjunction with the general GRIT volunteer announcement may improve the volume of Spanish speaking volunteers and in turn increase the number of Spanish speaking detailees assigned to GRIT.
  - The practice of temporarily suspending press conferences and media coverage until the completion of the GRIT should be continued. This will help ensure that those involved in criminal activities will not temporarily suspend their operations or move to other areas to commit them during the GRIT.
  - Assign a special agent point of contact for IOIs in each field office that participates in a GRIT operation. This will increase deconfliction and collaboration between the two job series and contribute to a safer work environment for ATF personnel in the field.
  - Allow IRSs to work intelligence leads in their entirety without assigning pieces of responsibility to multiple IRSs. This would create a more efficient and improved intelligence work product and allow the IRSs more ownership of the product.

## **CONCLUSION**

Through a combination of flexible and experienced management; motivated and focused employees; support from outside law enforcement agencies; and large scale Industry Operations, Firearms Trafficking, and Home Invasion Initiatives, GRIT had a positive and lasting impact on violent crime and illegal firearms trafficking in the Phoenix Field Division area.

The combination of these elements and initiatives, along with the force multiplier of over 80 additional ATF personnel, led to more than 800 FFLs – one-third of all FFLs in Arizona and New Mexico combined – being inspected, 70 percent of Phoenix Field Division’s backlogged NICS referrals being addressed, over 1,200 firearms and 71,000 rounds of ammunition seized from the criminal element, 66 defendants being recommended for prosecution, and 174 investigations being initiated. These statistics will increase in future weeks, months, and years as is often the case with large scale criminal investigative initiatives. The full success and impact of the Phoenix GRIT will not be realized for some time because pending investigations, spin-off investigations, new intelligence, ongoing trials, and additional circumstances inherent in large-scale operations often delay the true impact of an initiative.

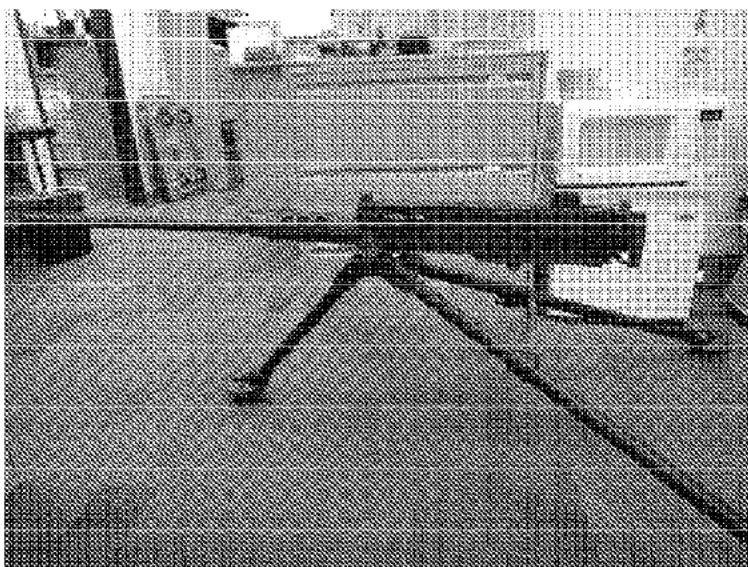
Additional GRIT successes were achieved, including the identification of a new east-west firearms trafficking trend from Arizona into Mexico, the identification of a previously unknown firearms trafficking pattern from Arizona into Texas, the discovery of criminal enterprises employing a new type of straw purchaser in the Tucson and Phoenix area, and the identification and break-up of multiple home invasion crews connected to Mexican drug cartels. Expanded outreach to FFLs has improved their relationship with ATF and raised their awareness of what

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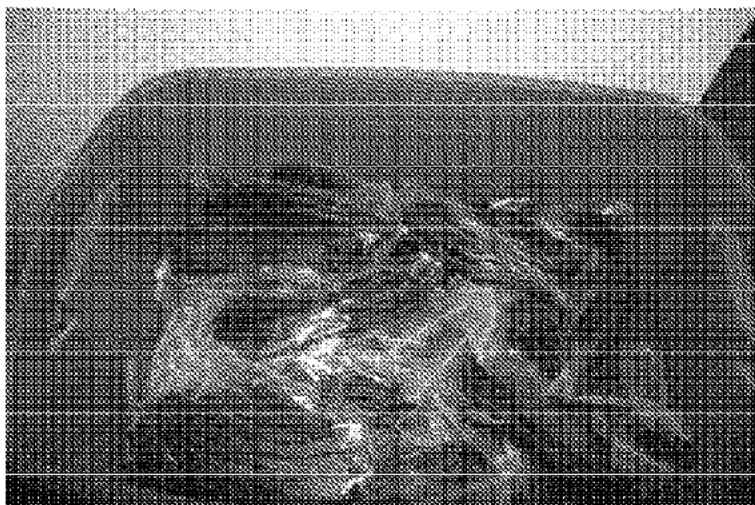
constitutes illegal firearms activity and how to deter would-be offenders. Additionally, GRIT has helped to bring into compliance FFLs that had not been inspected by ATF in a number of years.

Finally, GRIT has raised awareness along the Southwest Border region in Arizona that ATF and its Federal, State, and local counterparts are committed, focused, and determined to address violent firearms trafficking crimes along the border.

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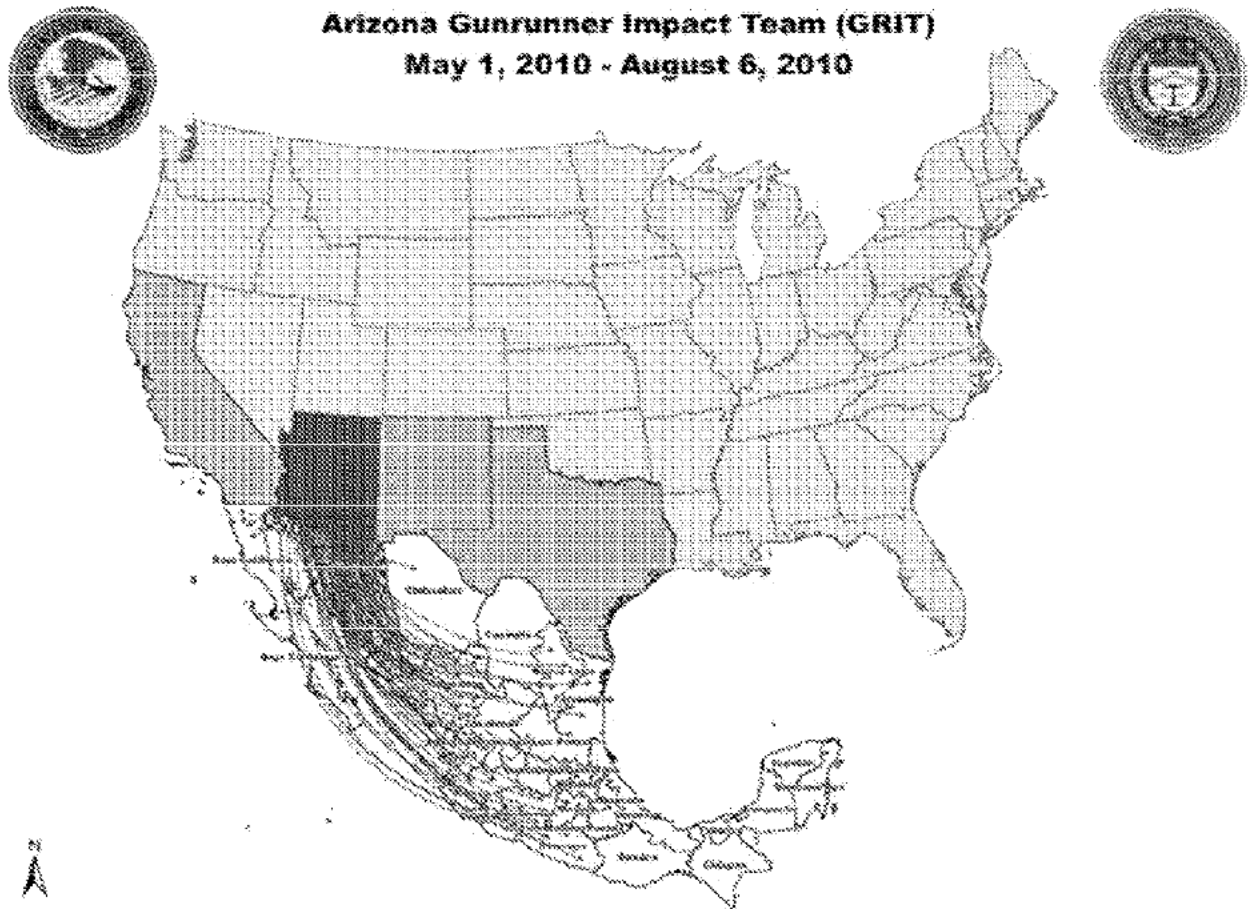


This TNW .50 caliber rifle was seized the day of the GRIT press conference as part of a continuing GRIT investigation.



A bin full of magazines (top) and 49 AK variants (bottom) were recovered in a joint home invasion investigation by the Phoenix Police Department and ATF. The four illegal aliens who were arrested admitted that the guns were headed to Mexico. The guns were brand new in their original boxes. Traces showed that all were purchased in the previous 7 to 10 days.





This map depicts Arizona-sourced firearms recovered in Mexico during the GRIT period. The map reflects recoveries of Arizona-sourced firearms directly south of Arizona, as well as to areas east and west. The east-west recoveries are an emerging trend that was identified during the GRIT operation.

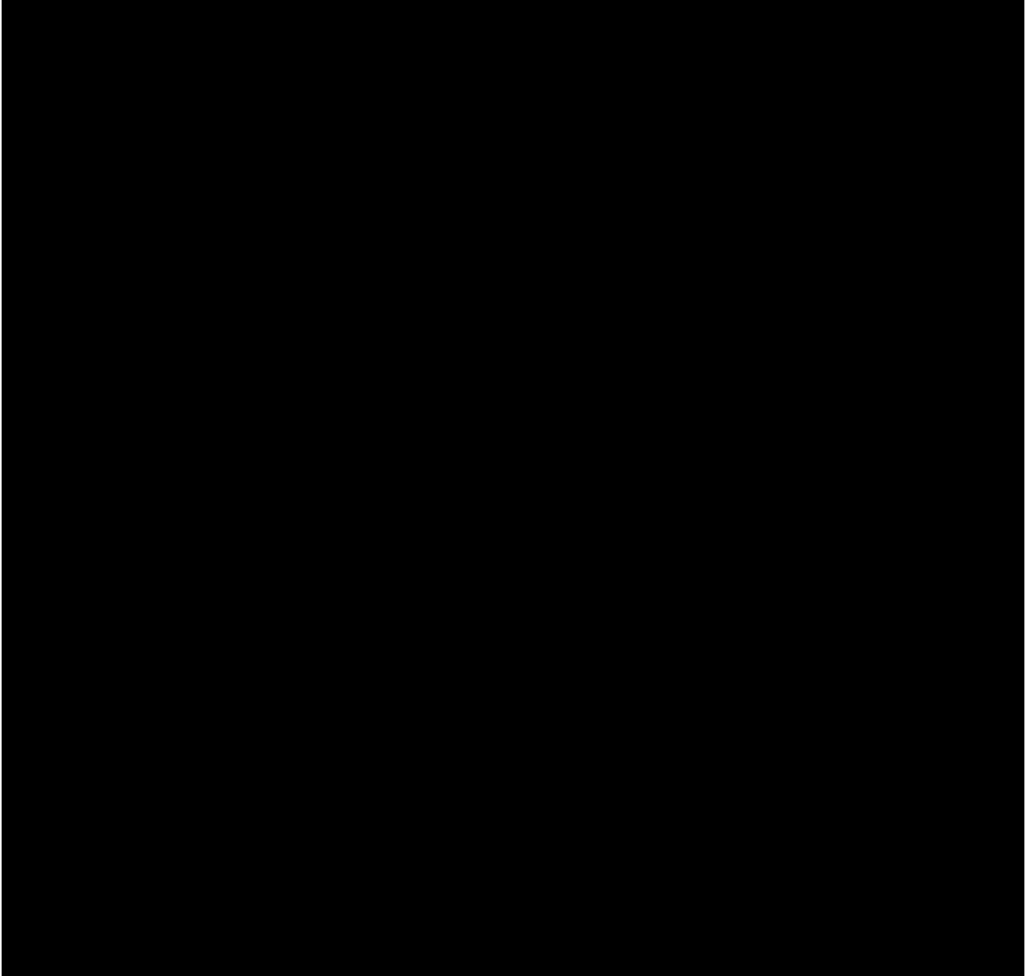
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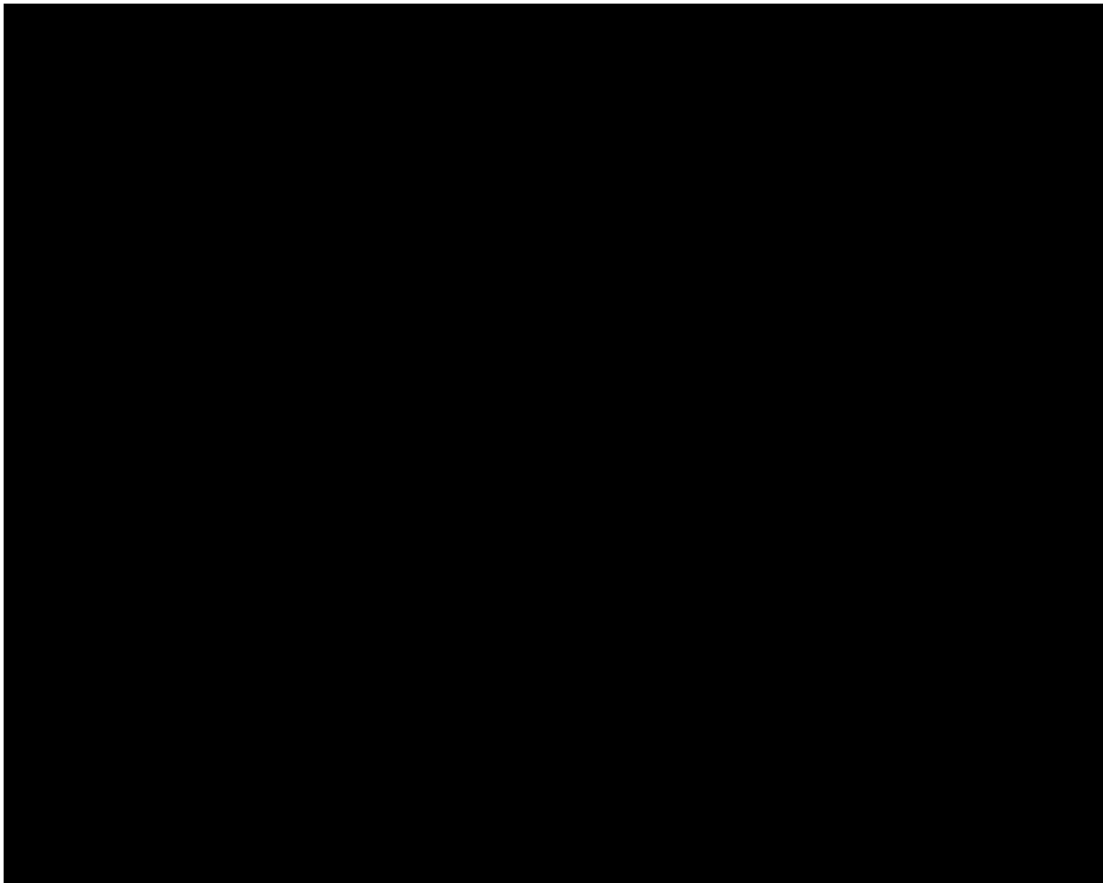


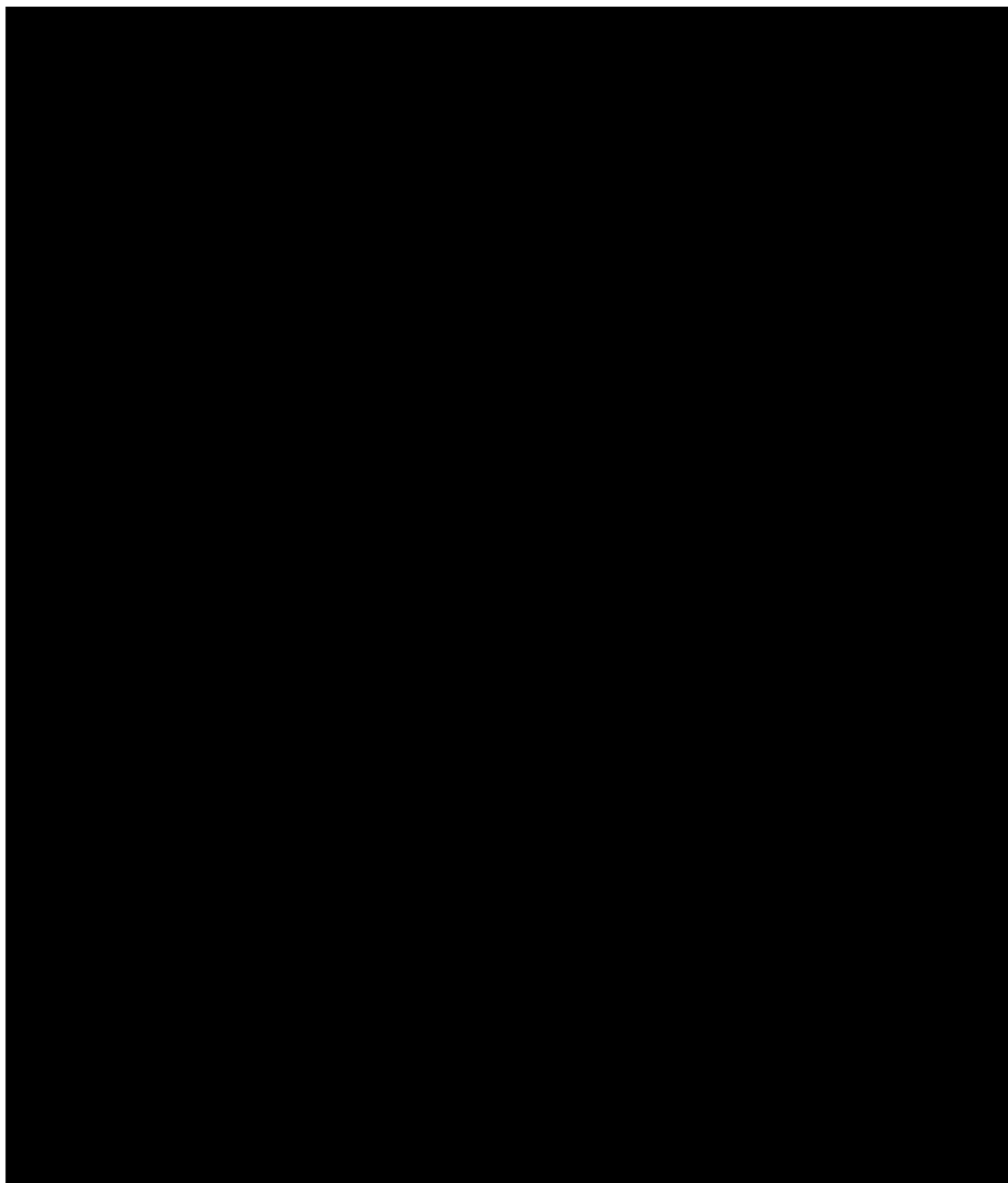




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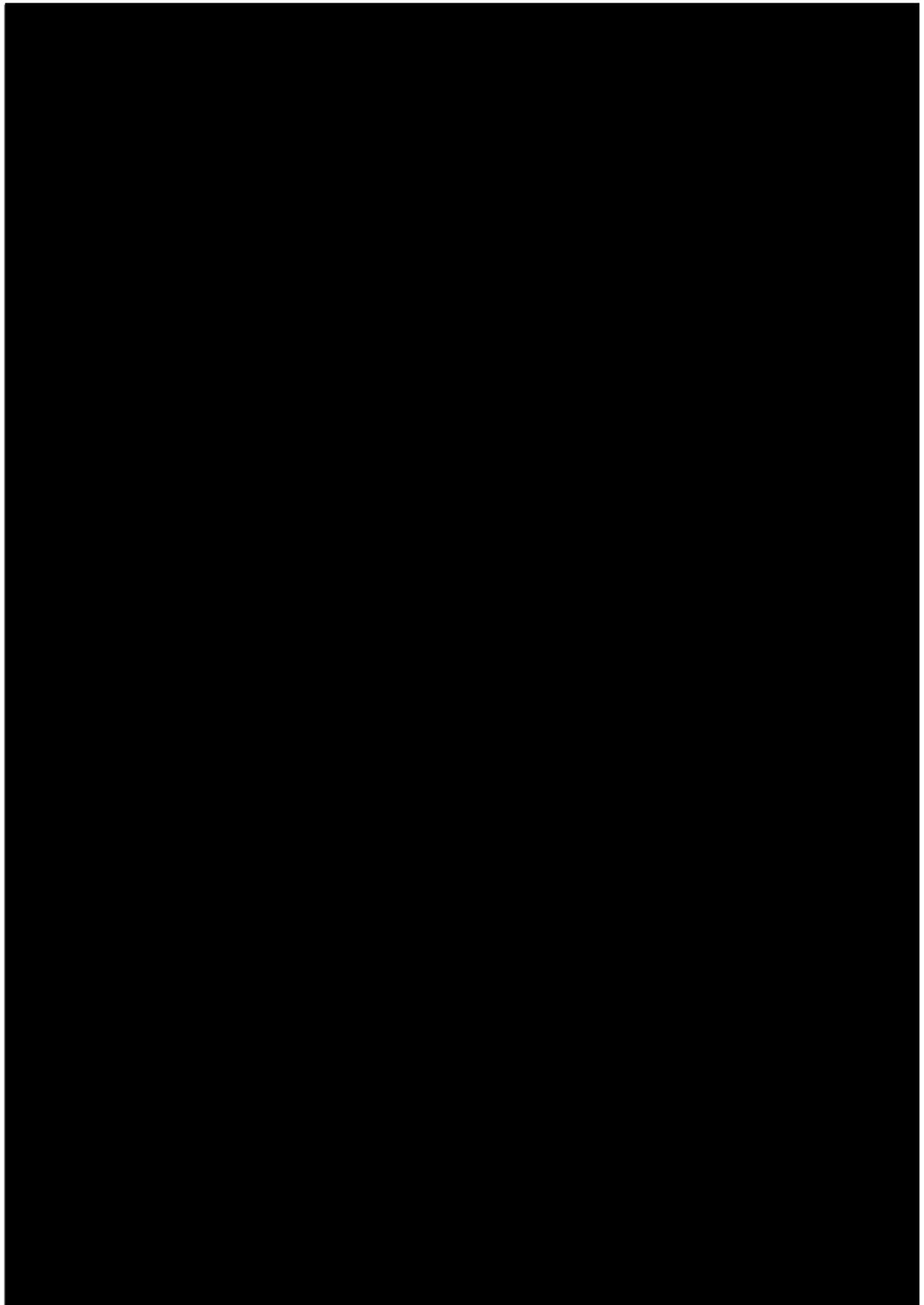
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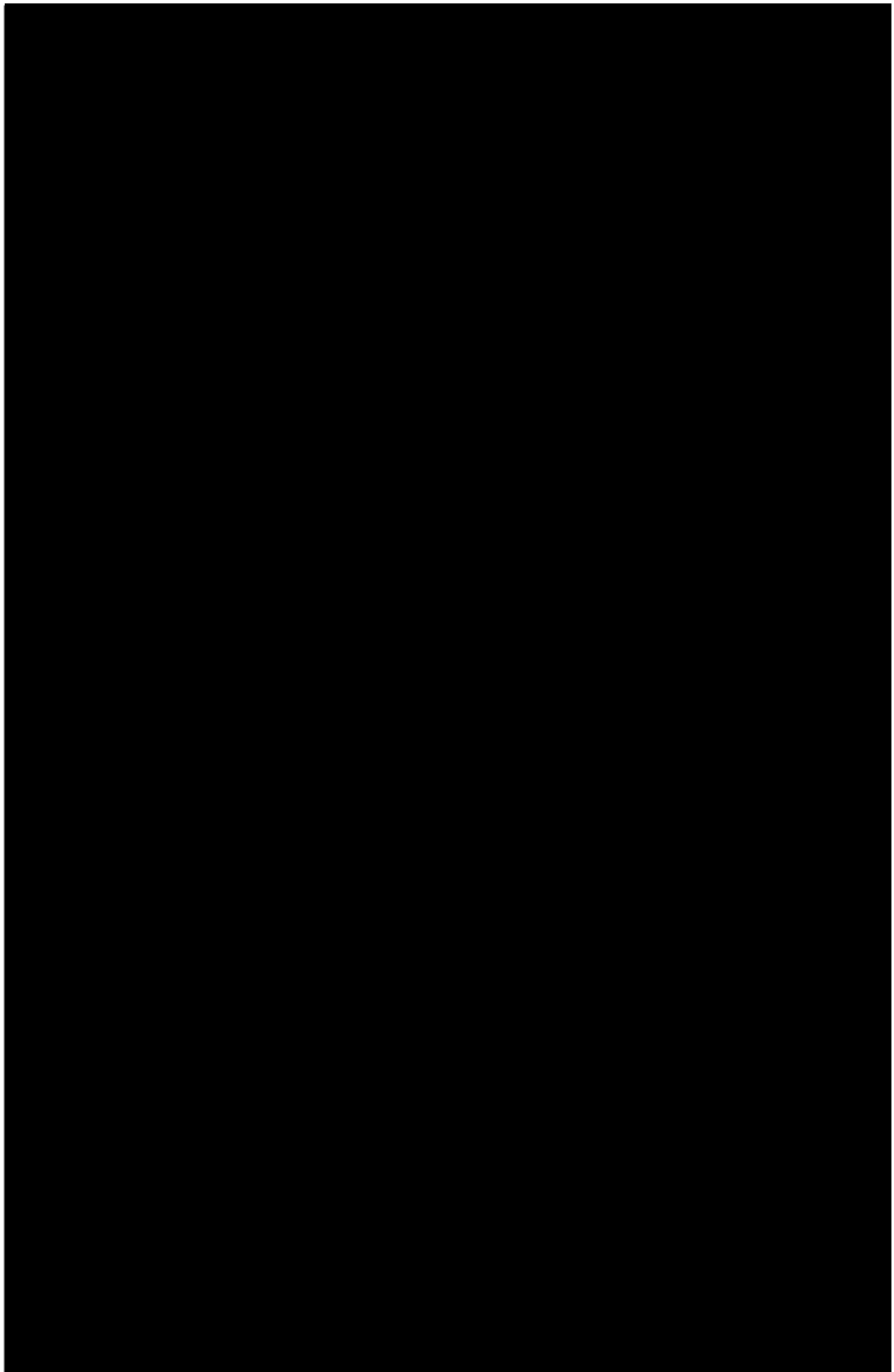
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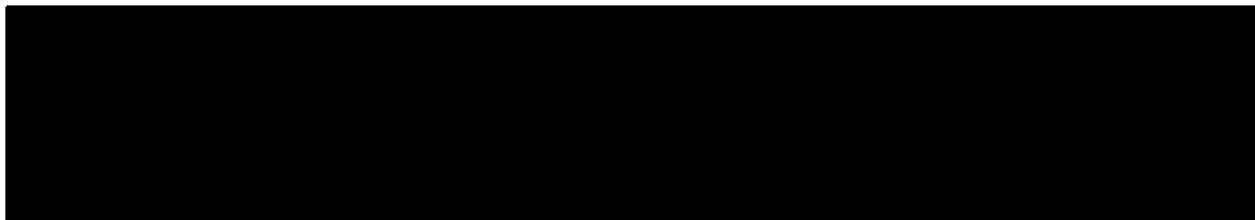
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20091119







956083

785115-10-0004



20091119

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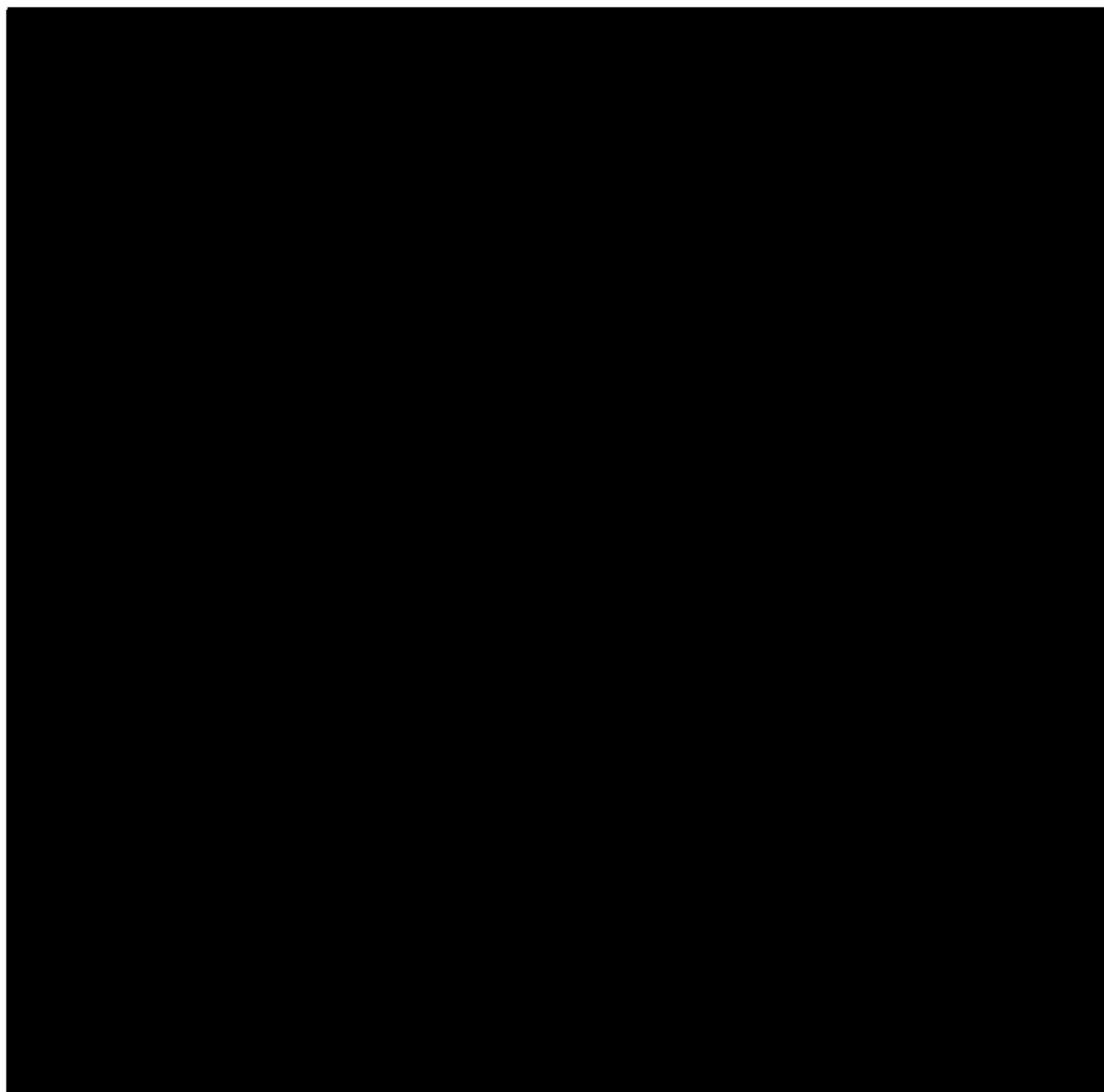
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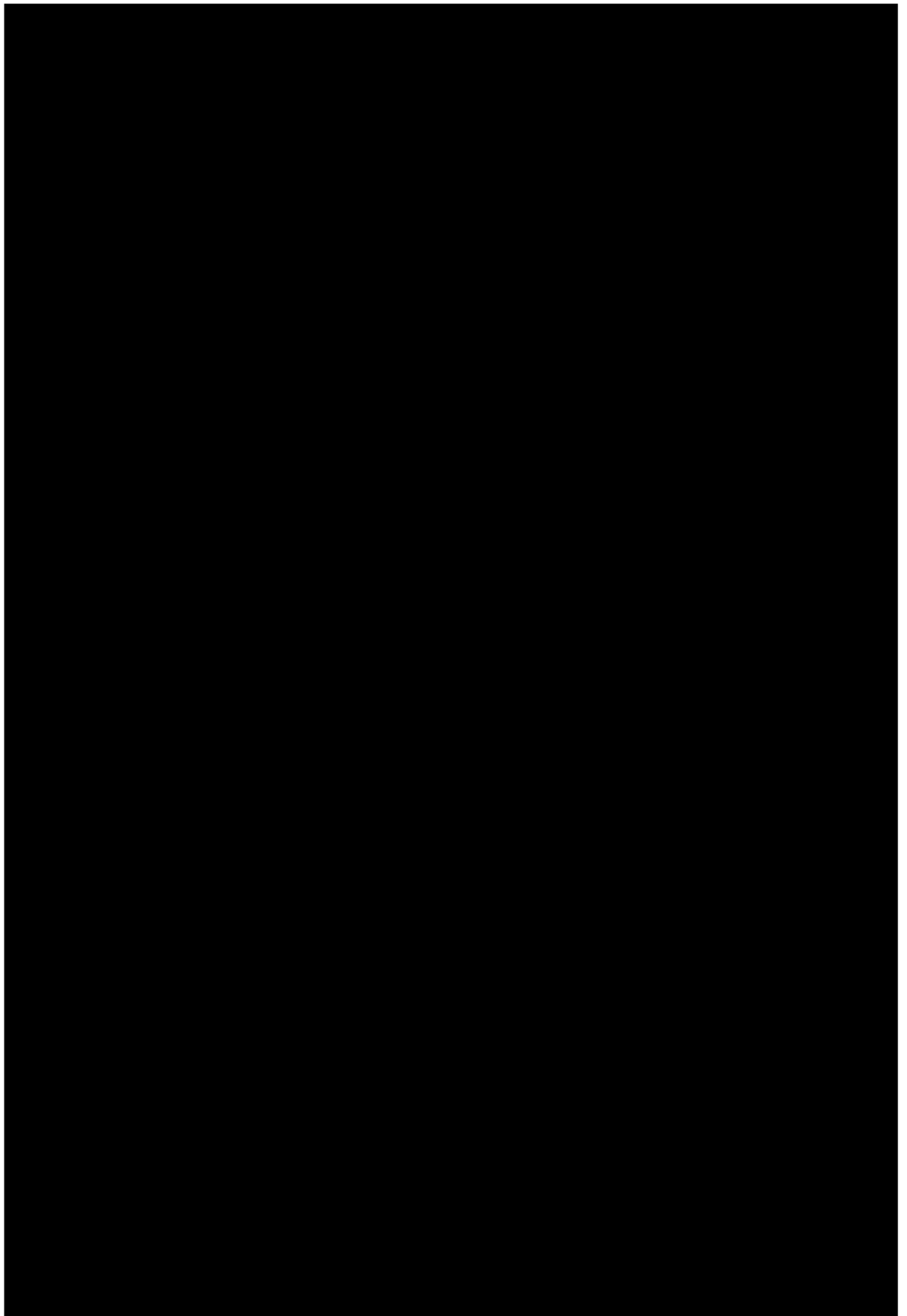
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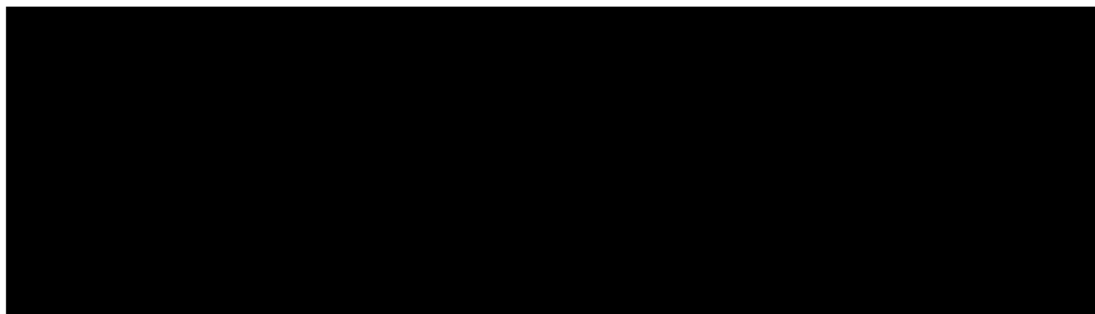
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20091119



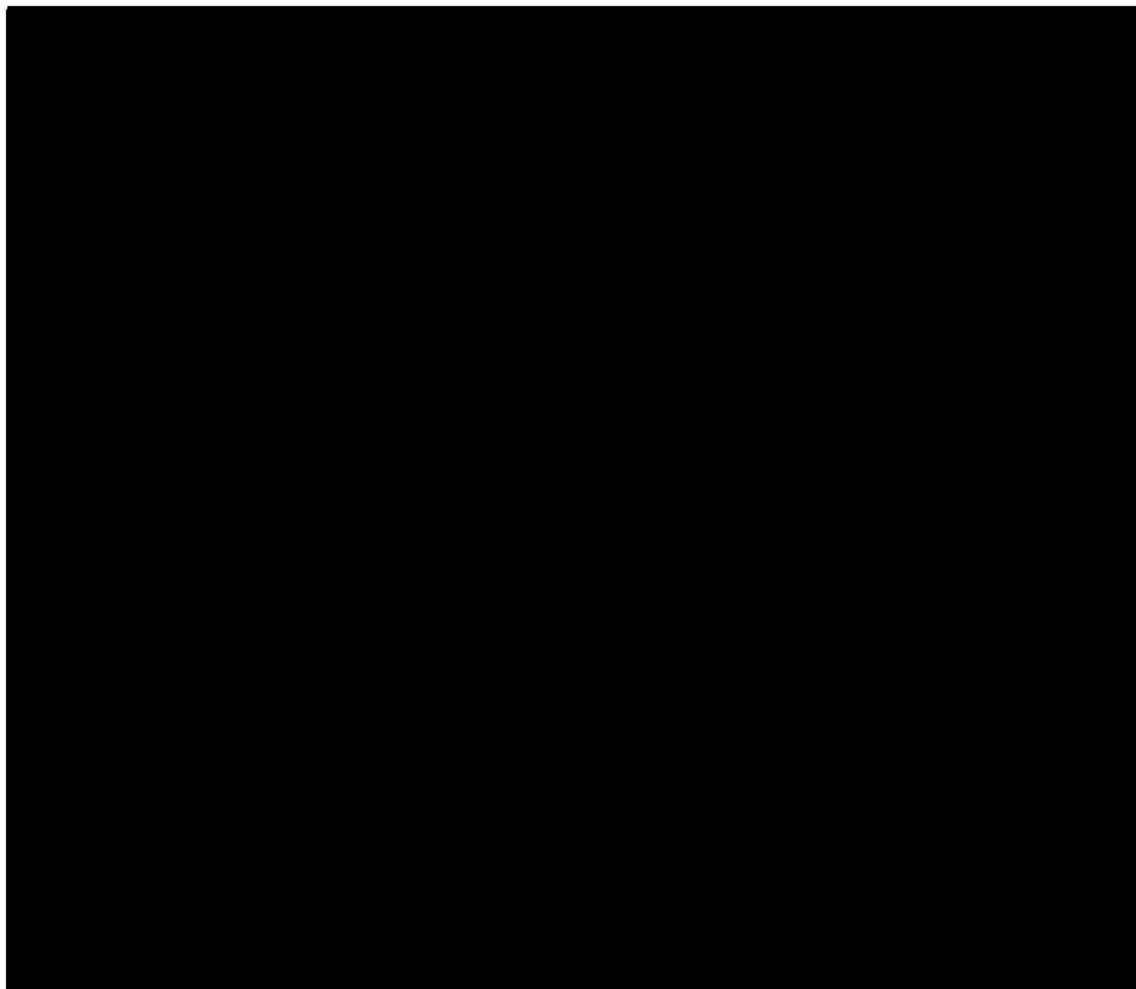




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785115-10-0004  
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20091119





956090

785115-10-0004



20091119

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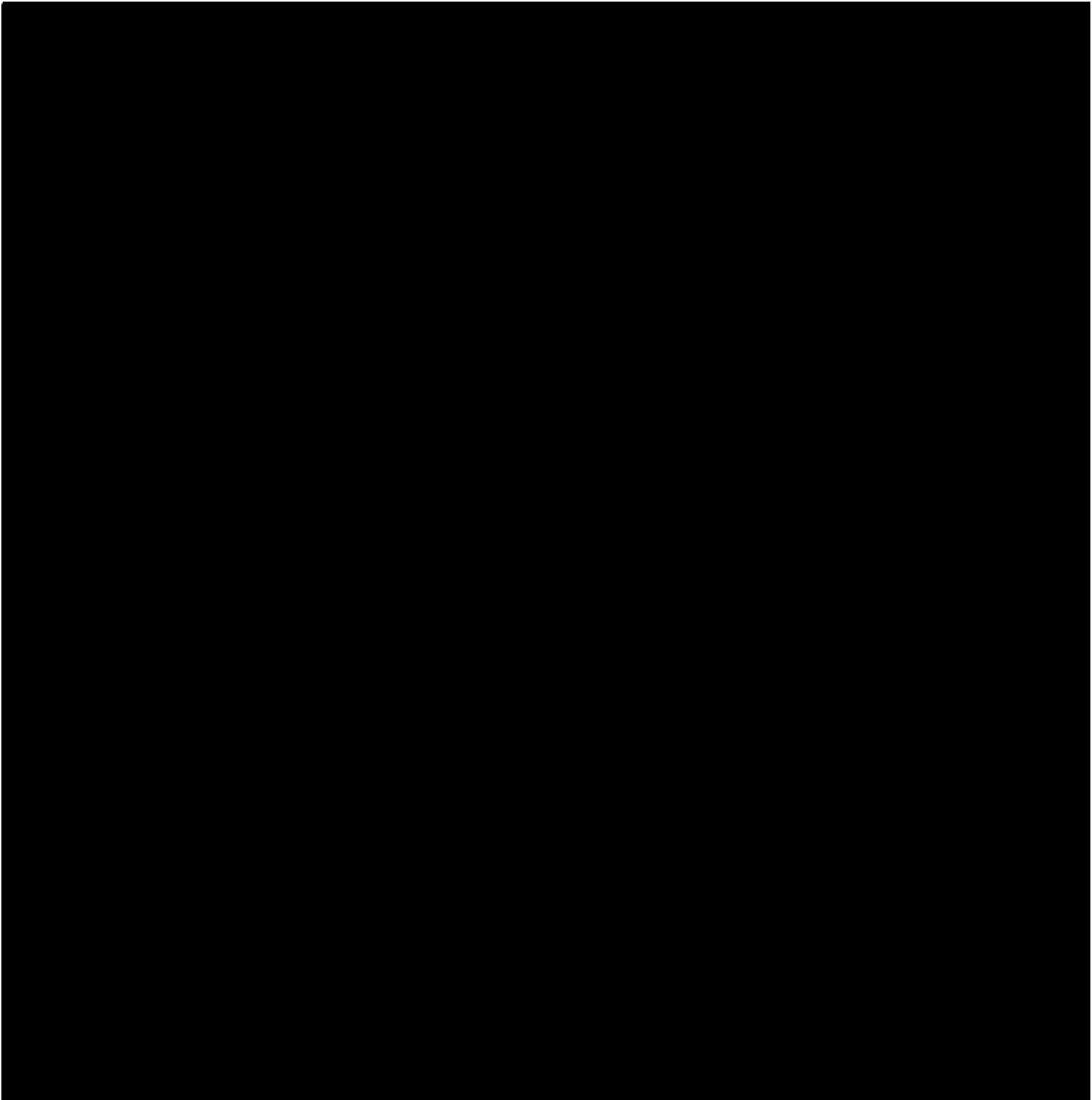
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20091119







956293

785115-10-0004



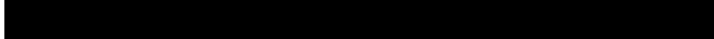
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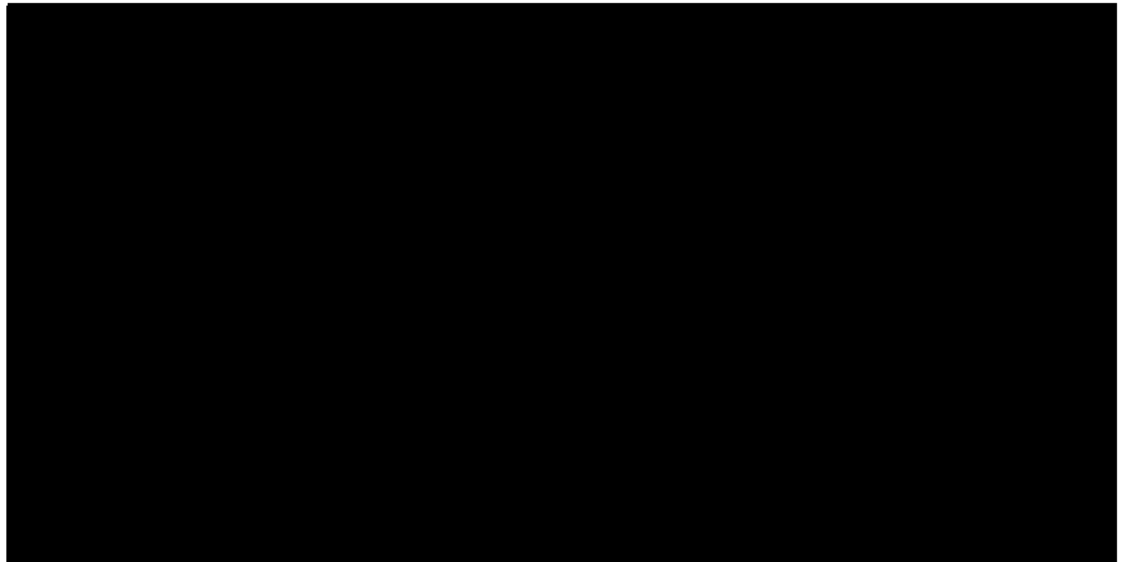
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956293



20091123



956346

785115-10-0004



20091120

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OTHER (NON-EXPLOSIVE/FIRE)

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956346

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20091120

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956355

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[REDACTED]

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OTHER (NON-EXPLOSIVE/FIRE)

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785115-10-0004

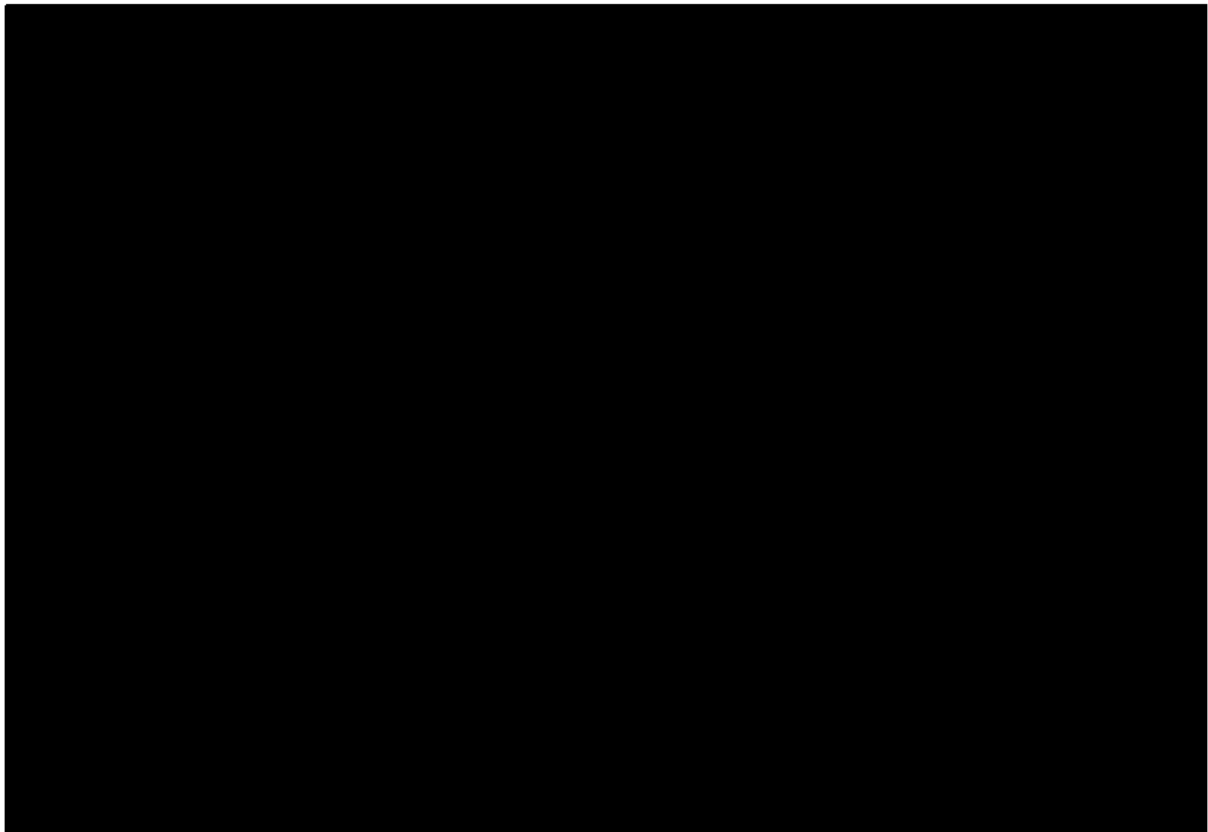


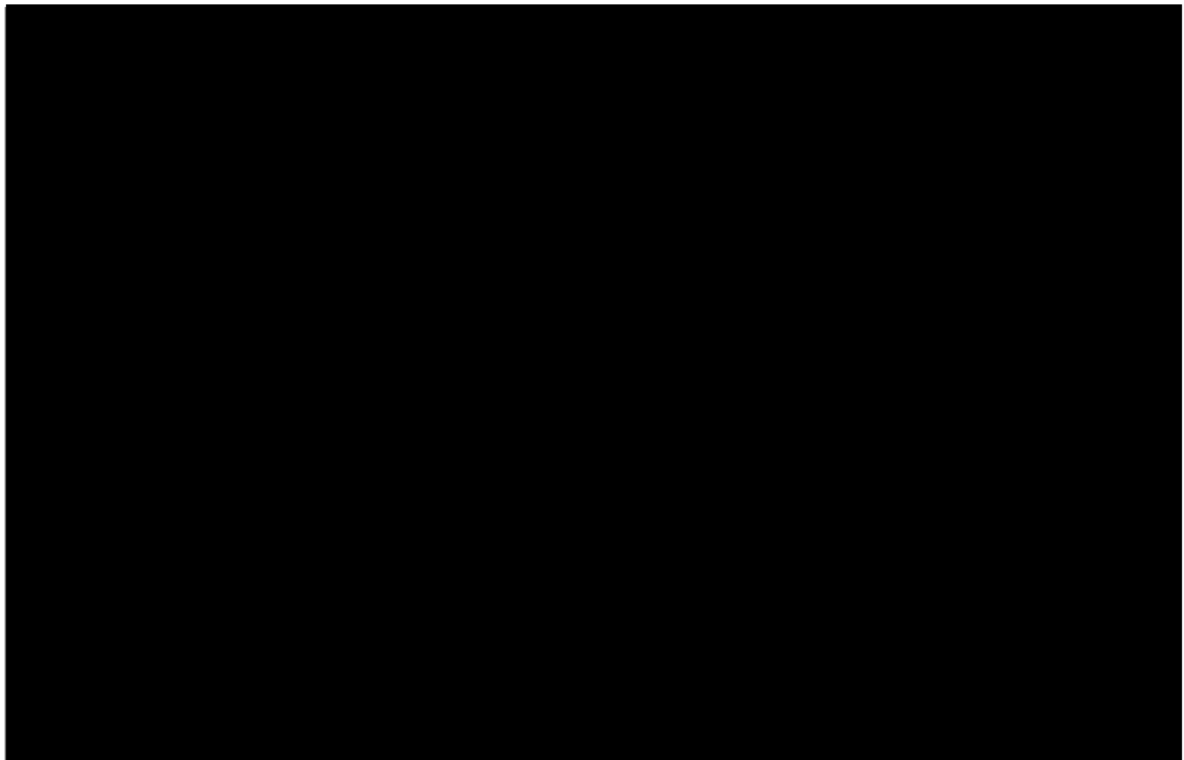
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SURVEILLANCE  
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20091120





956581  
785115-10-0004

20091123

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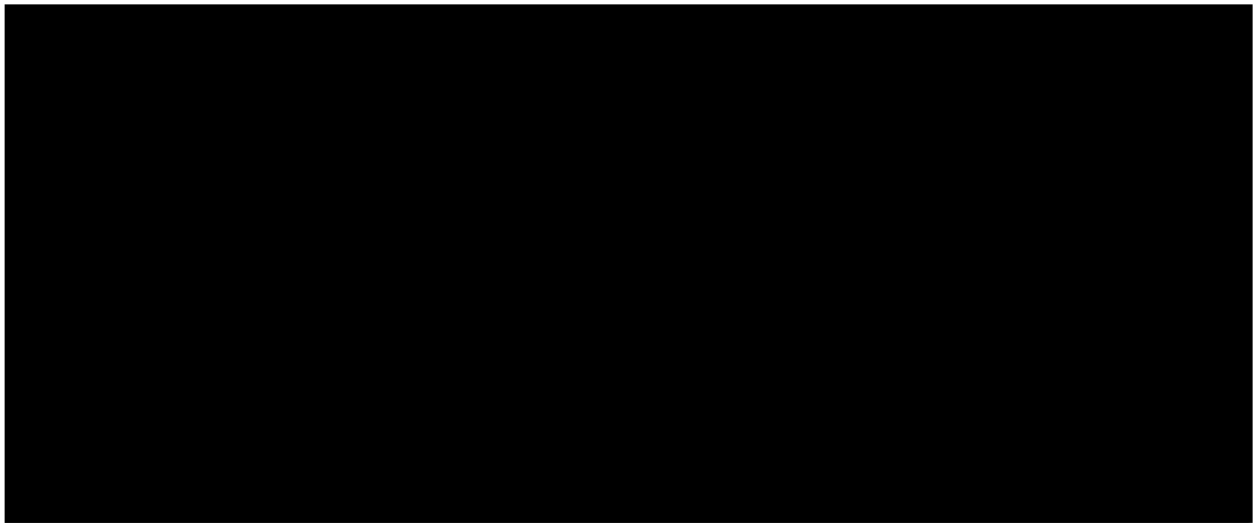
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956581

20091123

SUMMARY OF EVENT: FIREARMS PURCHASE: Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent (S/A) Hope MacAllister reviewed information regarding the purchase of firearms by suspected firearms traffickers, Leigh VILCAK, Bruce WYLIE Jr., Matthew HOOVEN, and Jacob CHAMBERS. NARRATIVE: On November 20, 2009, ATF S/A MacAllister reviewed information concerning the purchase of firearms from Federal Firearms Licensee (FFL) #98636972, J&G Sales, 440 Miller Valley Road, Prescott, AZ 86301, by suspected firearms traffickers VILCAK, WYLIE and CHAMBERS. According to ATF form 4473, Firearms Transaction Record, VILCAK, WYLIE, and CHAMBERS purchased the below listed firearms from FFL, J&G Sales, VILCAK: September 23, 2009 Century Arms International (CAI), model WASR-10, 7.62 caliber rifle Serial Number (S/N) AH60151989 CAI, model WASR-10, 7.62 caliber rifle S/N 1965-BA-904 CAI, model WASR-10, 7.62 caliber rifle S/N 1968-BF-2894 CAI, model WASR-10, 7.62 caliber rifle S/N 1972-DL-4130 CAI, model WASR-10, 7.62 caliber rifle S/N 1968-BI5223 CHAMBERS: September 26, 2009 CAI, model WASR-10, 7.62 caliber rifle S/N 1974-DN-0048 CAI, model WASR-10, 7.62 caliber rifle S/N 1974-DP-4184 CAI, model WASR-10, 7.62 caliber rifle S/N



957088

785115-10-0004



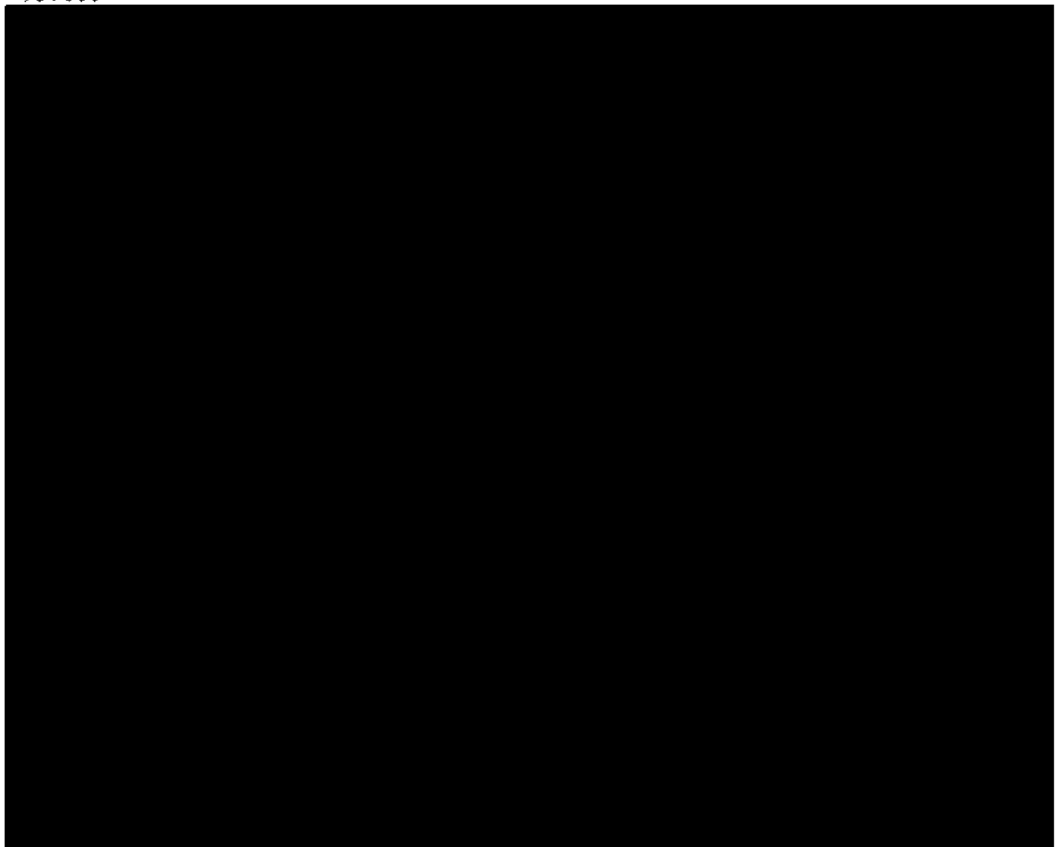
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OTHER (NON-EXPLOSIVE/FIRE)

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957252

785115-10-0004



20091125

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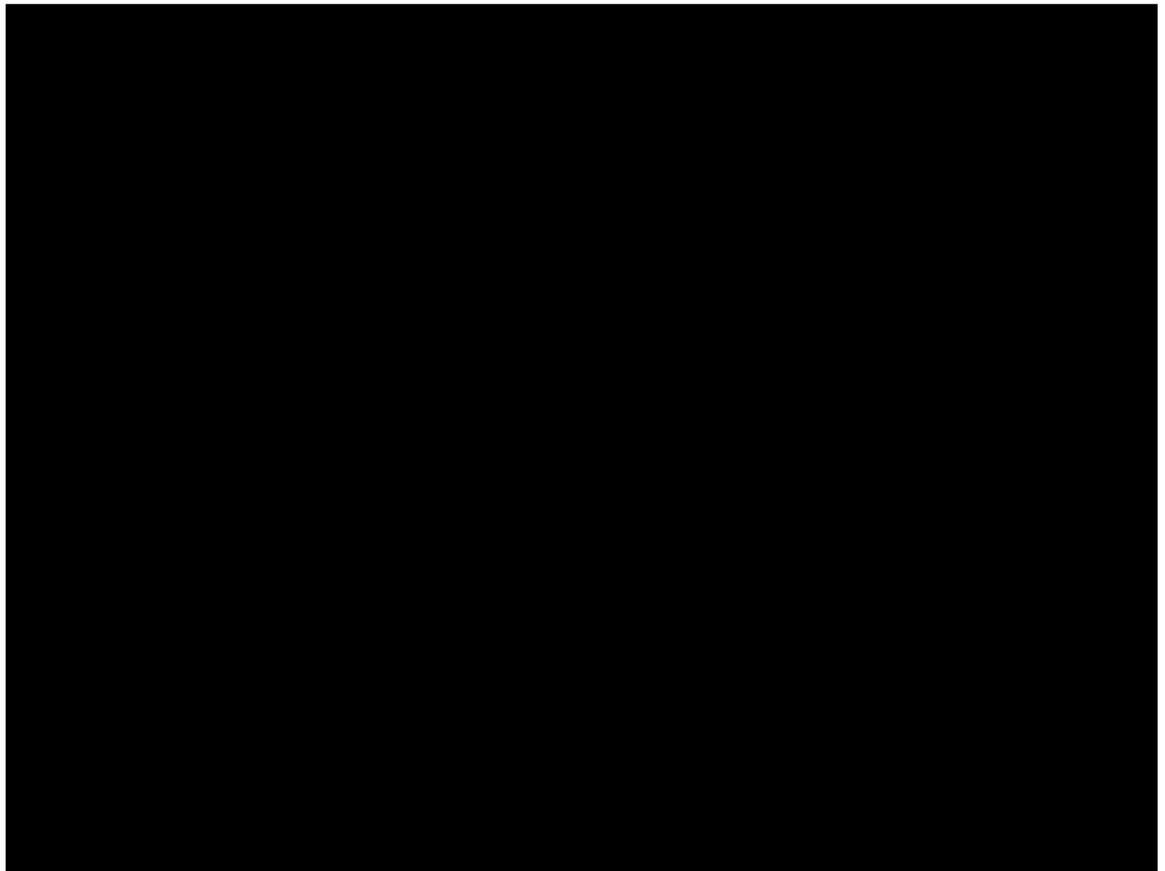
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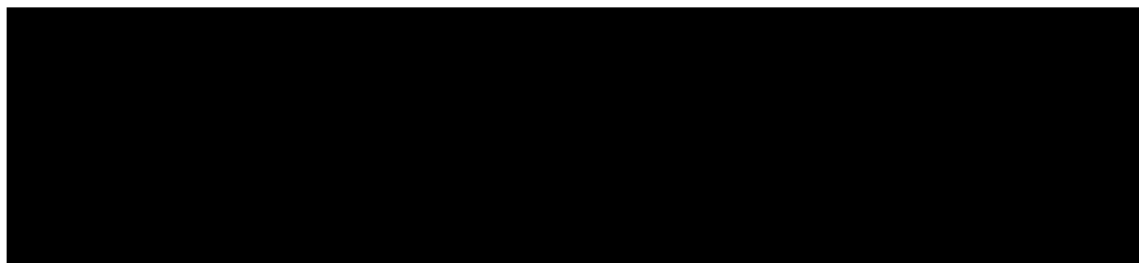
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957258

785115-10-0004



20091125

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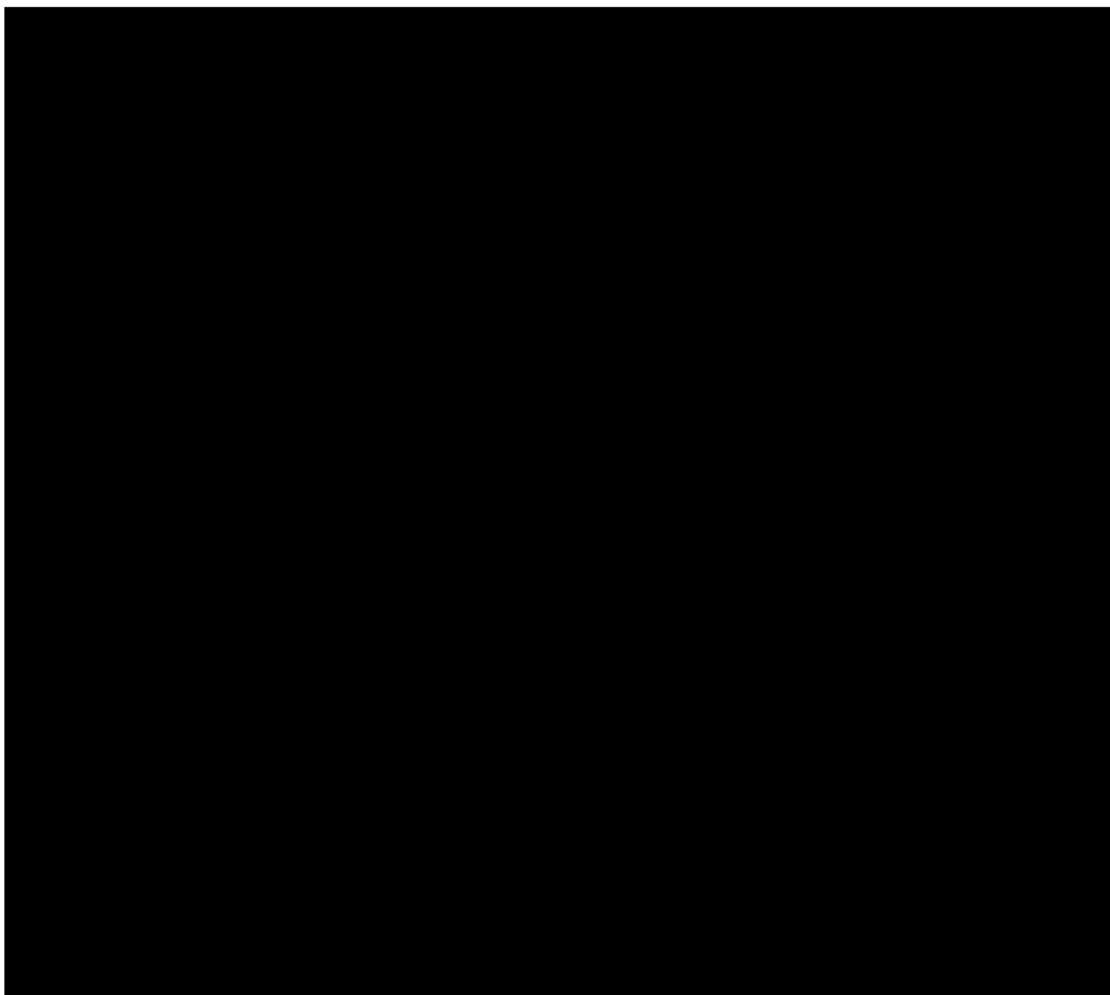
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957259

785115-10-0004



20091125

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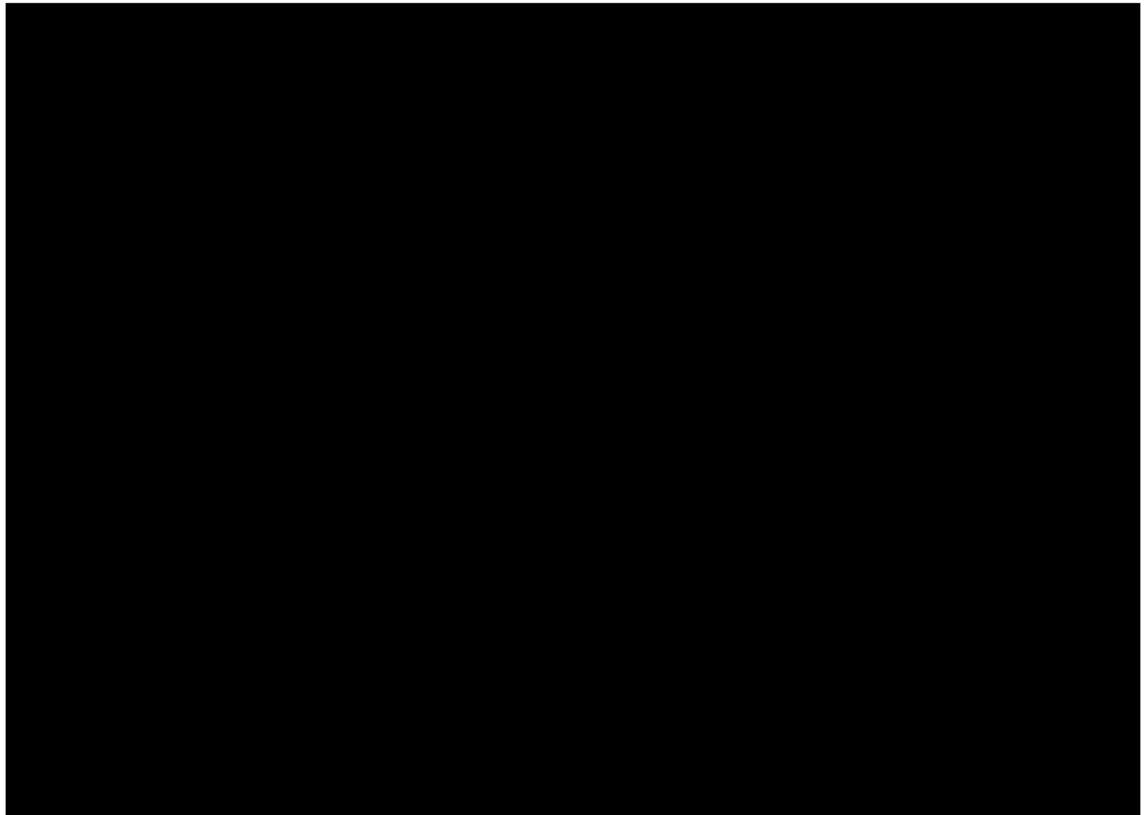
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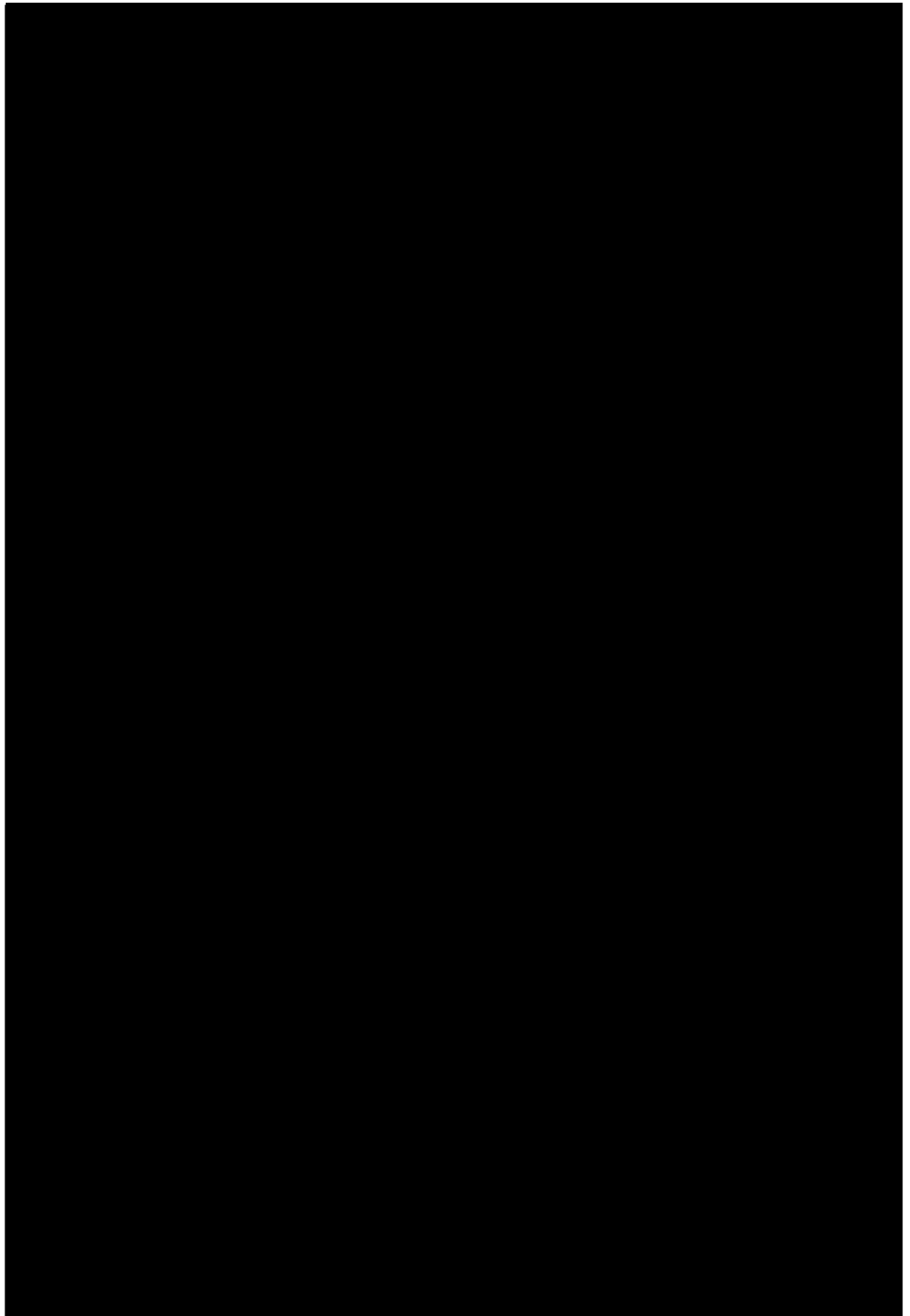
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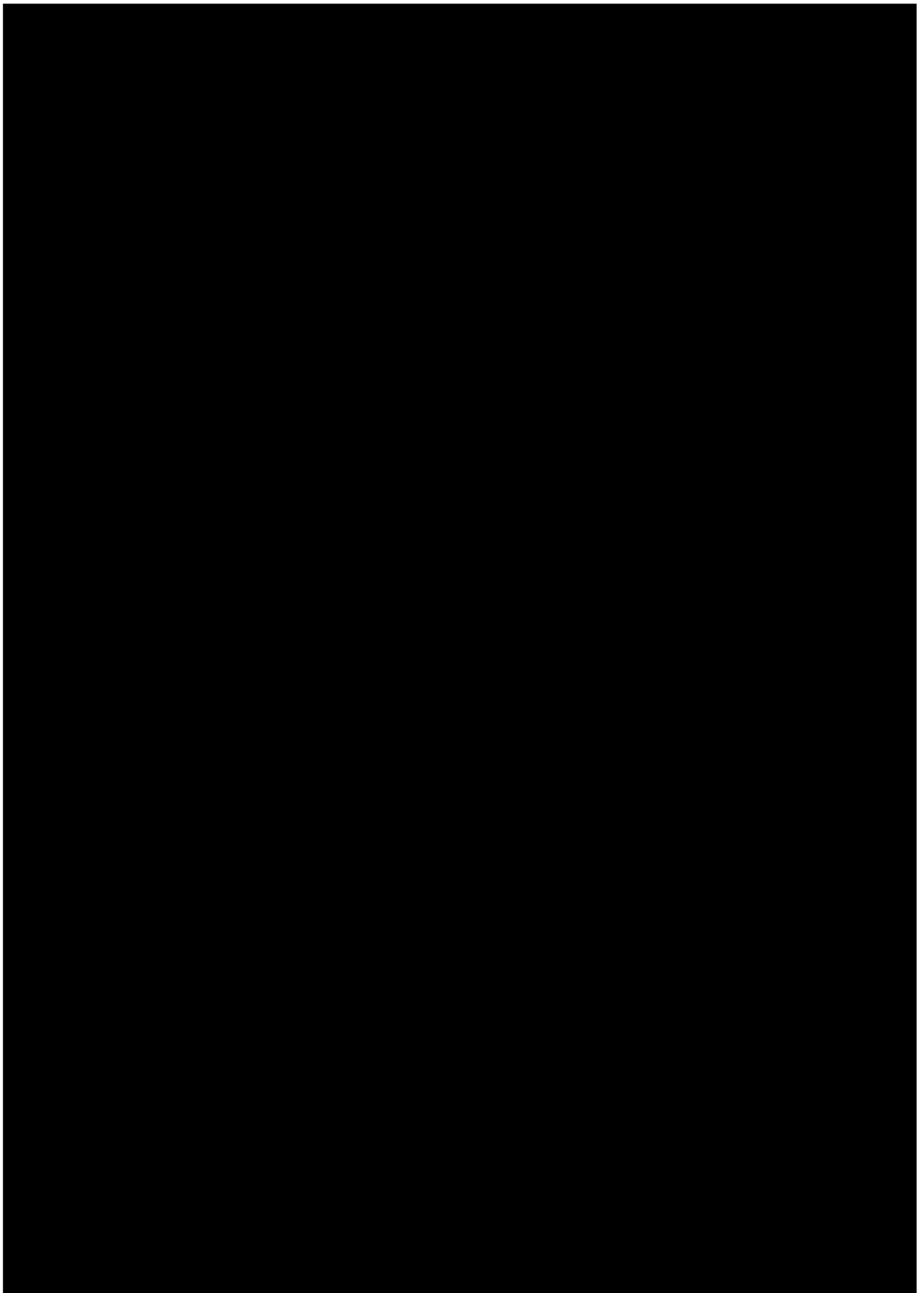


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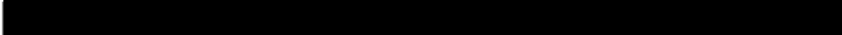






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785115-10-0004



20091125

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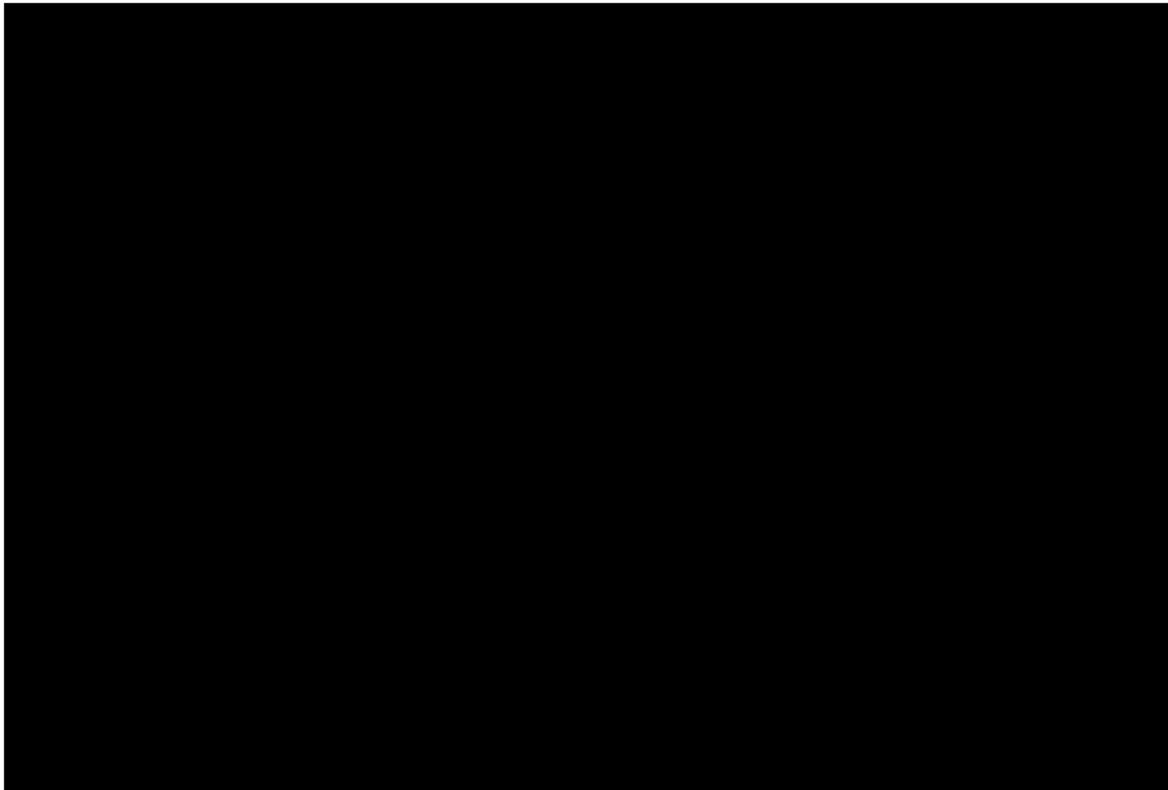
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785115-10-0004



20091123

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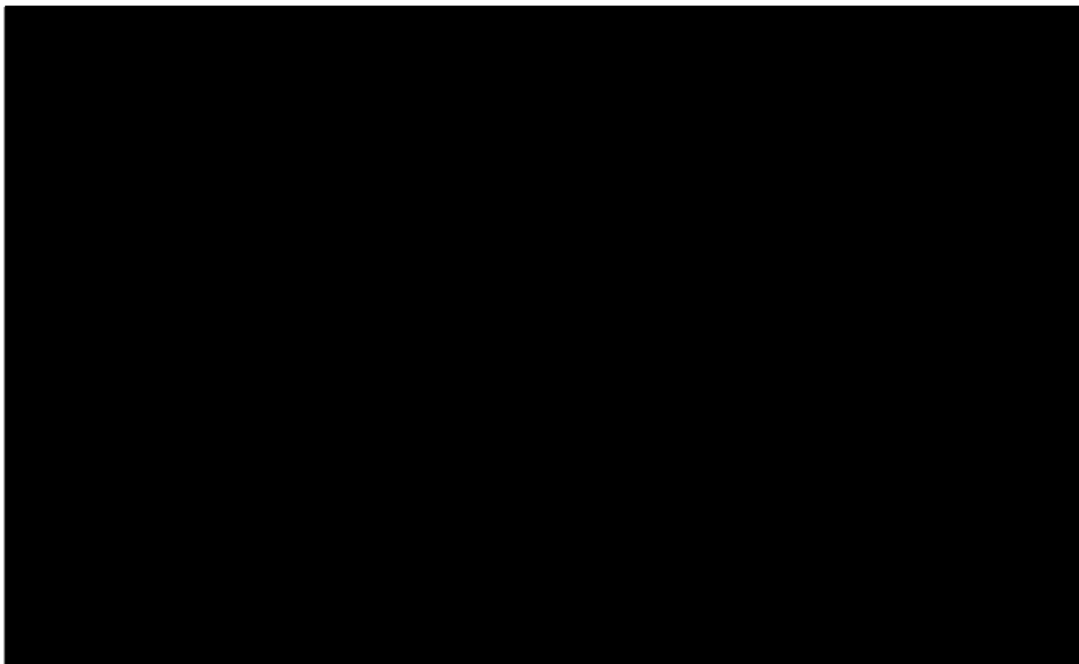
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785115-10-0004



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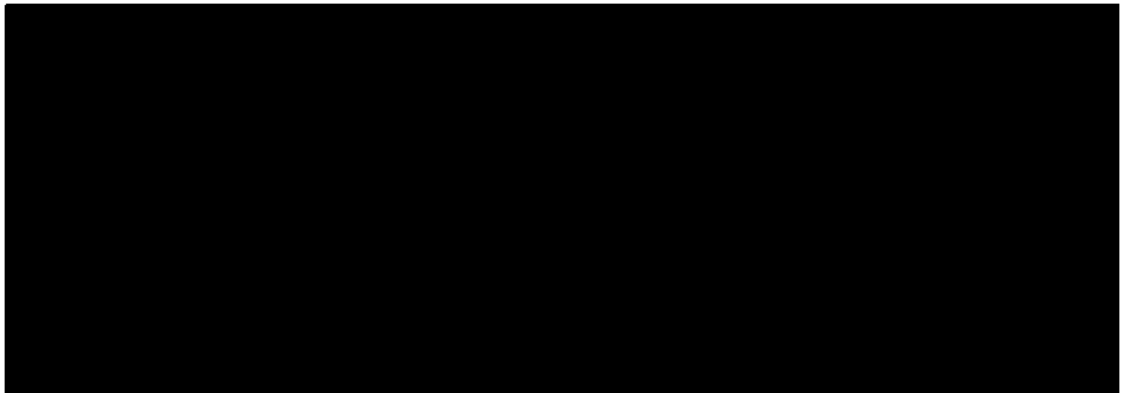
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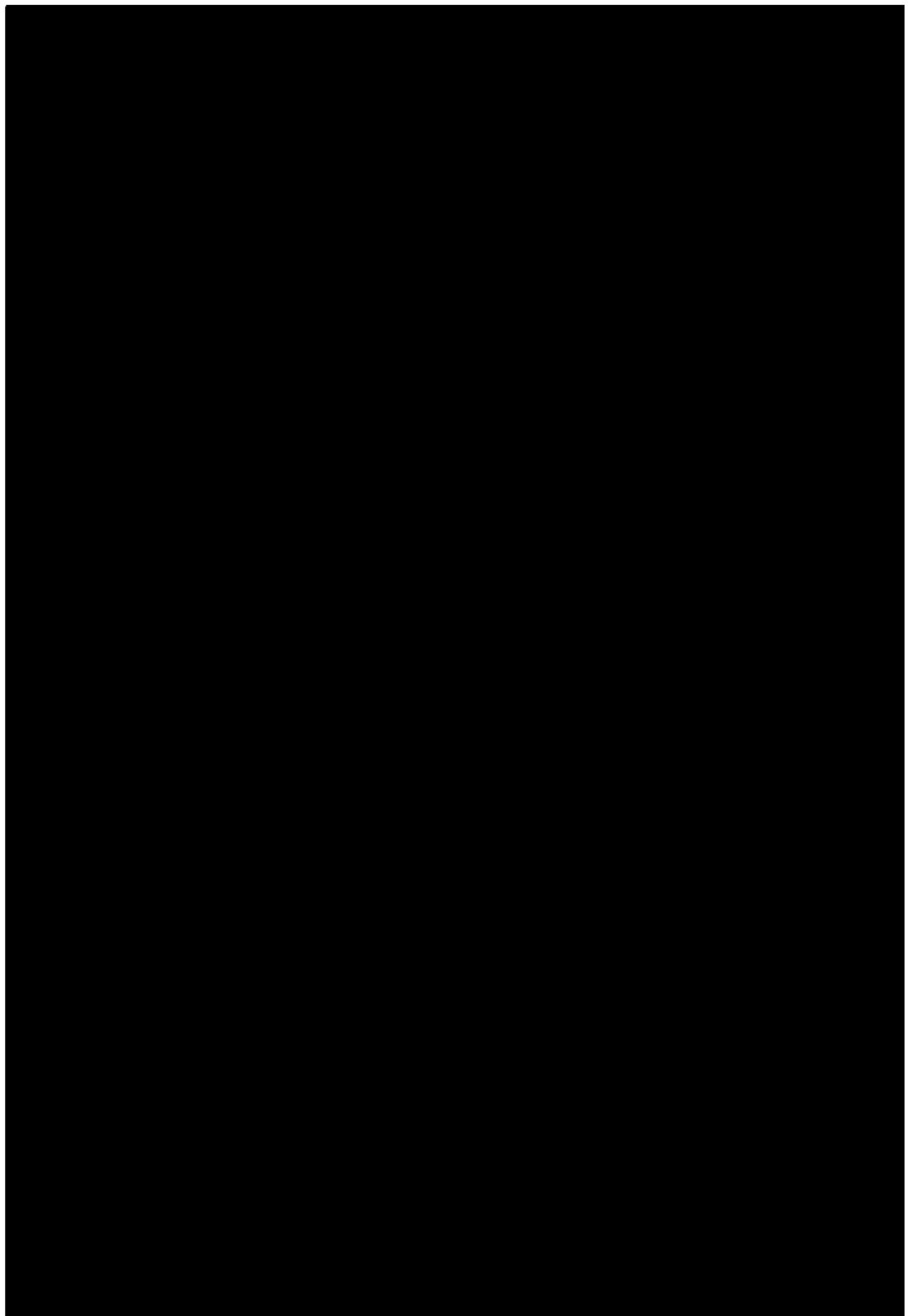
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20091125





957469

785115-10-0004



20091127

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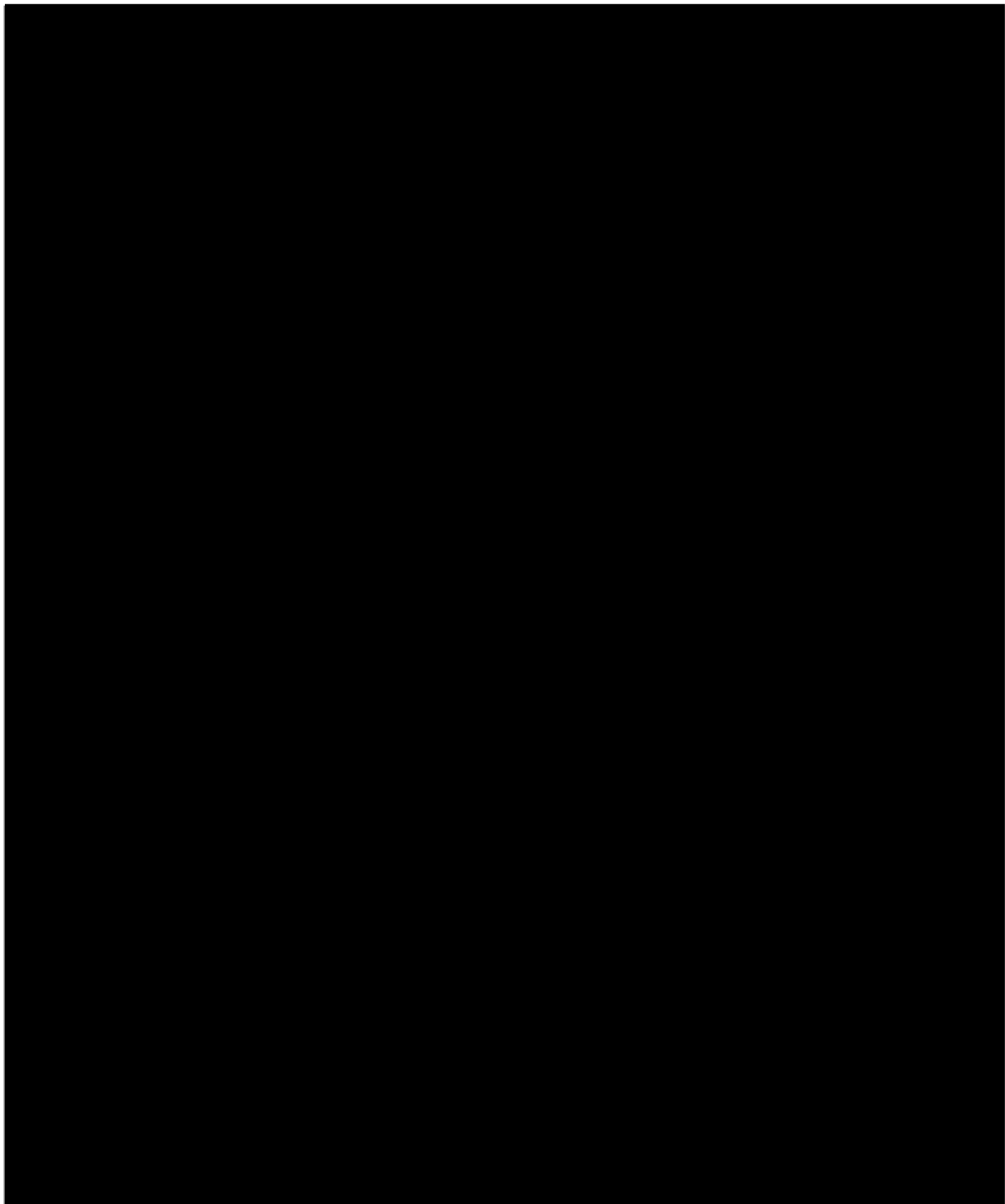
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957469



20091127





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785115-10-0004

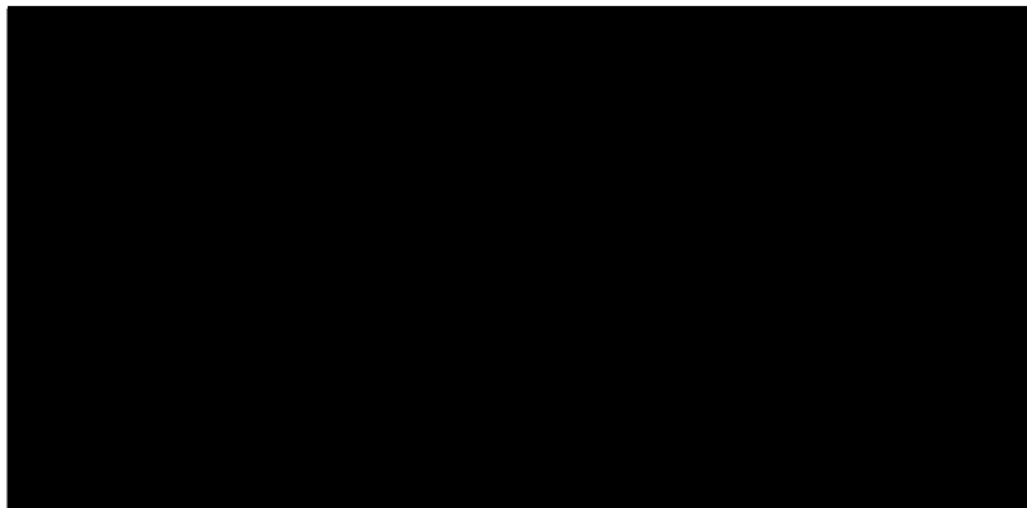


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OTHER (NON-EXPLOSIVE/FIRE)  
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20091127



957522  
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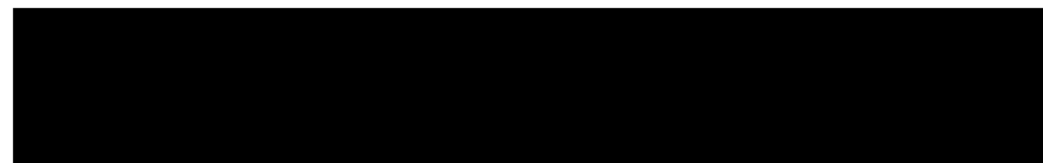


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785115-10-0004



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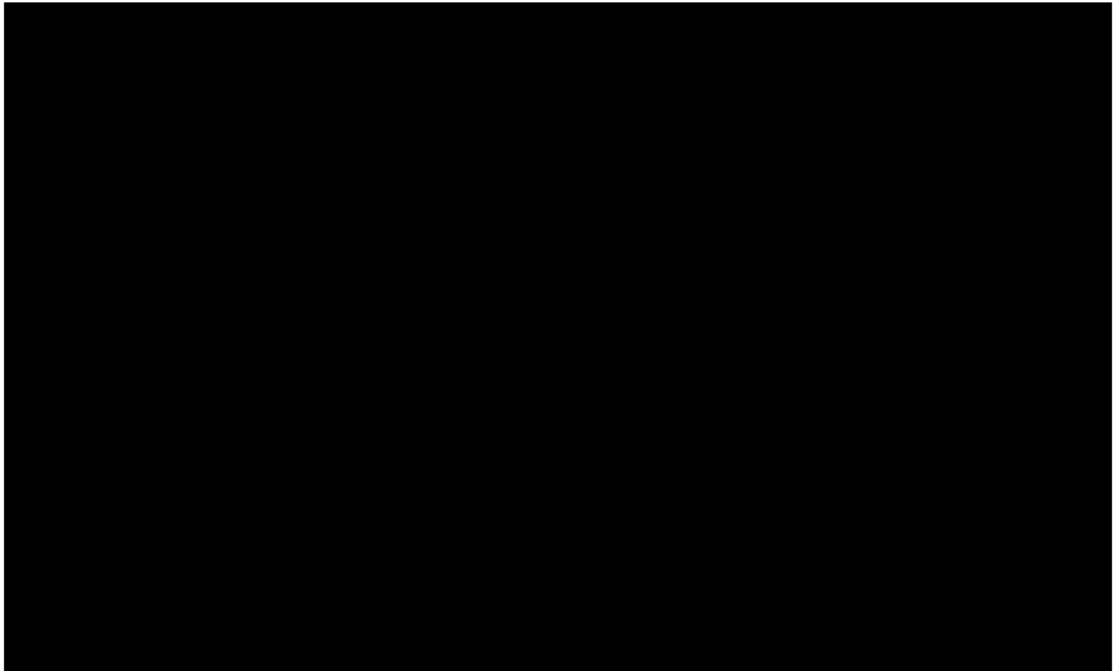
SURVEILLANCE

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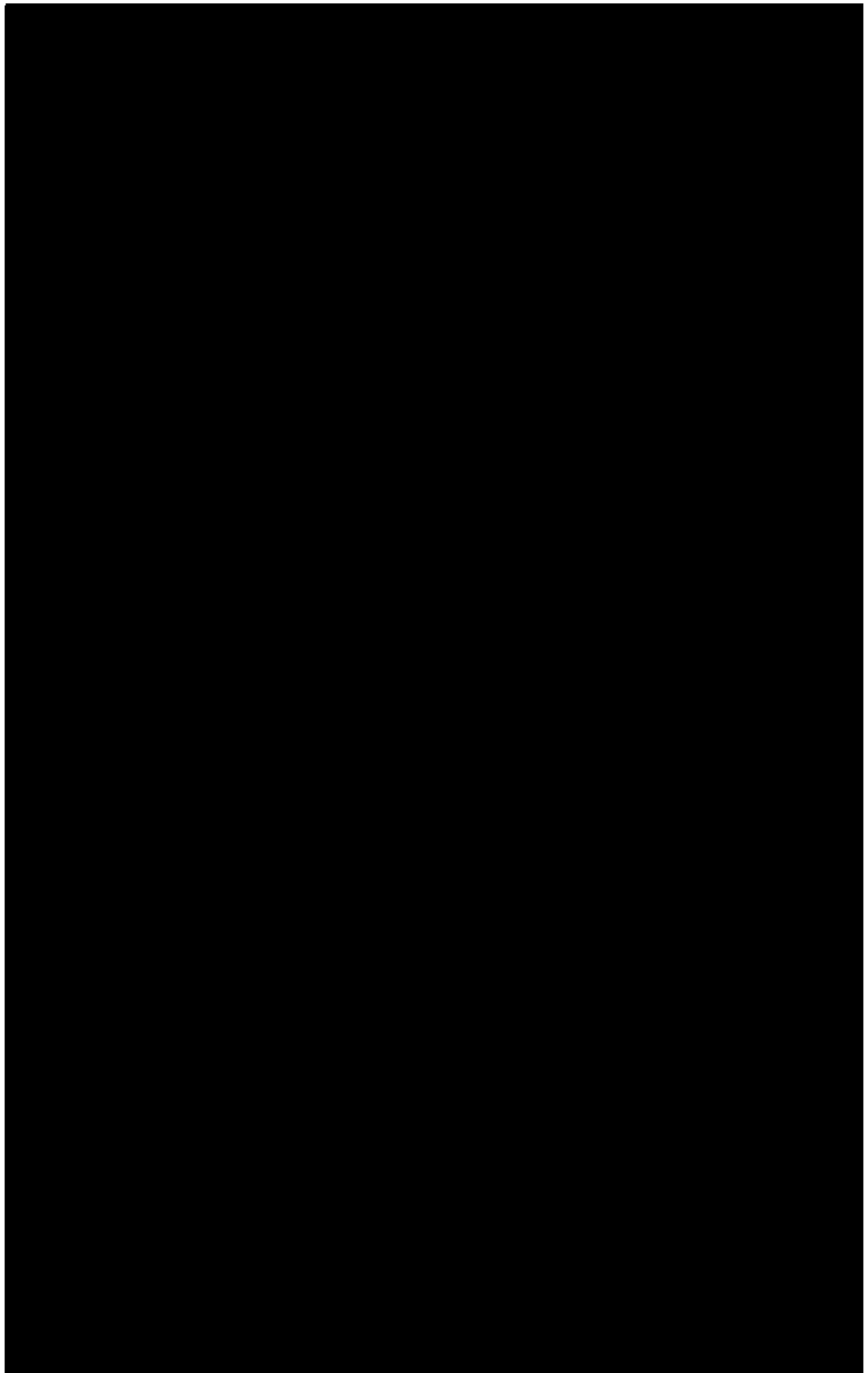
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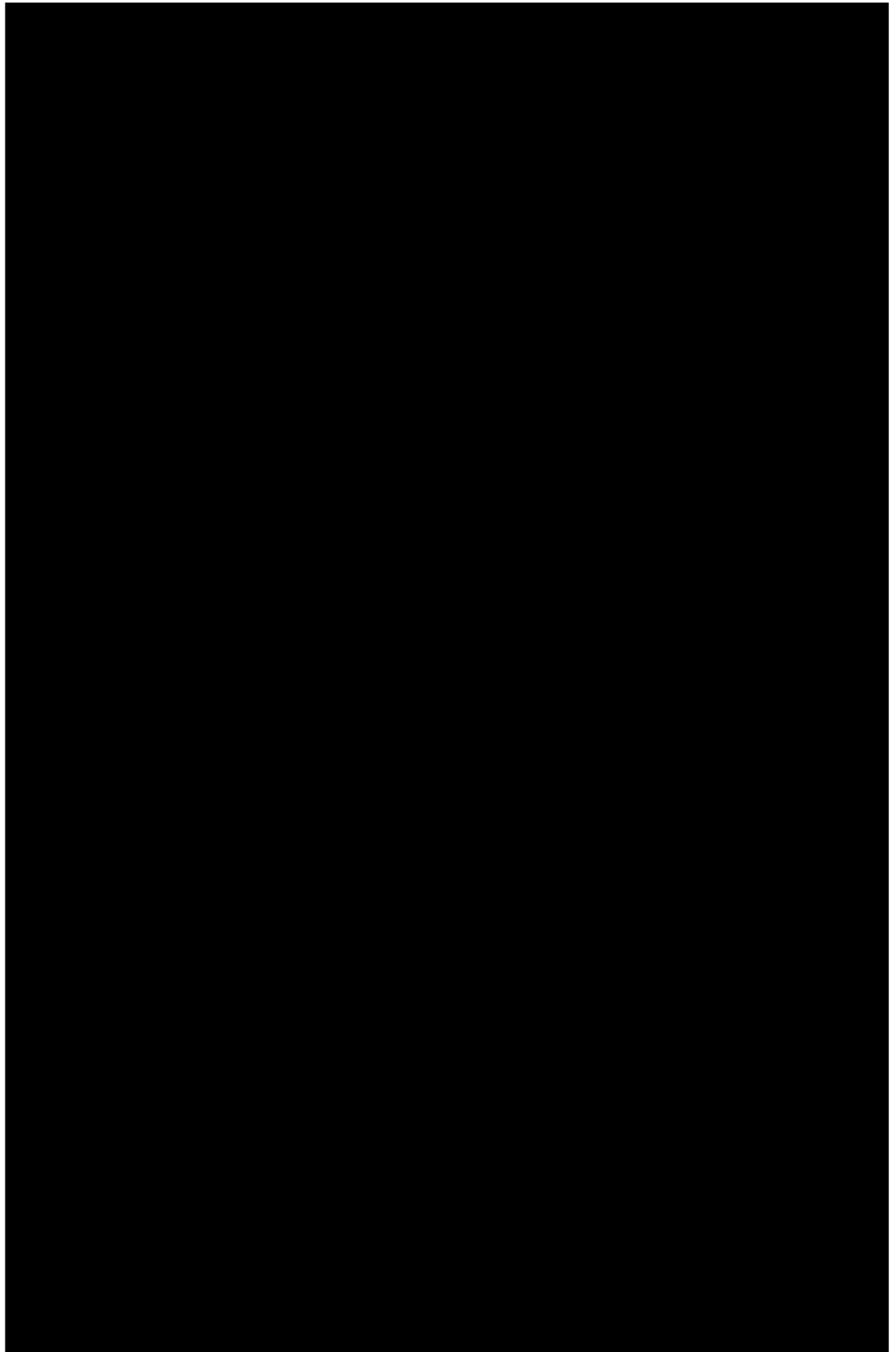


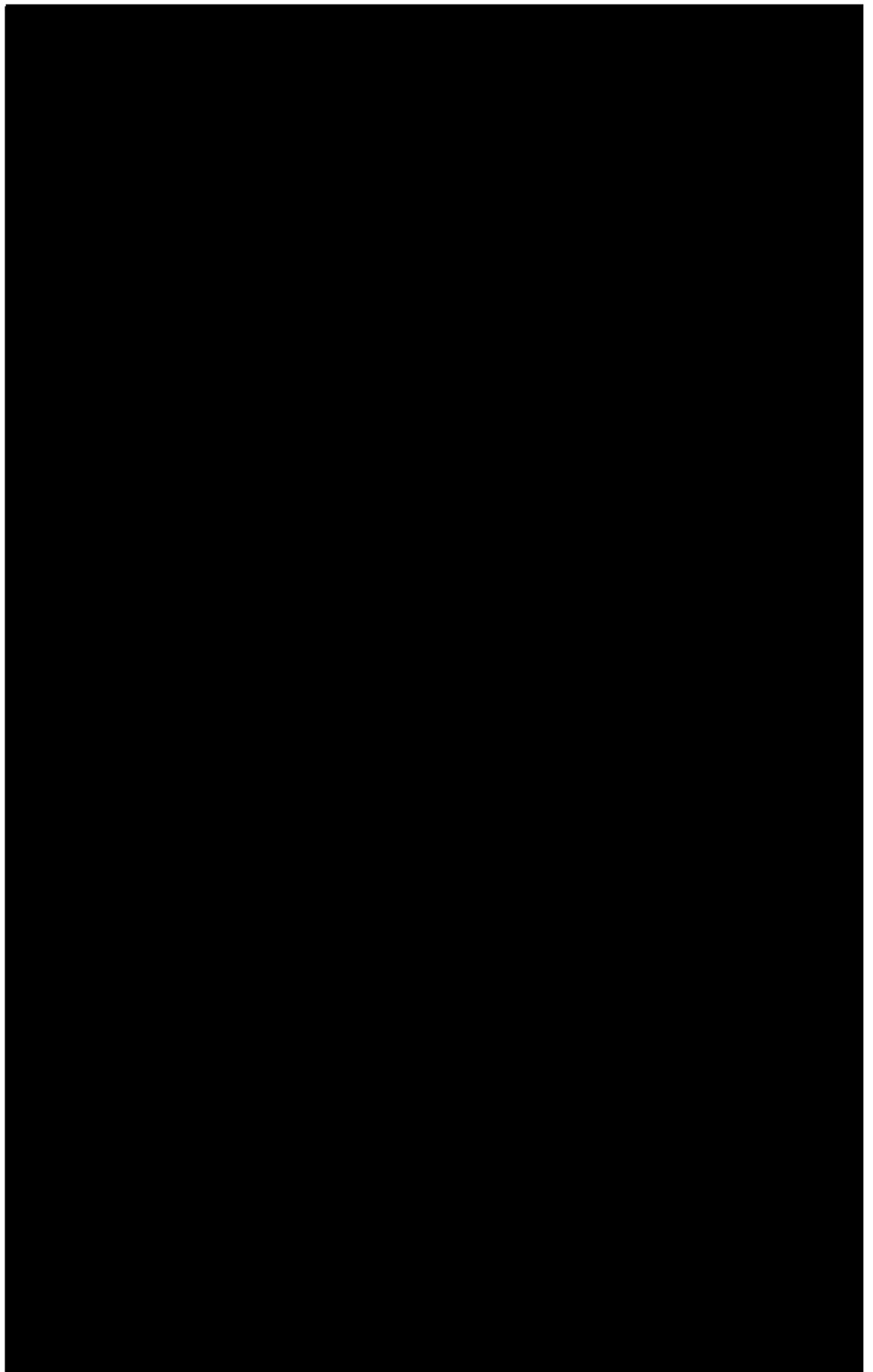
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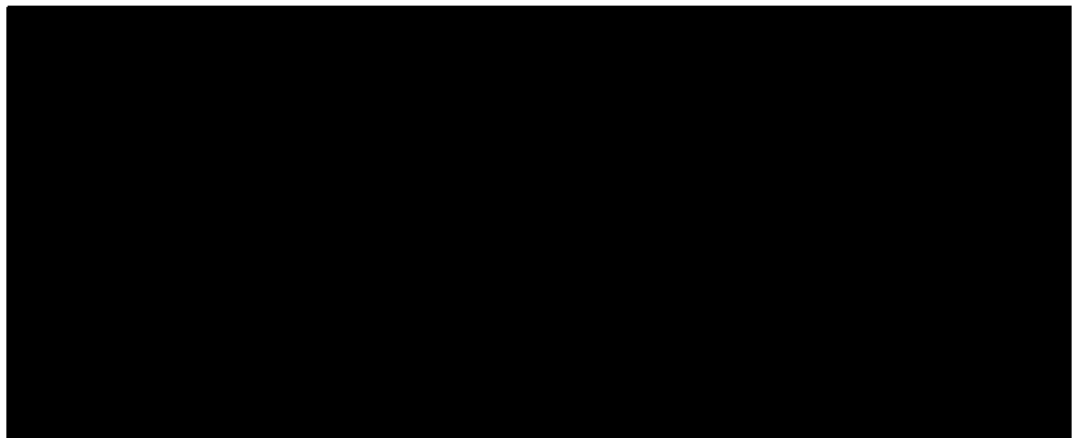


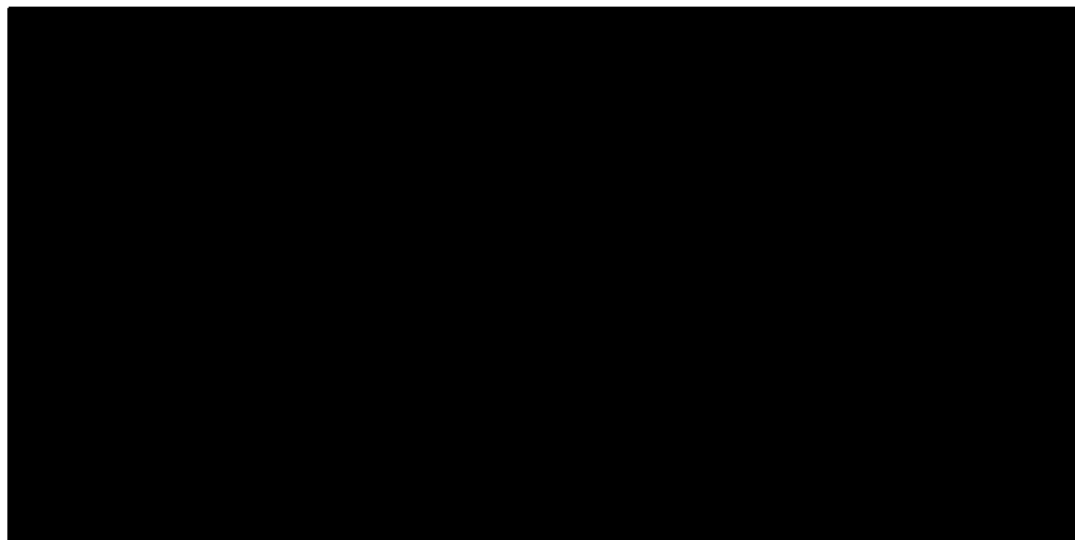




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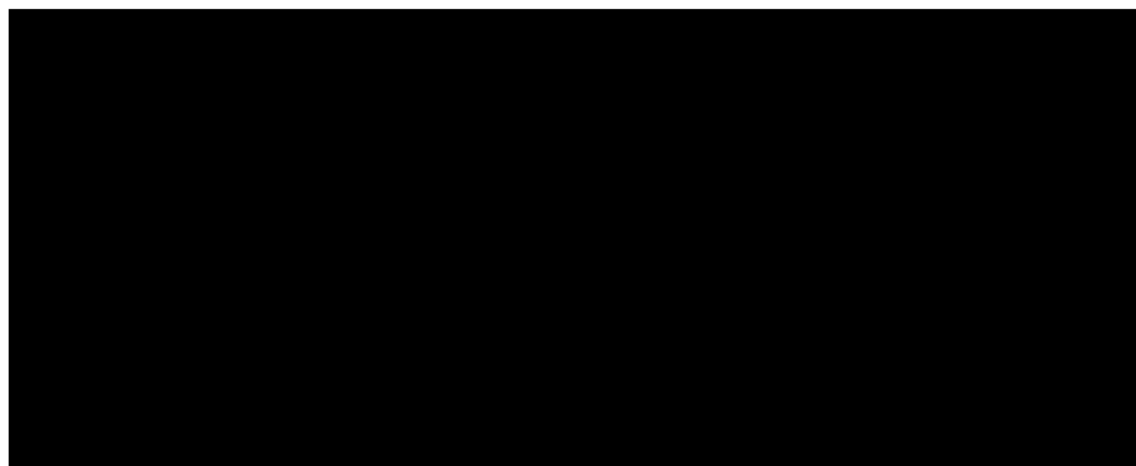
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785115-10-0004  
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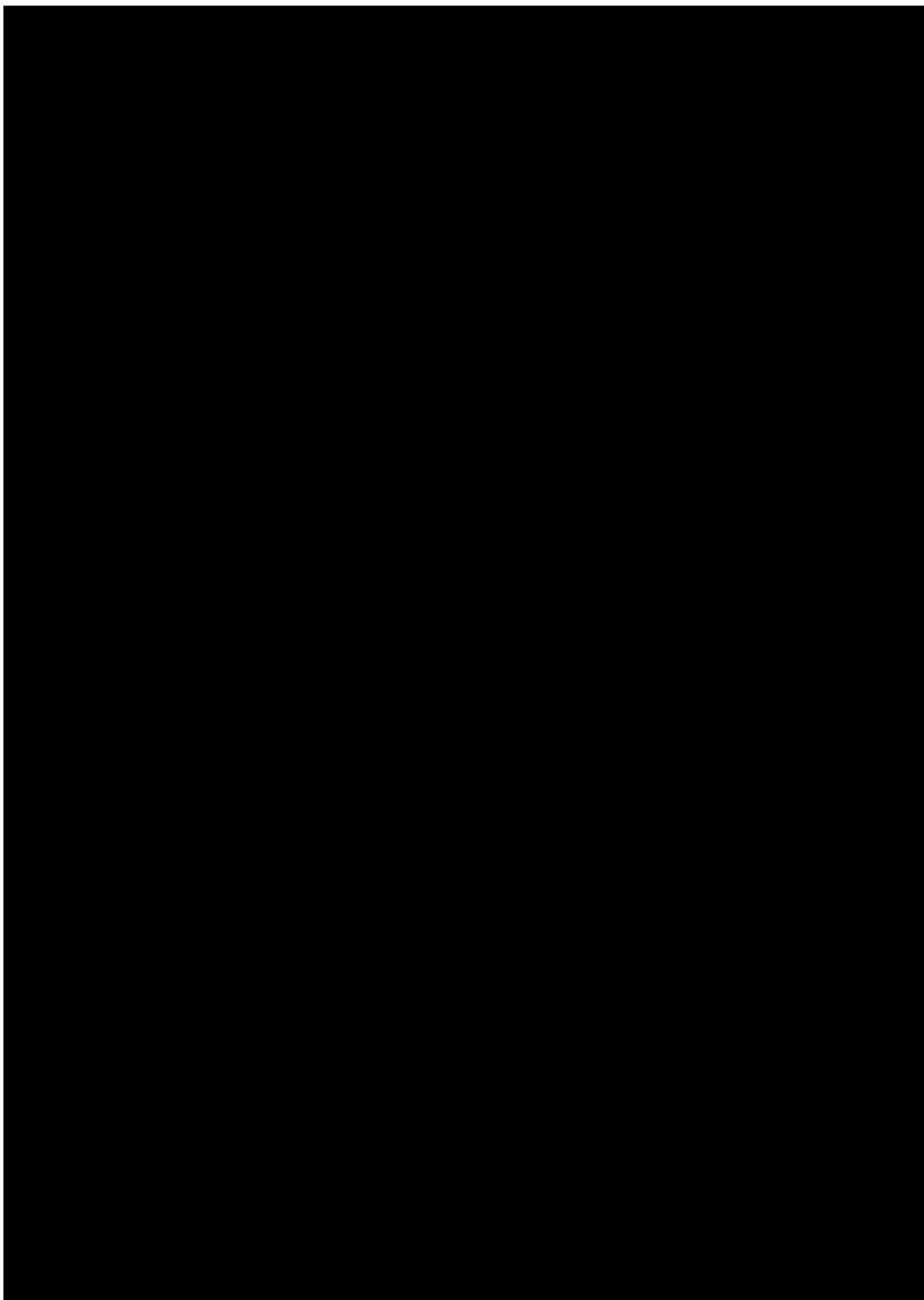


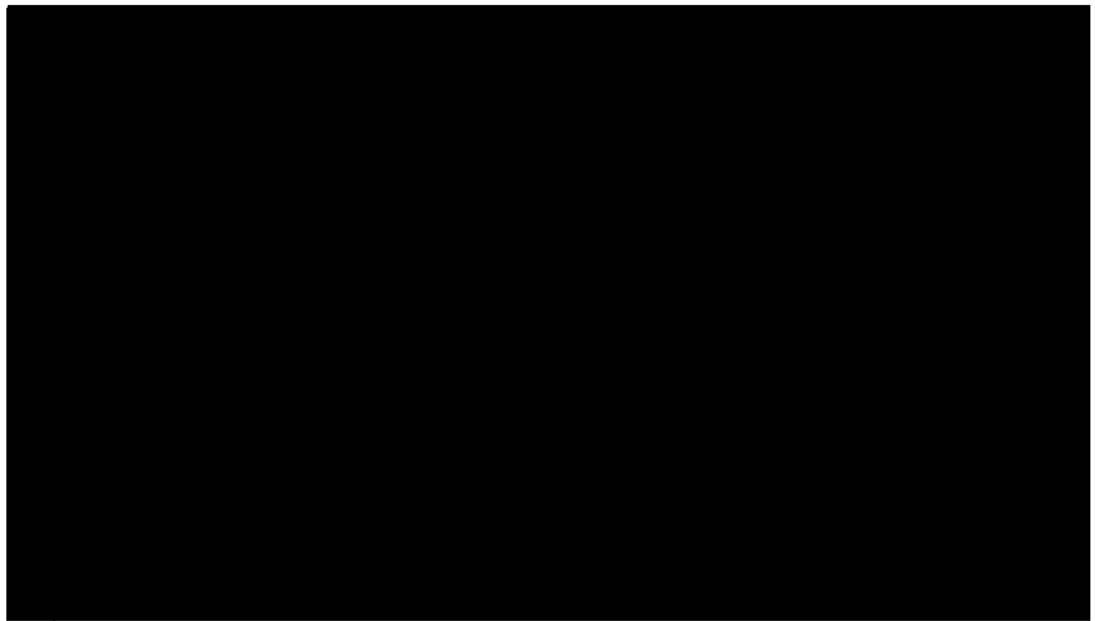
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785115-10-0004  
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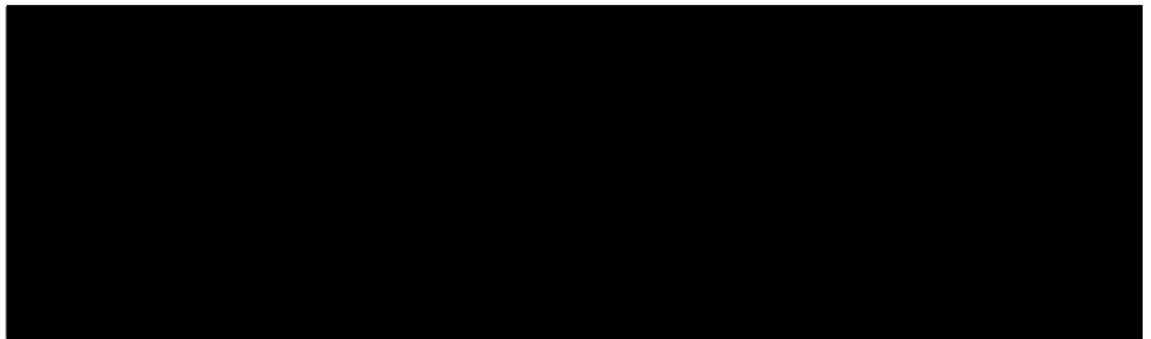
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785115-10-0004  
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20091201



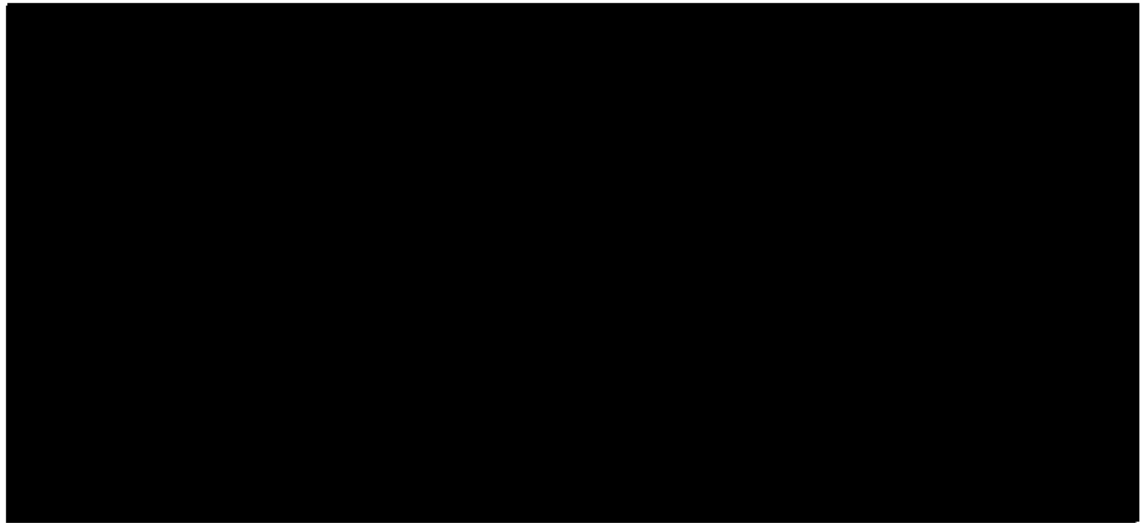
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785115-10-0004  
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20091202



958726

785115-10-0004



20091202

Open

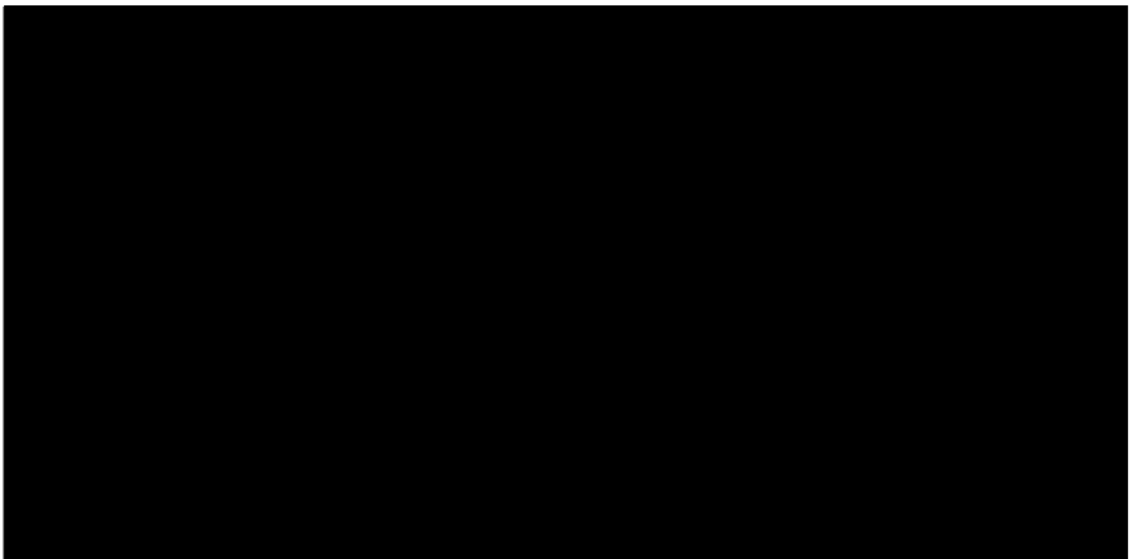
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20091202





959451

785115-10-0004



20091204

Open

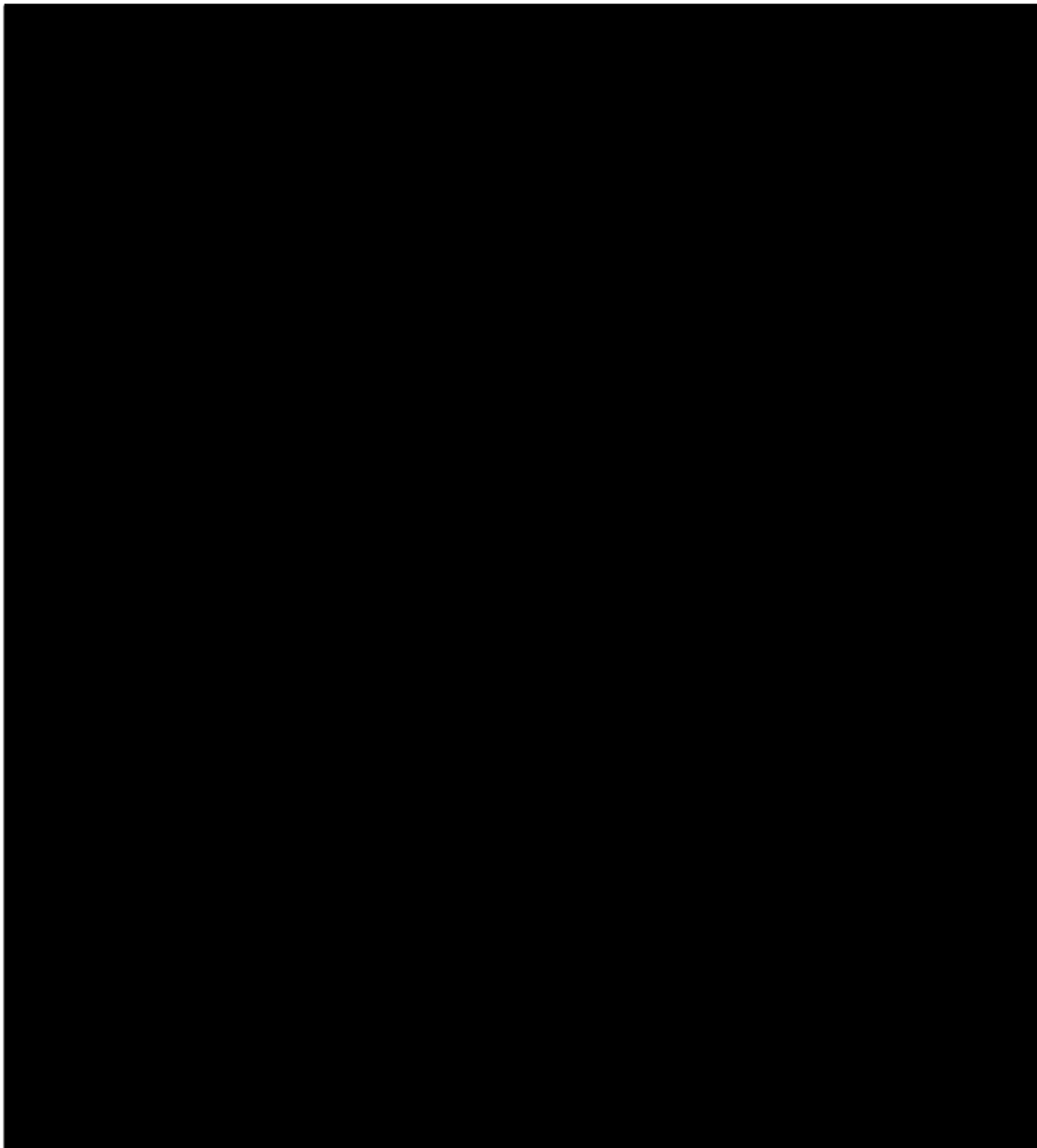
SURVEILLANCE

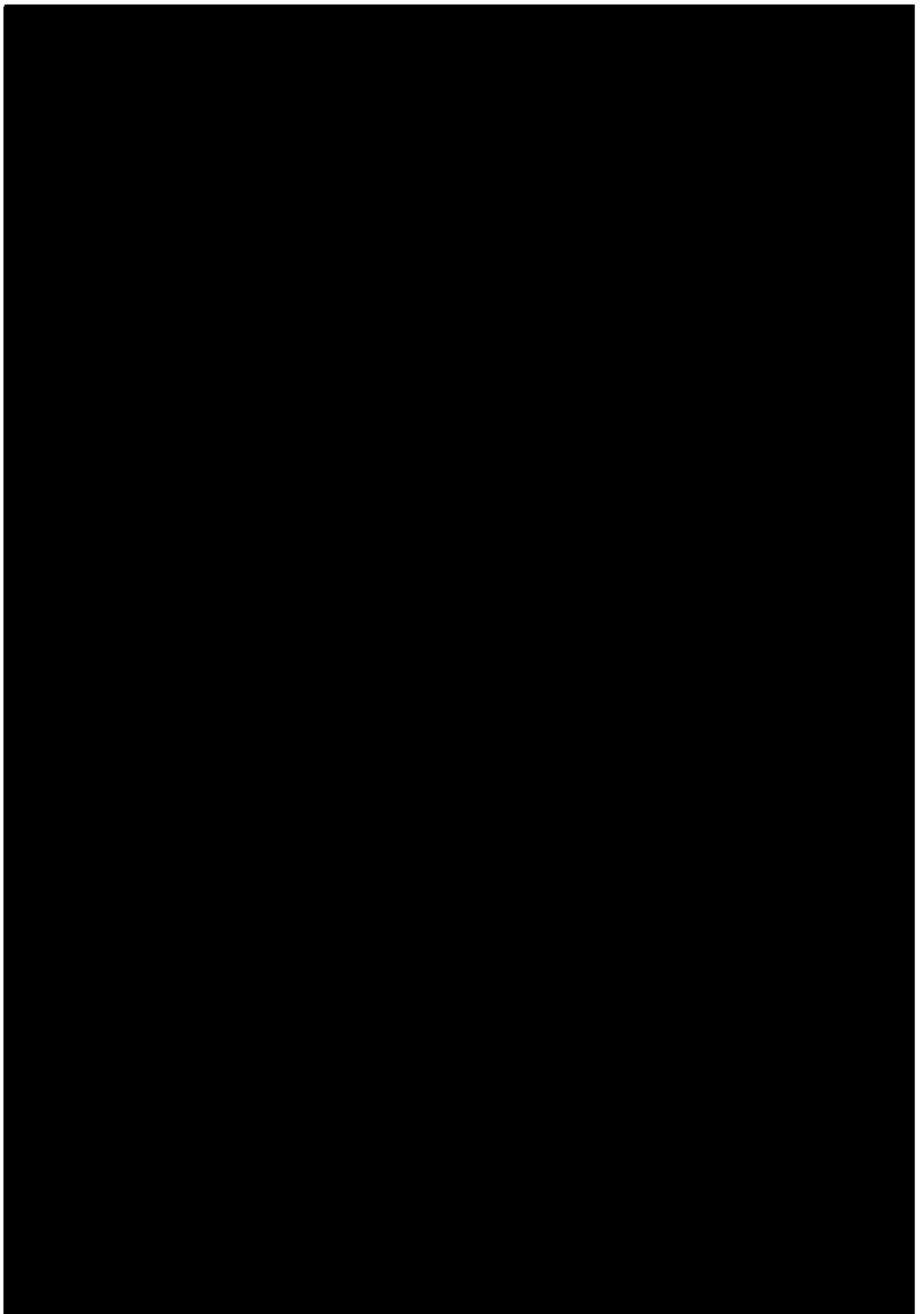
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20091204





959525

785115-10-0004



20091204

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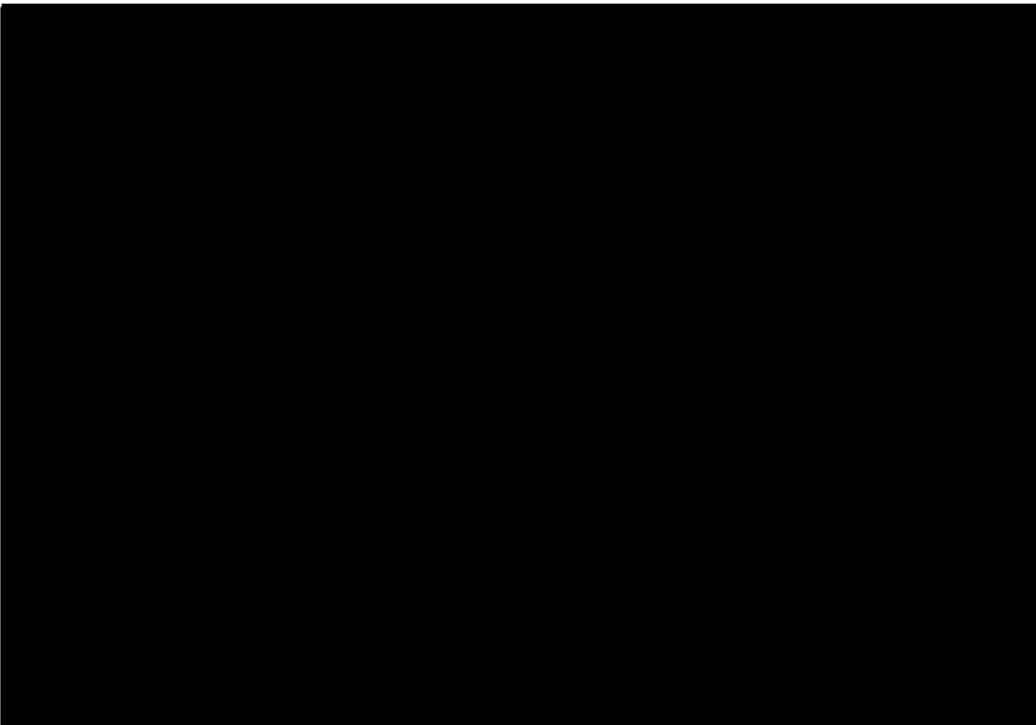
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959525




20091204



959528

785115-10-0004



20091204

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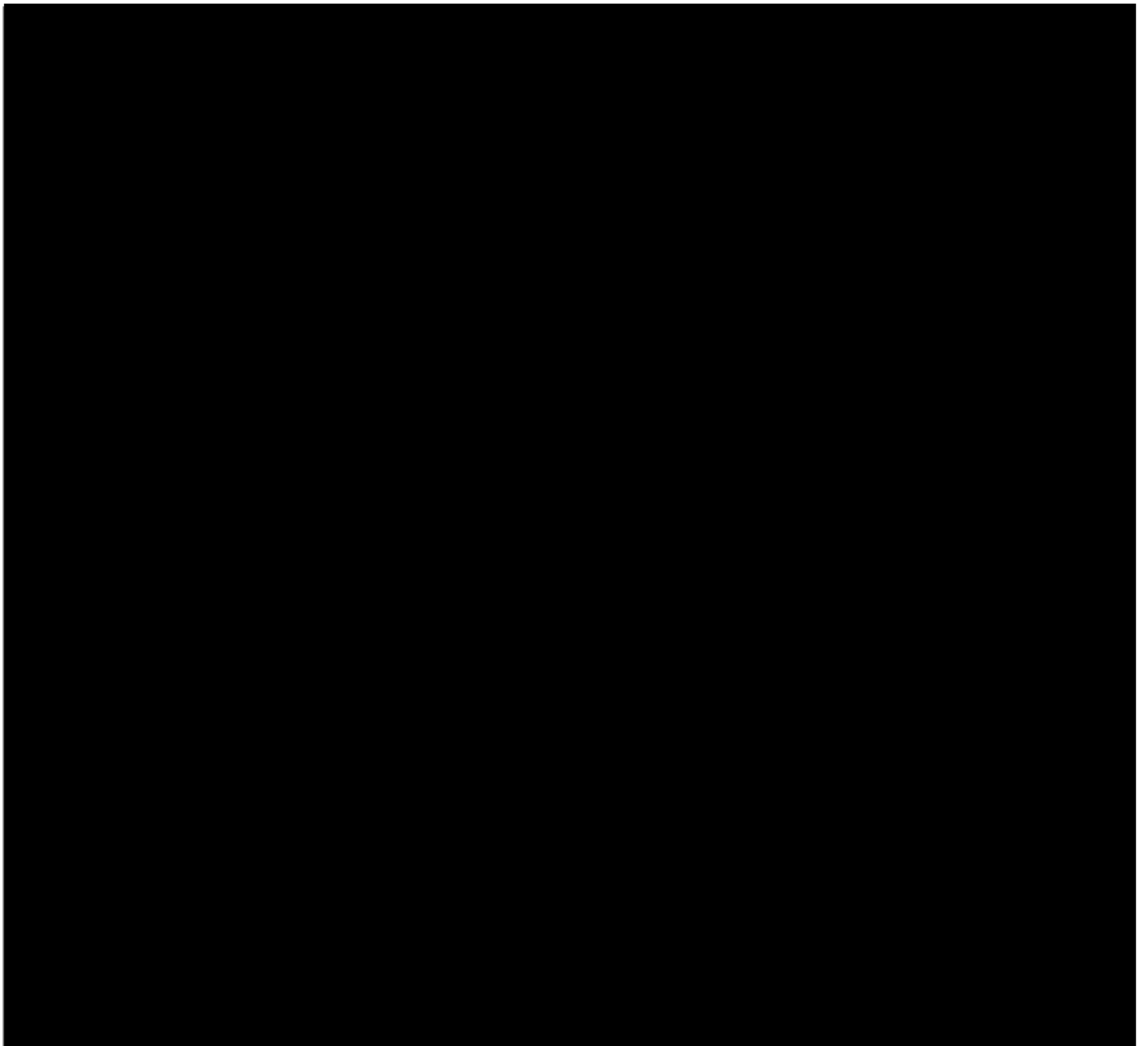
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20091204



960756

785115-10-0004



20091209

Open

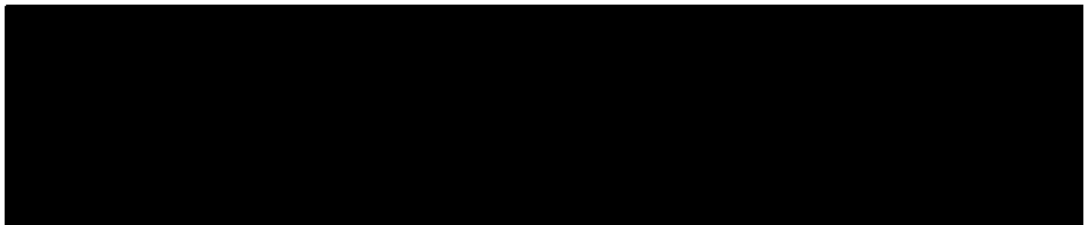
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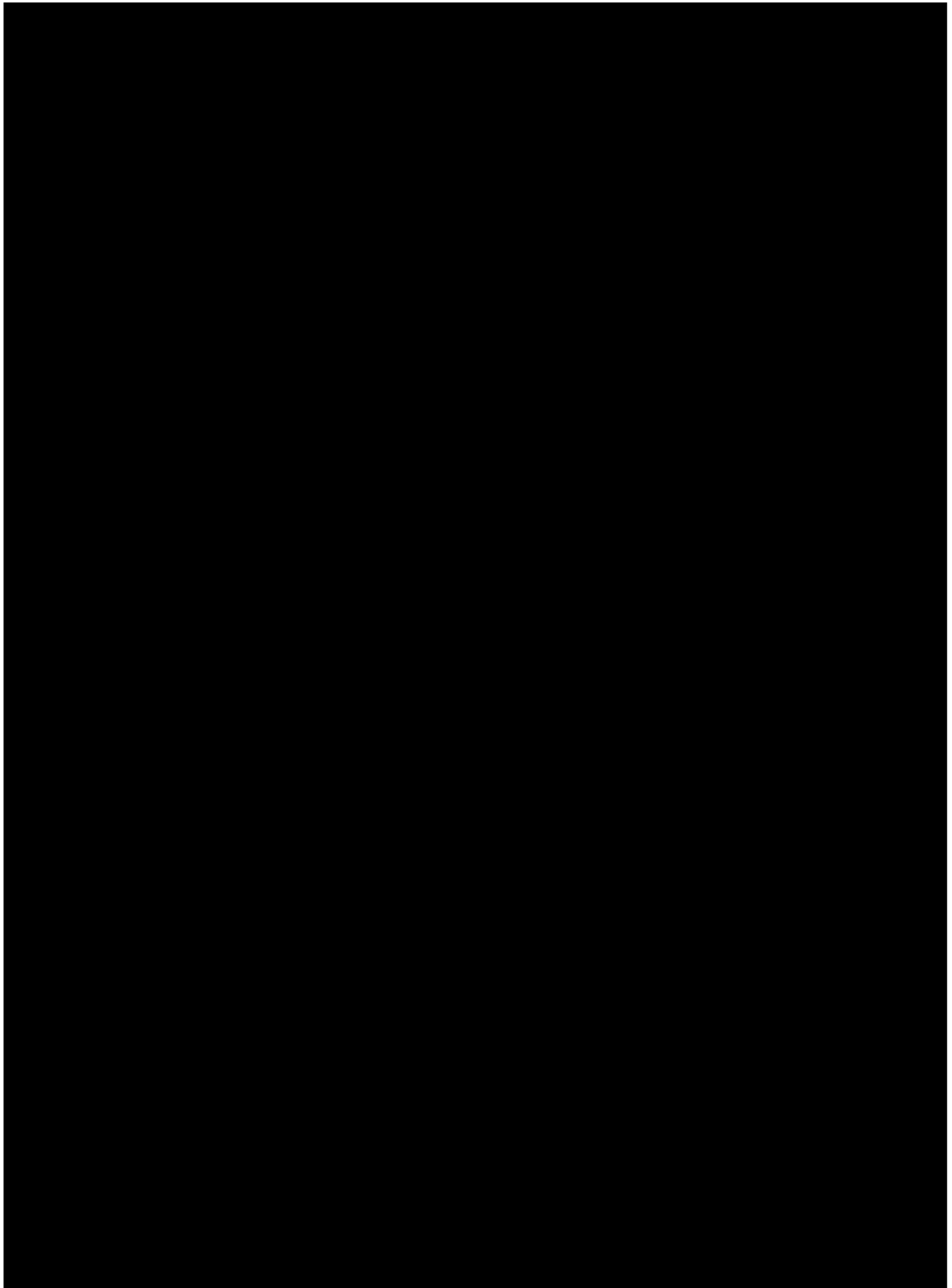
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960756



20091209





961144

785115-10-0004

[REDACTED]

20091210

Open

SURVEILLANCE

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961616

785115-10-0004

[REDACTED]

20091212

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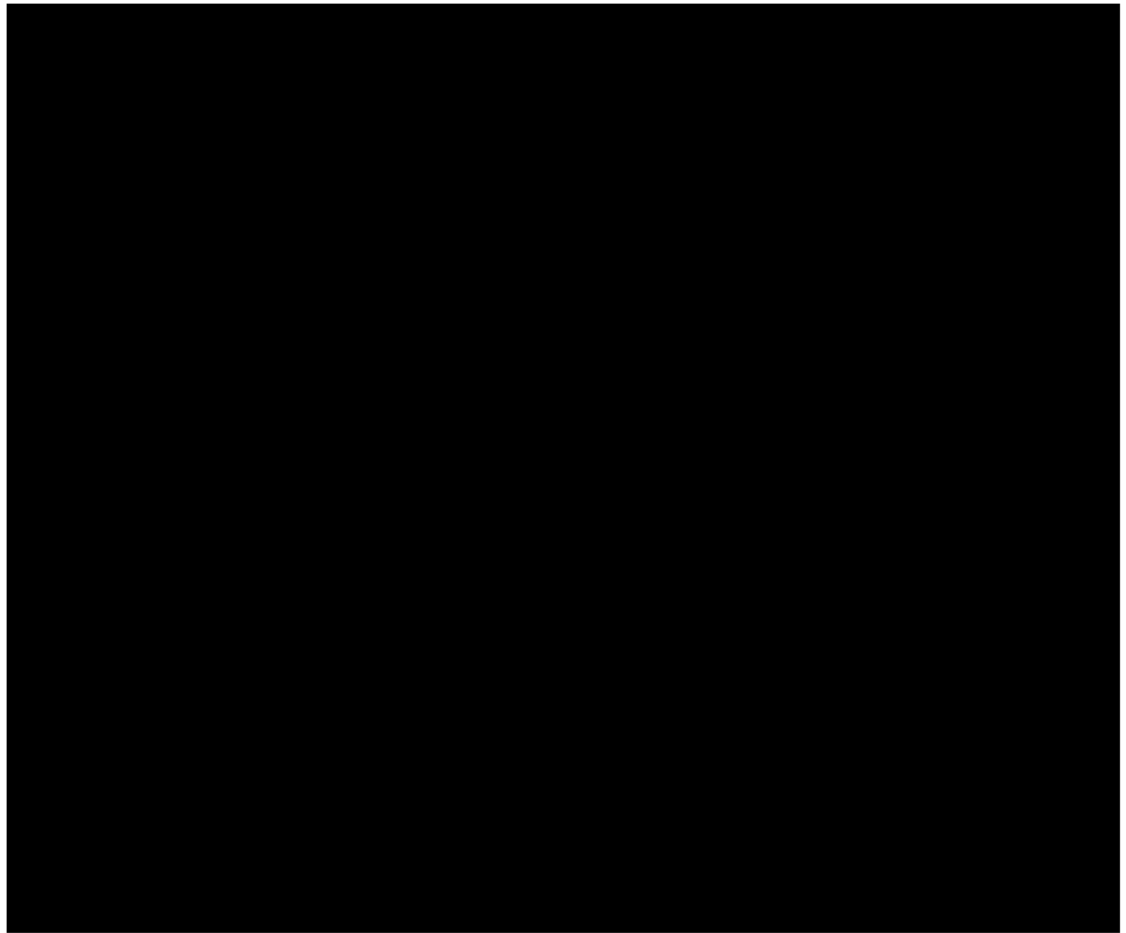
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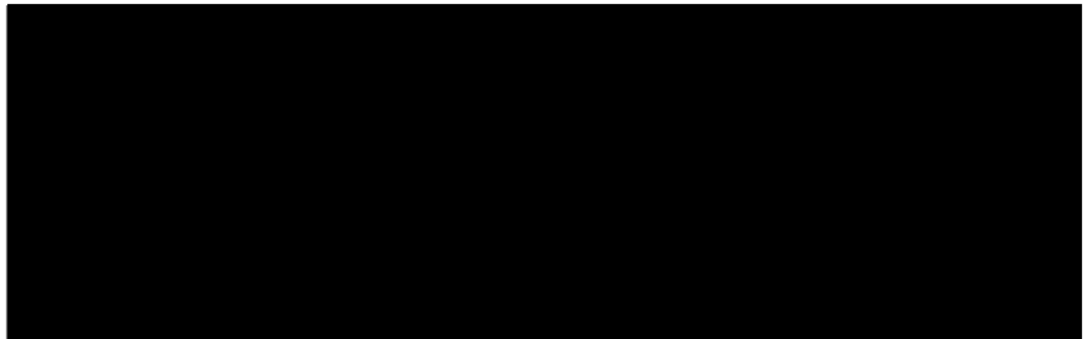
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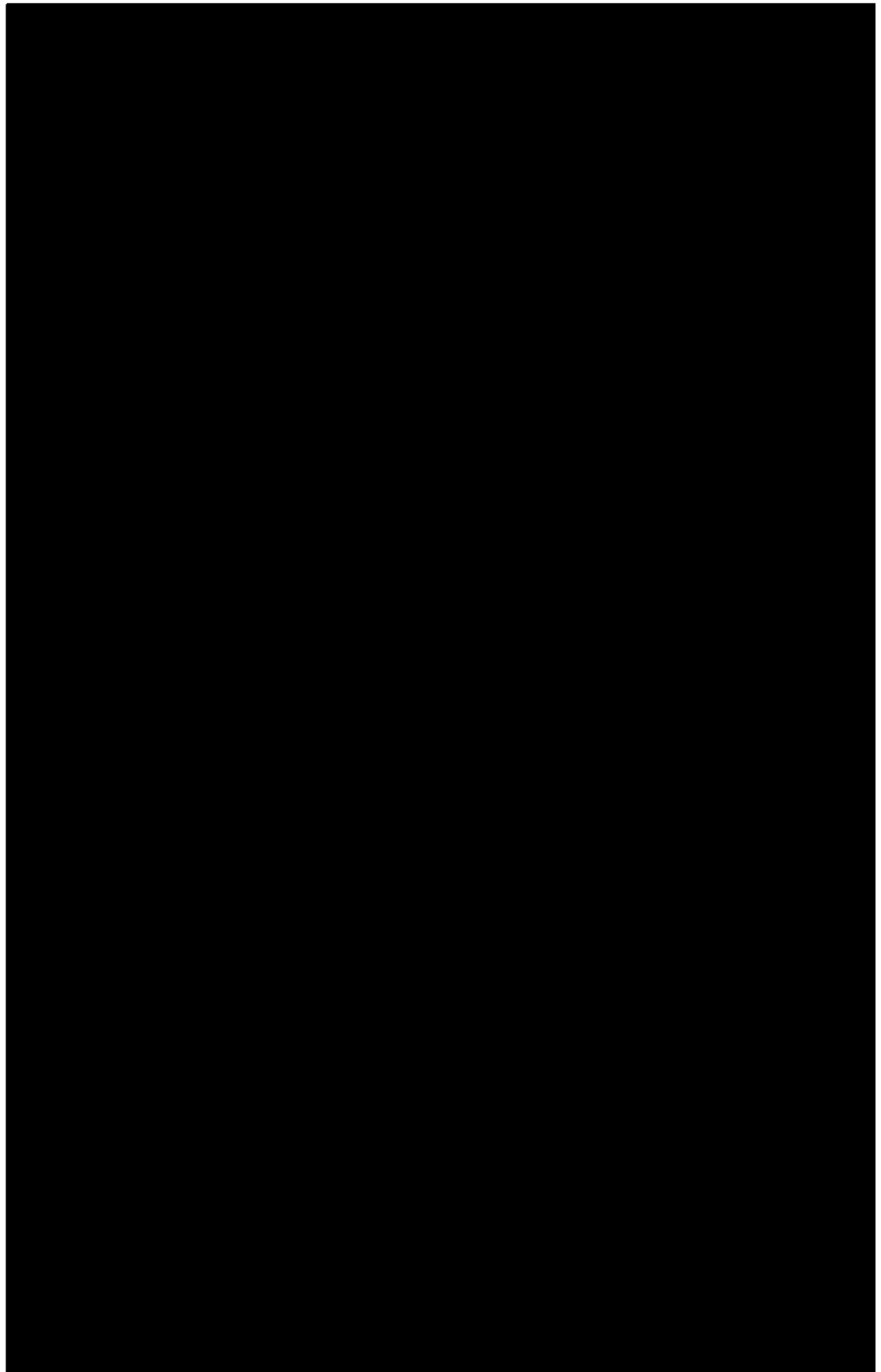
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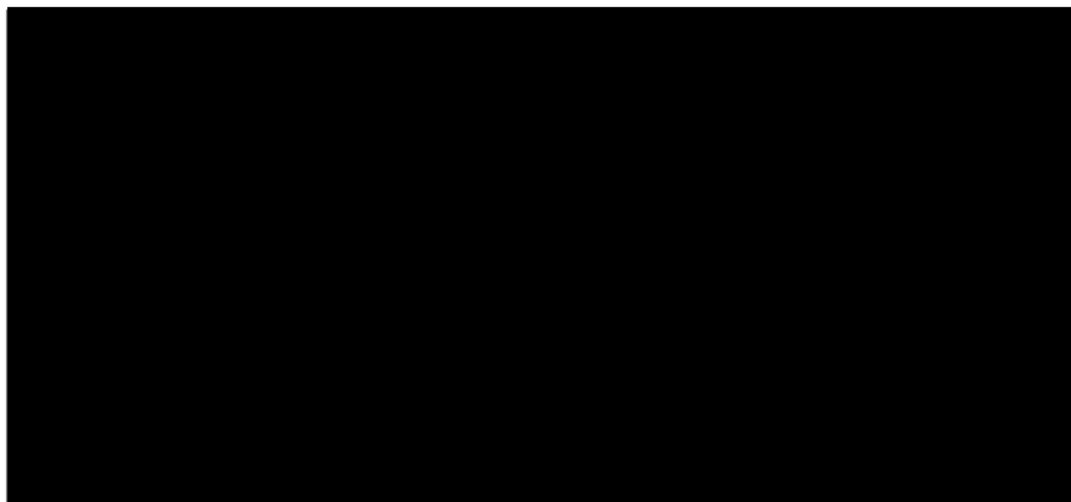
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OTHER (NON-EXPLOSIVE/FIRE)  
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20091210







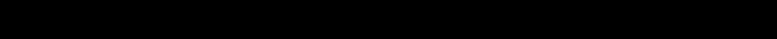


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785115-10-0004

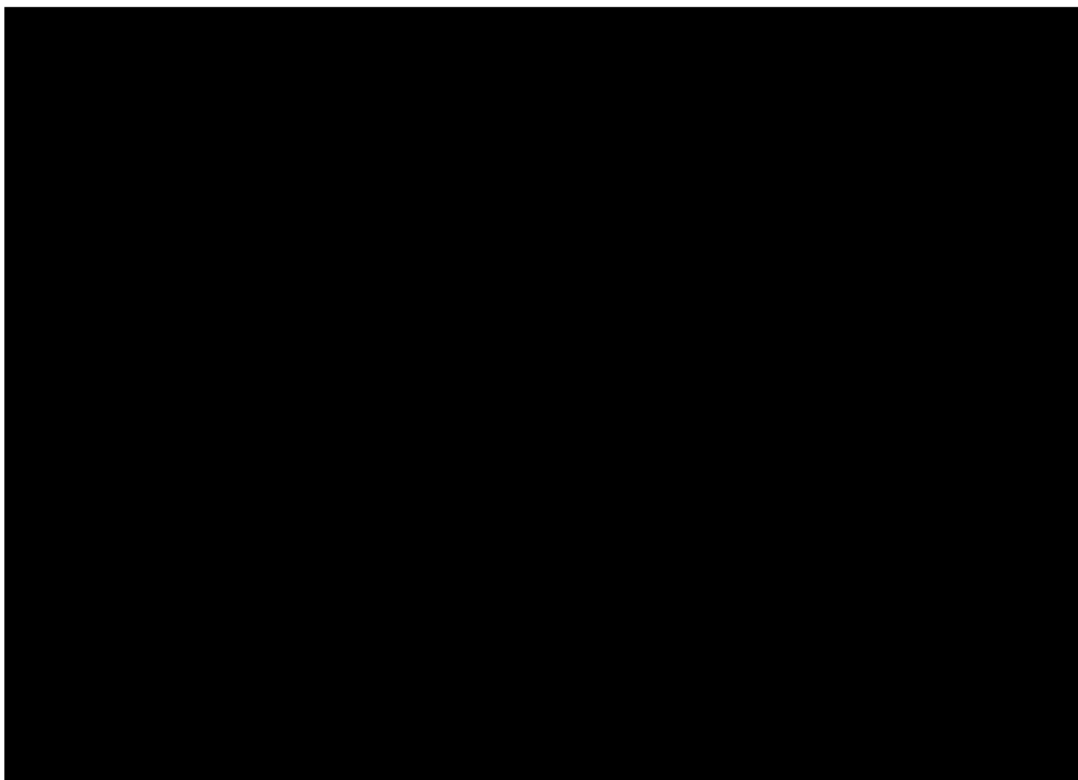


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OTHER (NON-EXPLOSIVE/FIRE)  
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961618

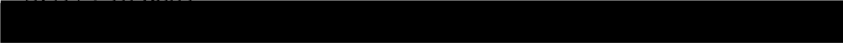


20091212



961620

785115-10-0004



20091212

Open

OTHER (NON-EXPLOSIVE/FIRE)

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961620




20091212



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961622

785115-10-0004



20091212

Open

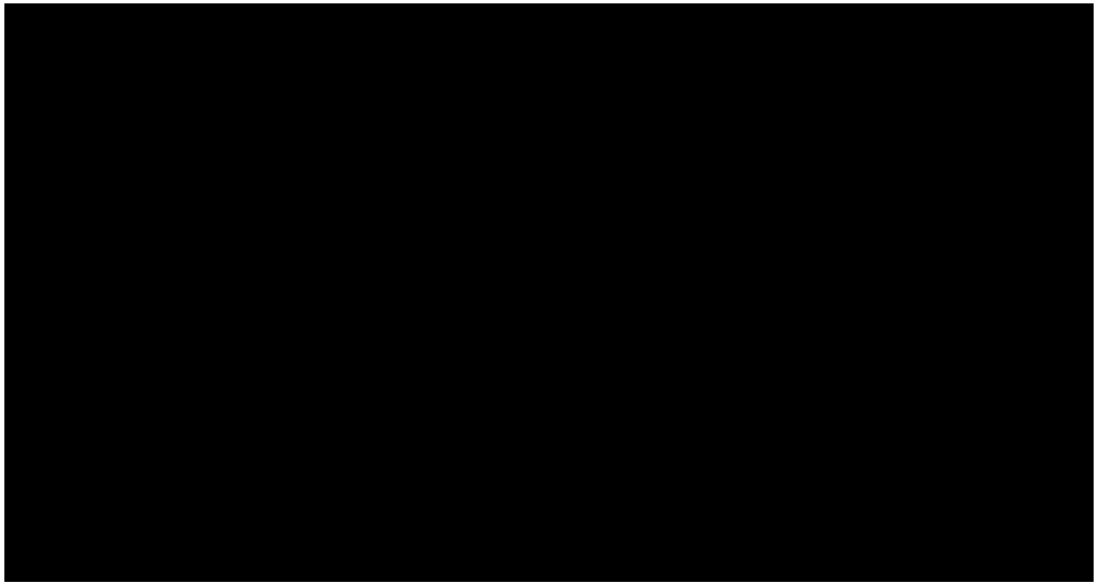
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961622




20091212



961623

785115-10-0004



20091212

Open

OTHER (NON-EXPLOSIVE/FIRE)

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961623



20091212



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961641

785115-10-0004



20091211

Open

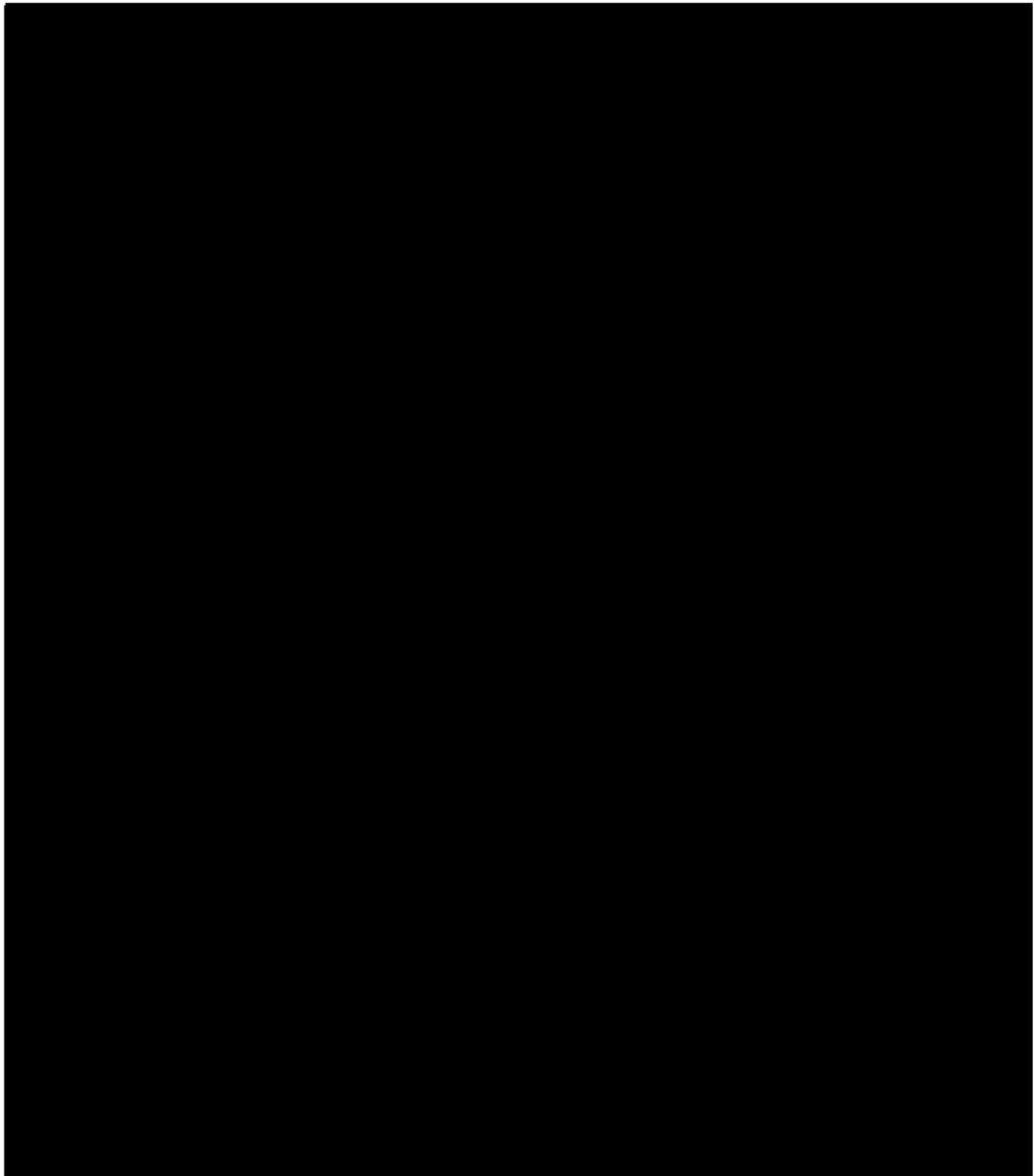
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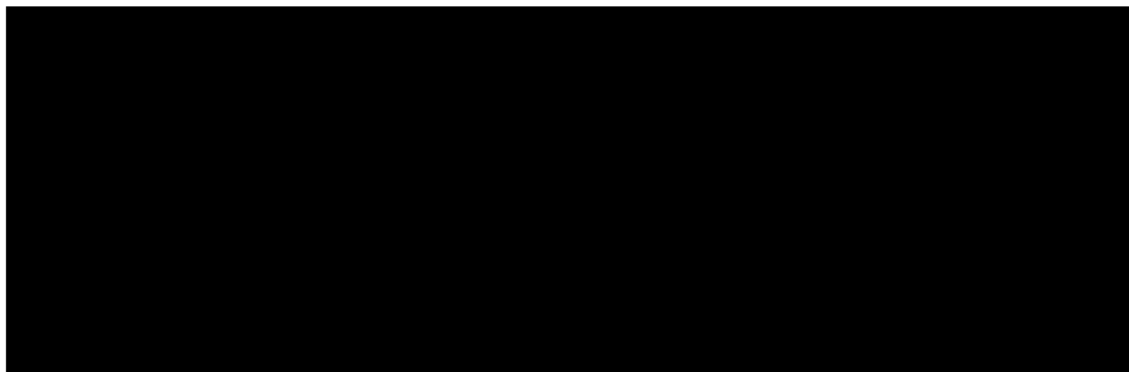
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20091211





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785115-10-0004



20091212

Open

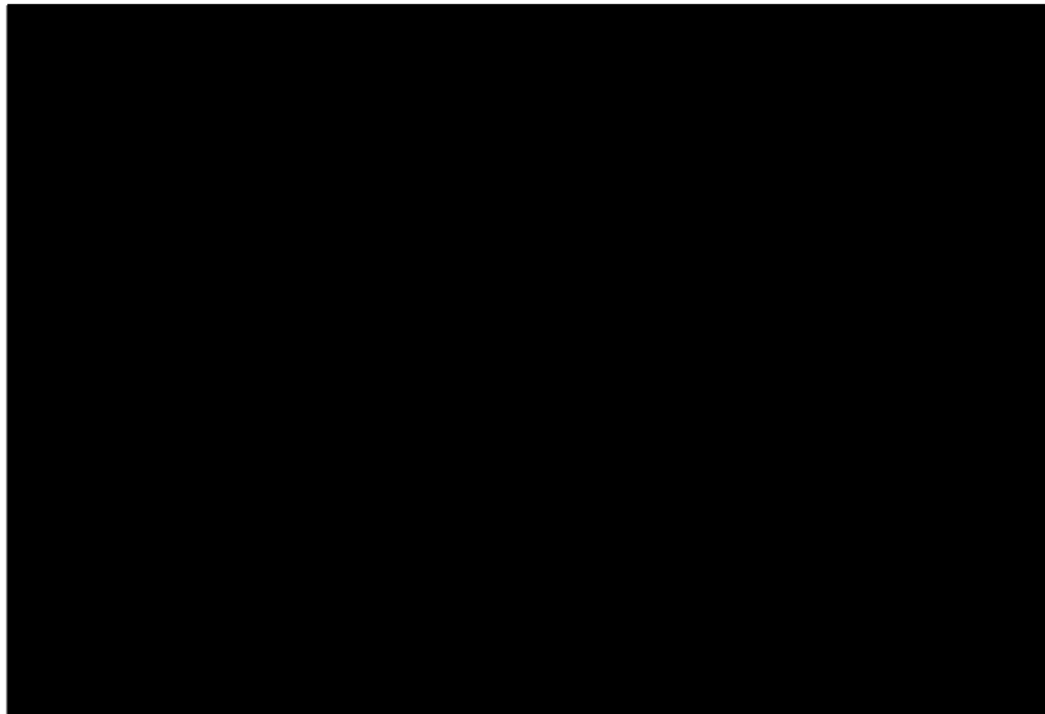
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20091212



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785115-10-0004

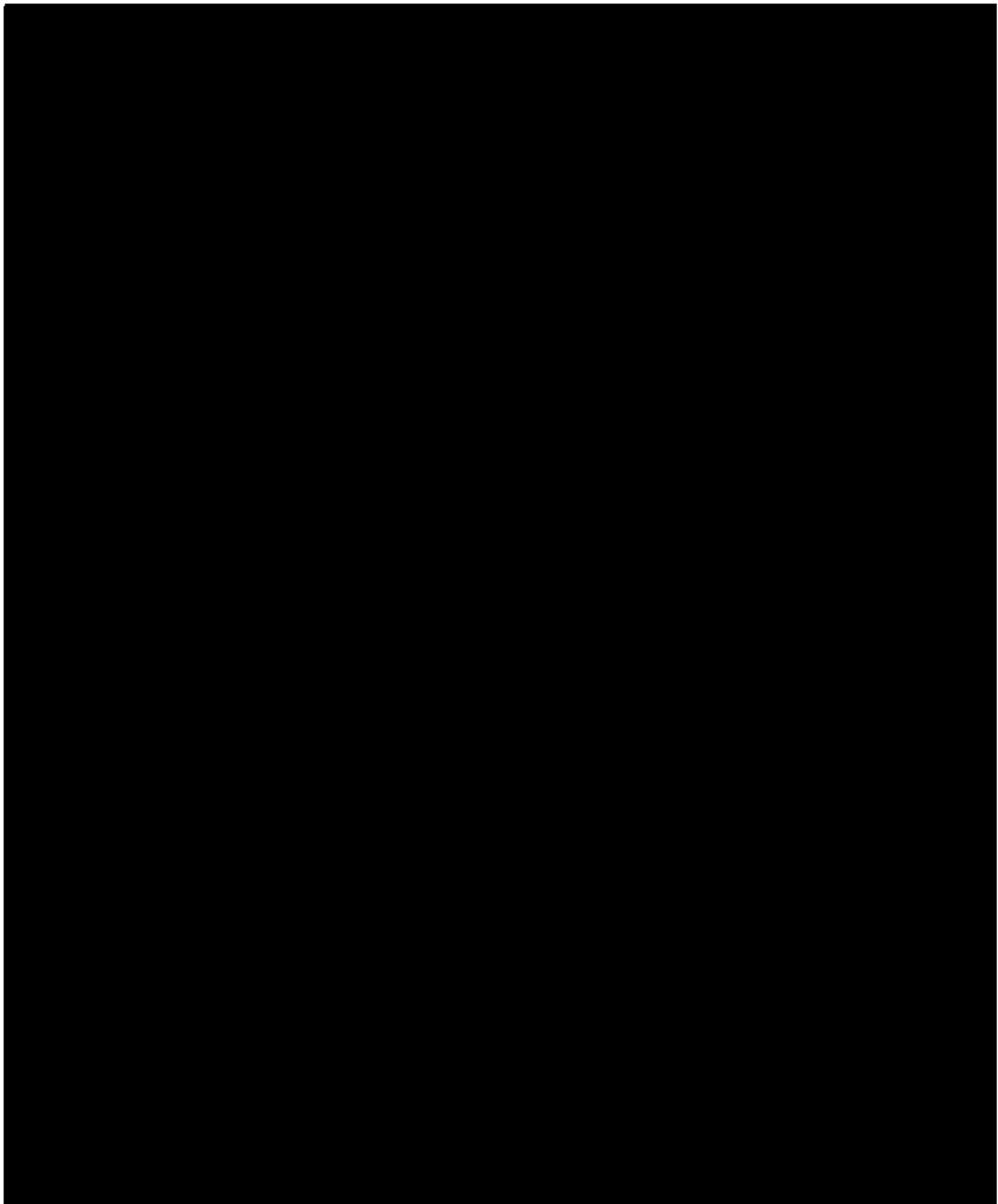


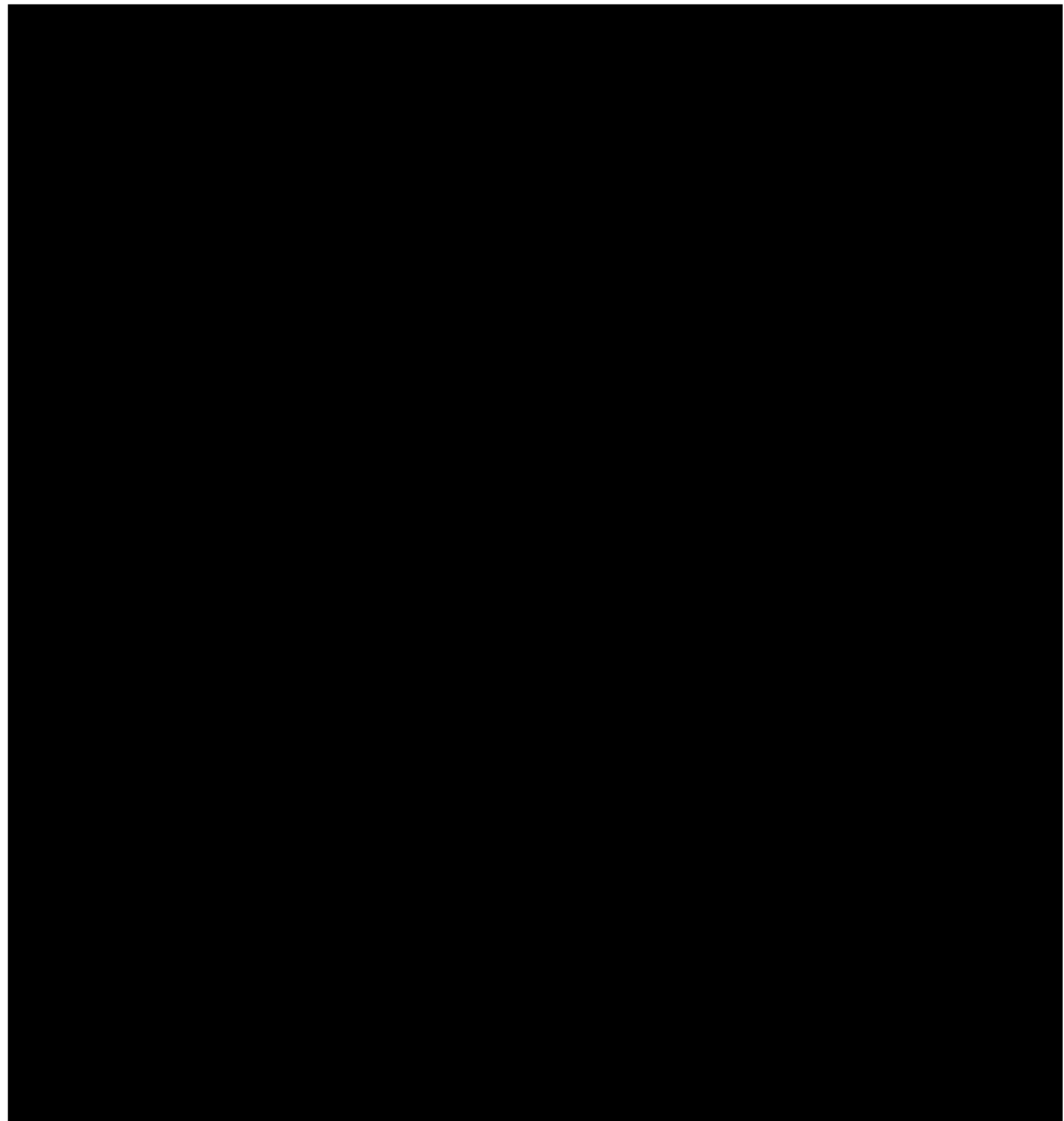
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OTHER (NON-EXPLOSIVE/FIRE)  
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961660



20091212





I

962039

785115-10-0004



20091214

Open

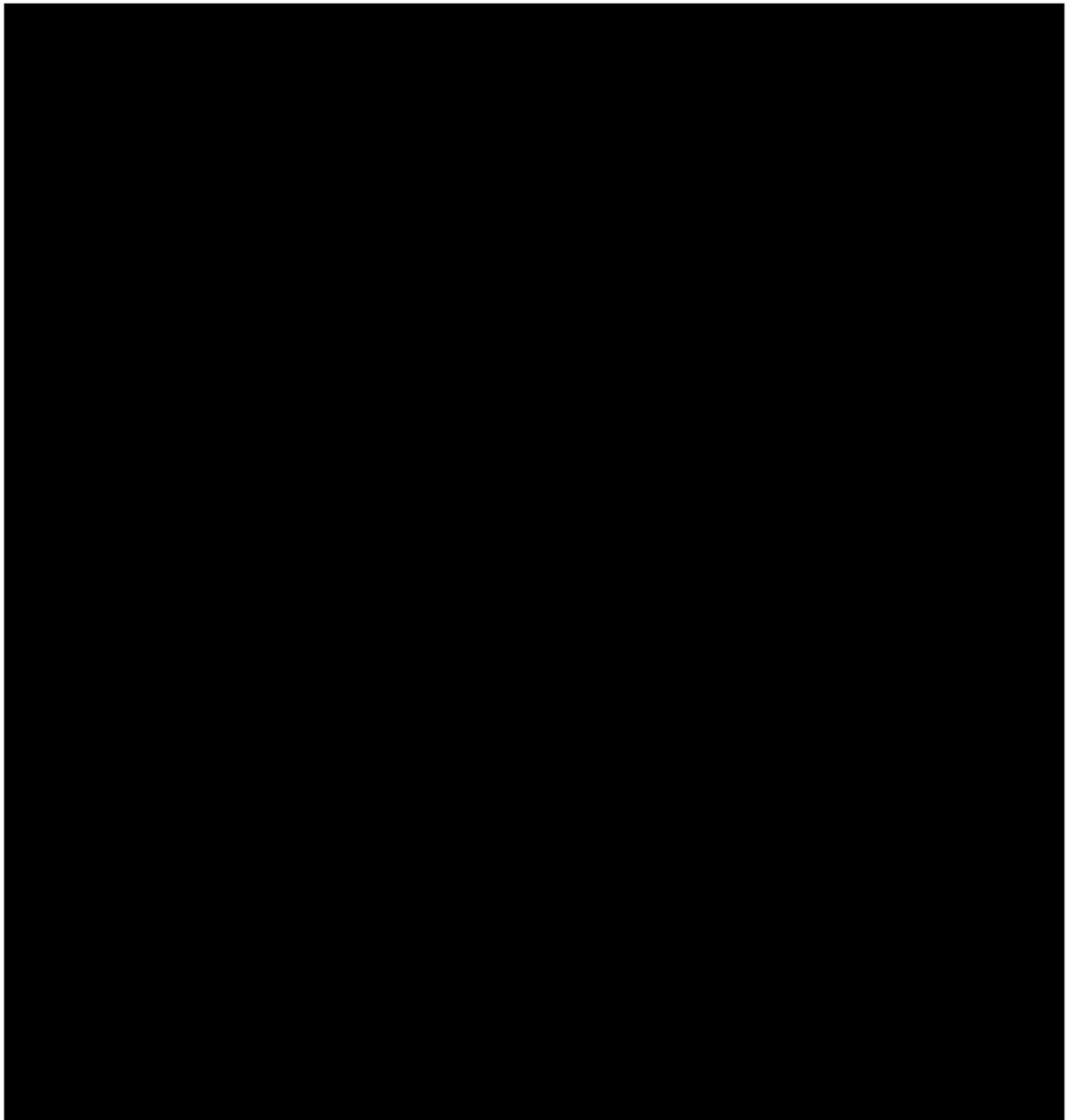
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962039



20091214



962048

785115-10-0004

20091208

Open

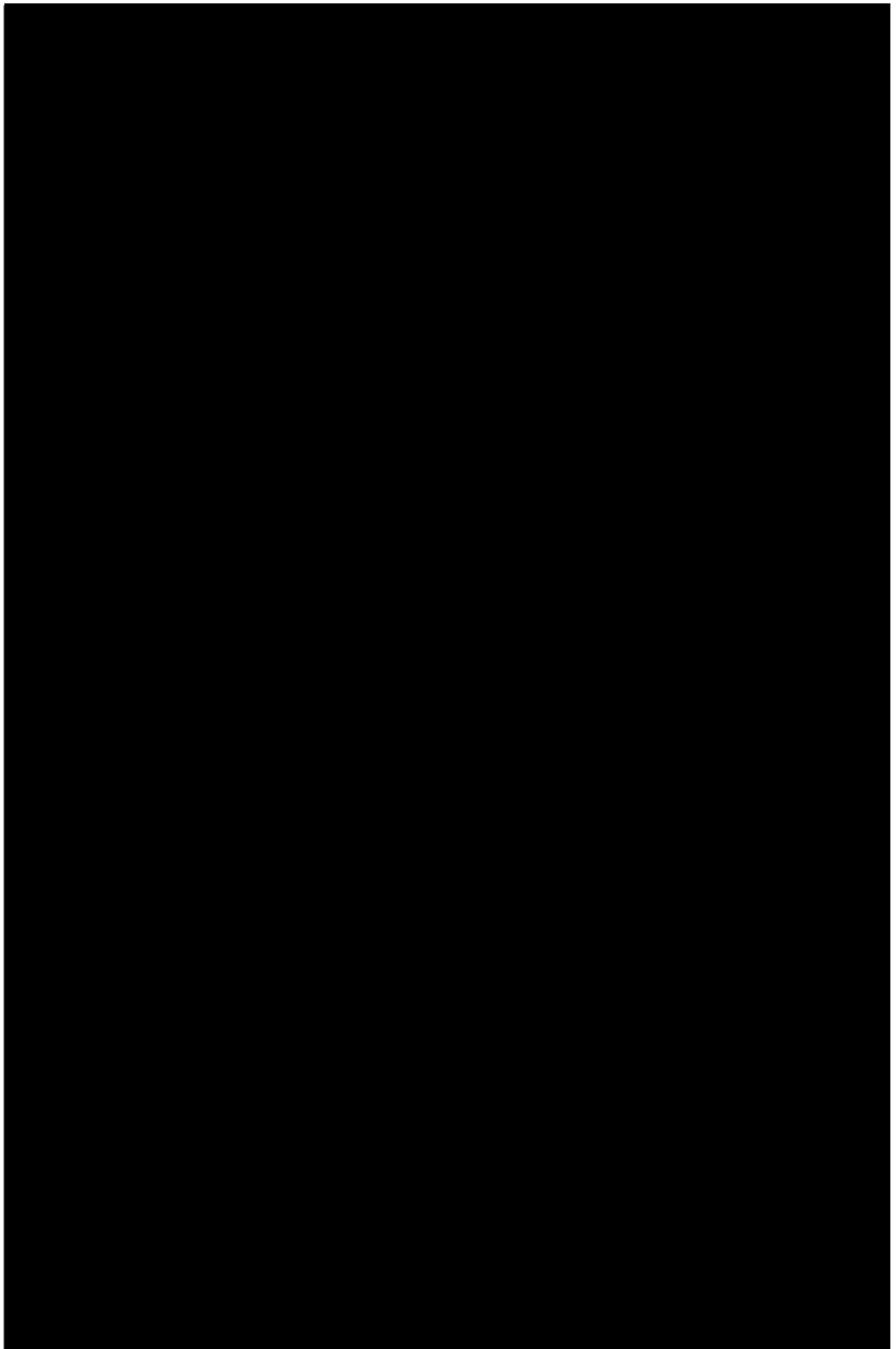
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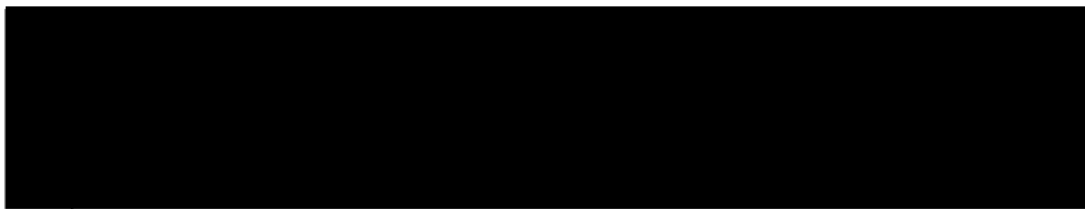
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962048

20091208







962049

785115-10-0004



20091209

Open

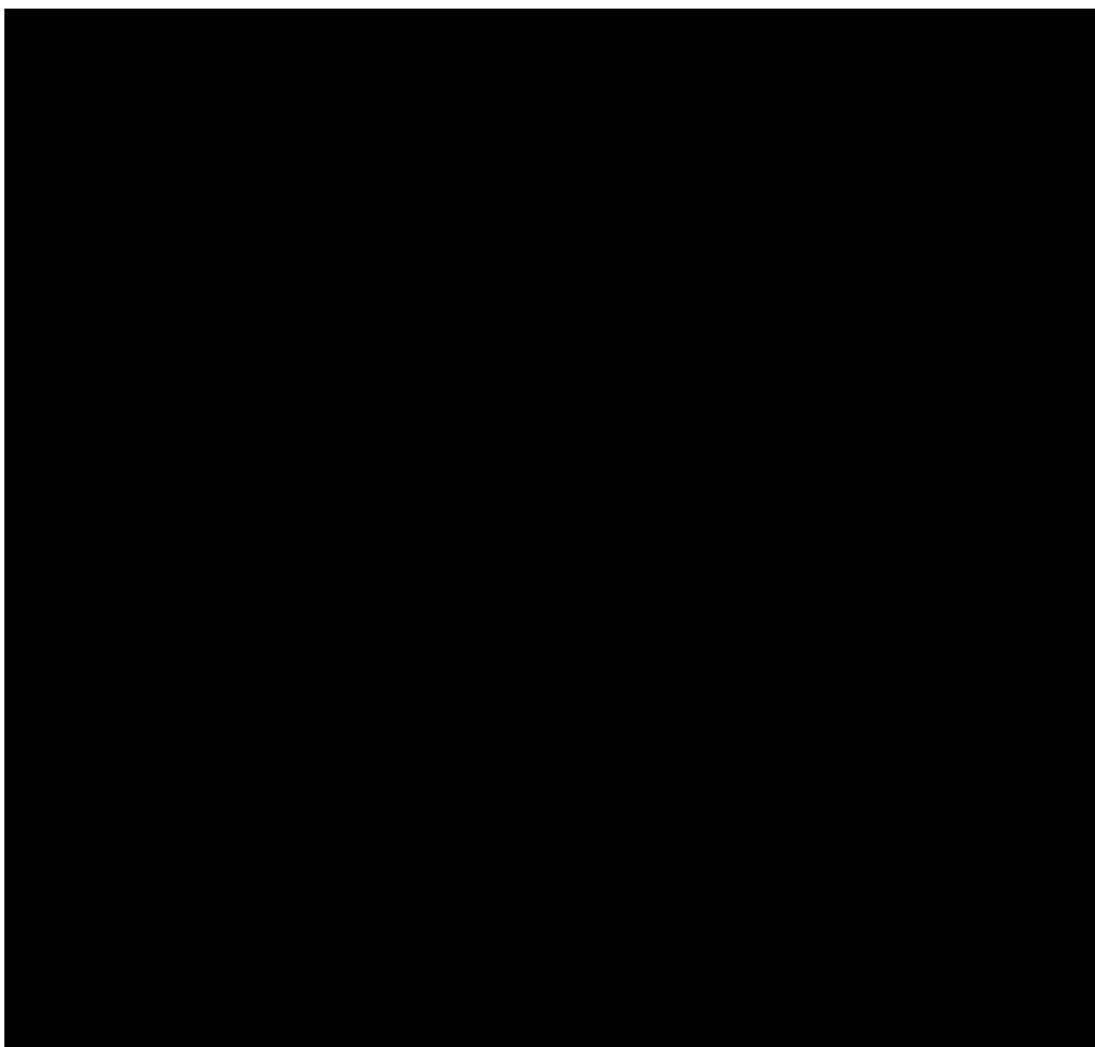
SURVEILLANCE

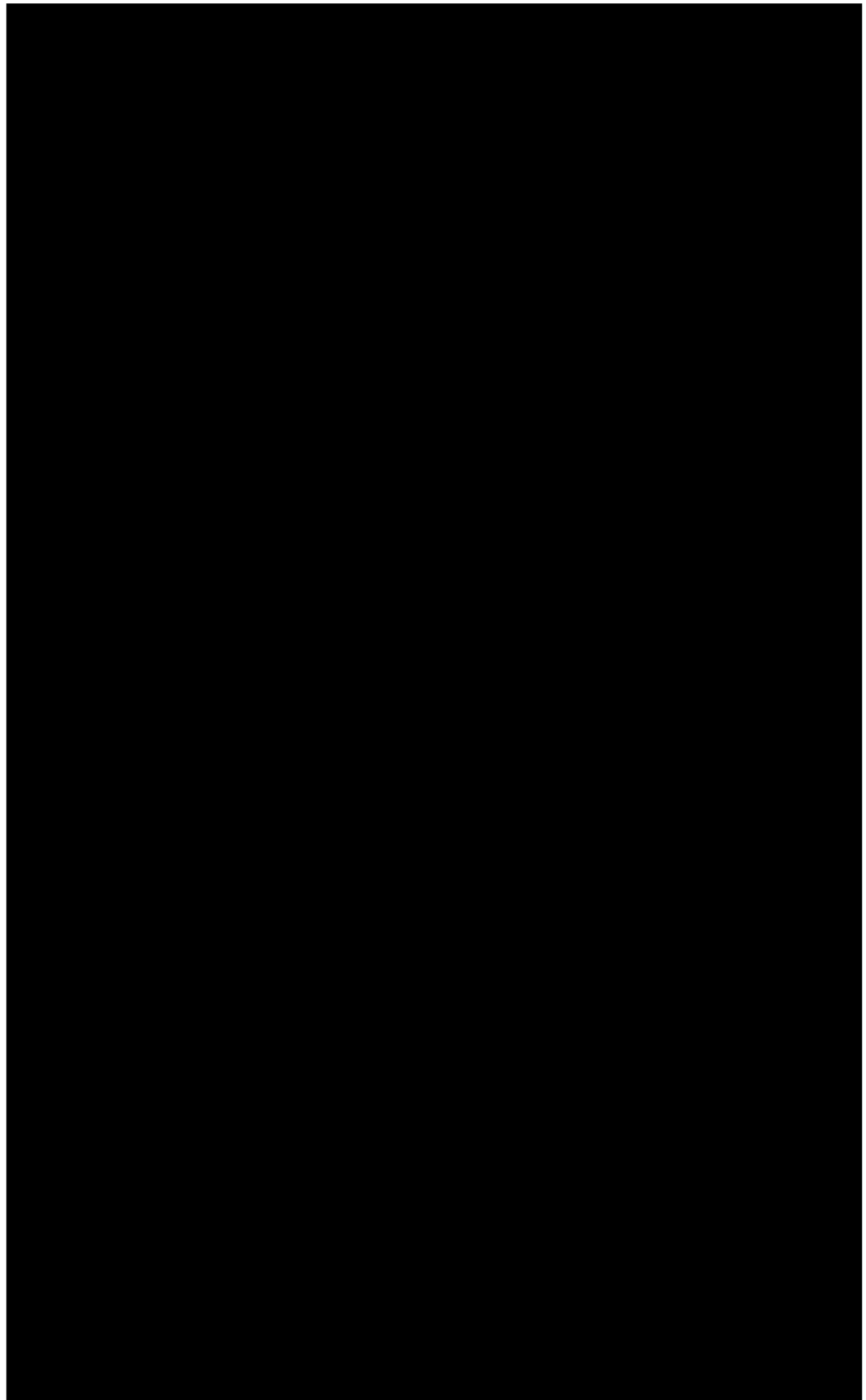
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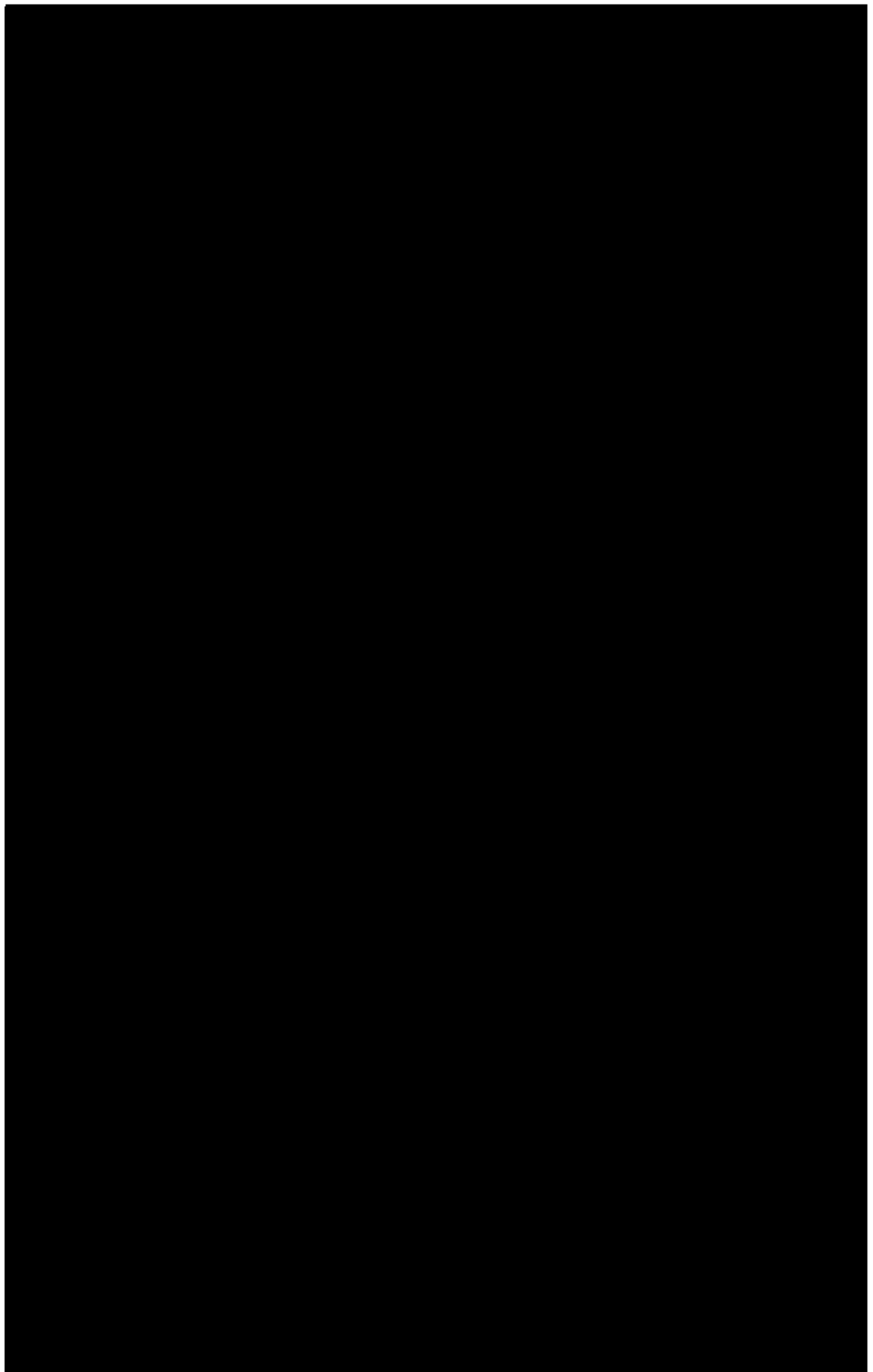
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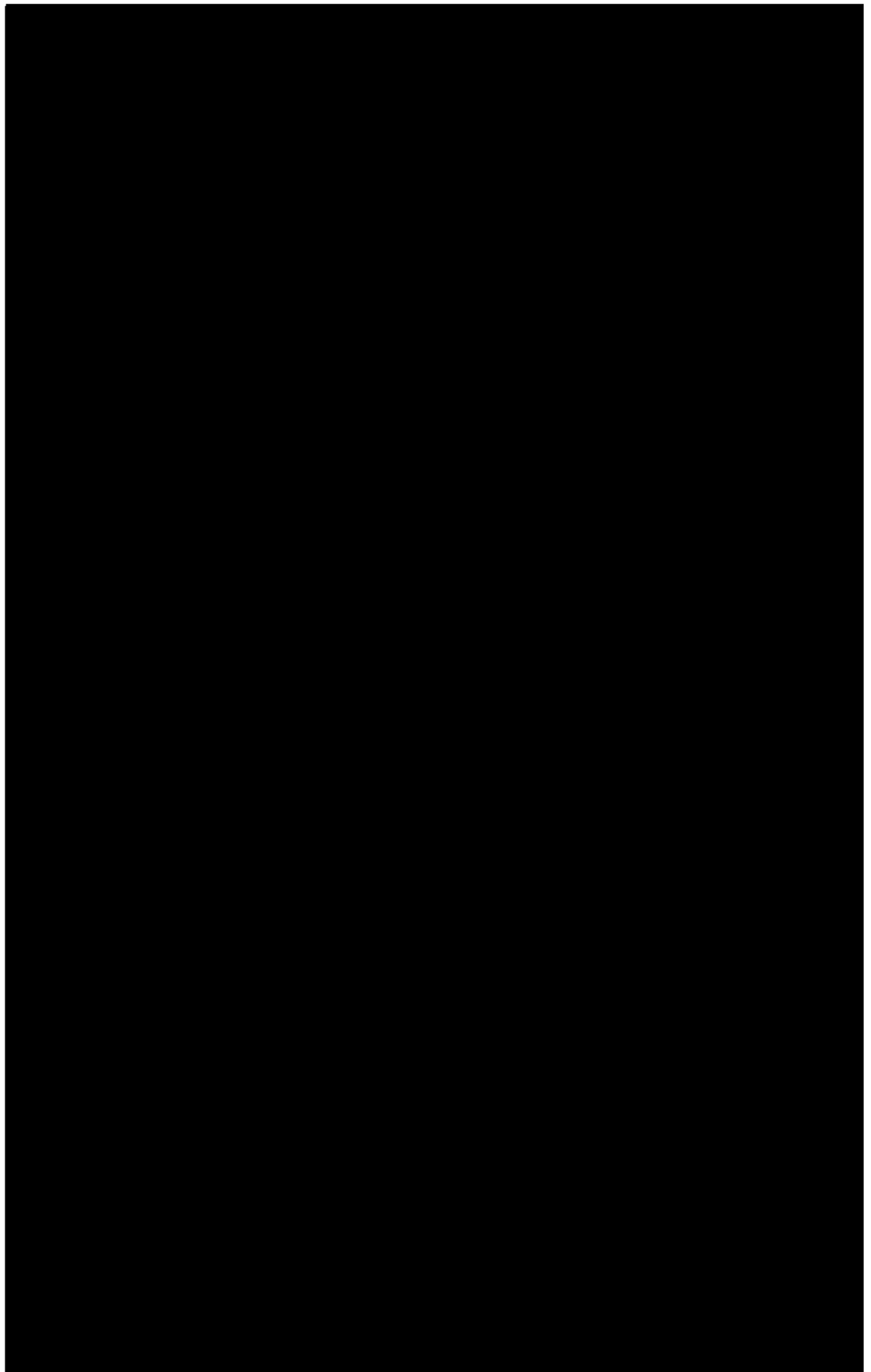


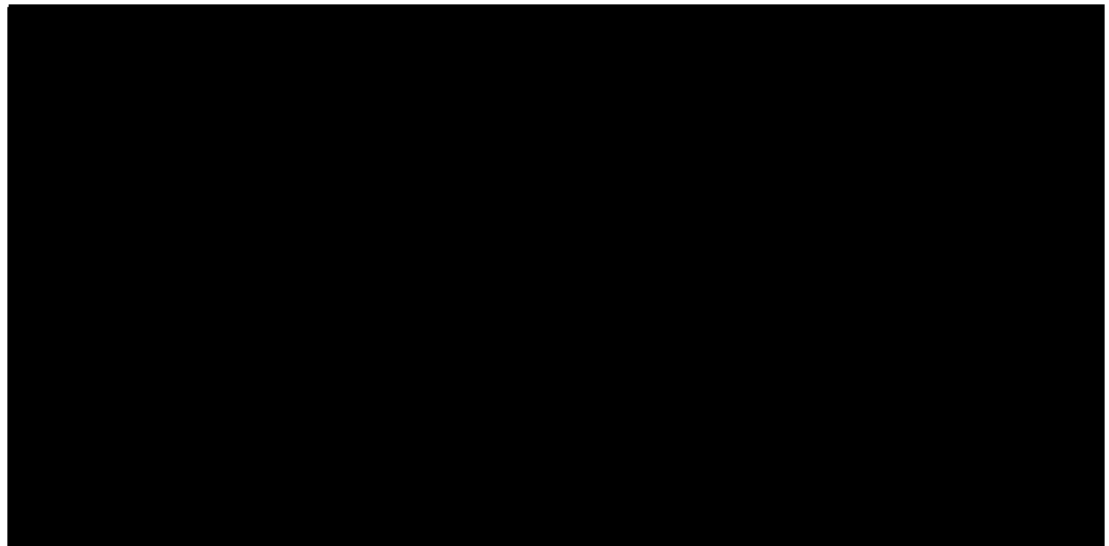
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962063

785115-10-0004



20091214

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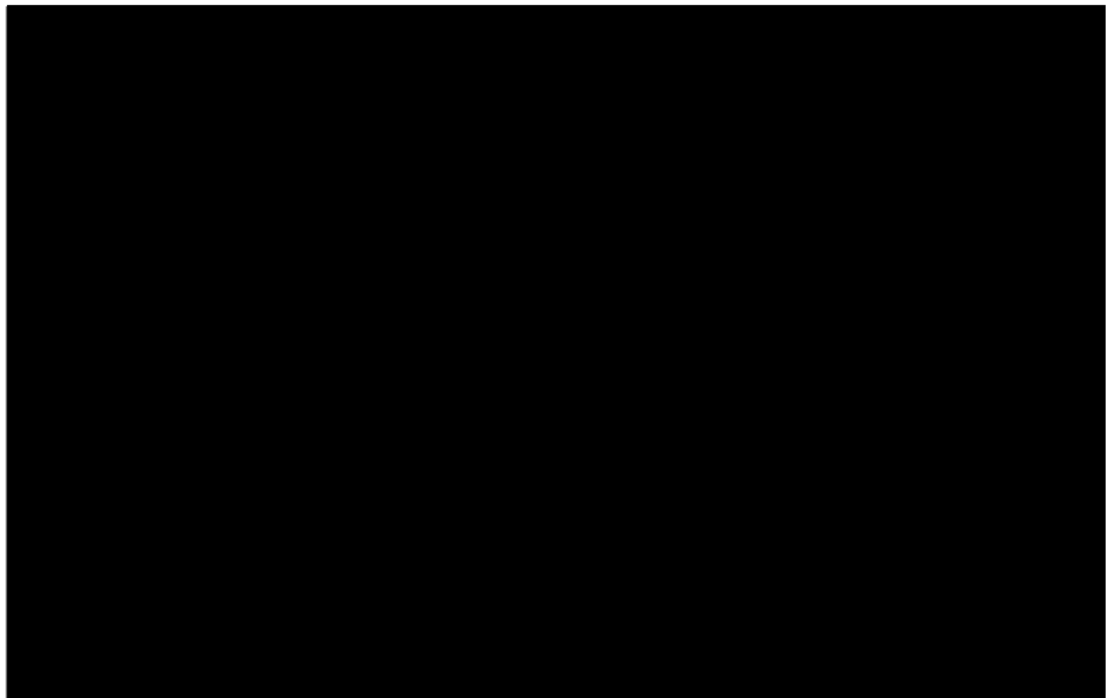
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962063



20091214





962279

785115-10-0004



20091215

Open

SURVEILLANCE

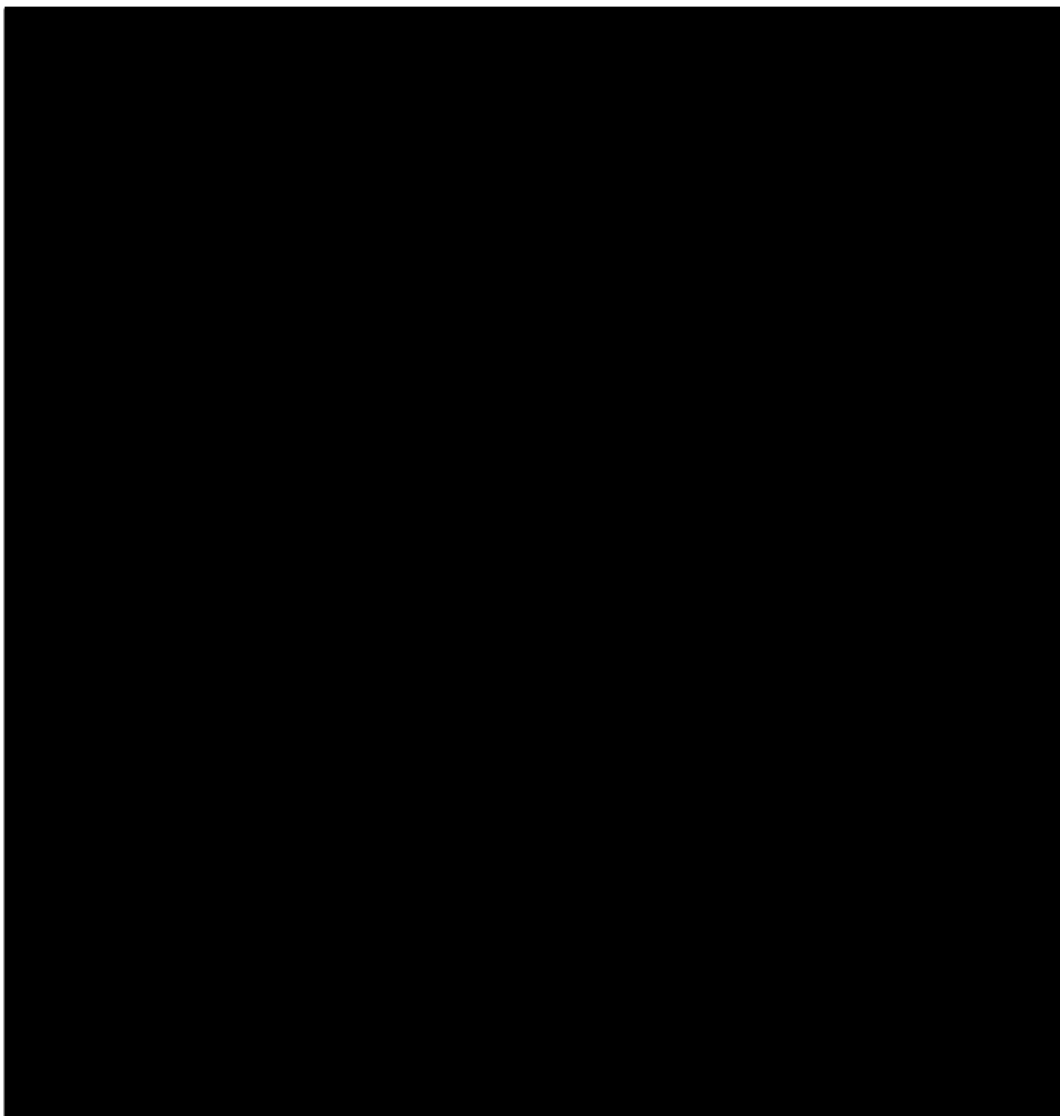
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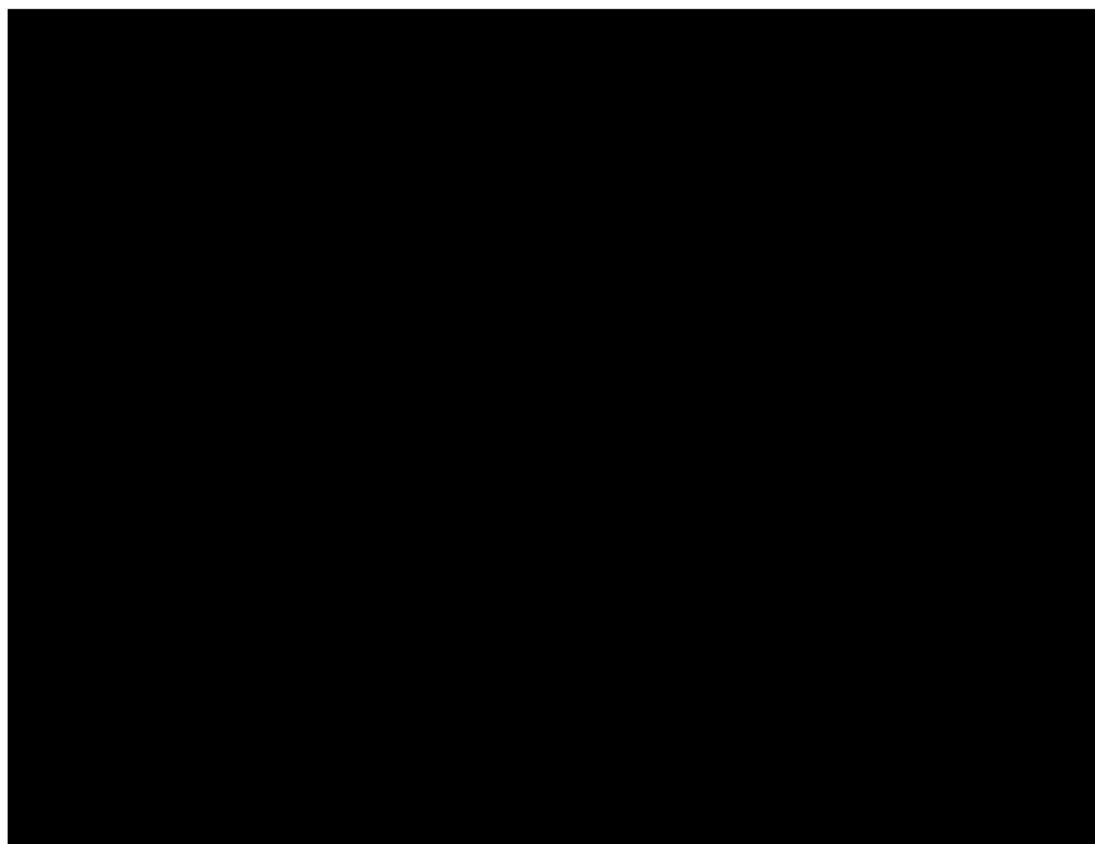
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2009

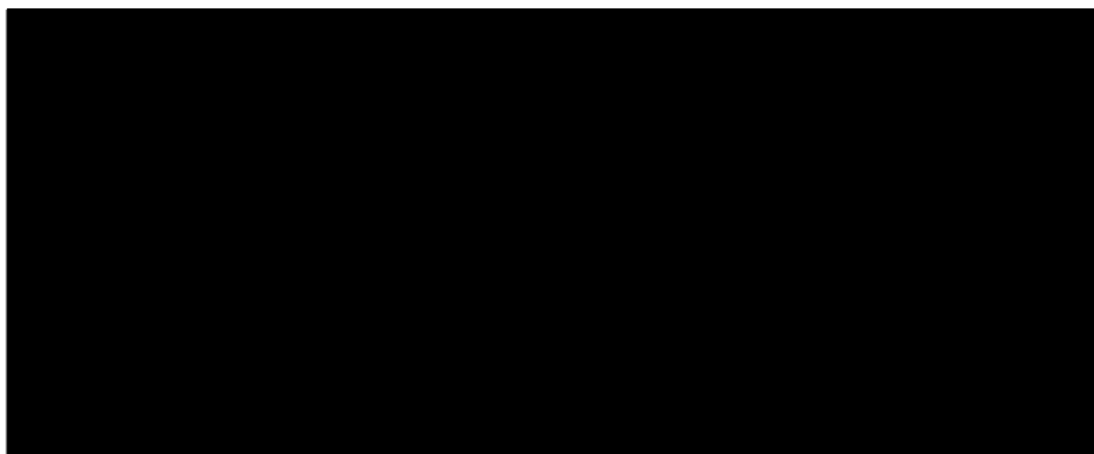
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20091217





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963140

785115-10-0004



20091217

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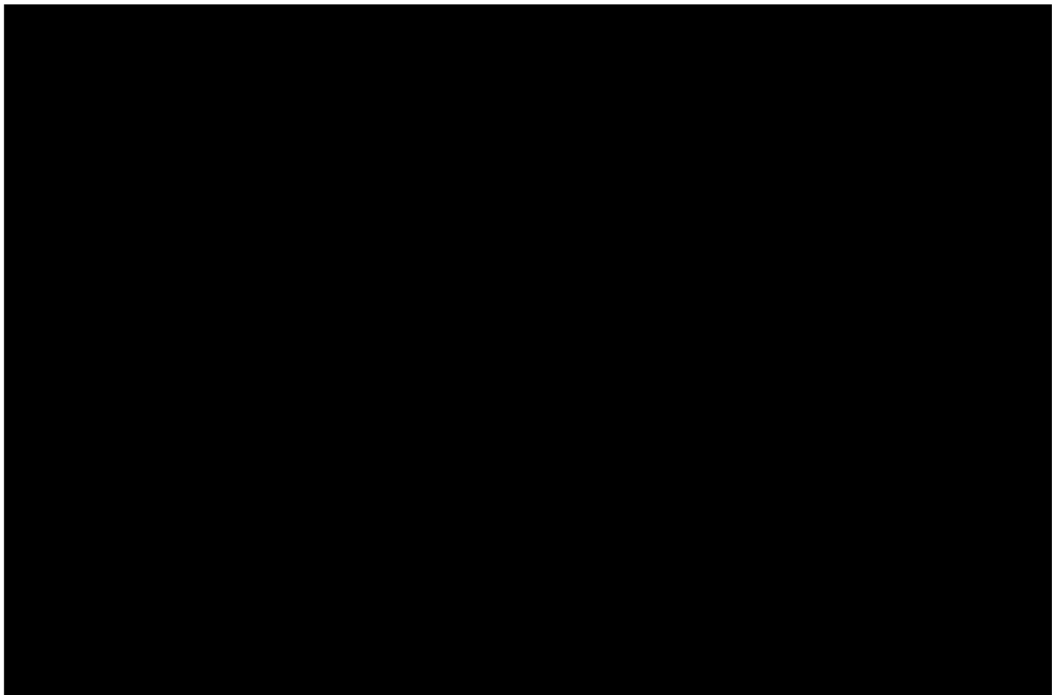
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20091217



963163

785115-10-0004



20091217

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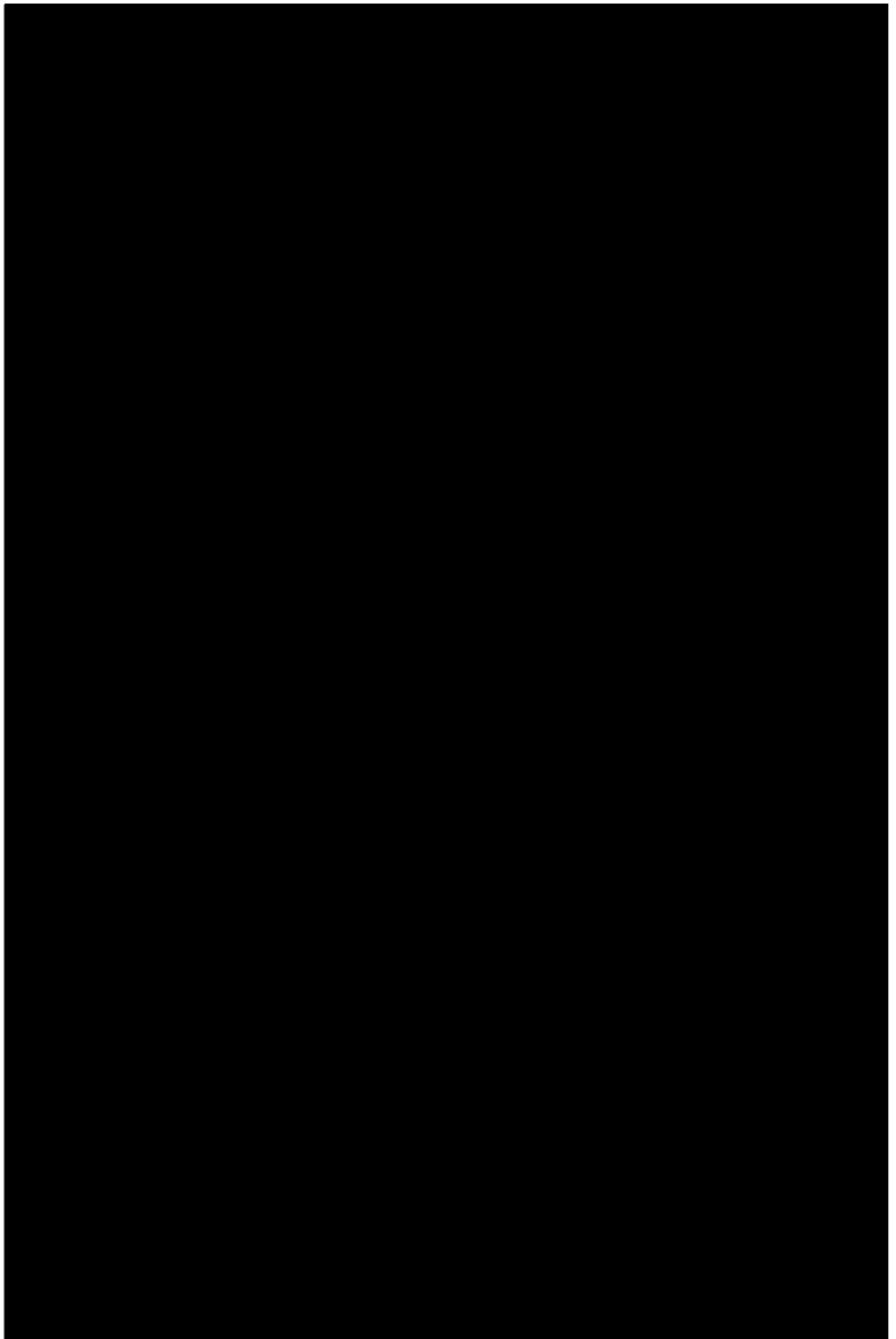
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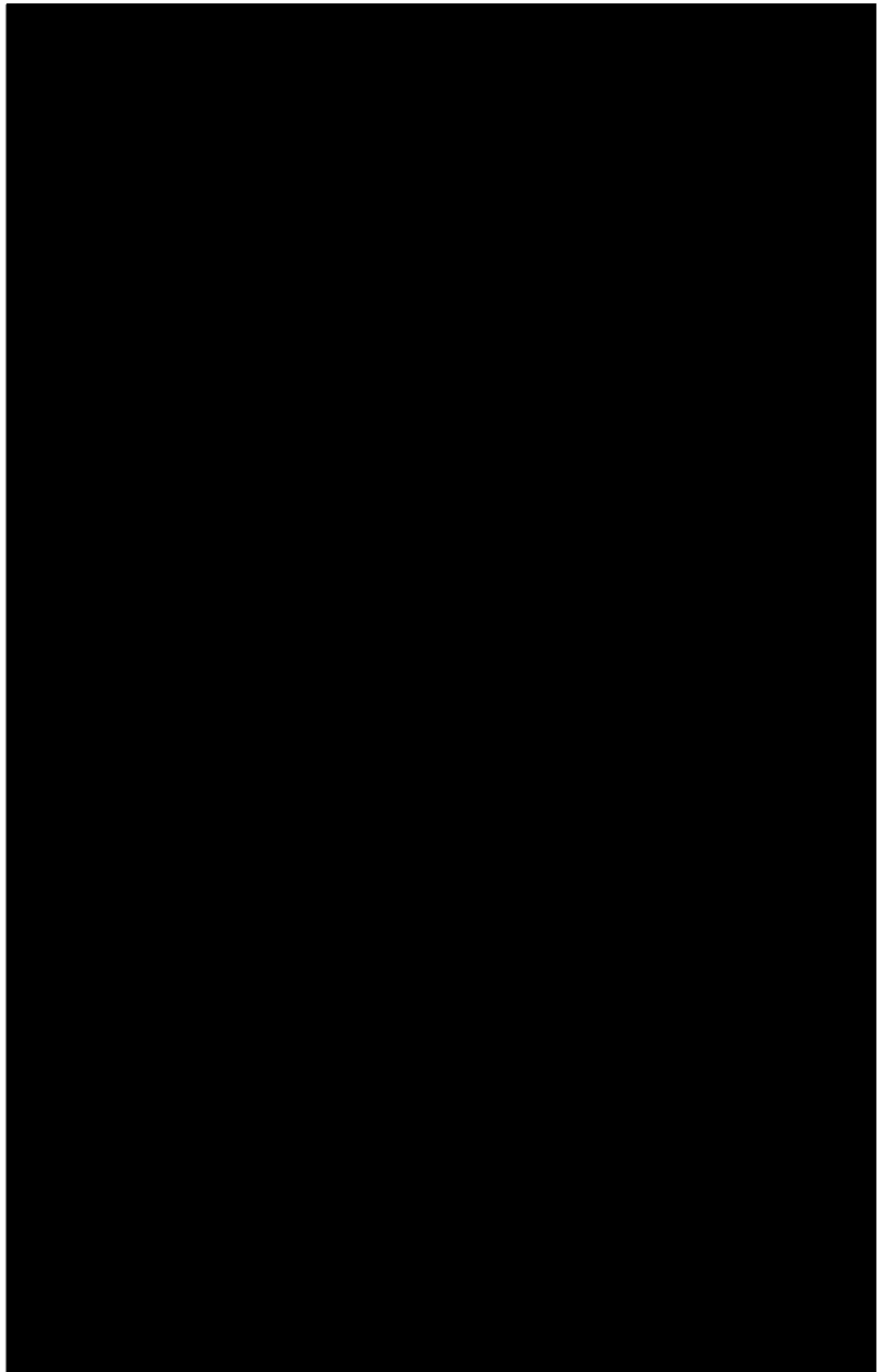
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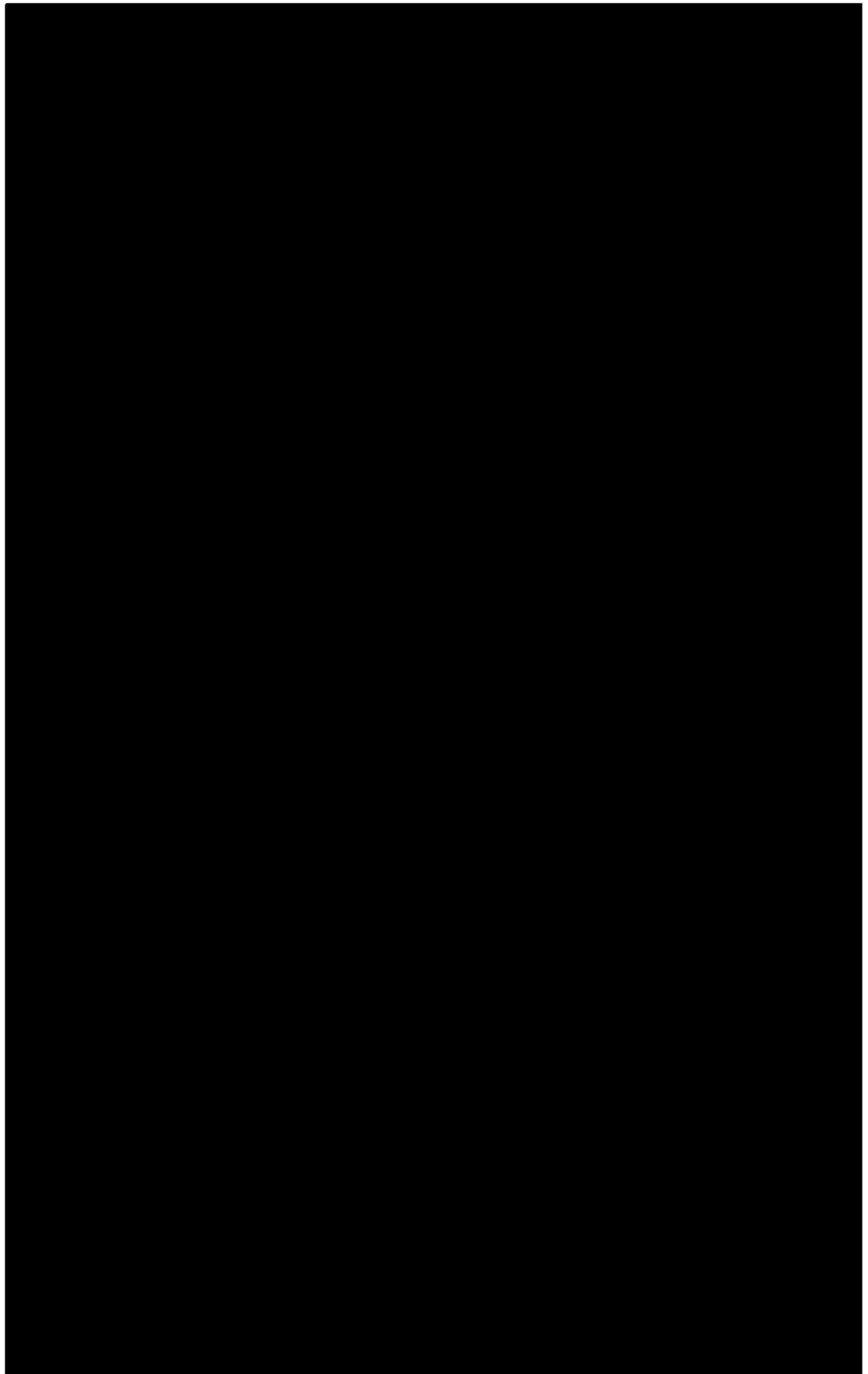
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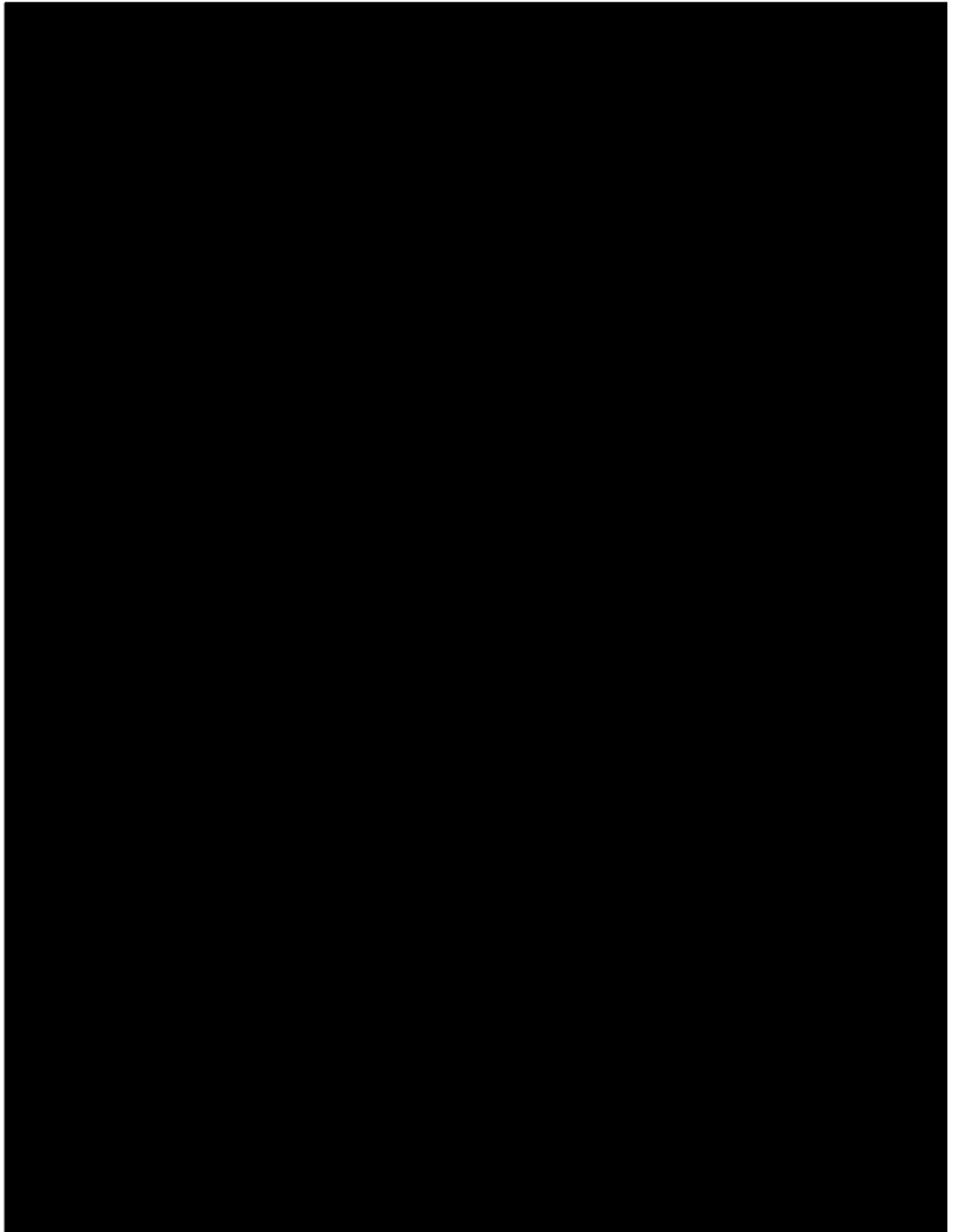


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963322

785115-10-0004

20091217

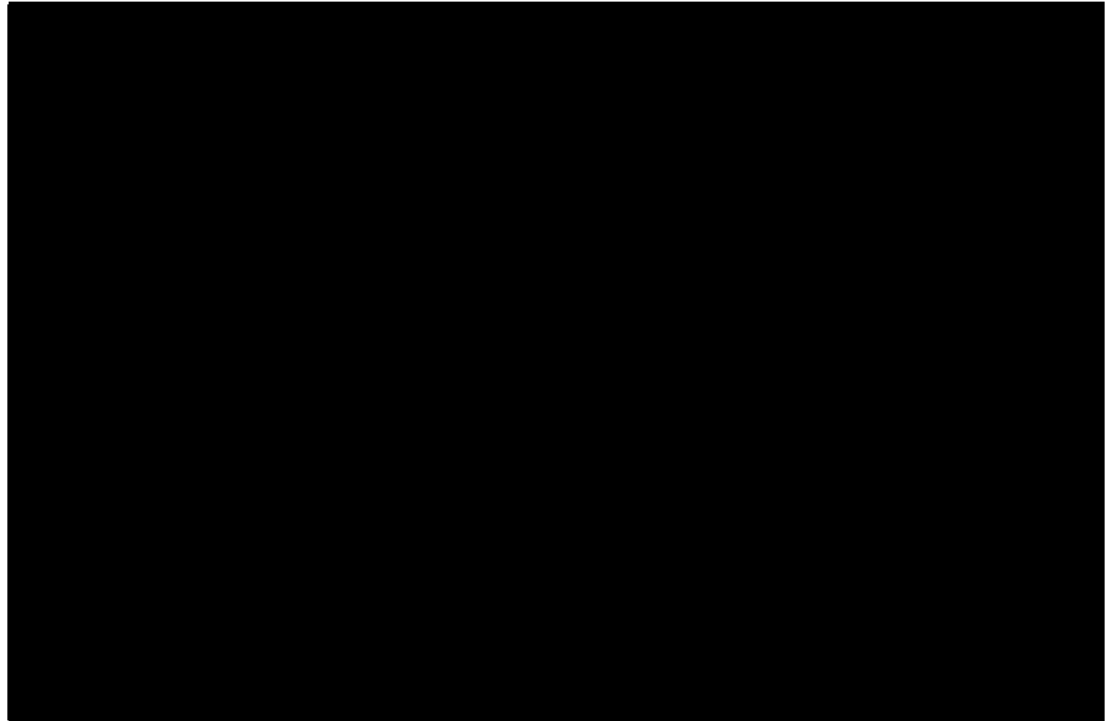
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OTHER (NON-EXPLOSIVE/FIRE)

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963335

785115-10-0004

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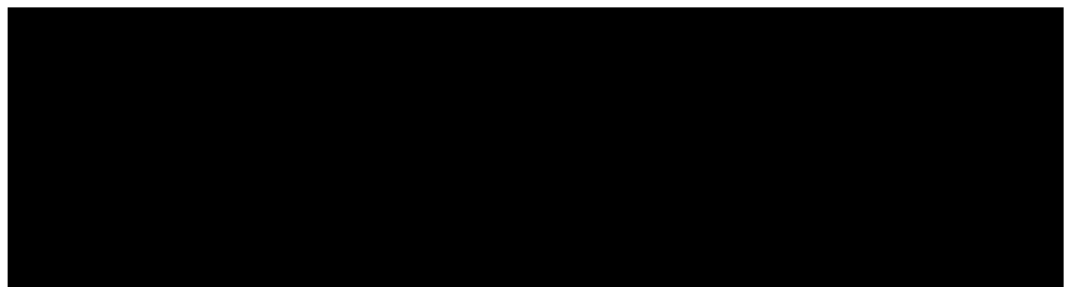
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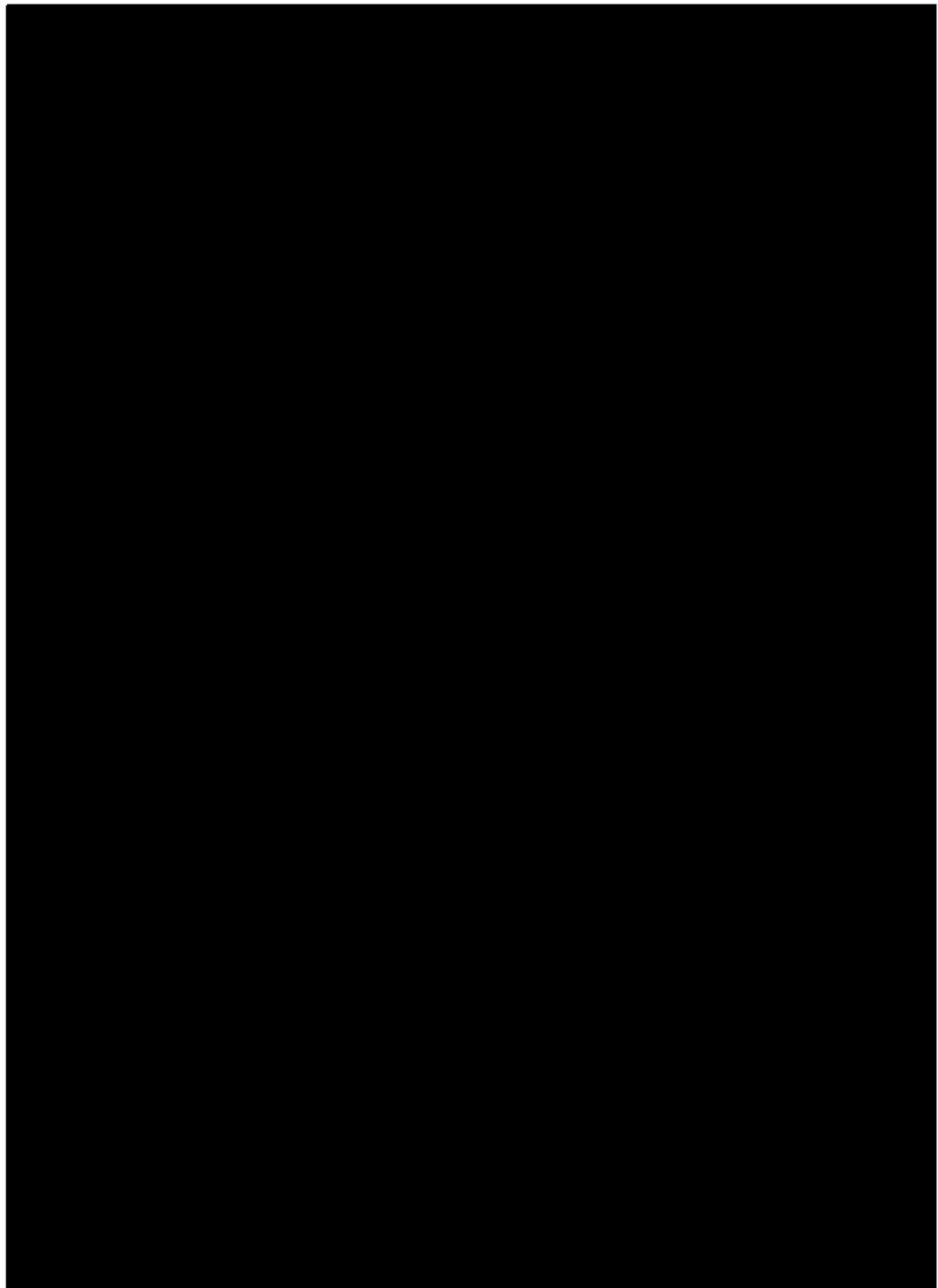
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963626

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Open

OTHER (NON-EXPLOSIVE/FIRE)

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963665

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Open

OTHER (NON-EXPLOSIVE/FIRE)

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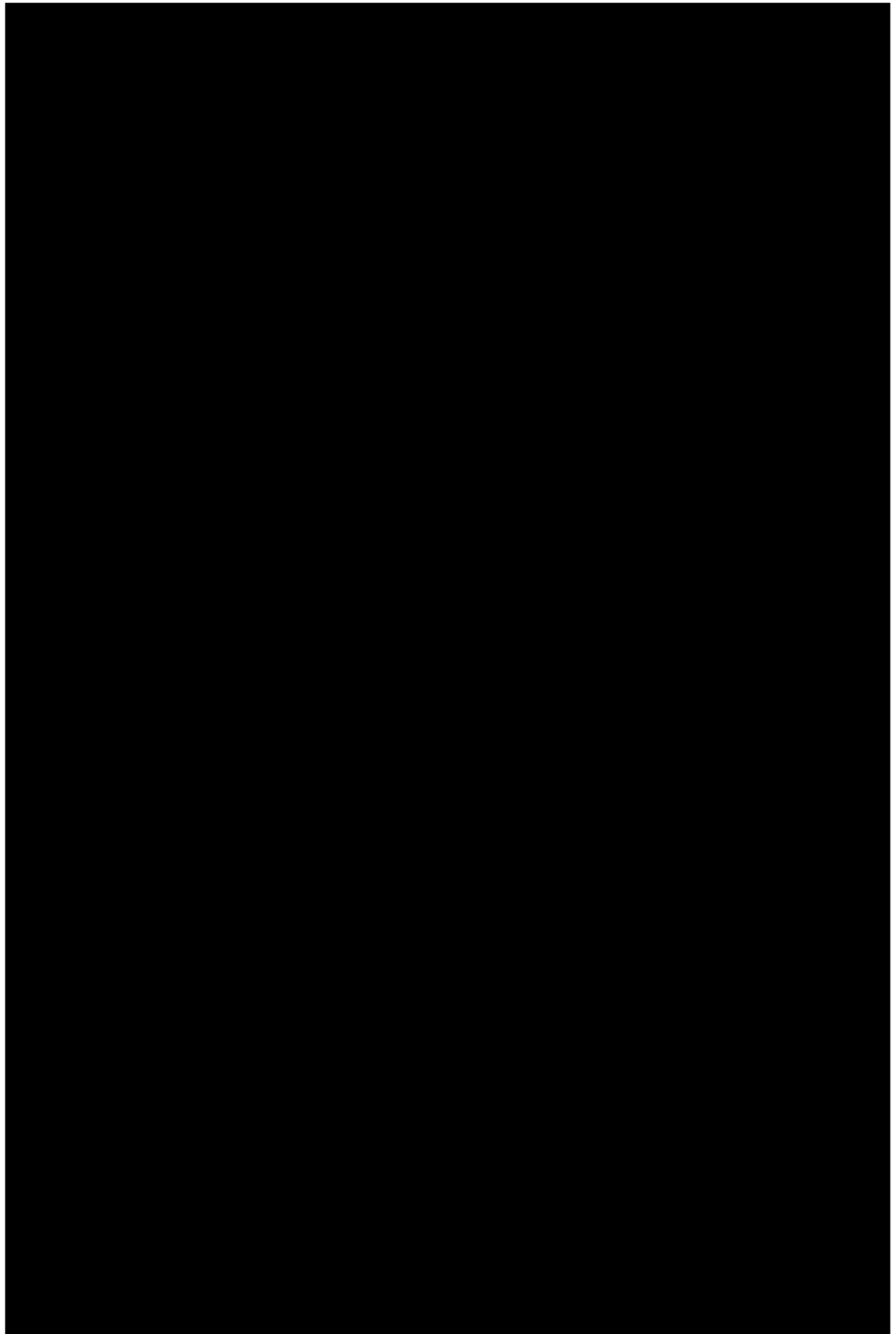
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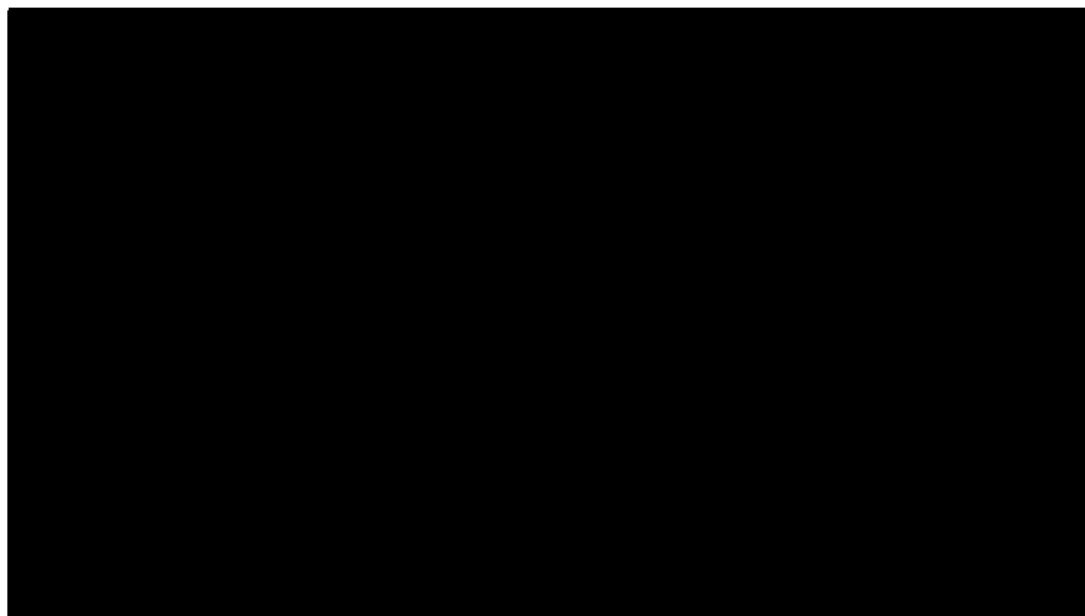
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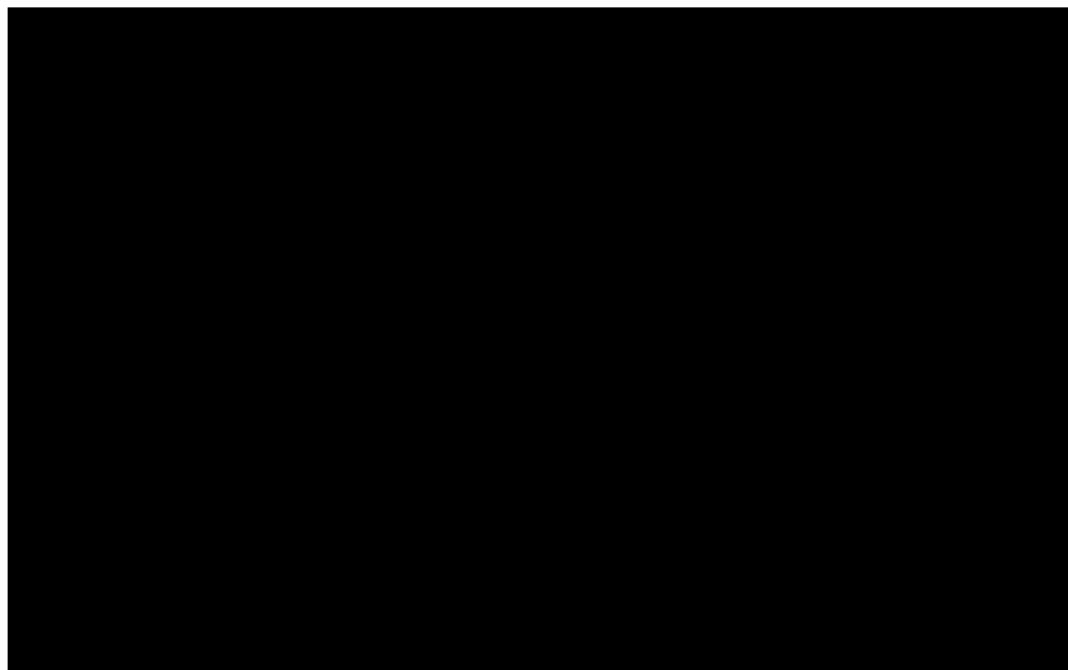


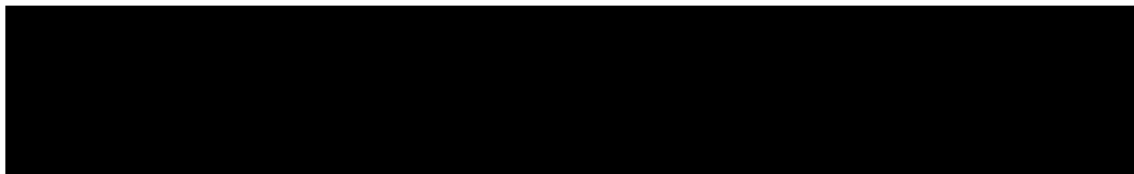




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965180

785115-10-0004



20091229

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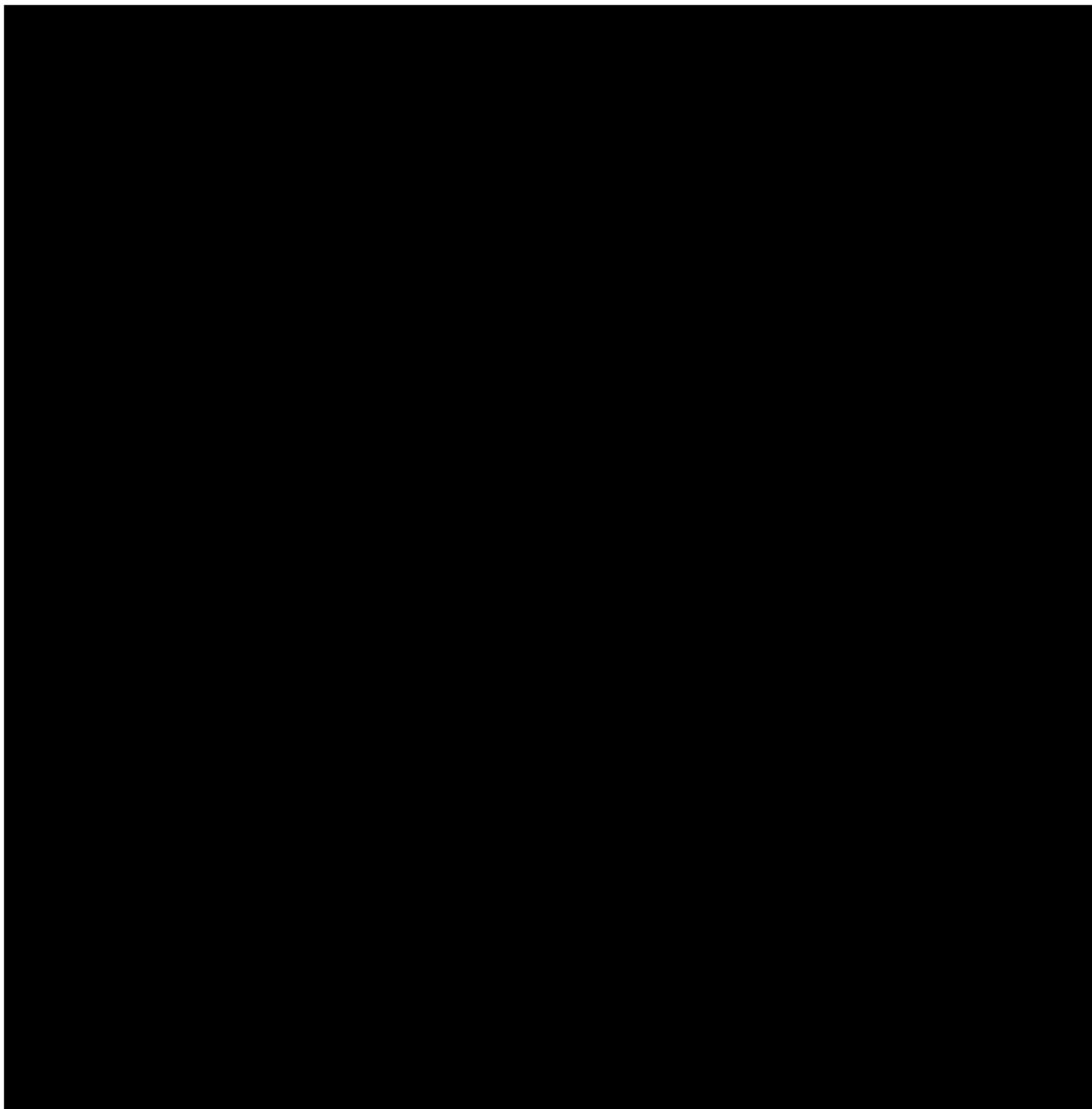
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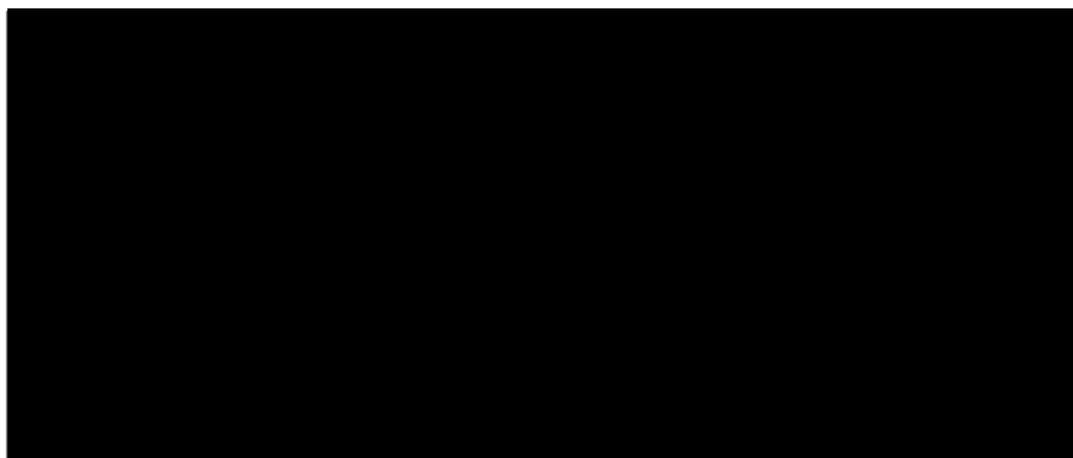
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20100104

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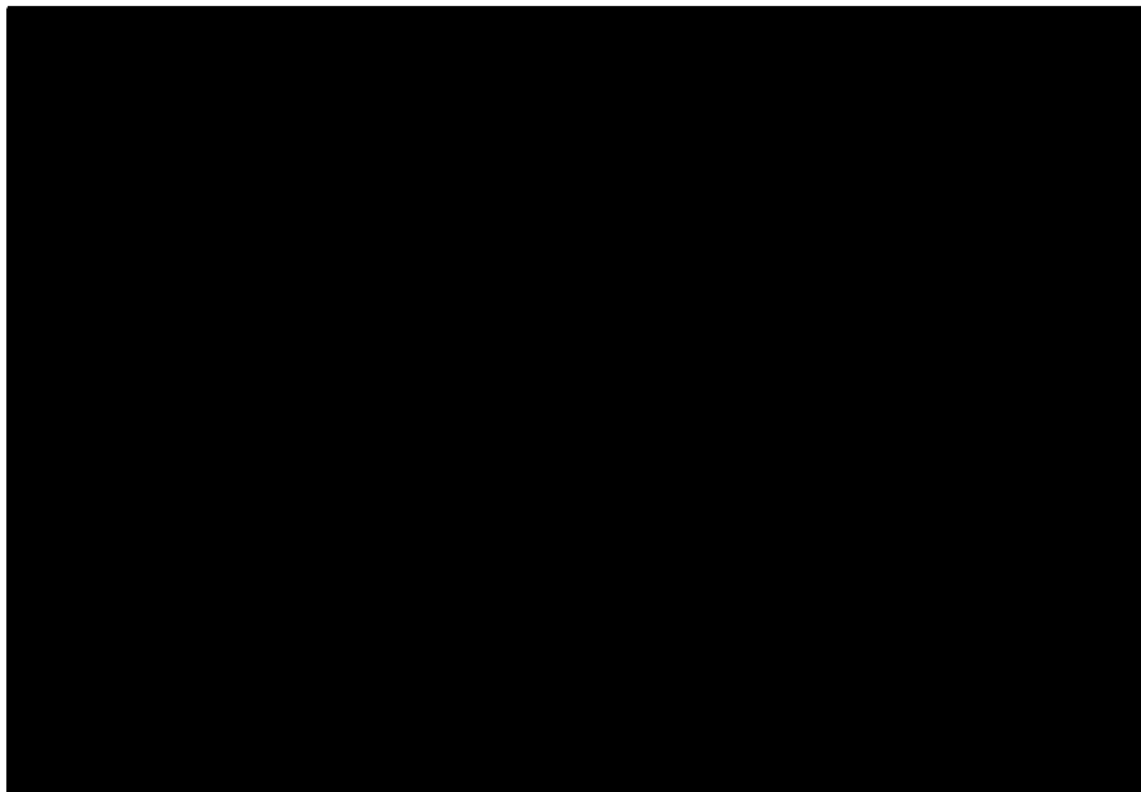
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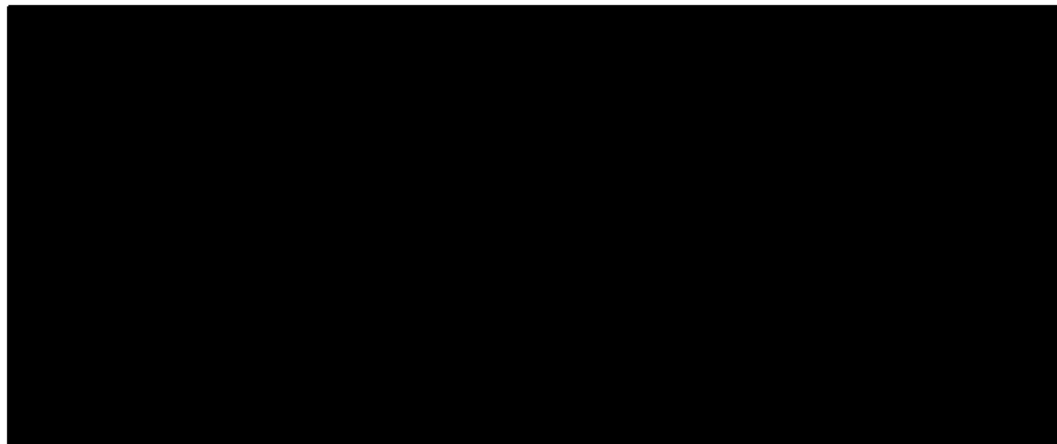
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966713

785115-10-0004



20100105

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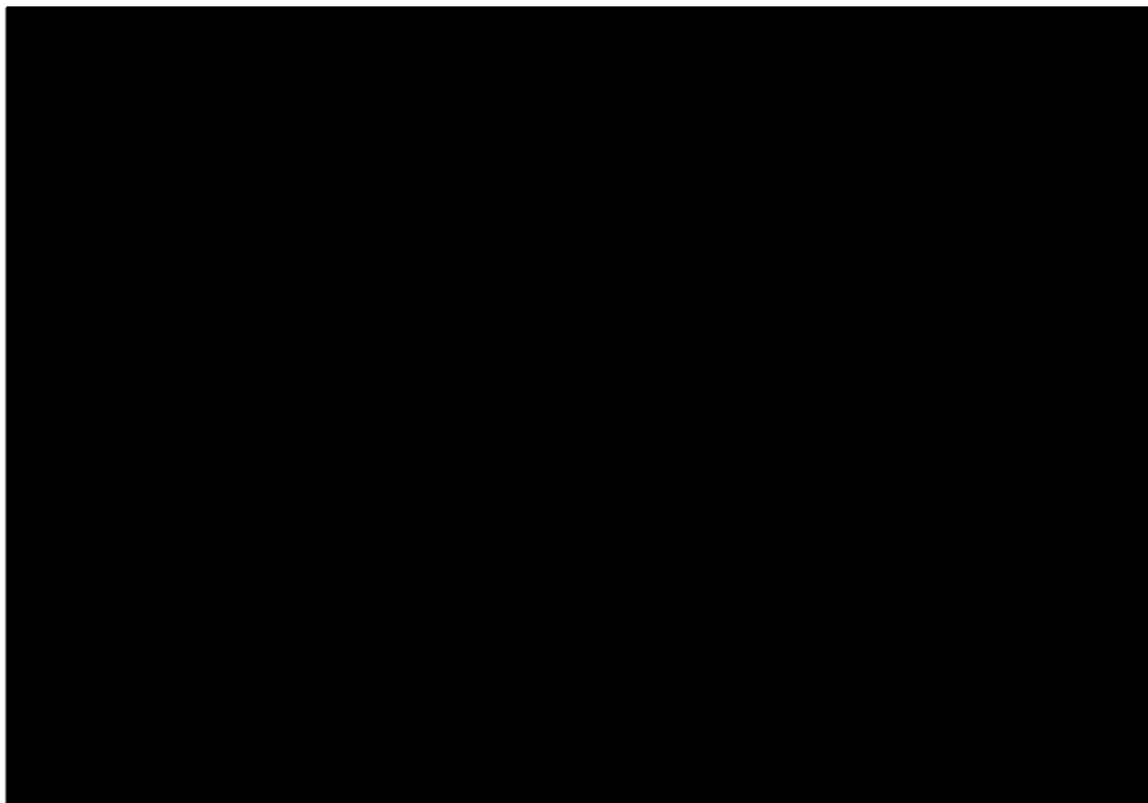
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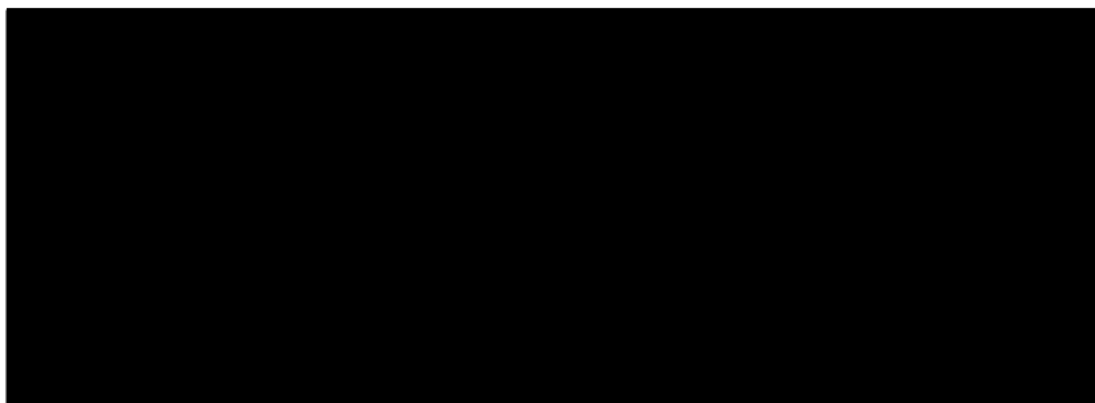
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967019

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20100105

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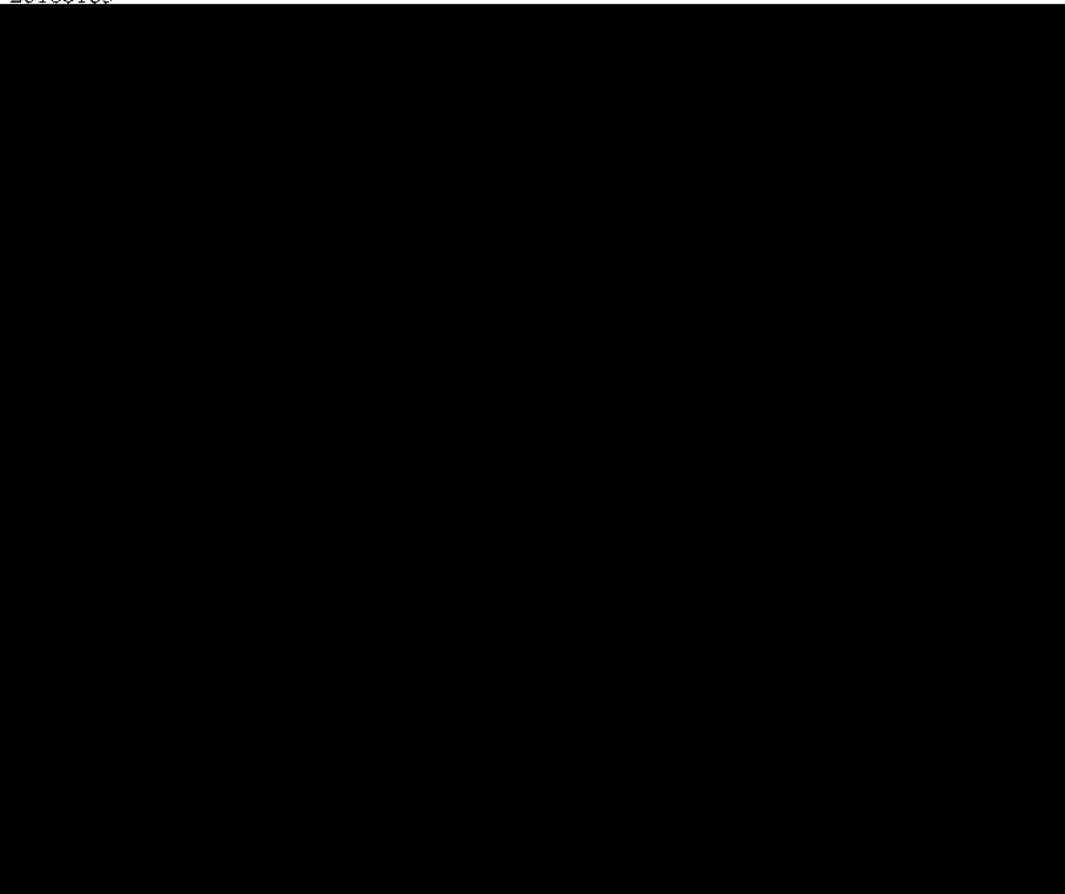
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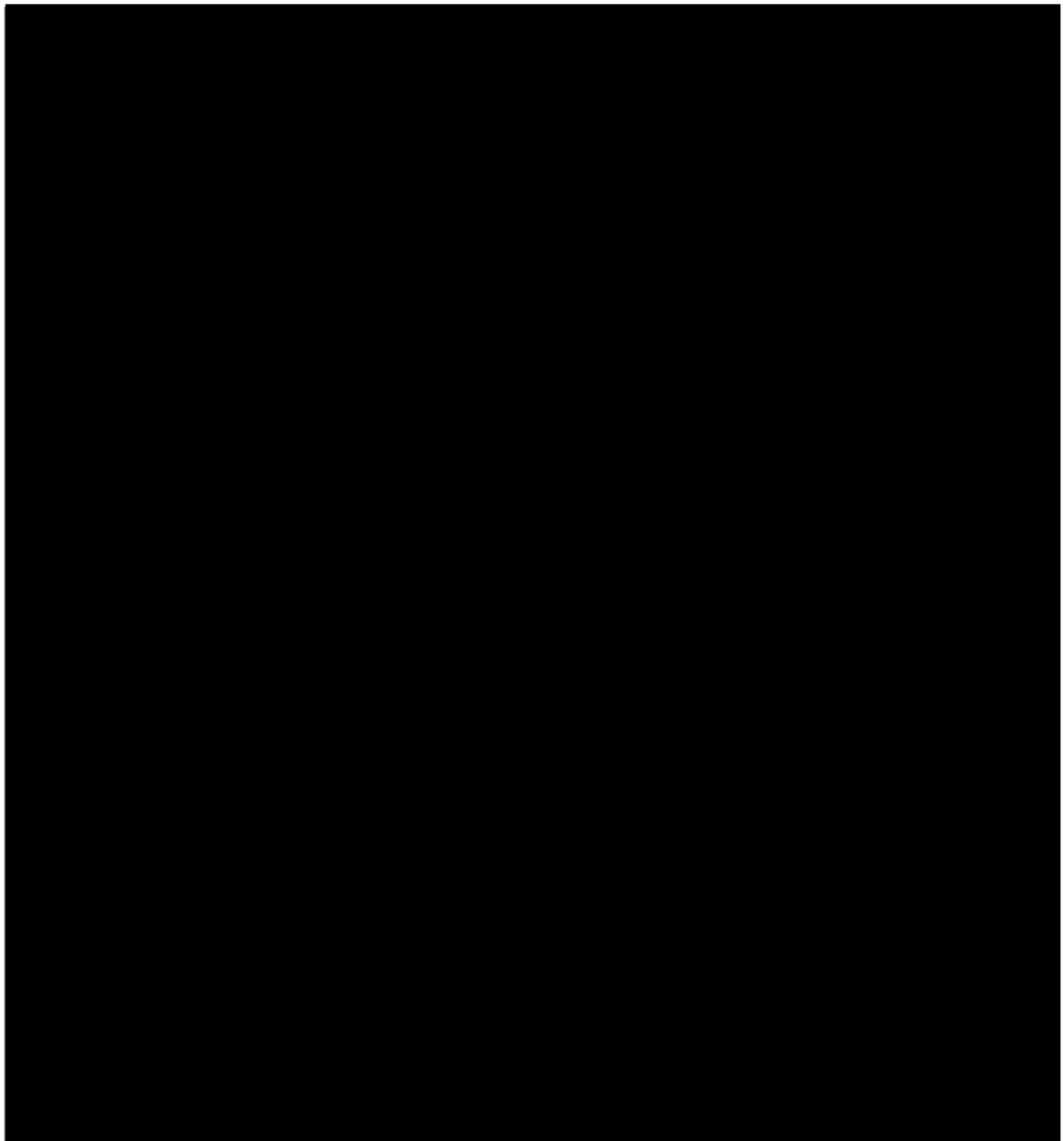
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20100107

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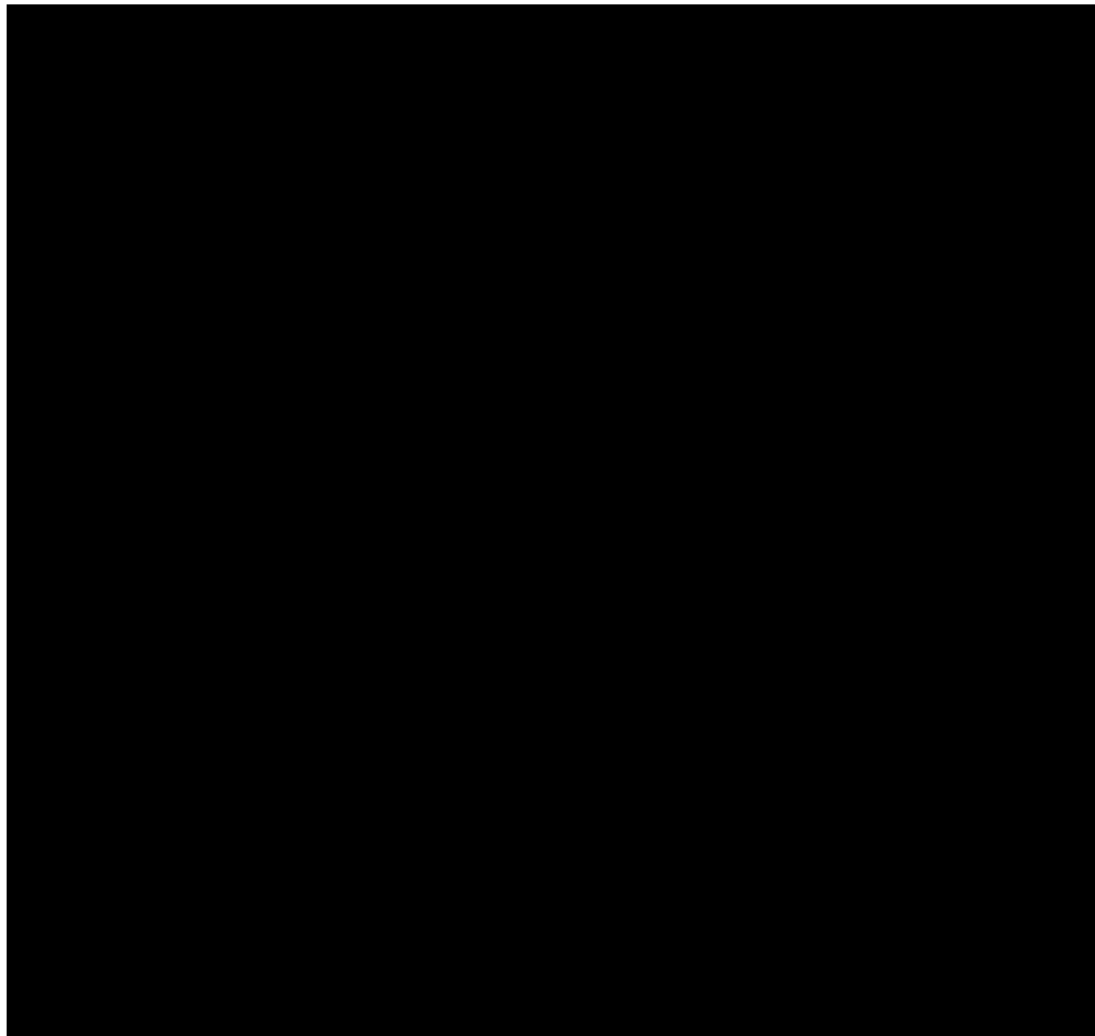
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967818

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20100108

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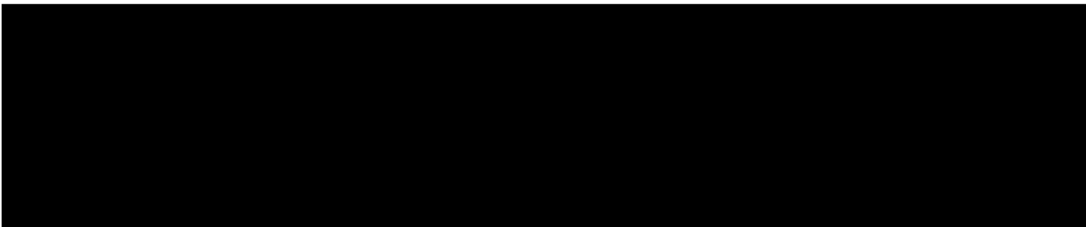
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785115-10-0004

20100111

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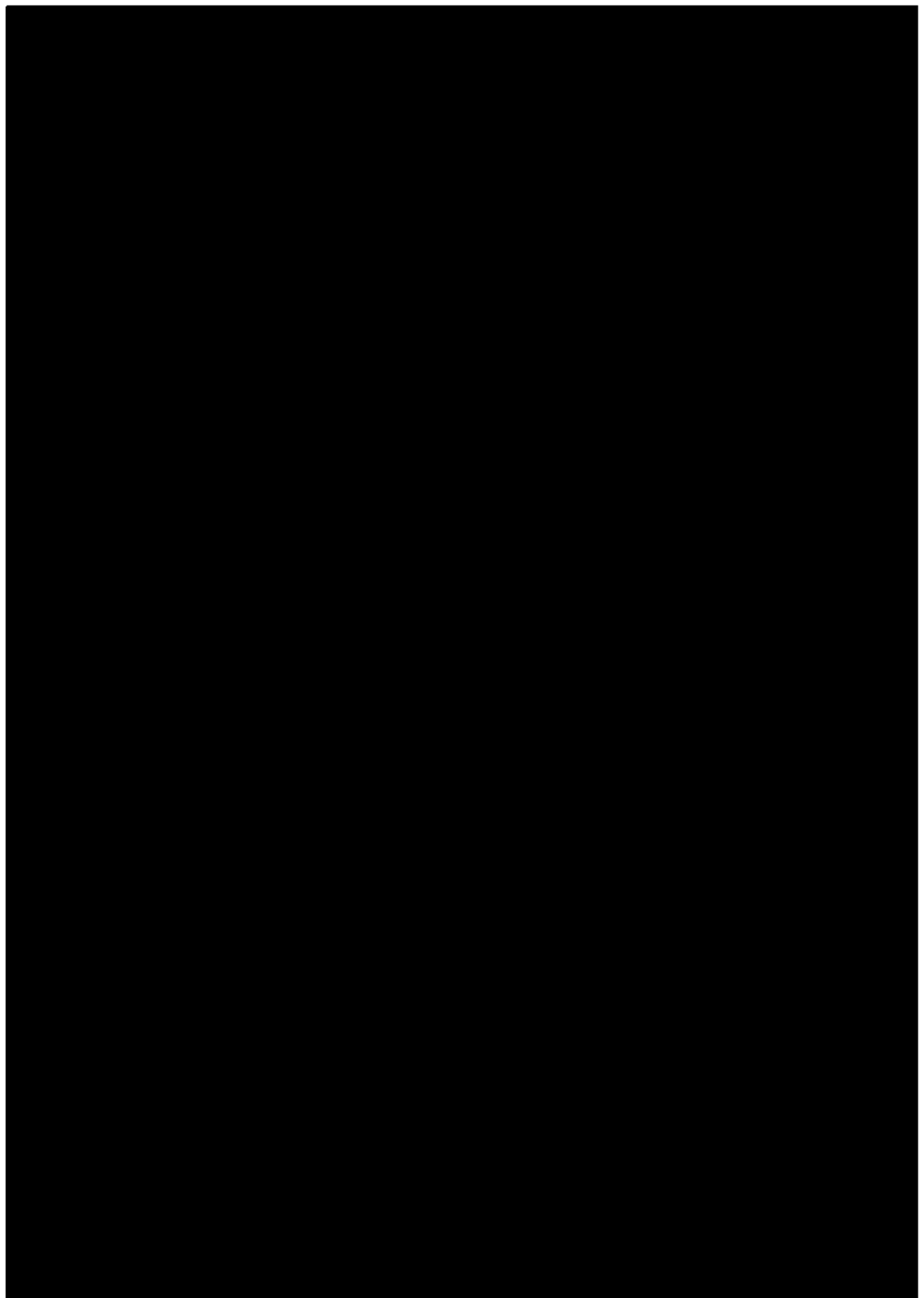
UNDERCOVER CONTACT

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968110

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OTHER (NON-EXPLOSIVE/FIRE)

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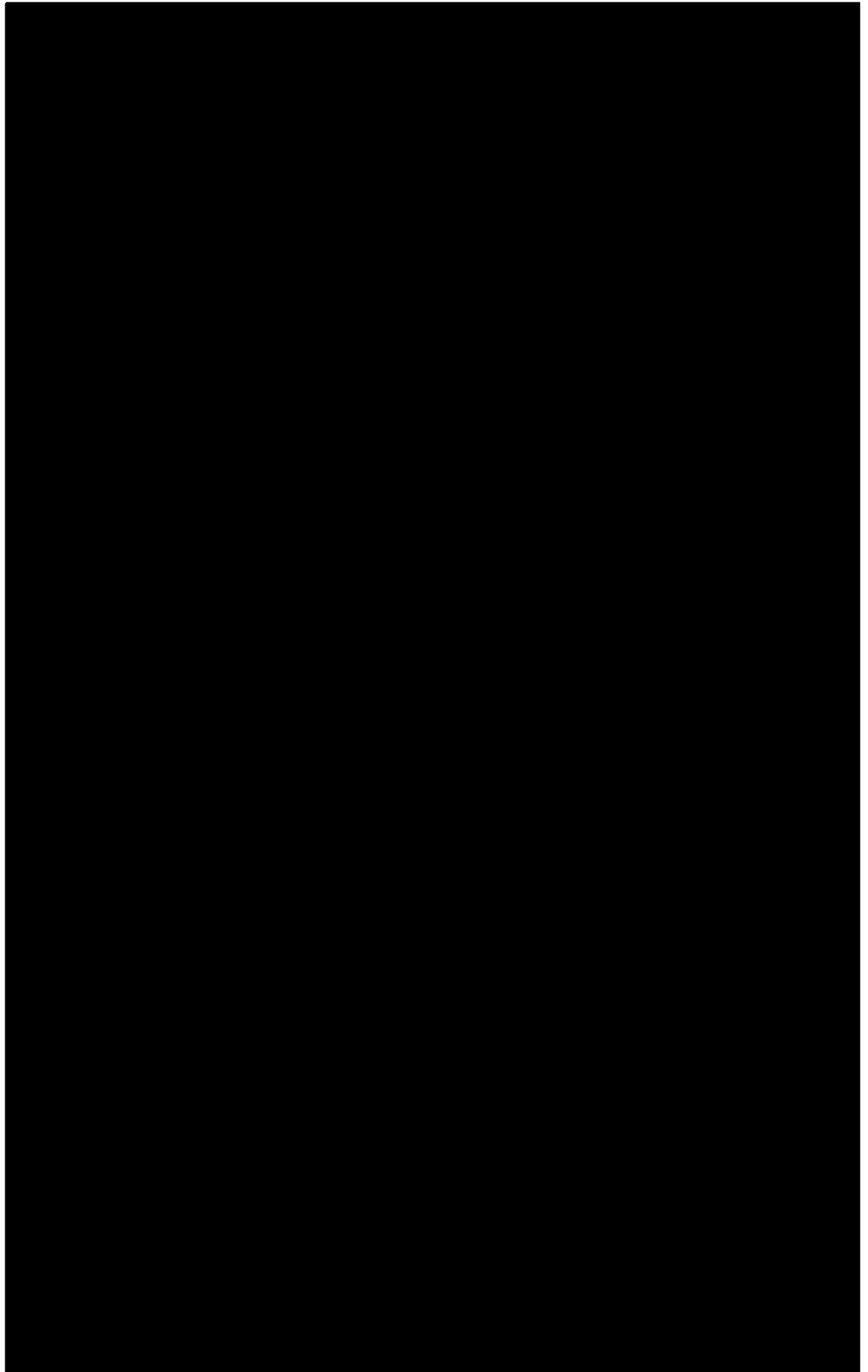
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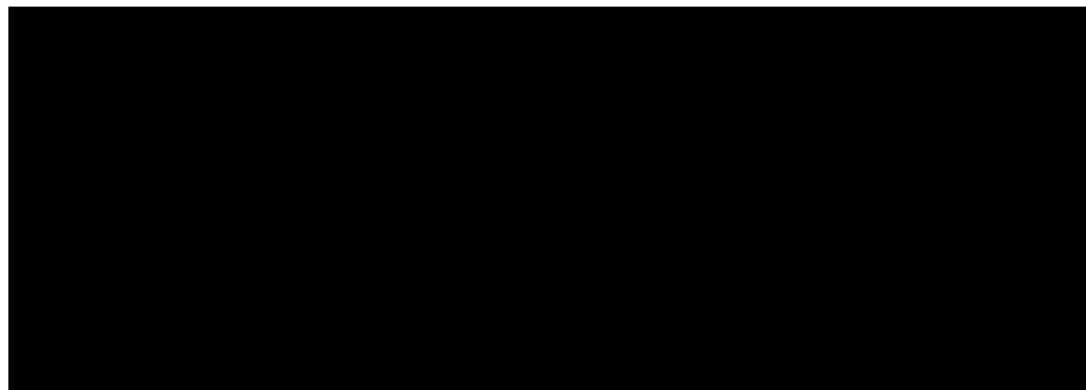
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785115-10-0004

20100109

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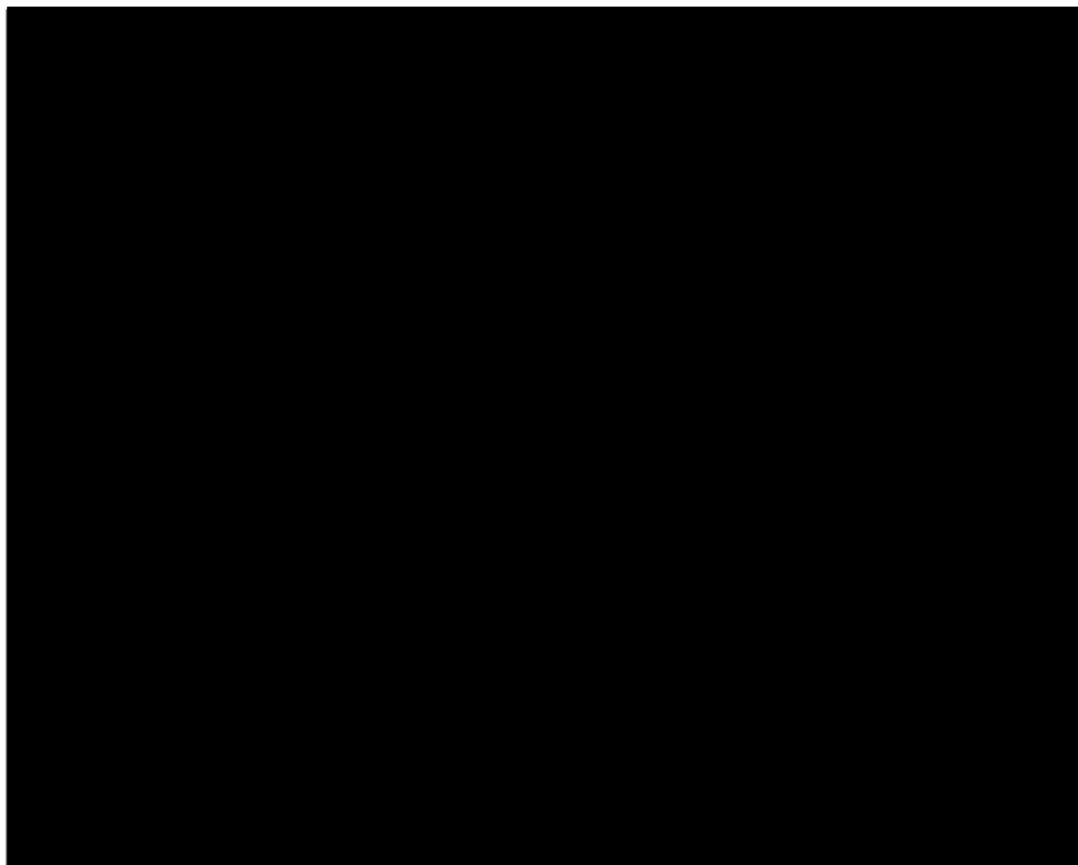
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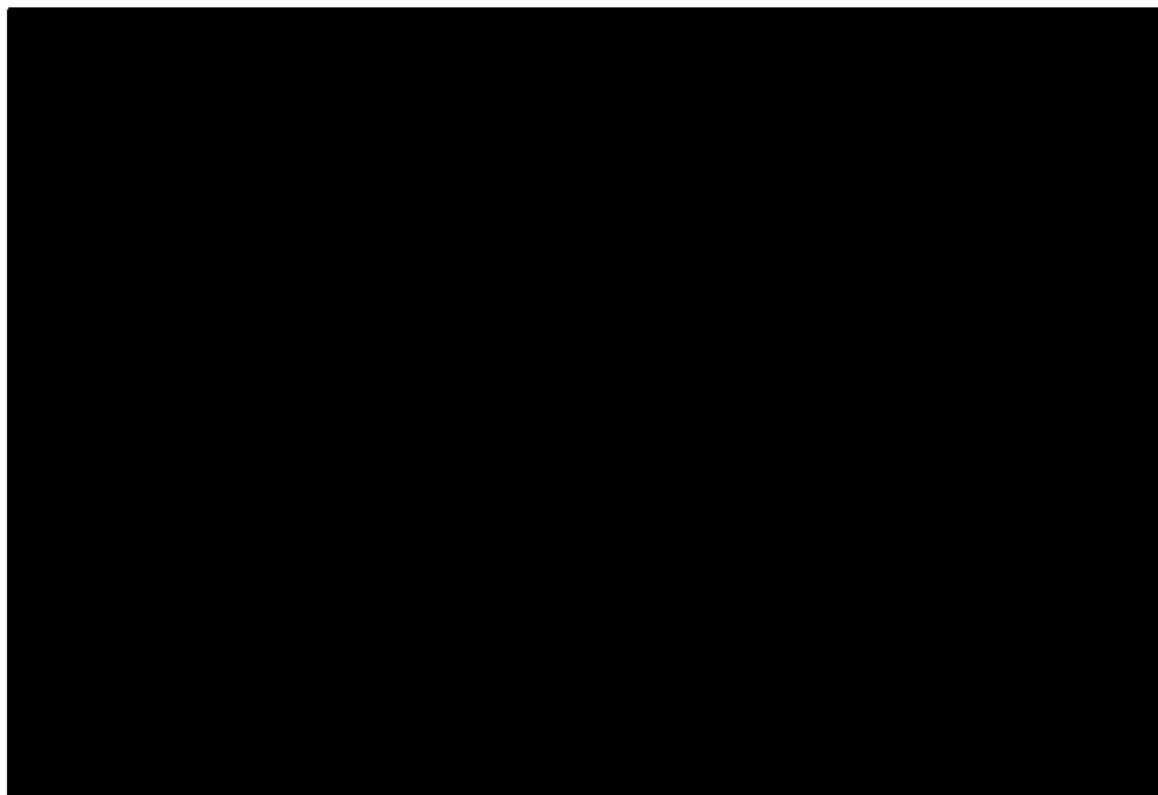
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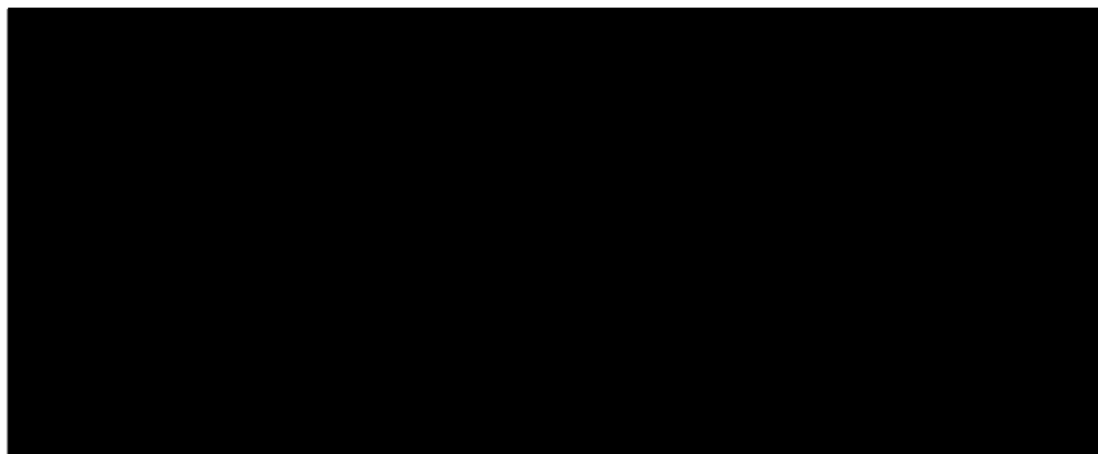
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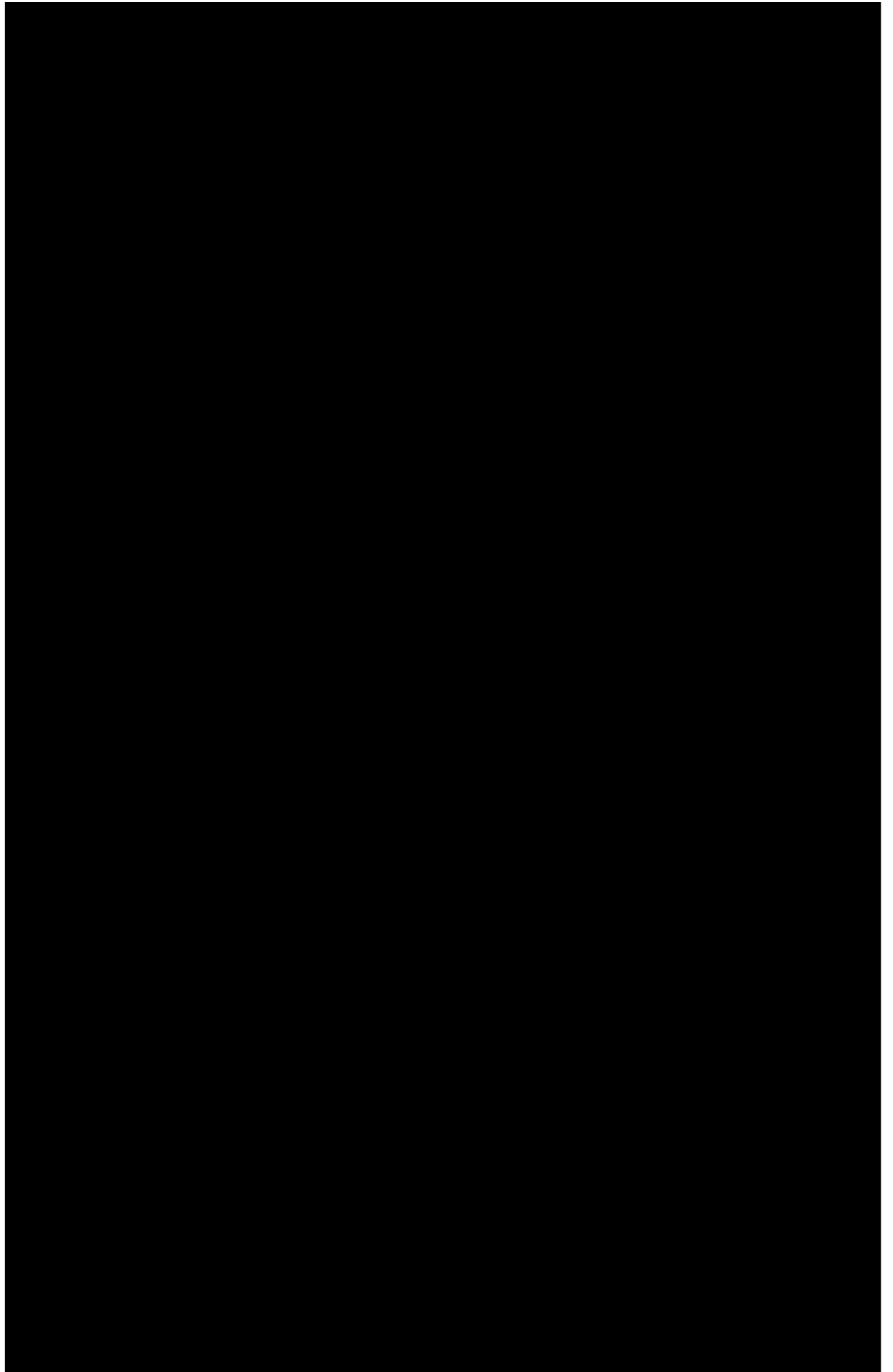




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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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20100112





968778

785115-10-0004



20100112

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OTHER (NON-EXPLOSIVE/FIRE)

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20100112



968817

785115-10-0004



20100112

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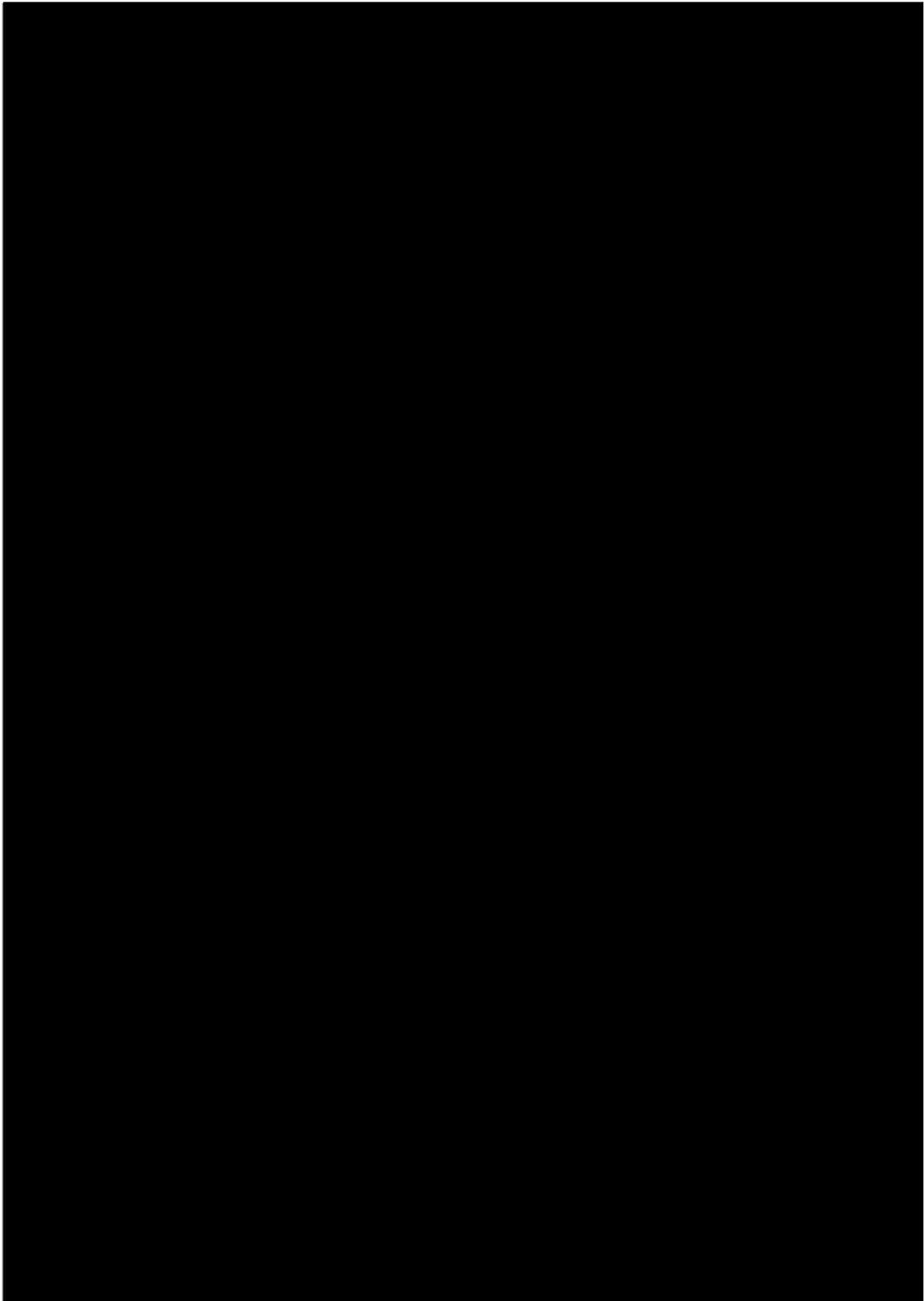
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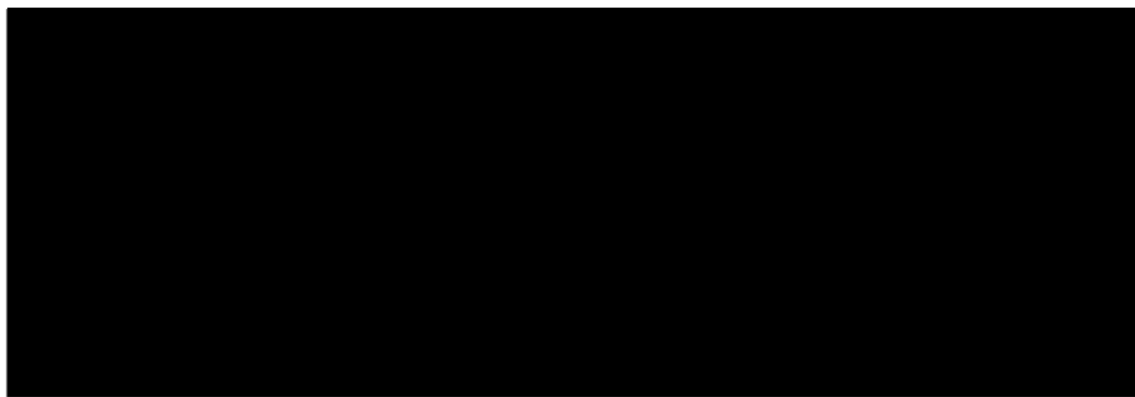
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785115-10-0004



20100119

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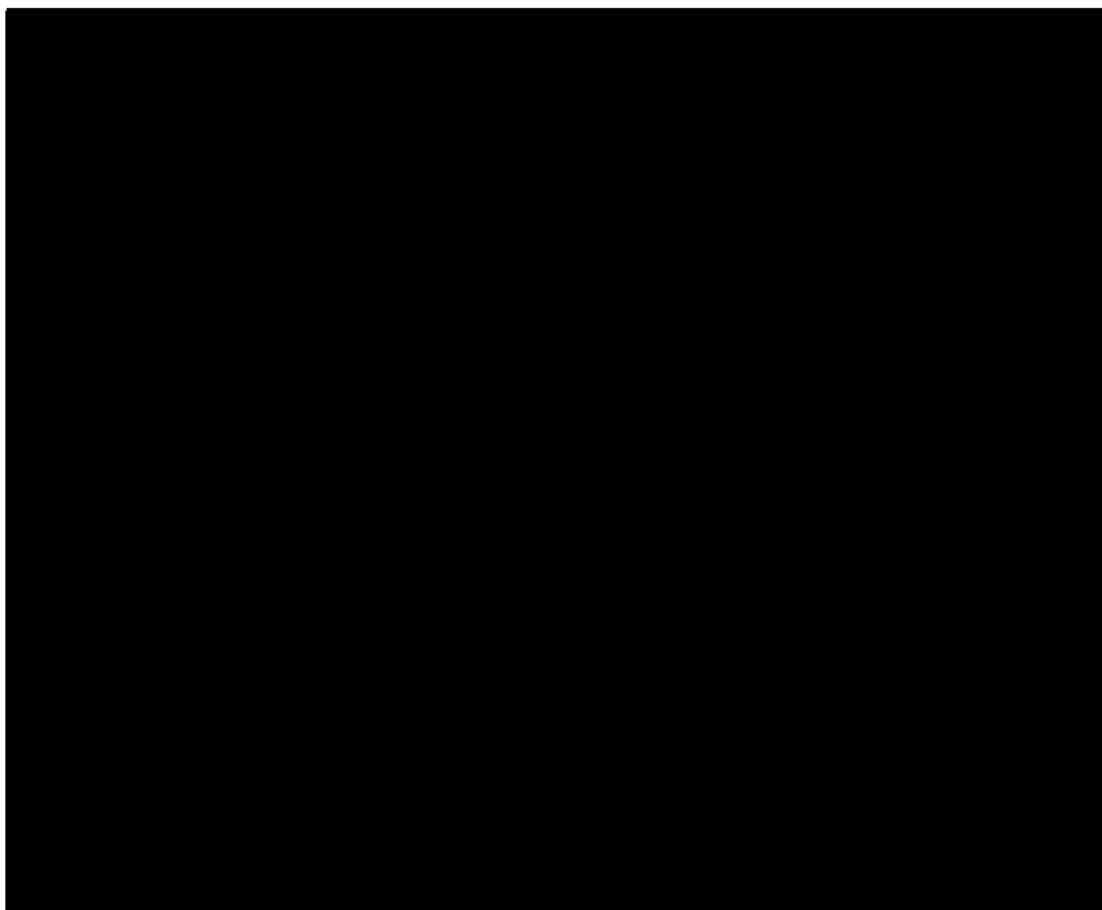
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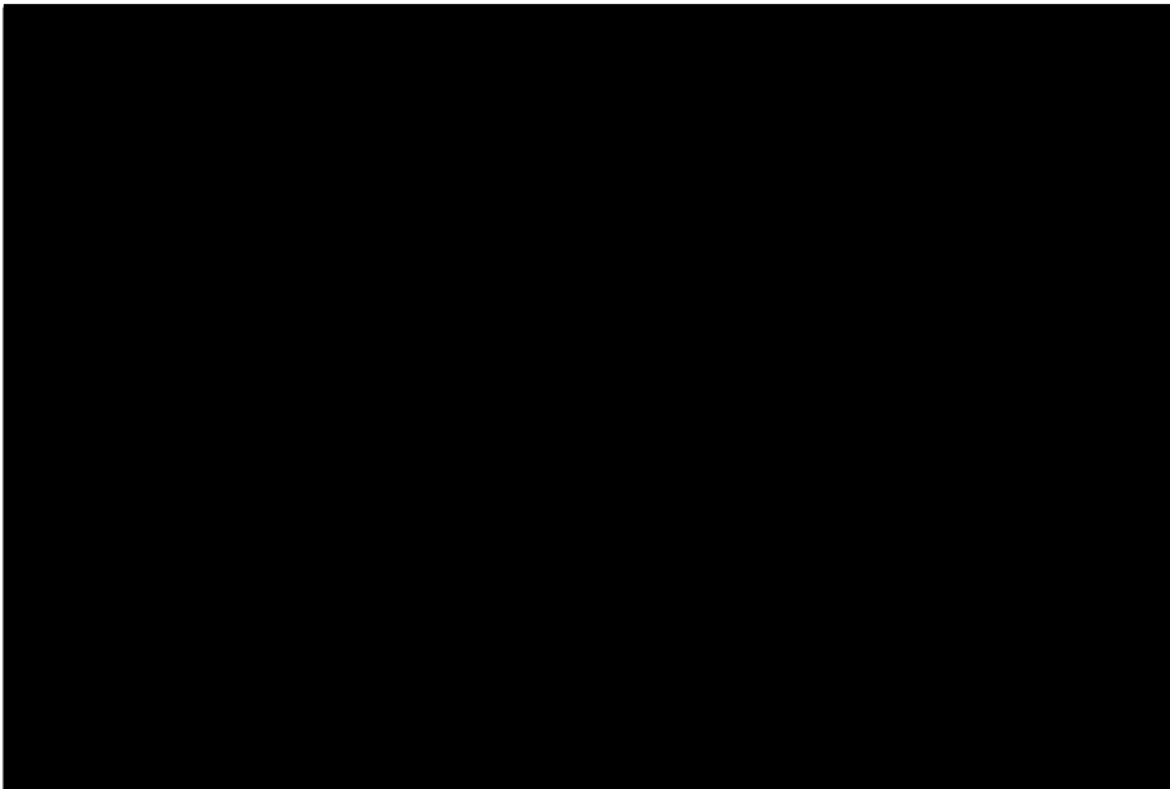


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UNDERCOVER CONTACT  
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20100119



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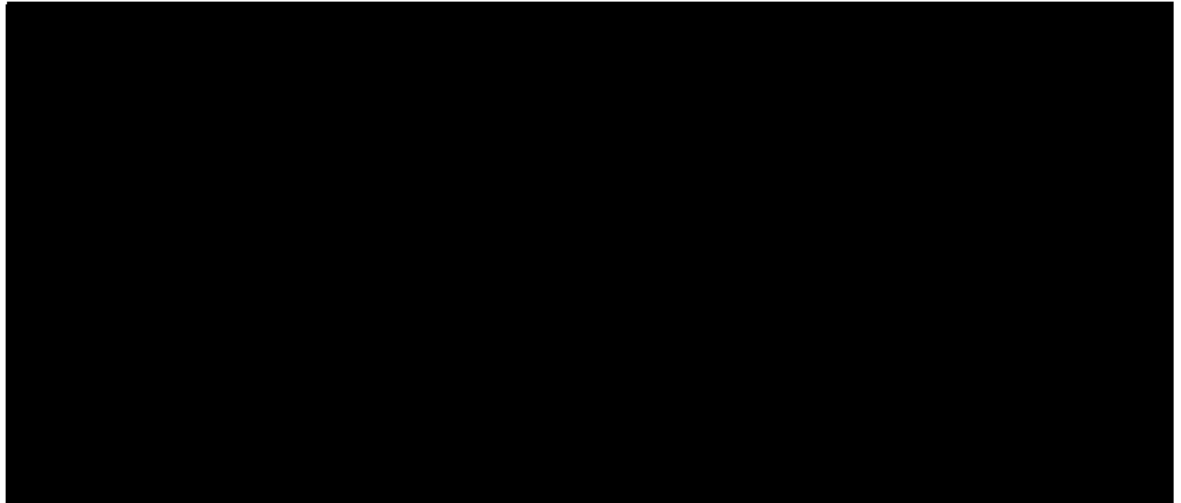


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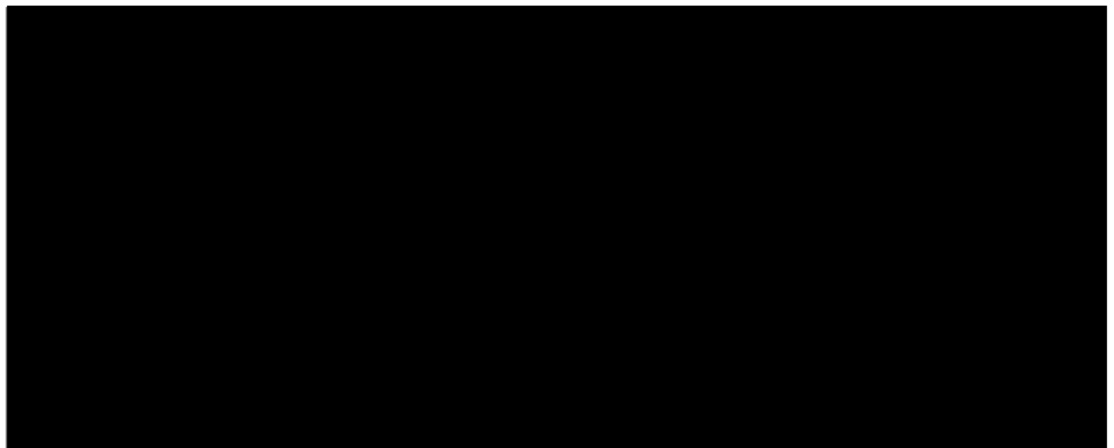


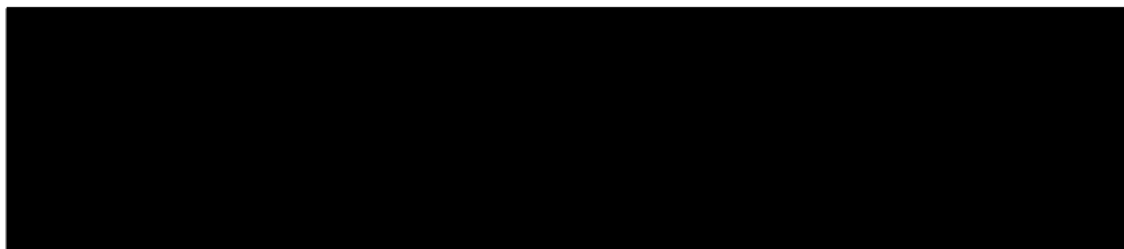
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971182

785115-10-0004



20100120

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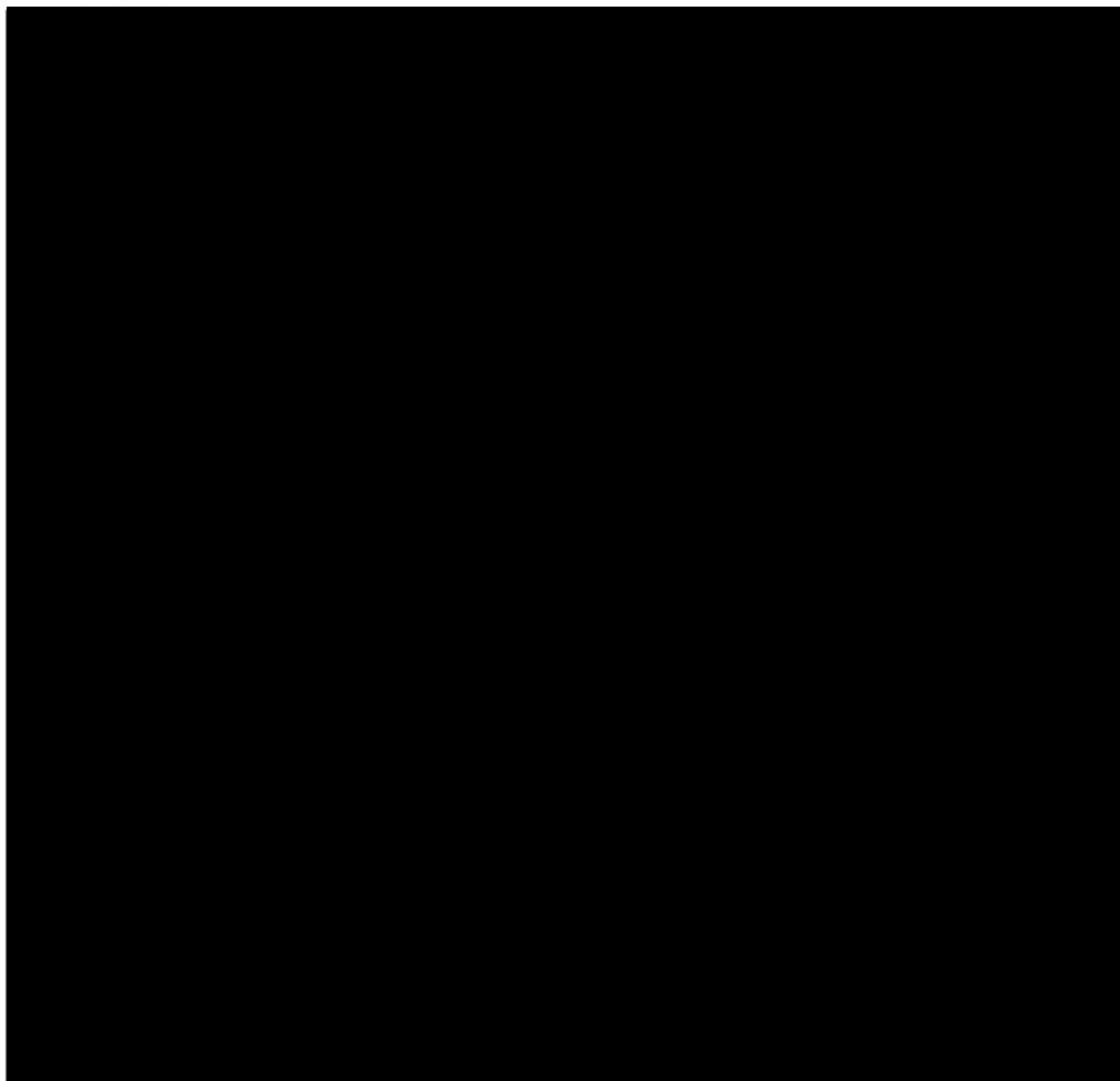
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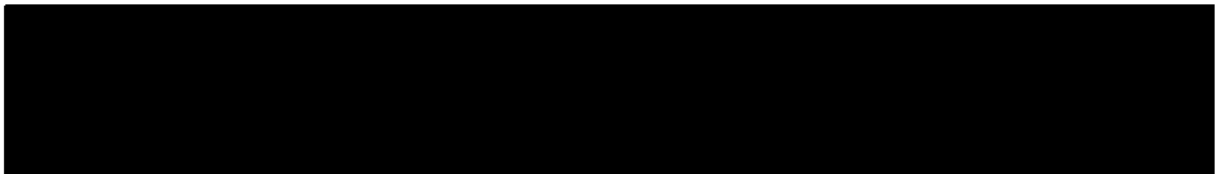
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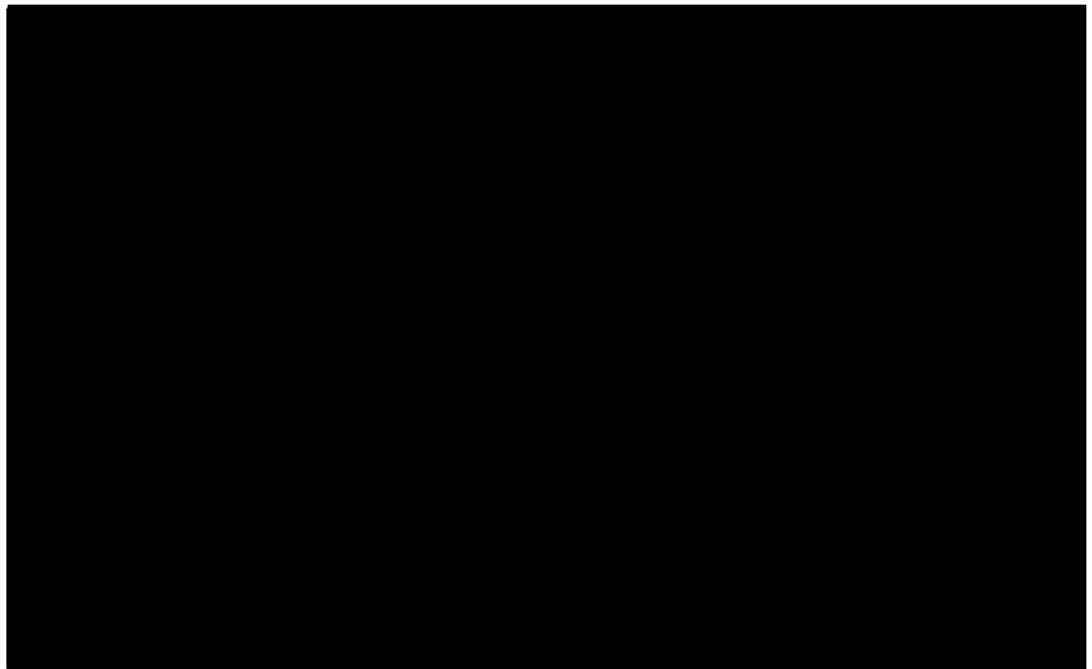
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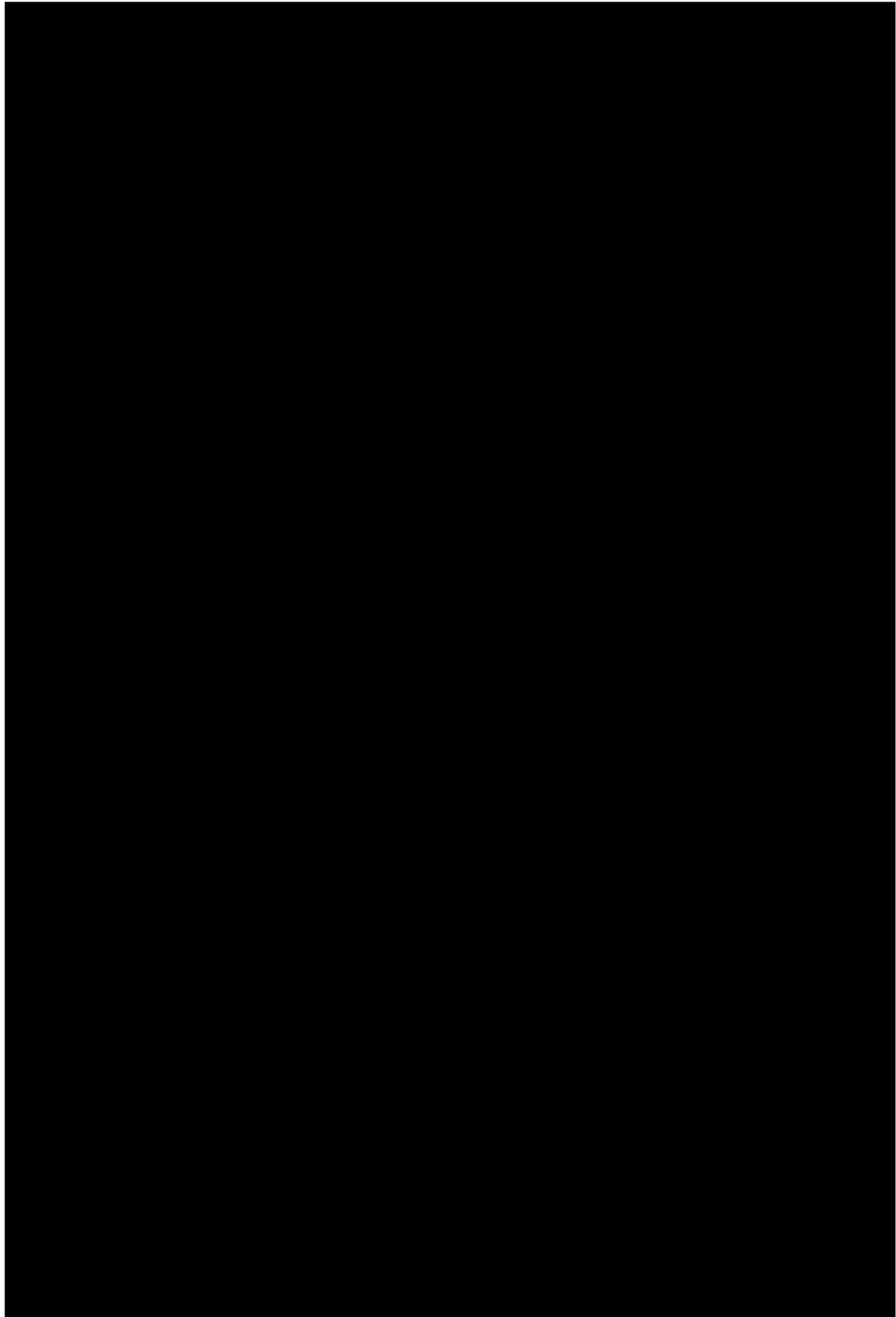
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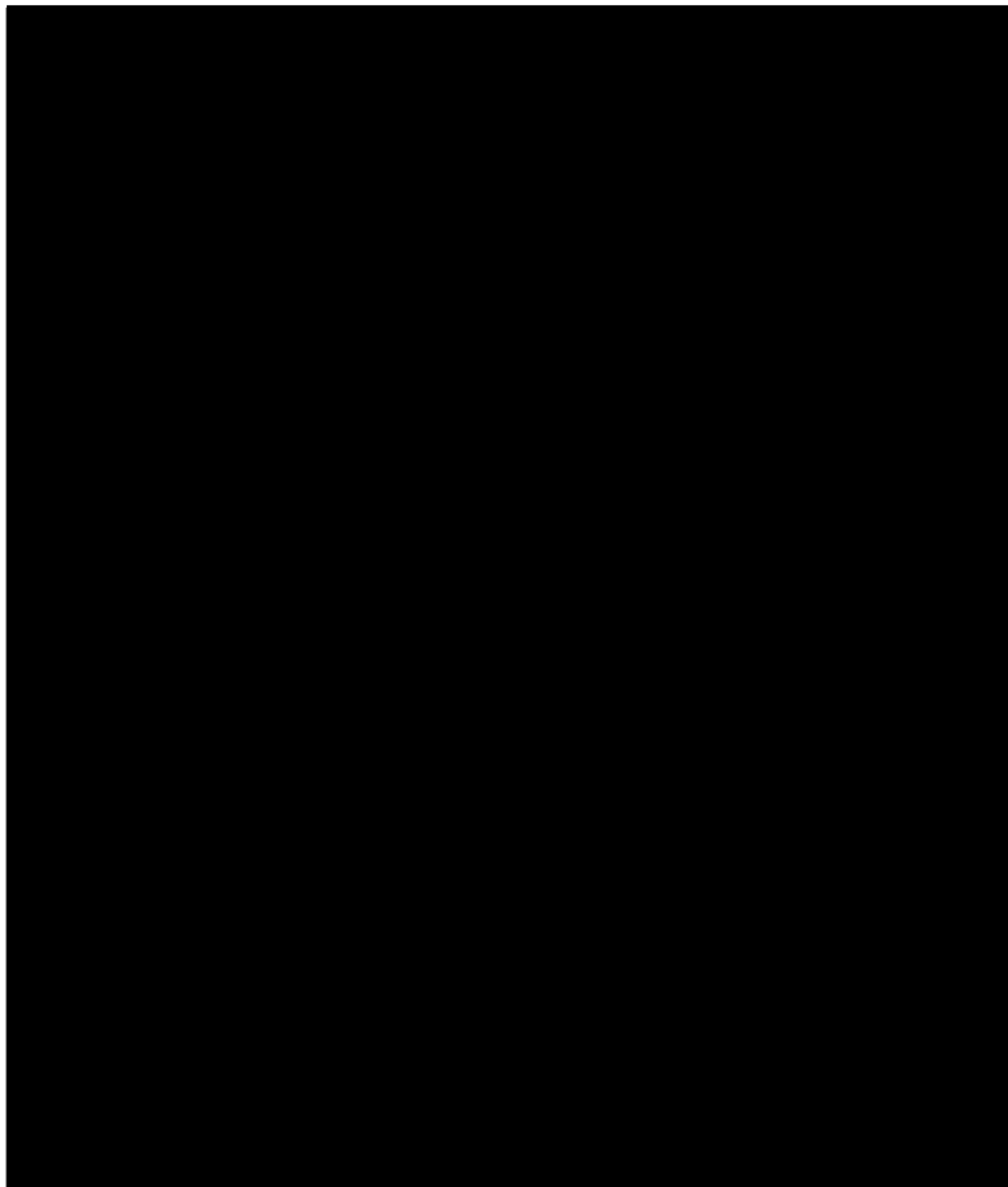


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972342

785115-10-0004



20100122

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OTHER (NON-EXPLOSIVE/FIRE)

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785115-10-0004

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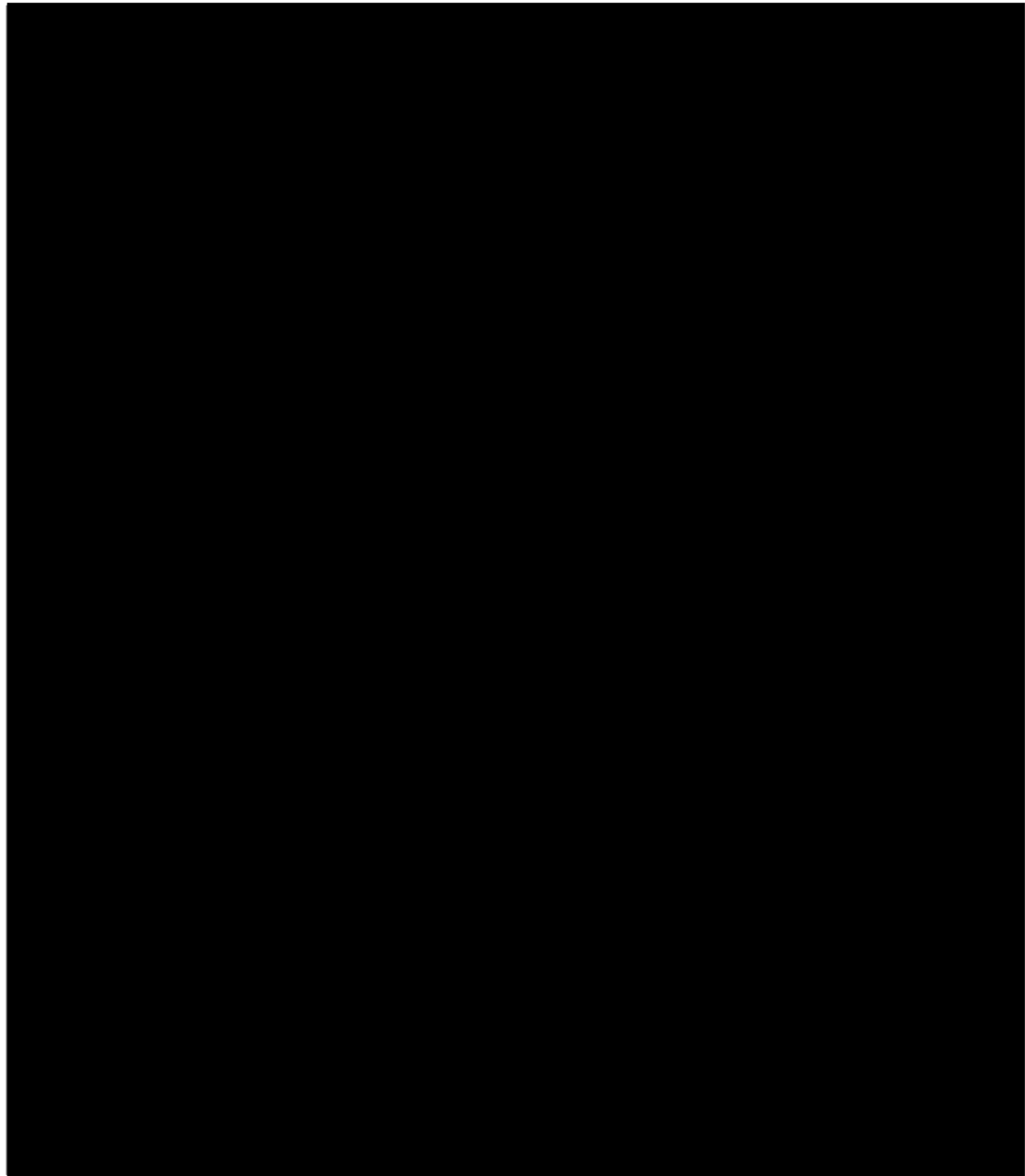
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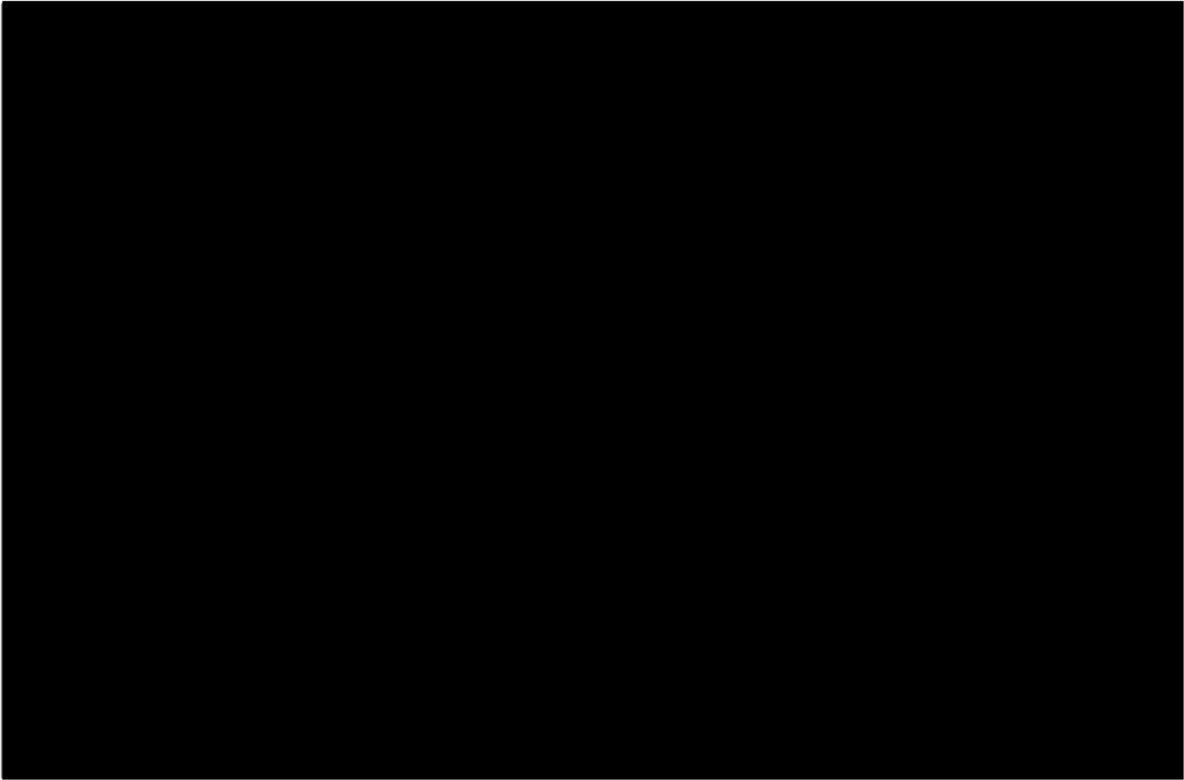
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785115-10-0004

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20100125



972602

785115-10-0004



20100125

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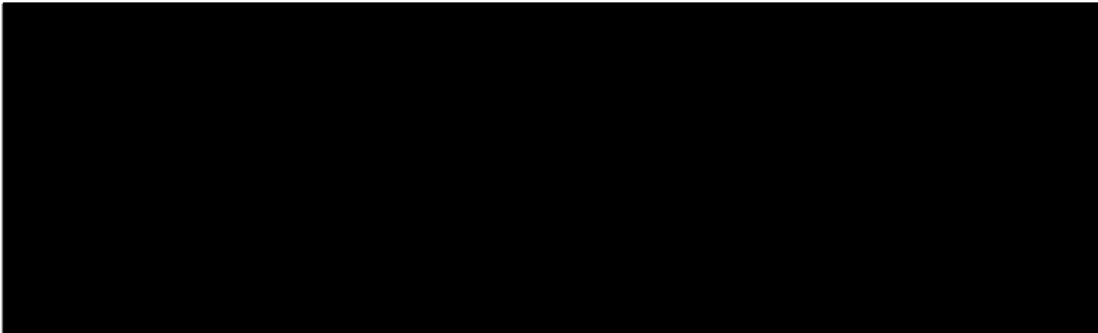
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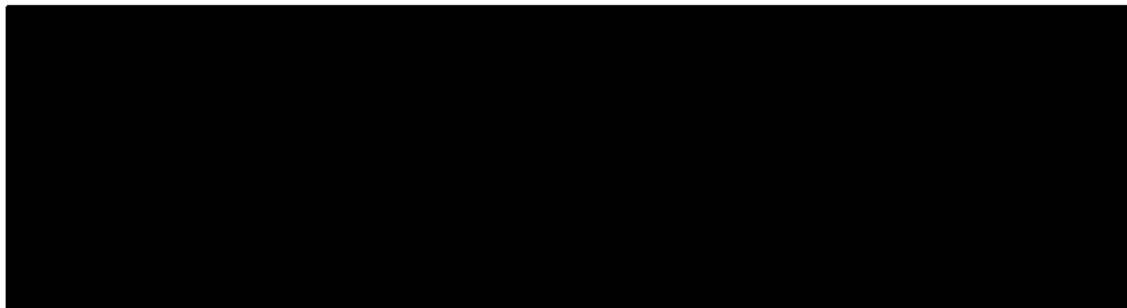
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973367

785115-10-0004



20100127

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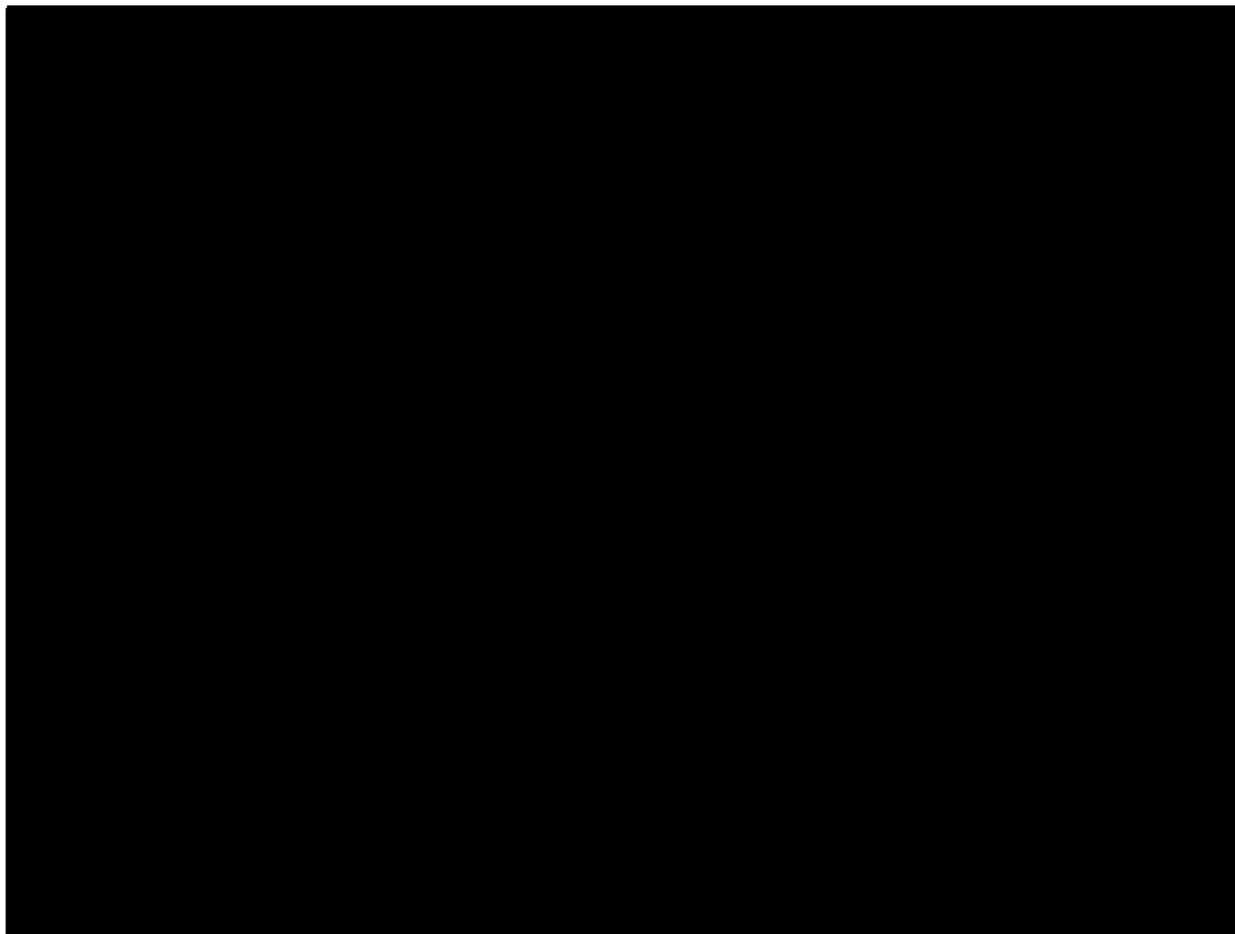
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20100127



973506

785115-10-0004

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20100127

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OTHER (NON-EXPLOSIVE/FIRE)

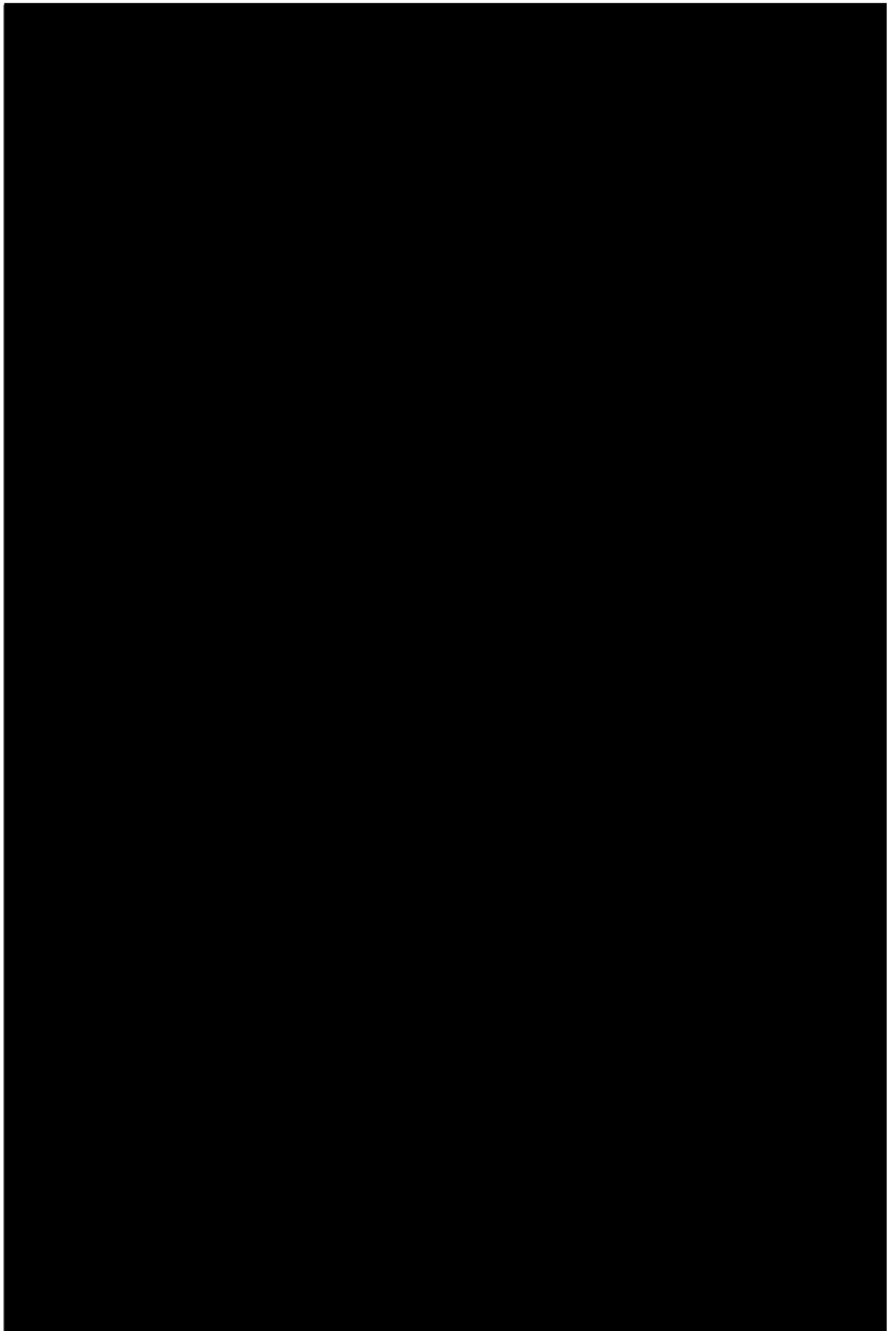
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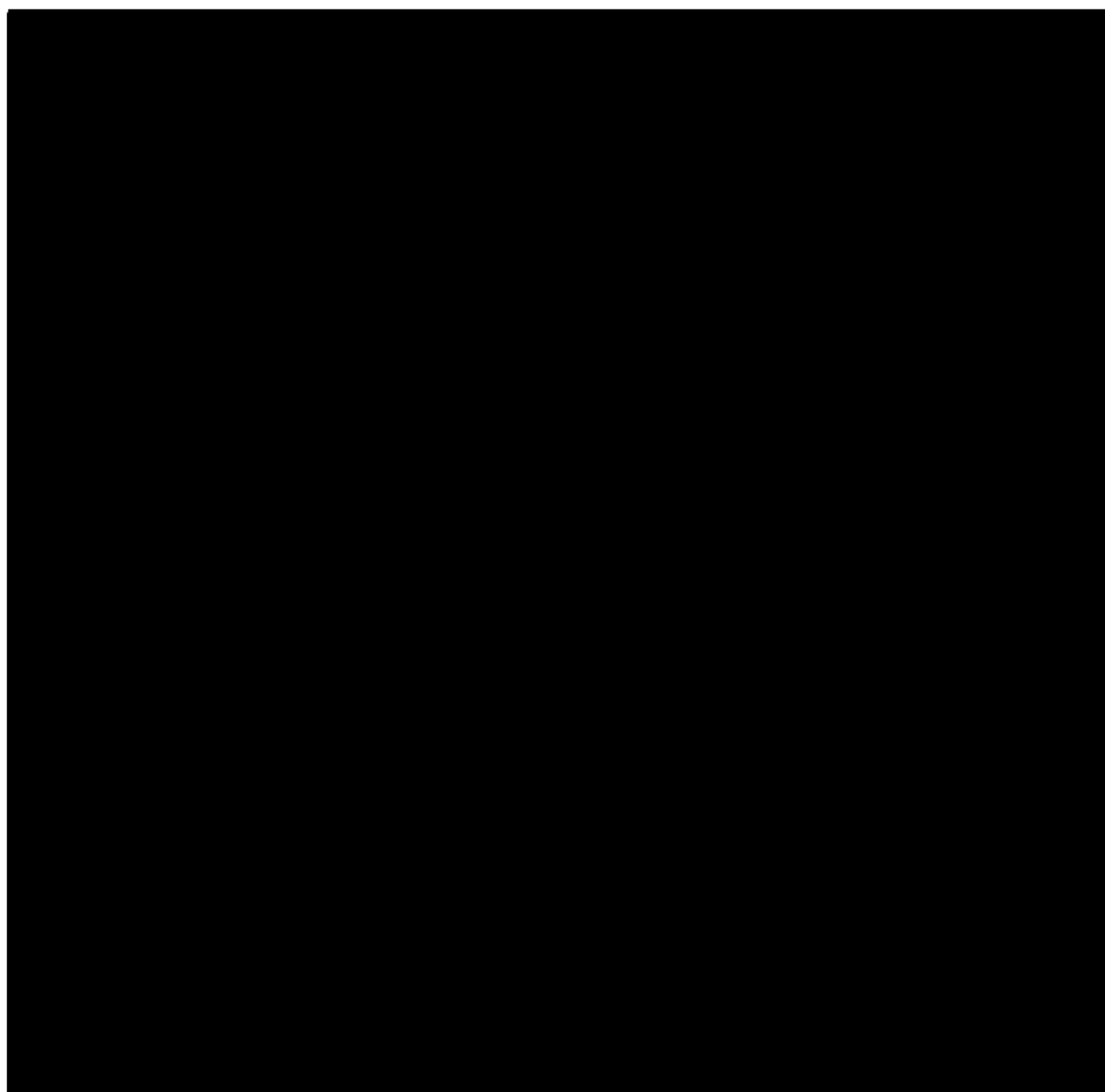


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UNDERCOVER CONTACT  
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973567



20100126



973828

785115-10-0004



20100127

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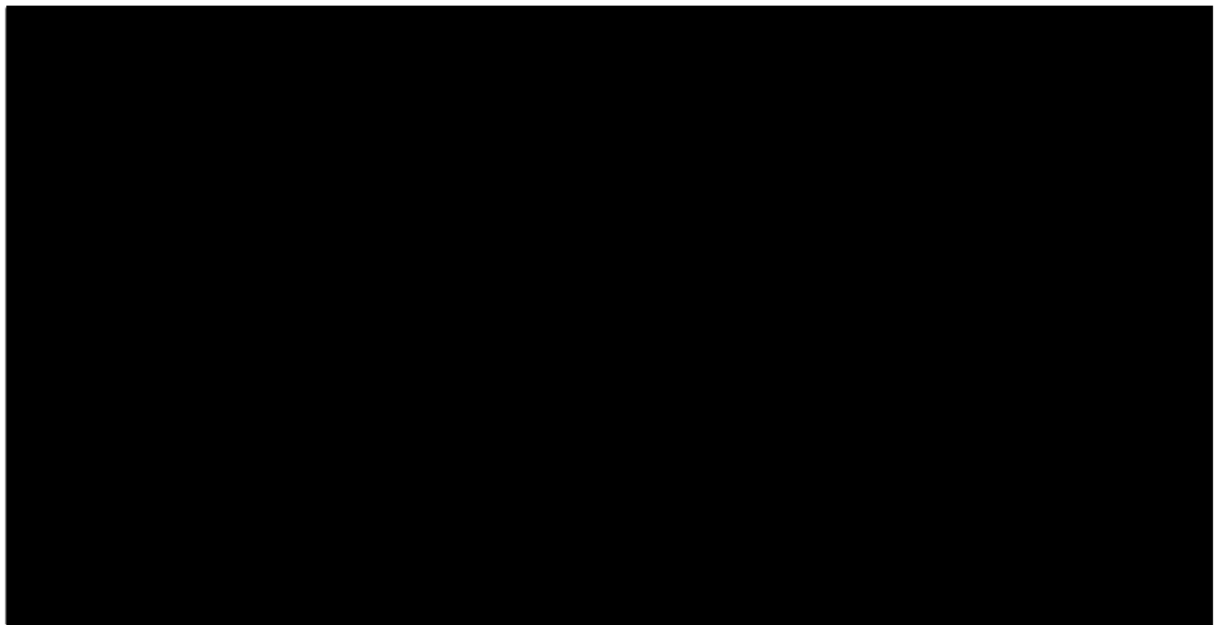
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974155

785115-10-0004



20100128

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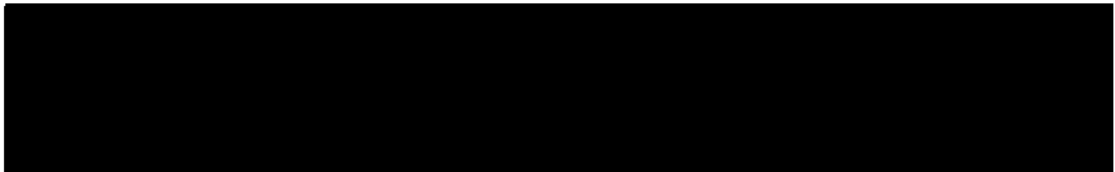
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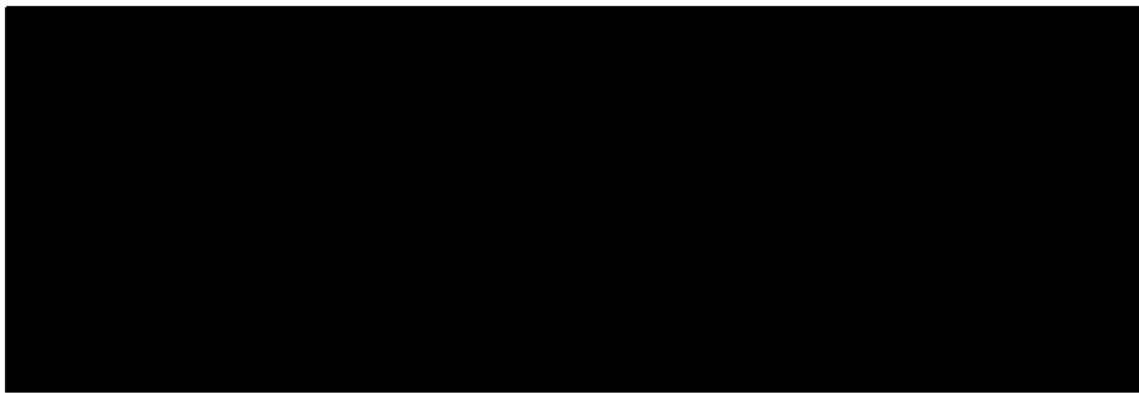
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20100128







974953

785115-10-0004



20100201

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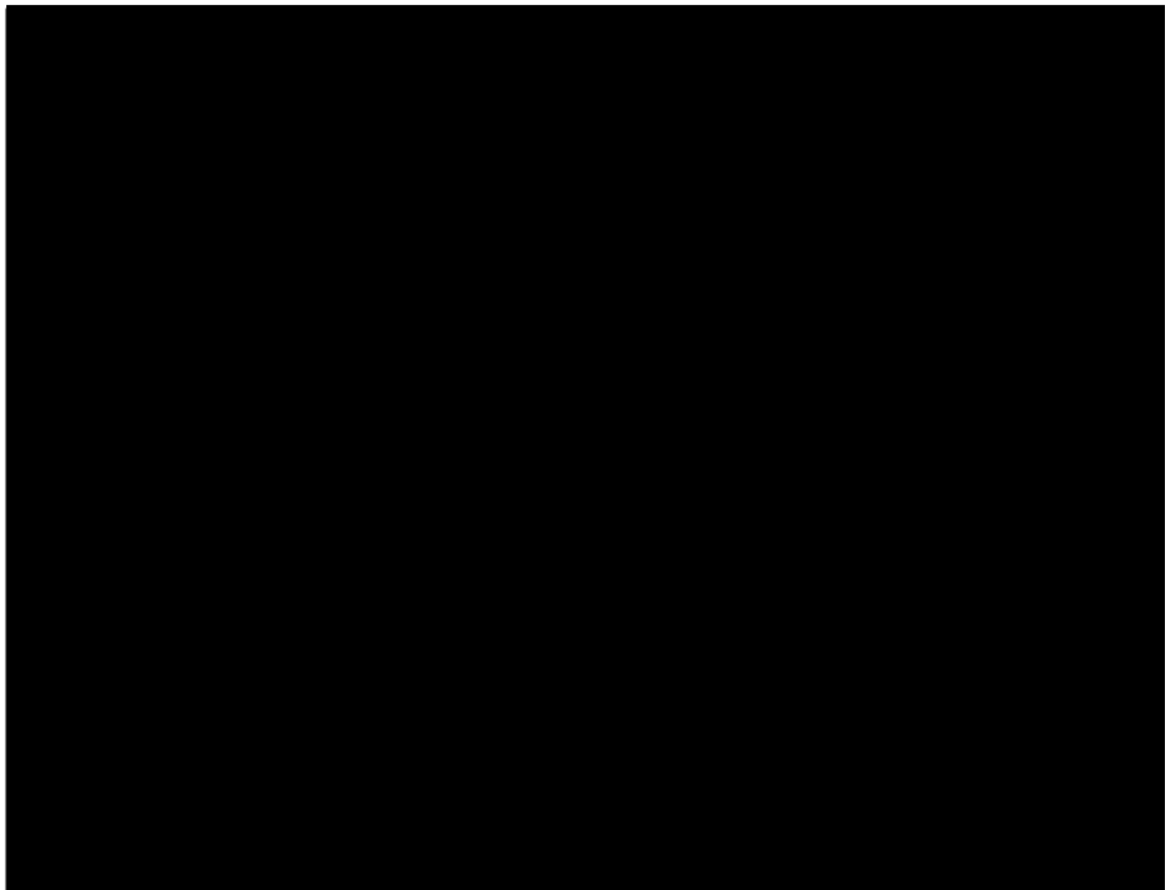
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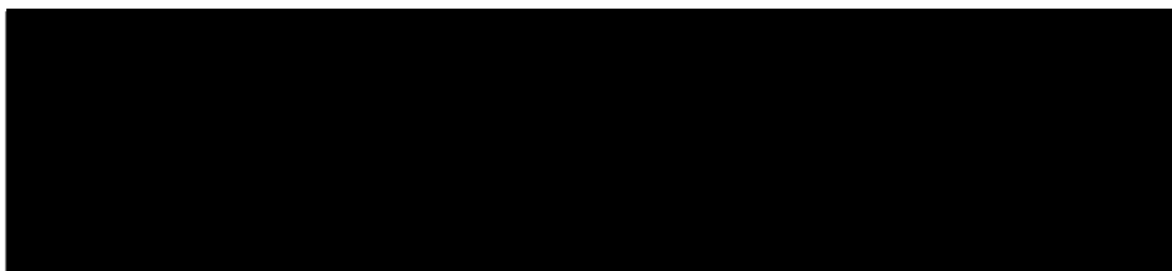
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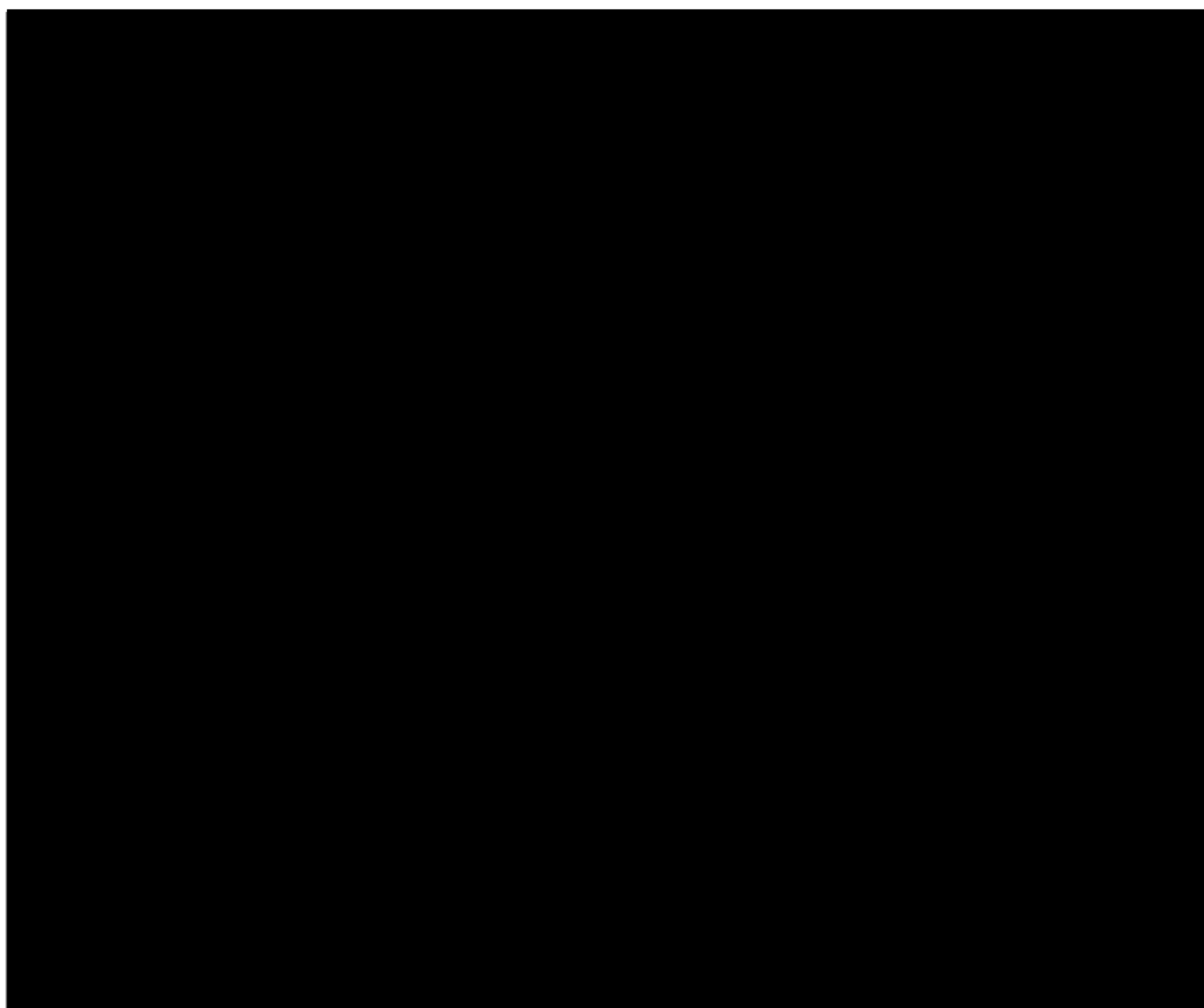
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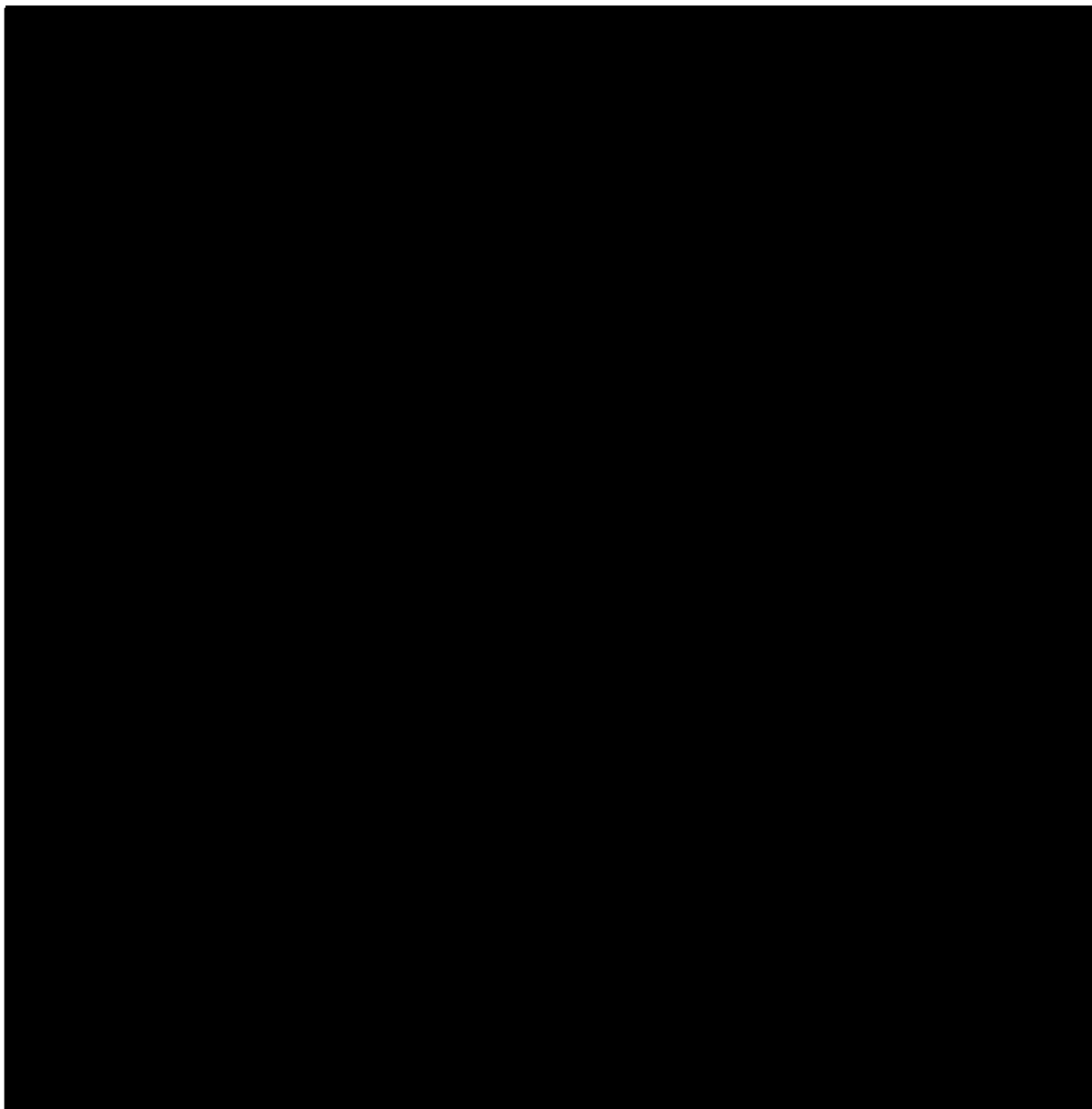




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CONTACT INTERVIEW  
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975006  
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976746  
785115-10-0004

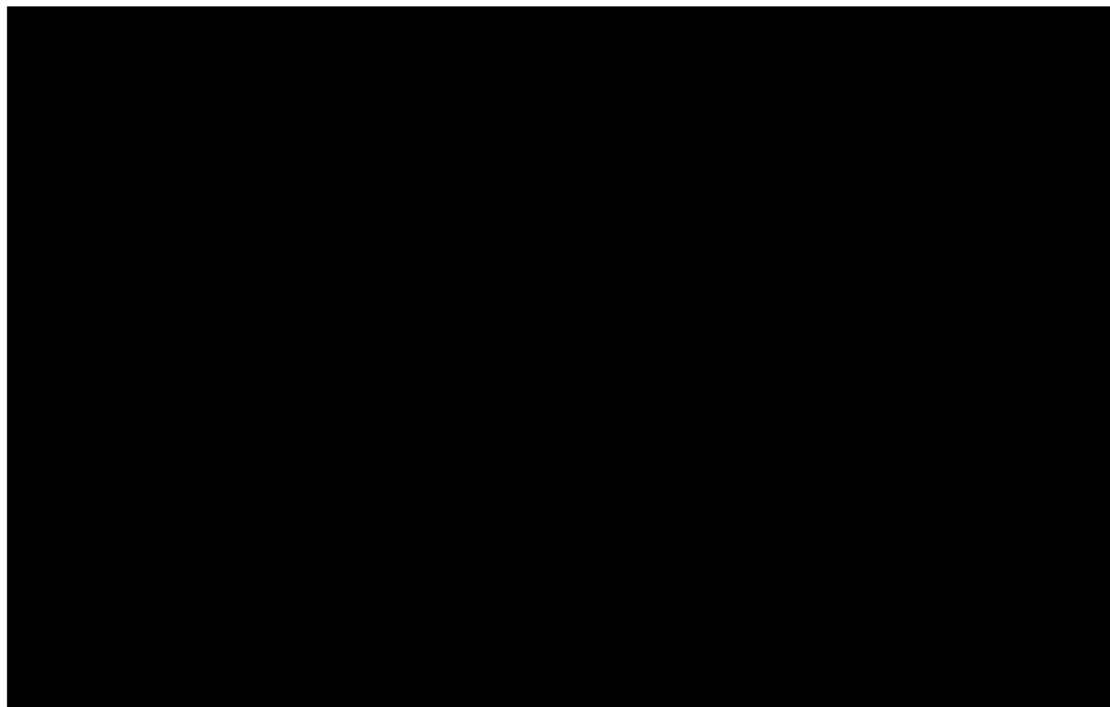


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976746



20100205



977266

785115-10-0004



20100208

Open

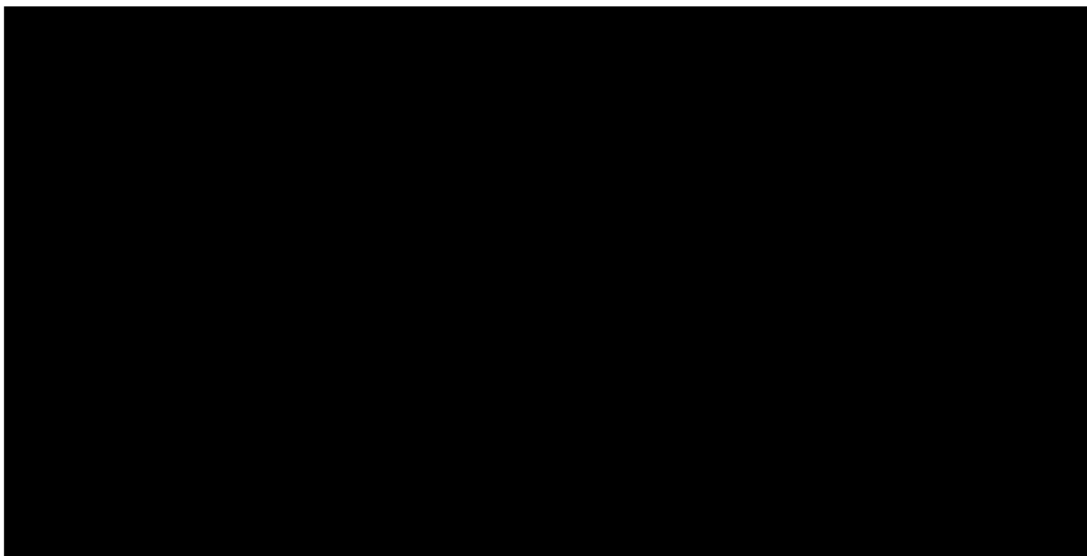
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20100208



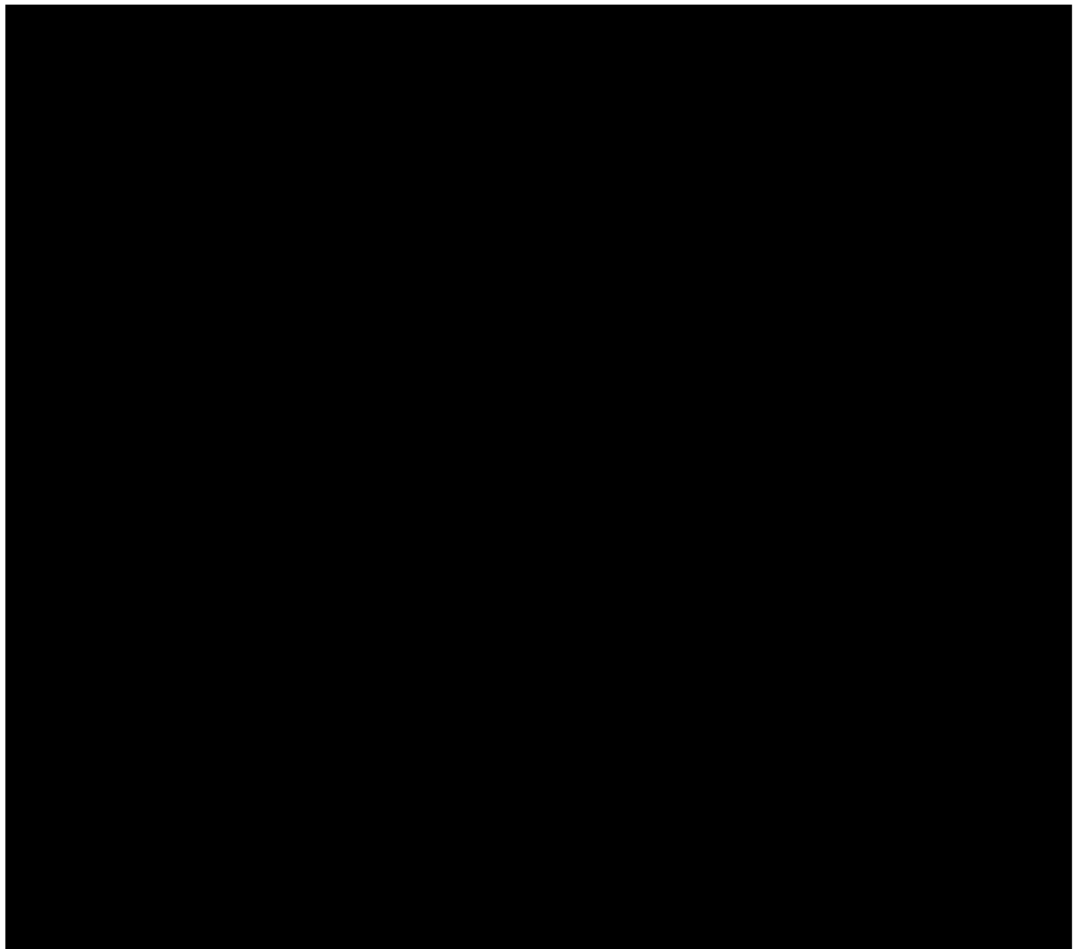


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977383



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977721  
785115-10-0004

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CONTACT INTERVIEW

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785115-10-0004

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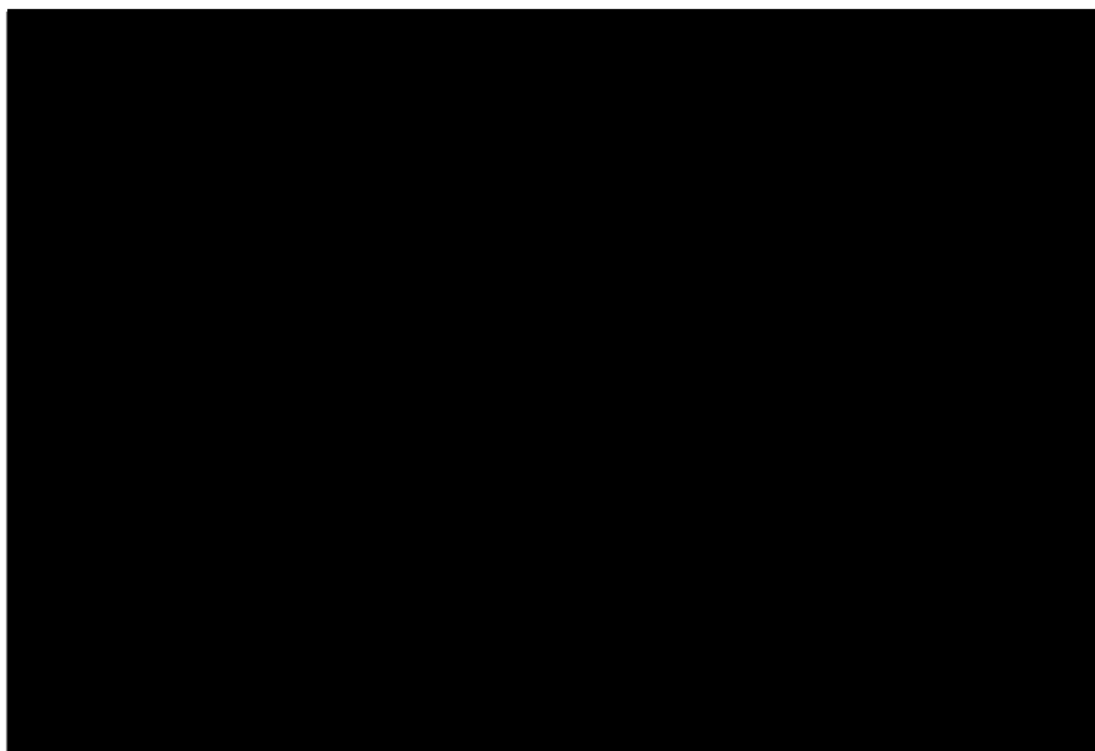
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979715

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20100216

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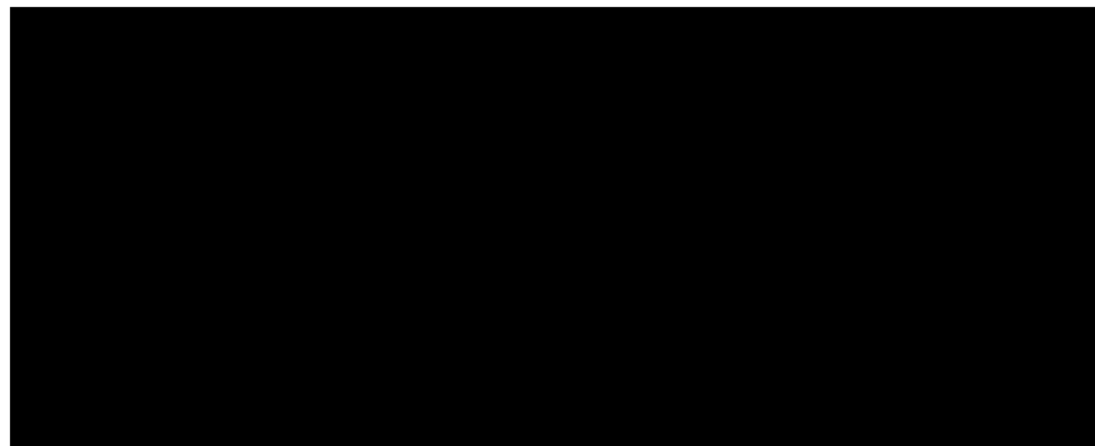
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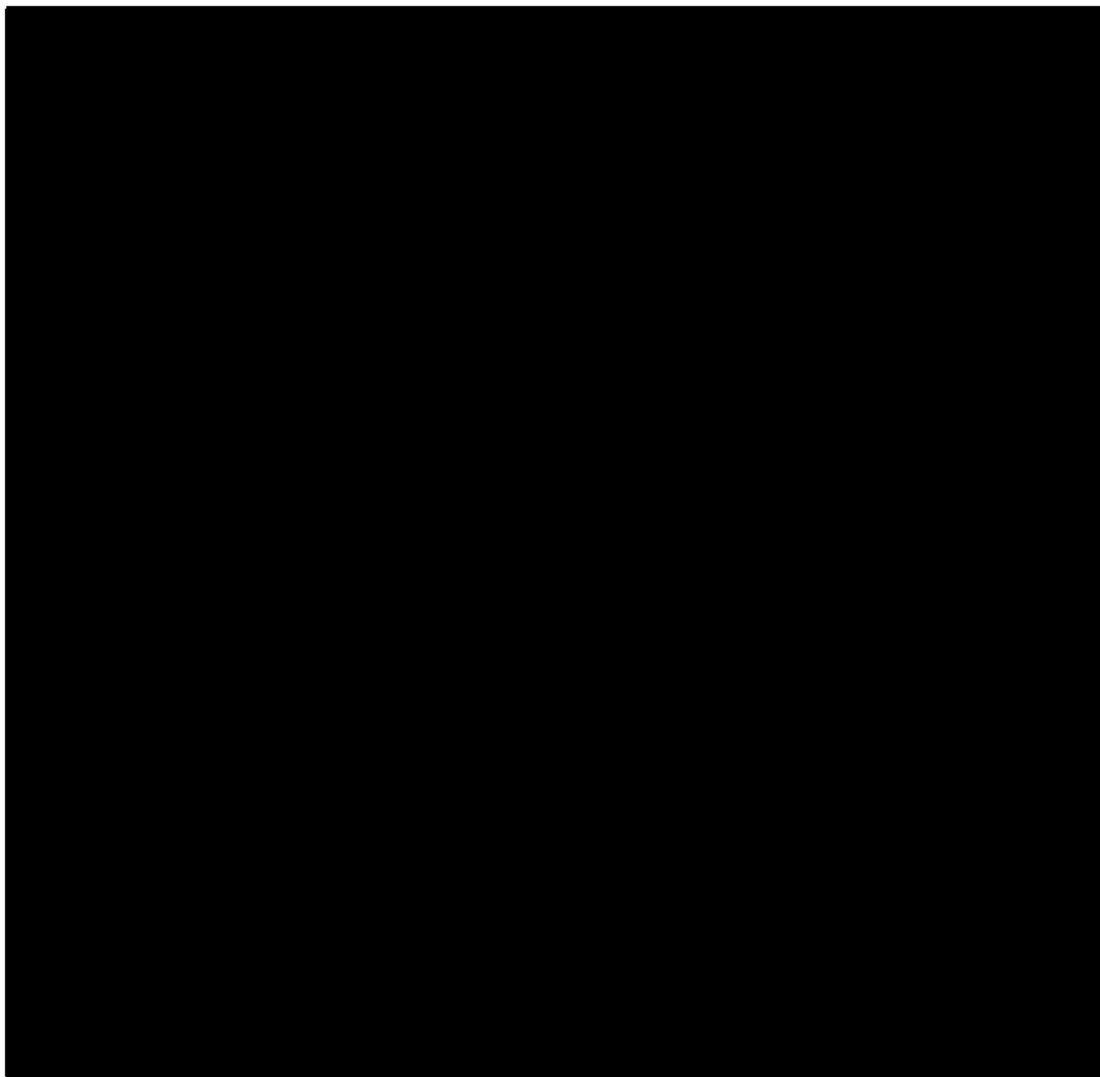
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979715



20100216





981250

785115-10-0004



20100219

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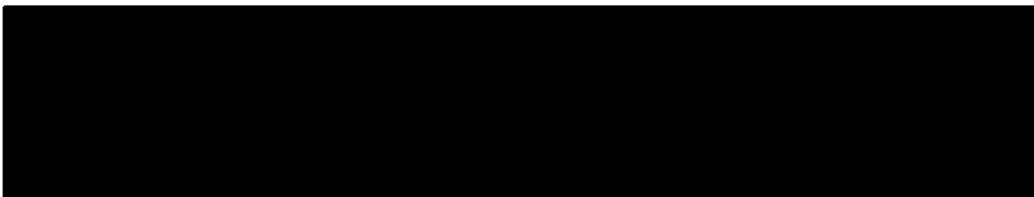
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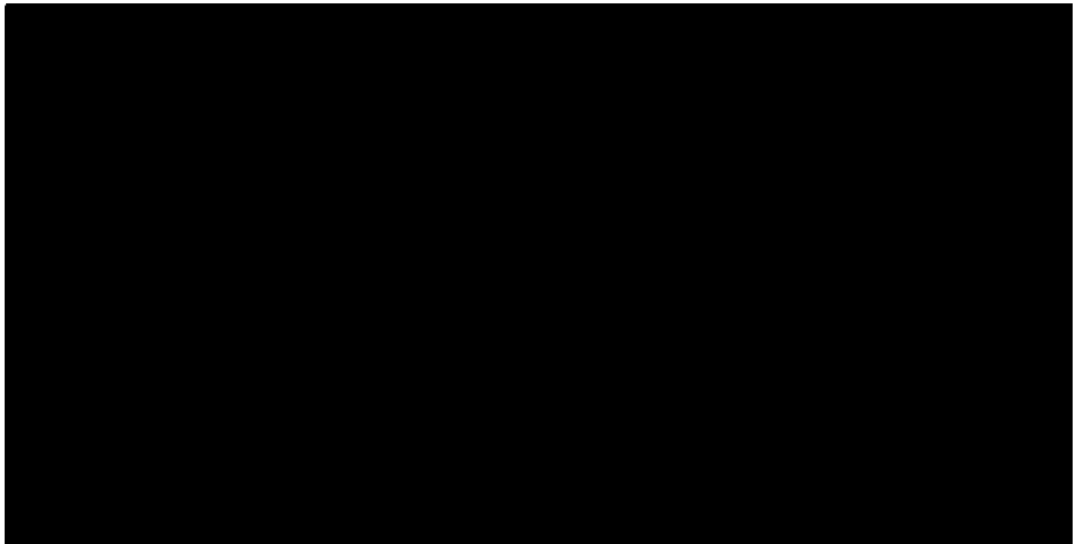
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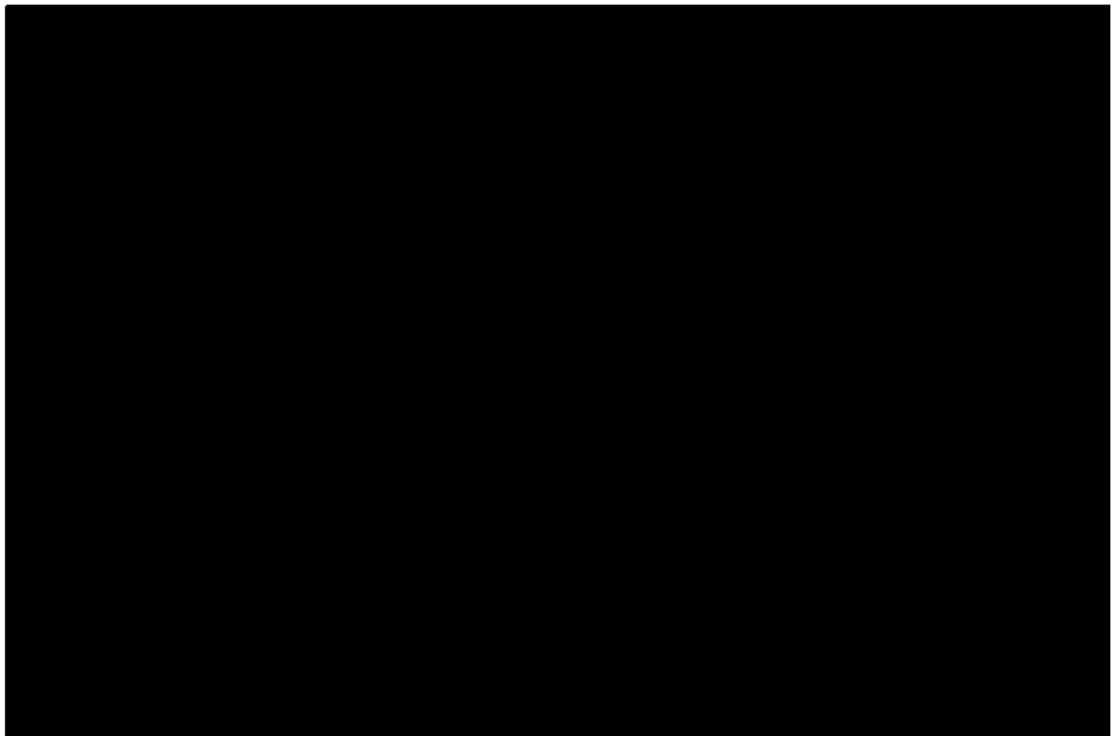






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981509

785115-10-0004



20100222

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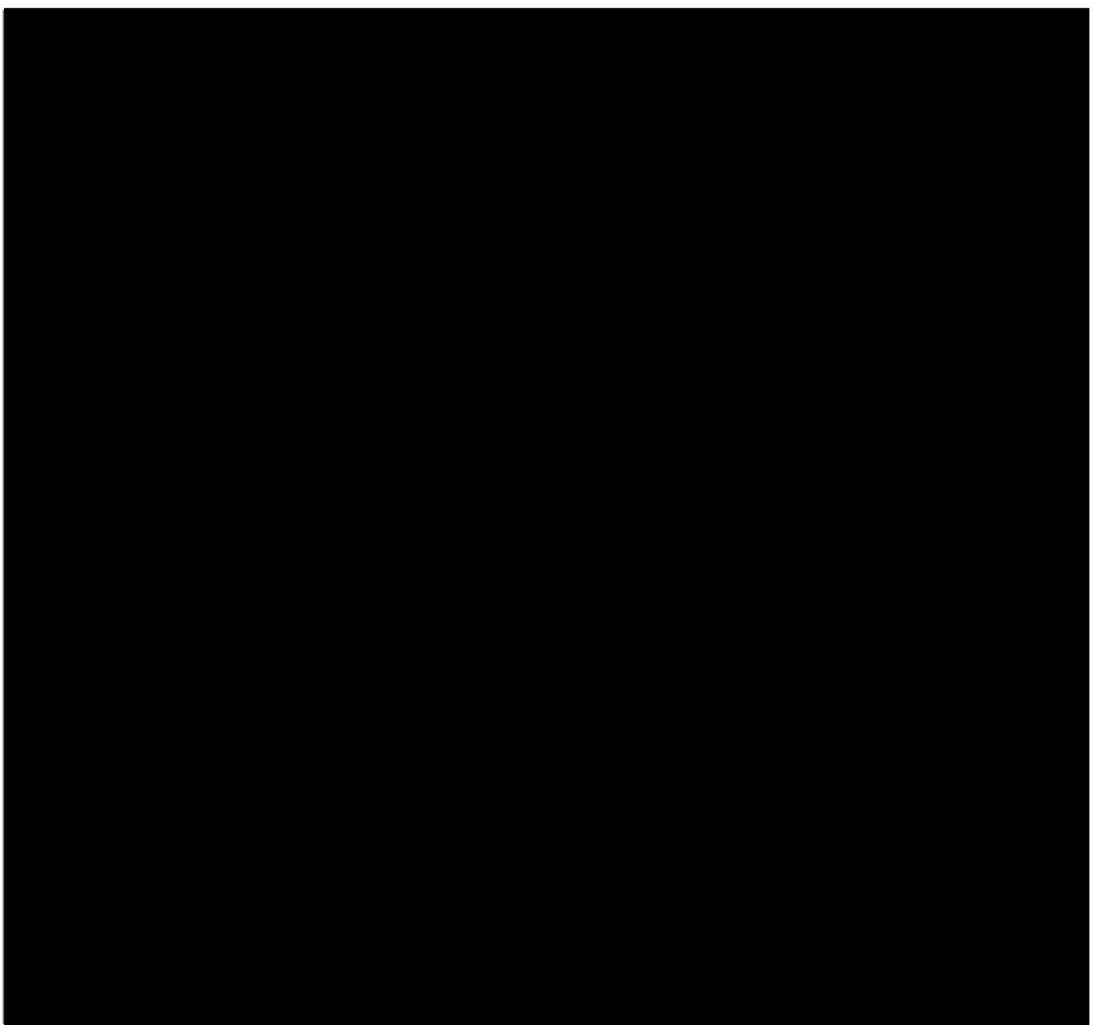
UNDERCOVER CONTACT

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20100222



981697

785115-10-0004

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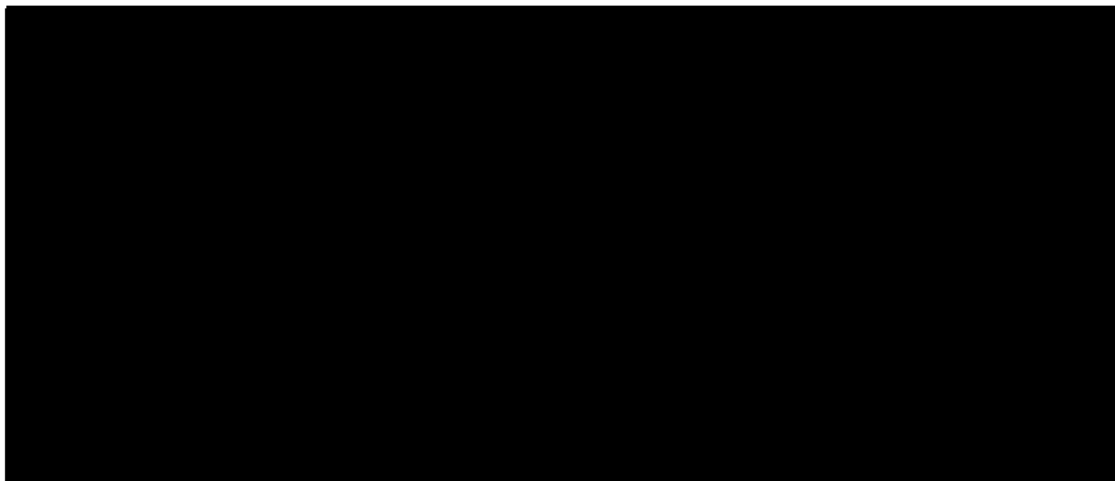
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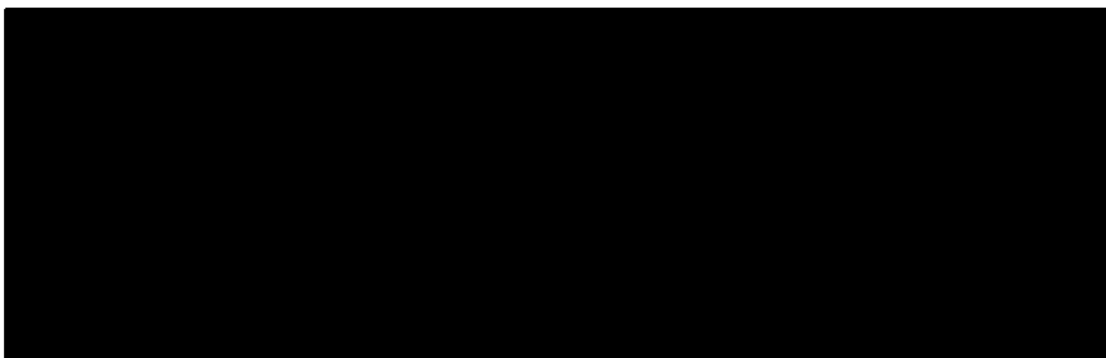
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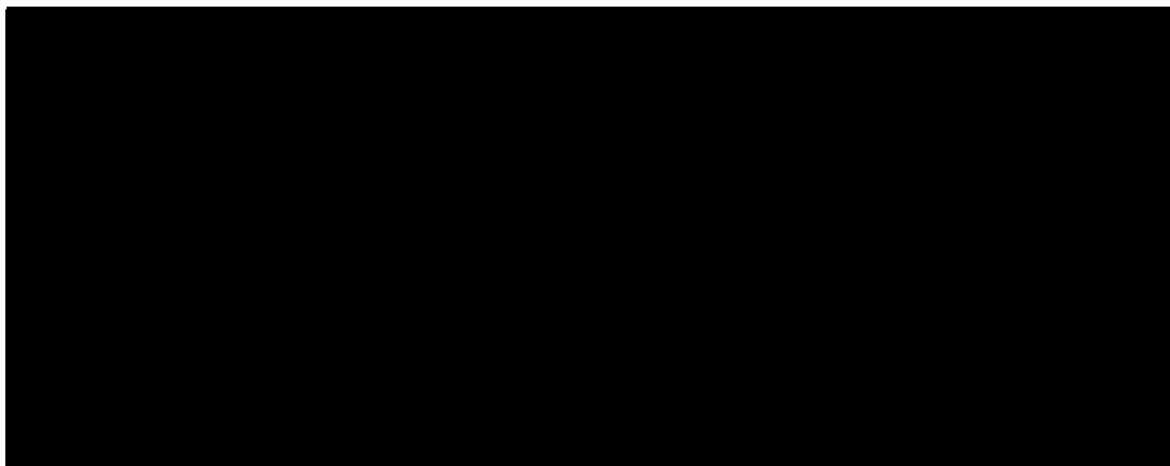
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982632

785115-10-0004



20100224

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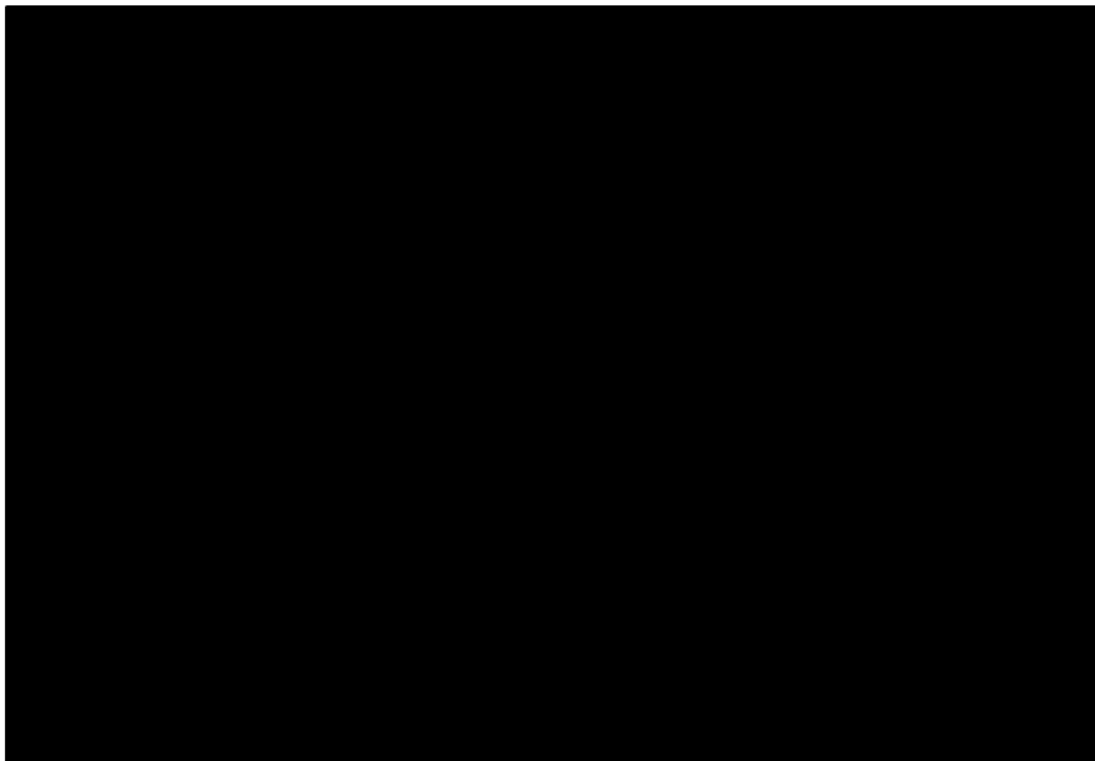
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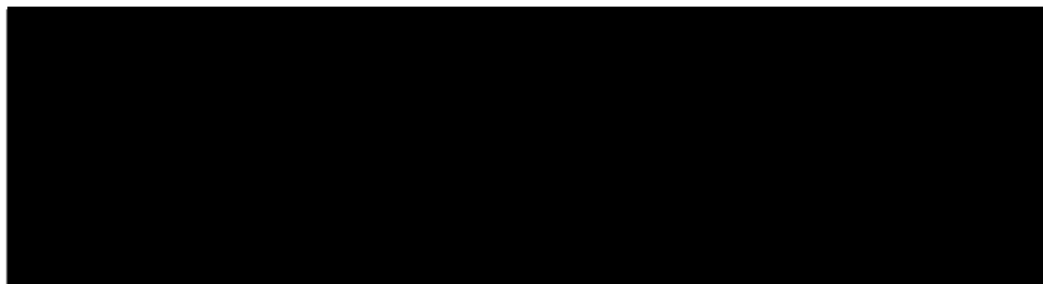
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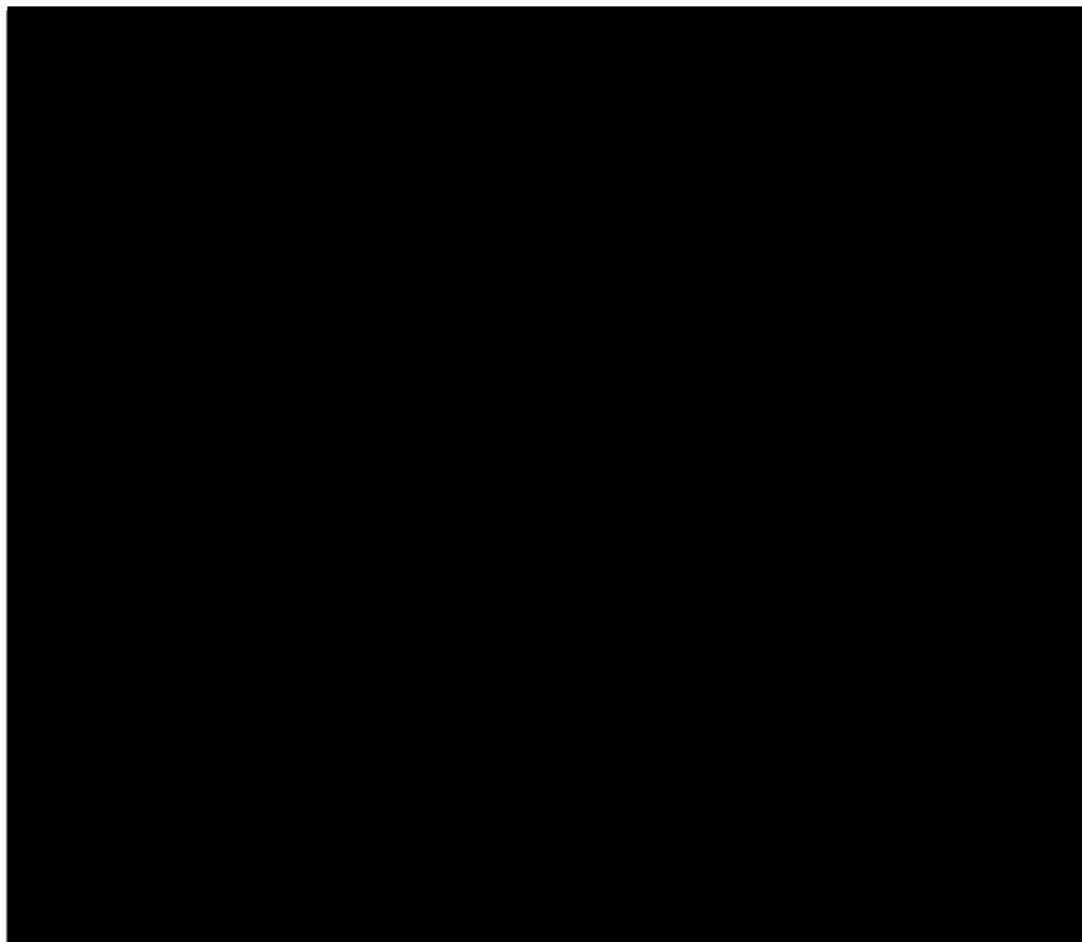
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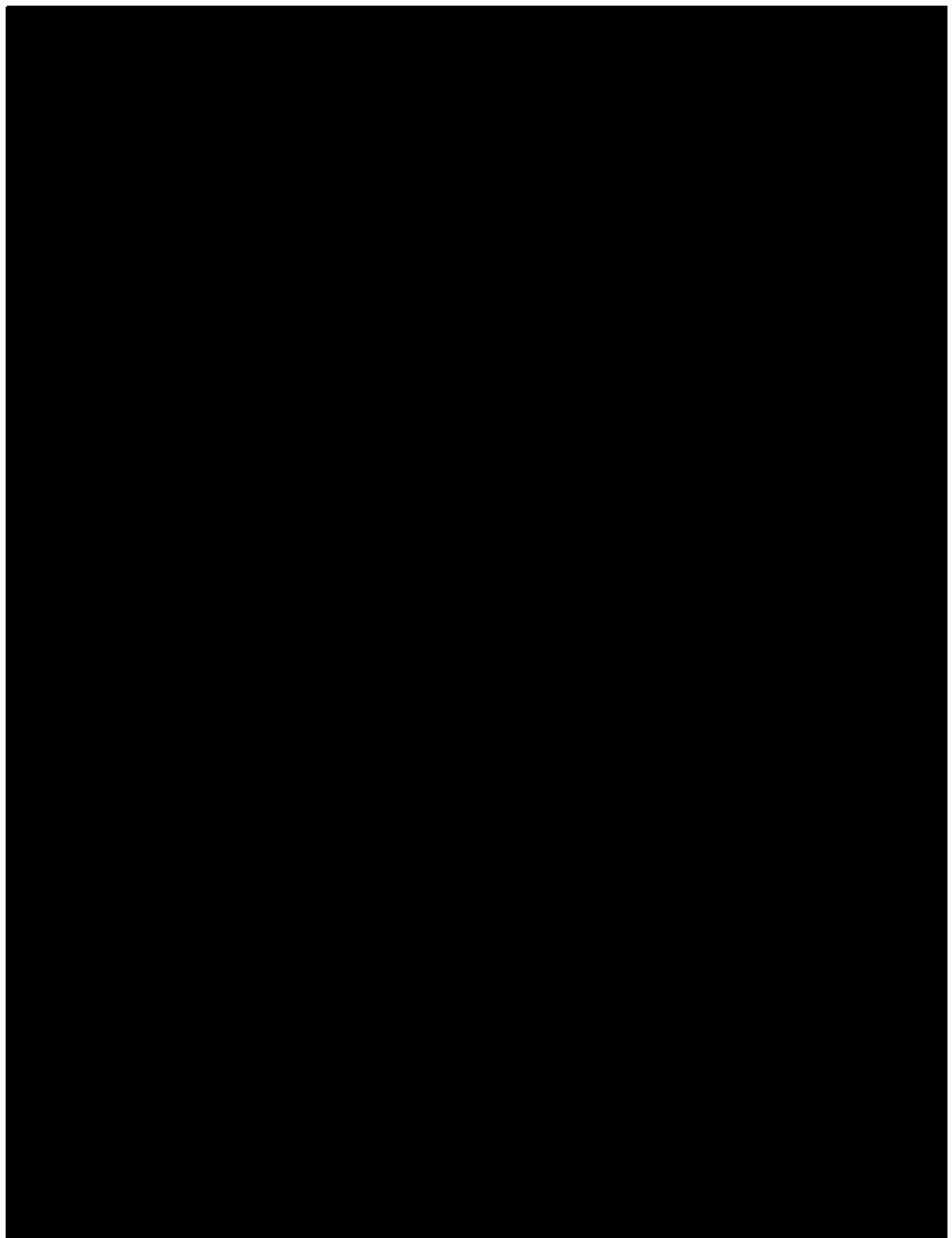
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785115-10-0004

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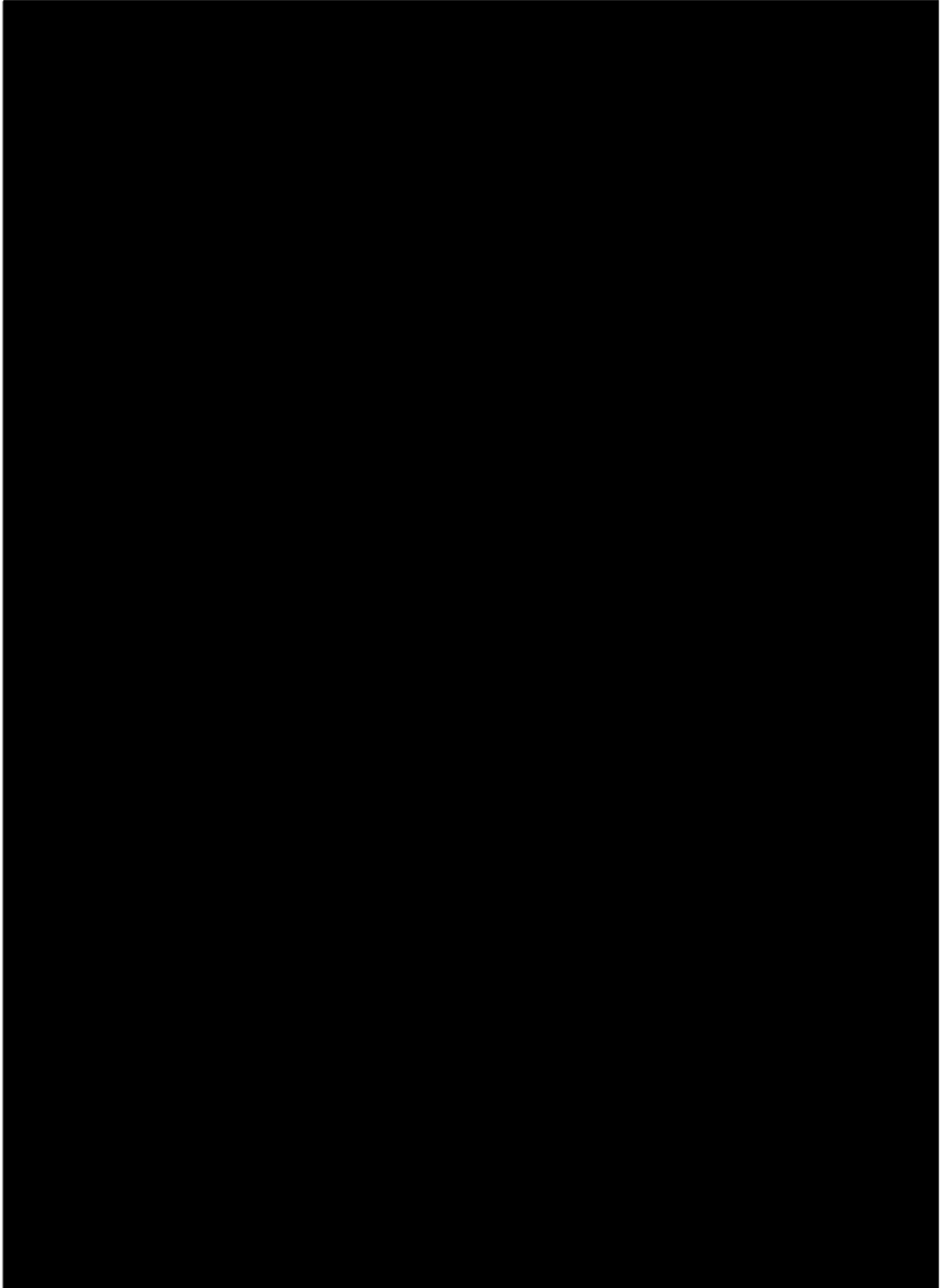
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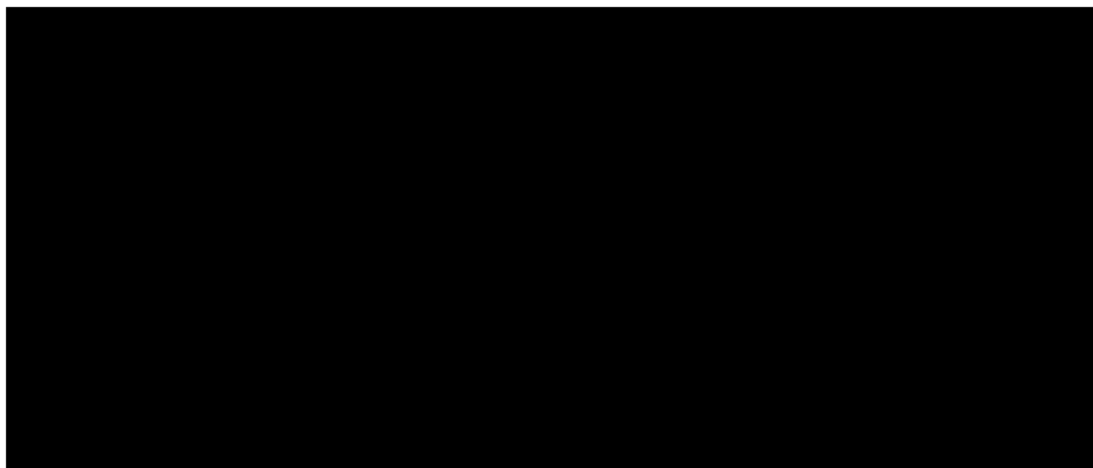


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983926

785115-10-0004



20100301

Open

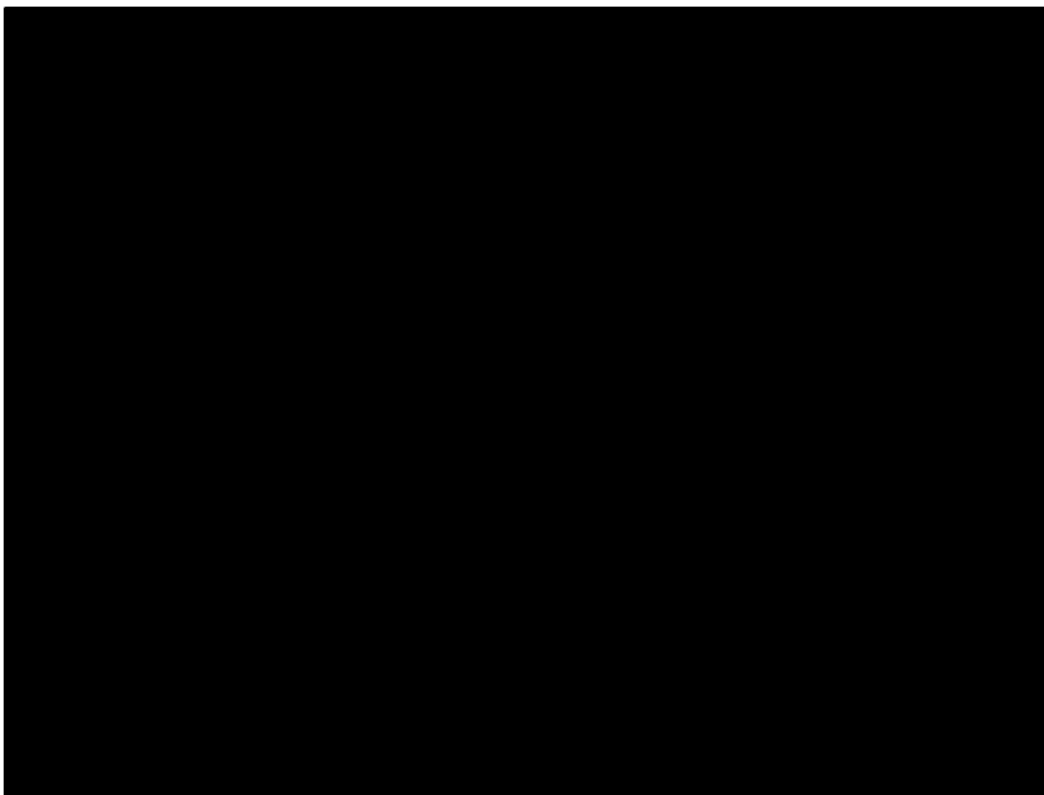
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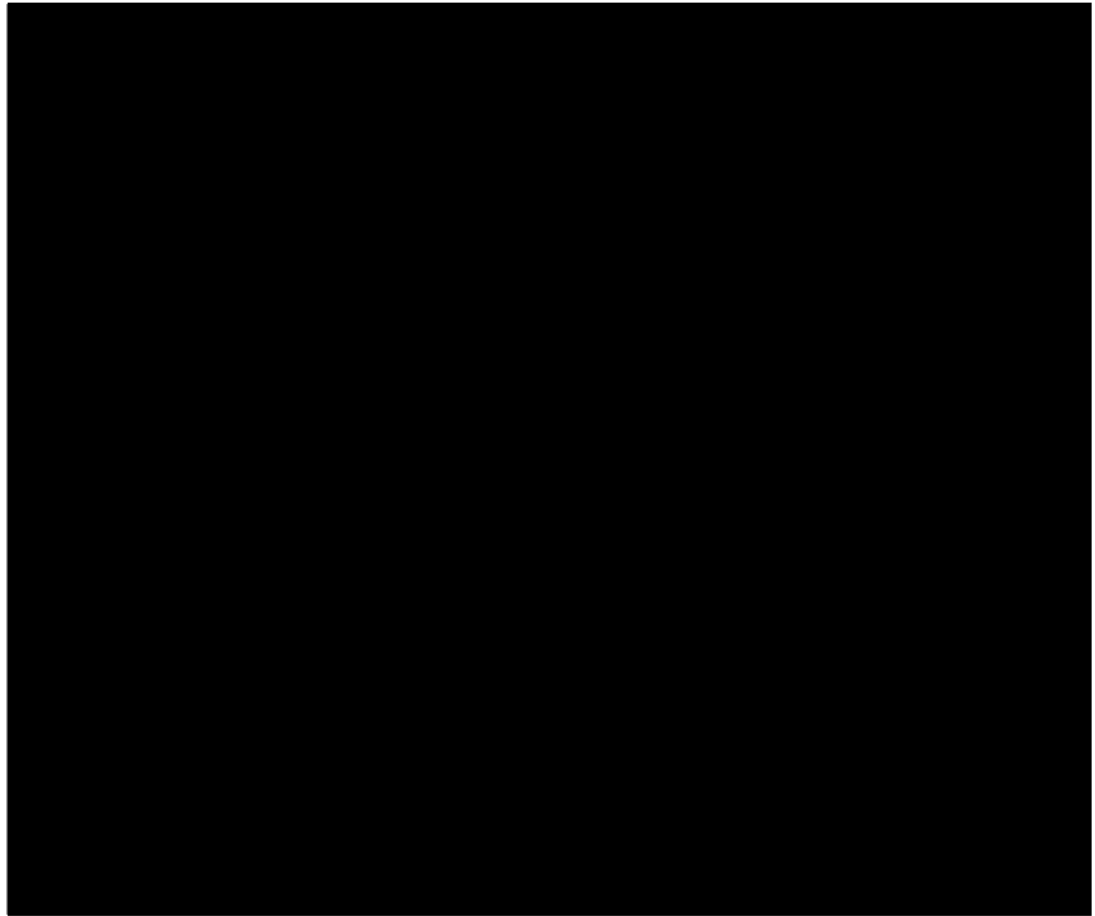
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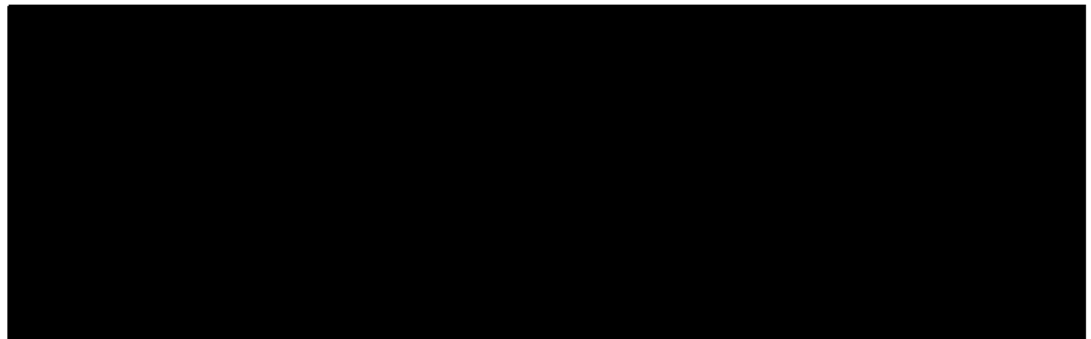
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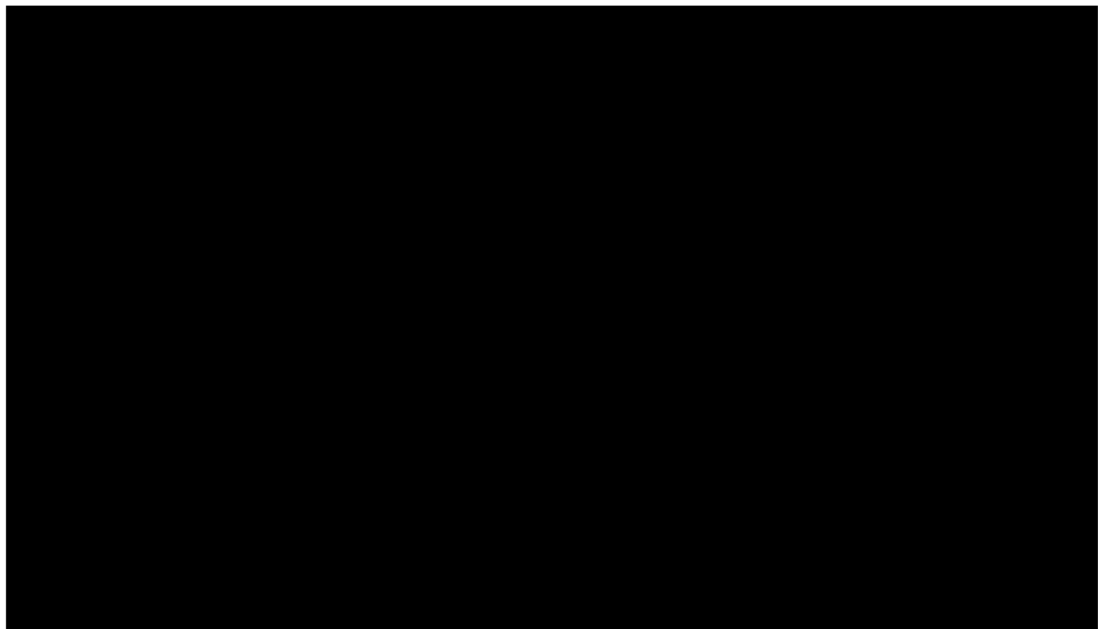




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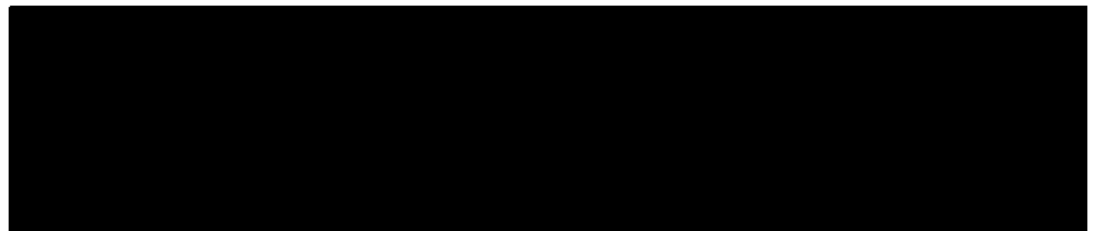
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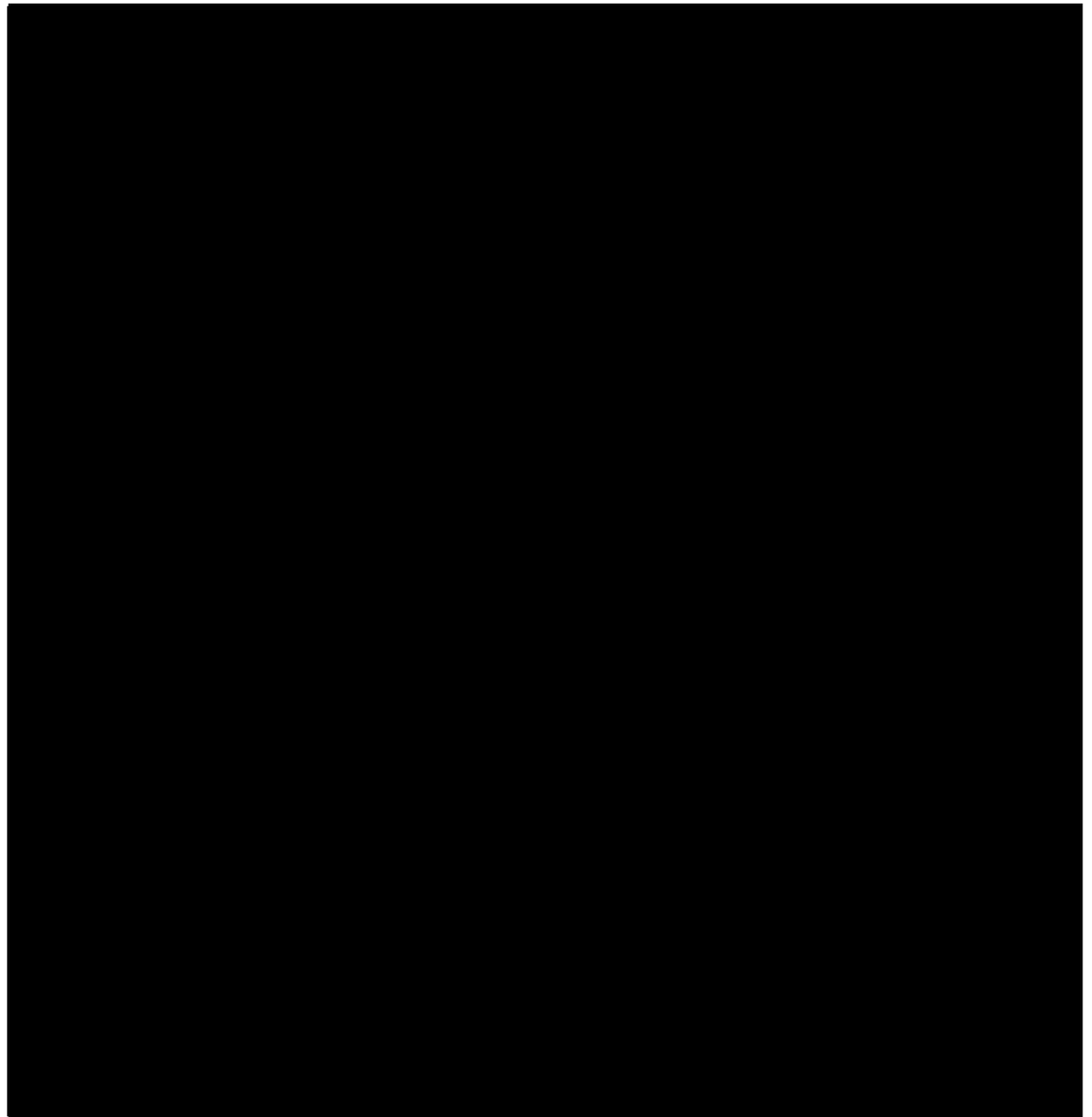


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984856

785115-10-0004

[REDACTED]

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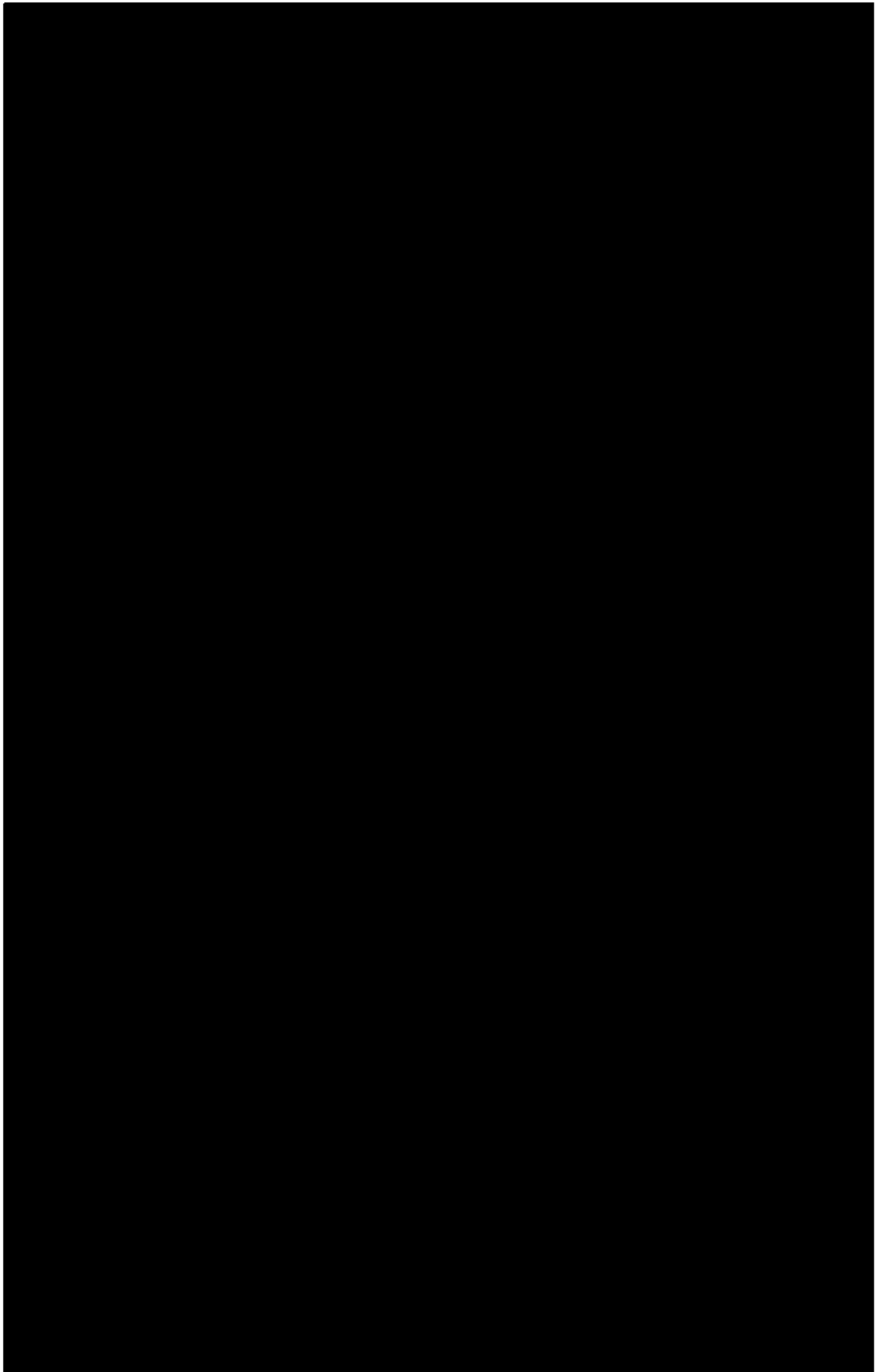
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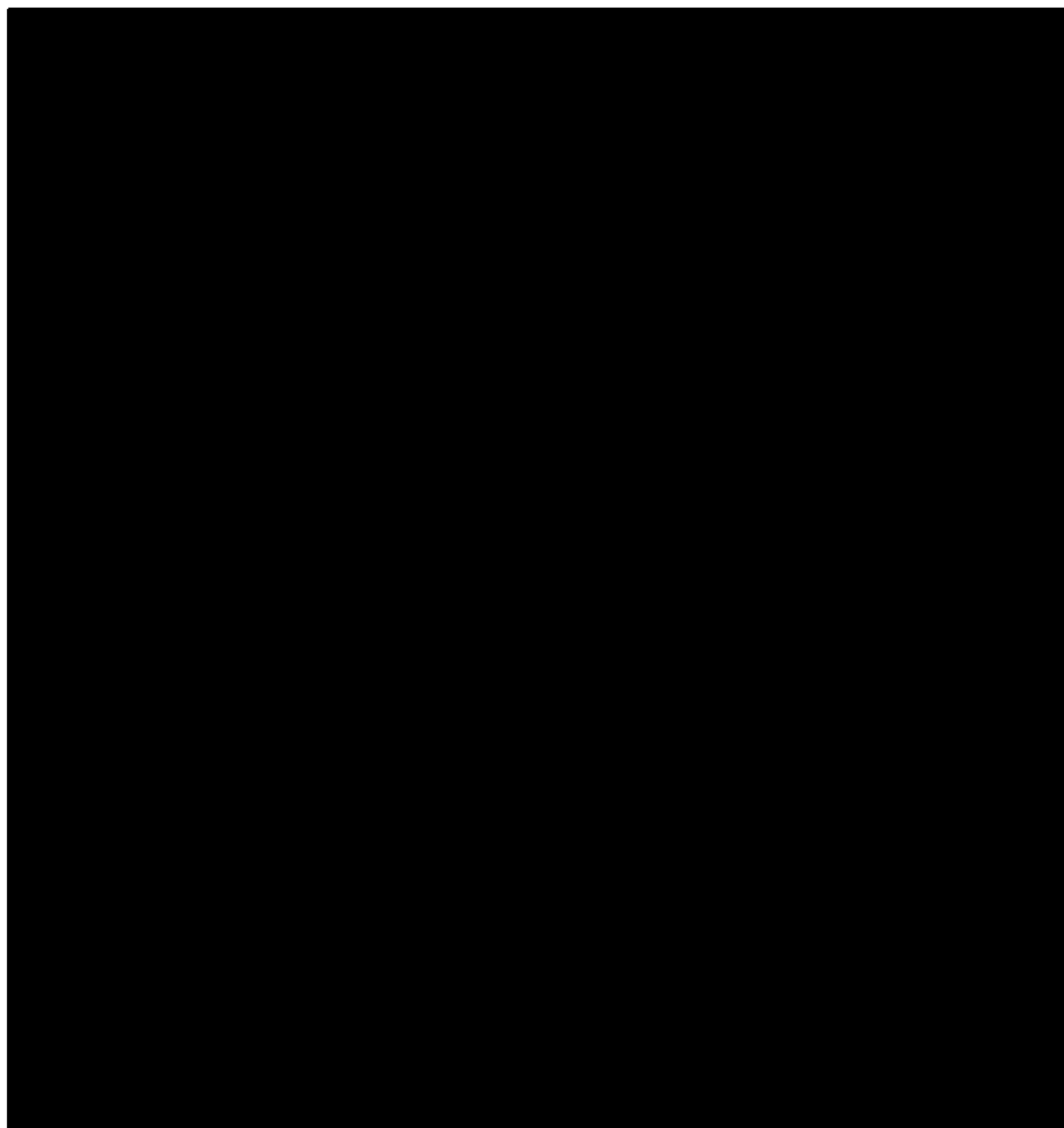
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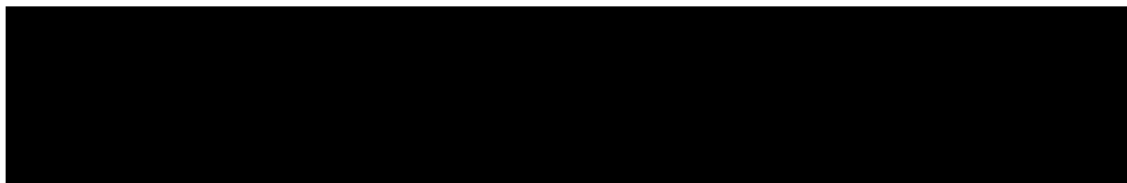
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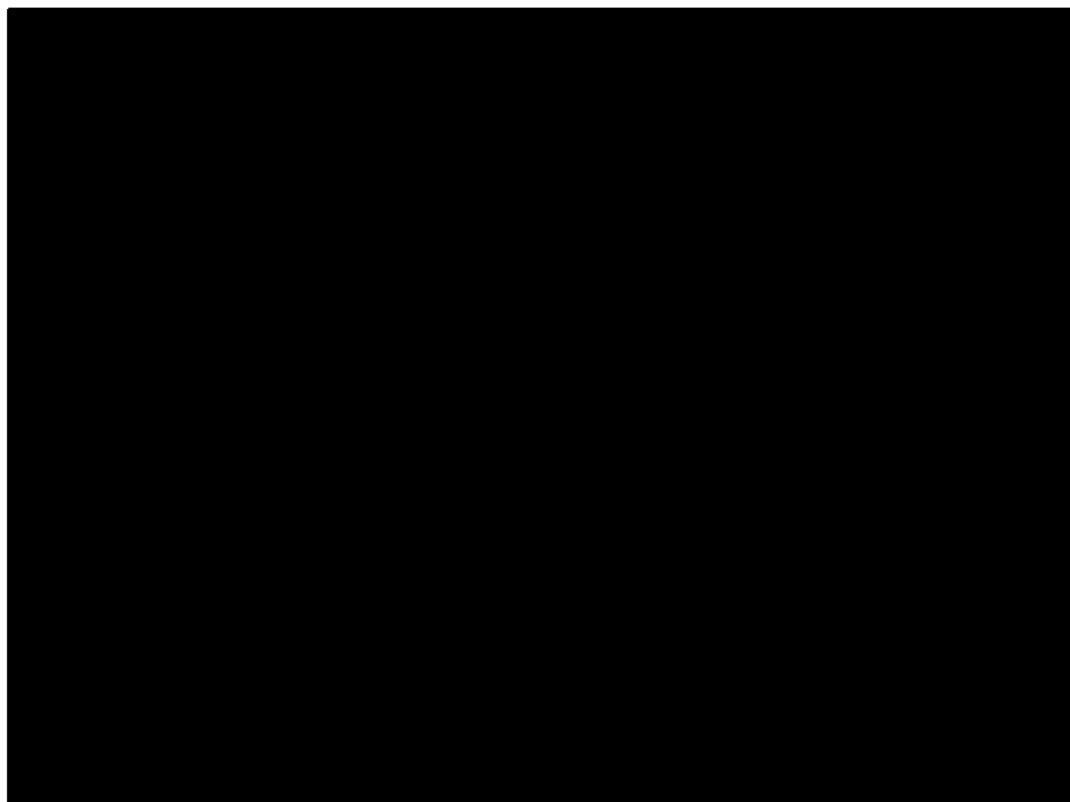




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985326

785115-10-0004



20100304

Open

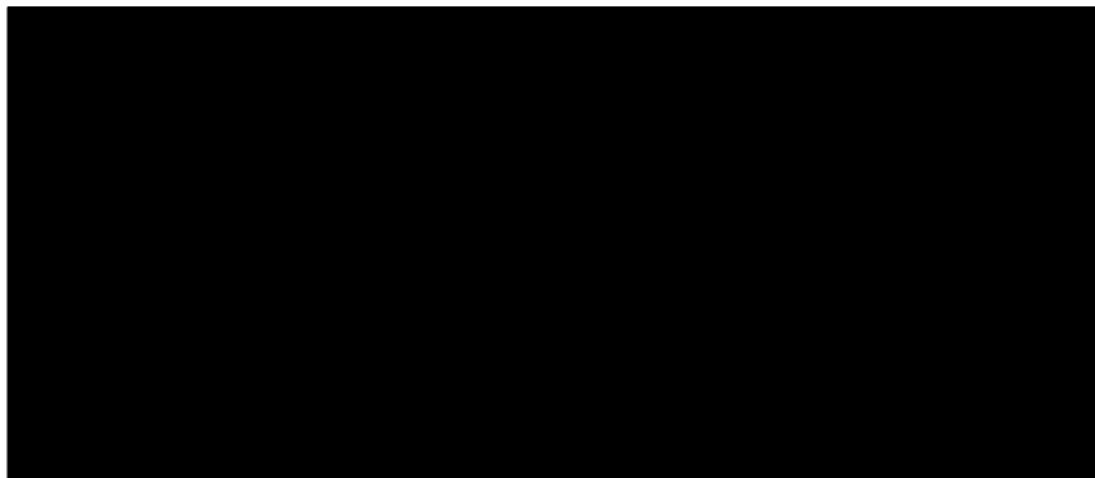
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985326



20100304





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985528

785115-10-0004

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20100304

Open

OTHER (NON-EXPLOSIVE/FIRE)

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985597

785115-10-0004

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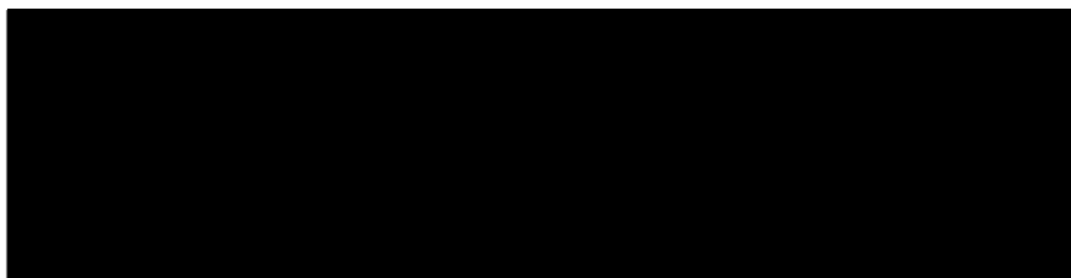
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785115-10-0004

20100308

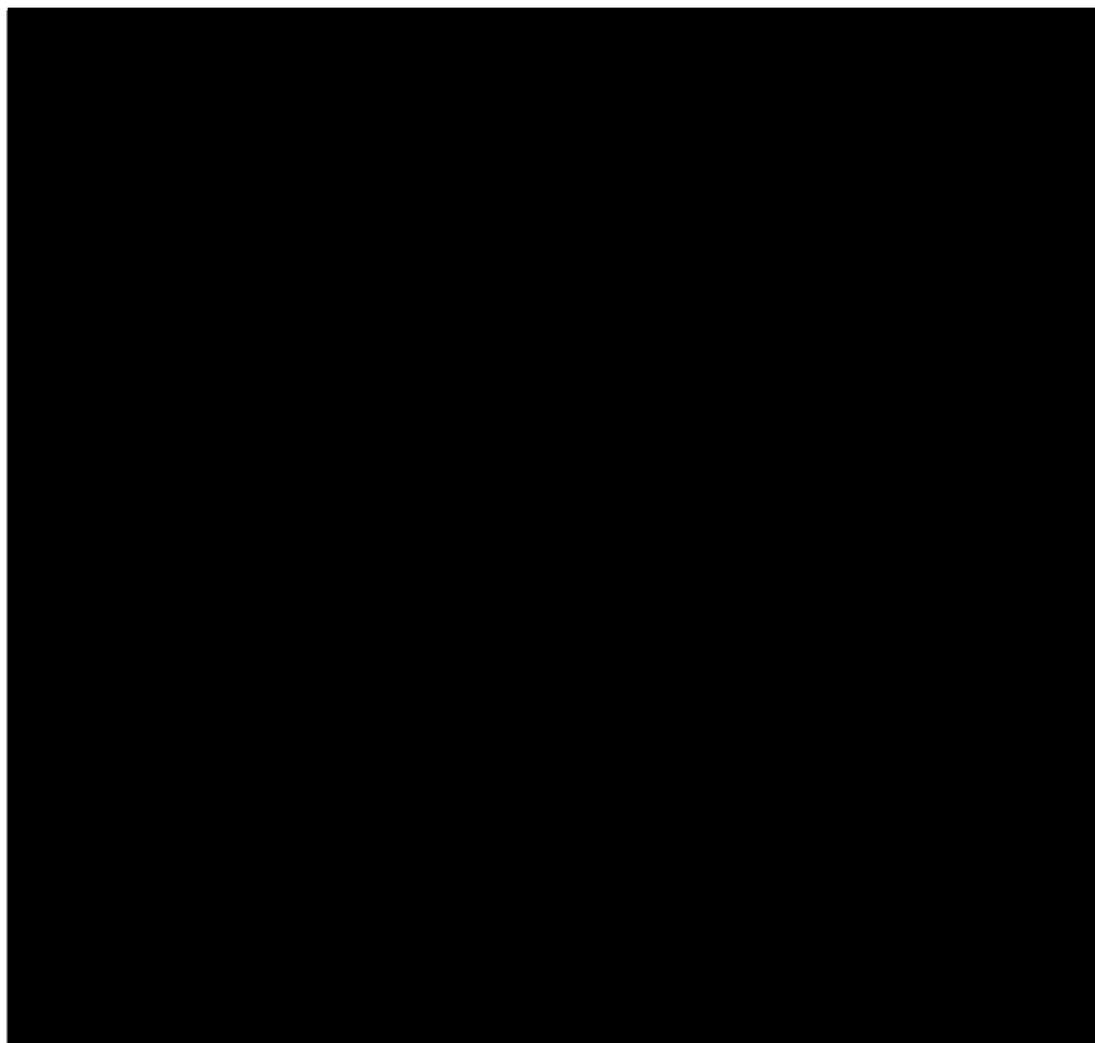
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OTHER (NON-EXPLOSIVE/FIRE)

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20100308





986578

785115-10-0004



20100308

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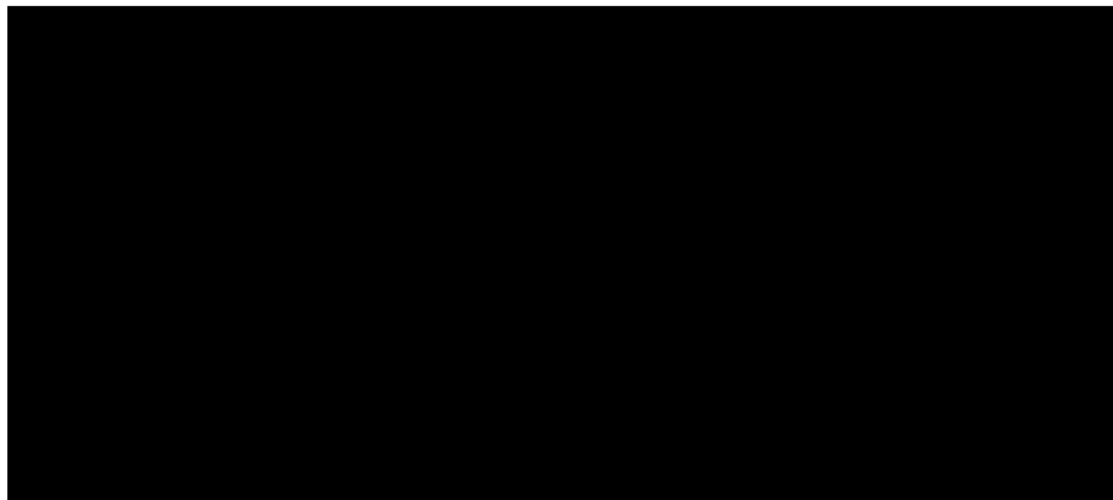
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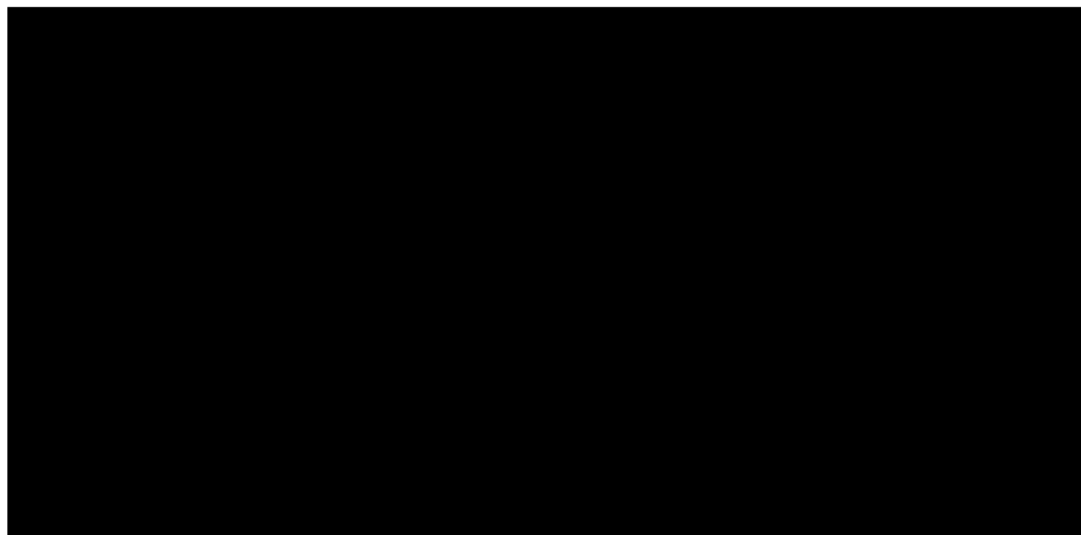


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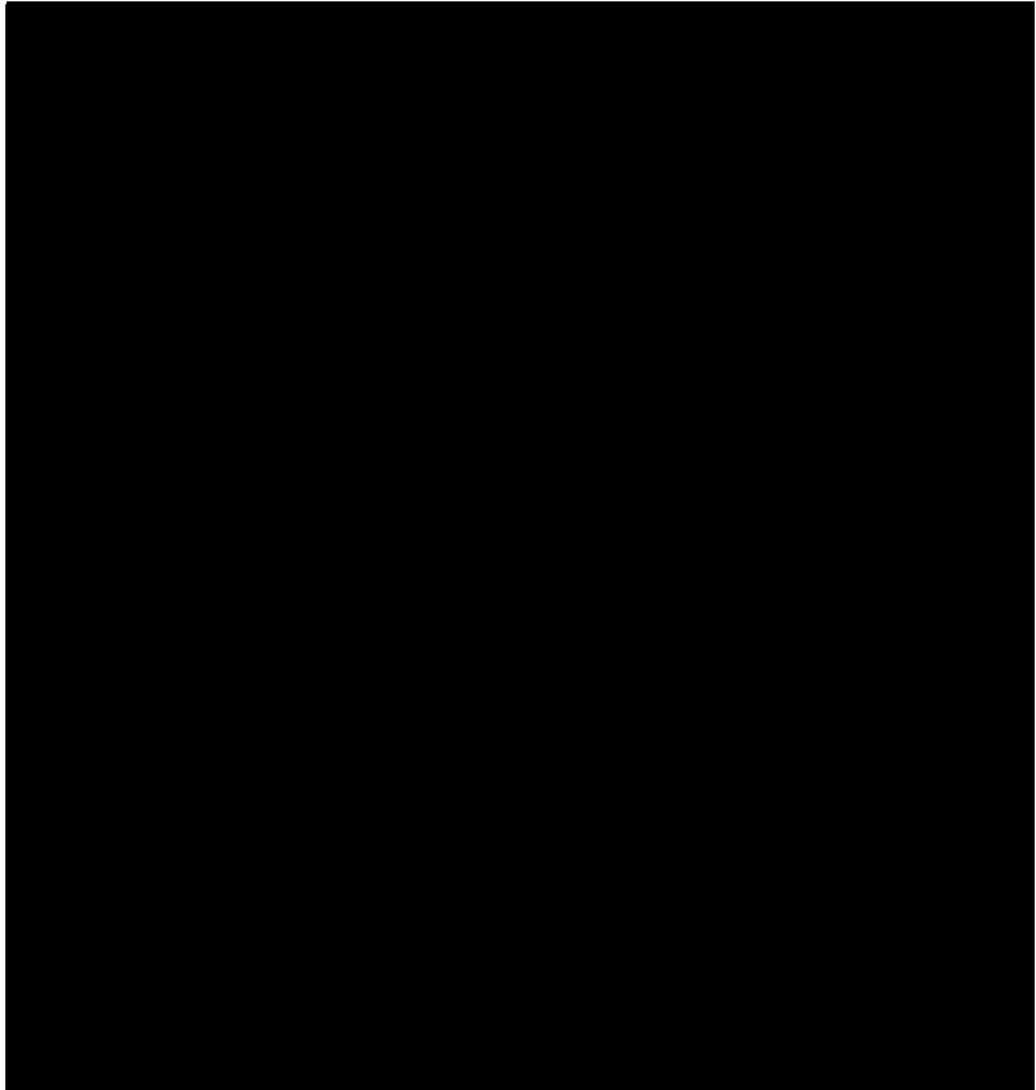


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UNDERCOVER CONTACT  
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986975

20100309



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OTHER (NON-EXPLOSIVE/FIRE)  
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785115-10-0004

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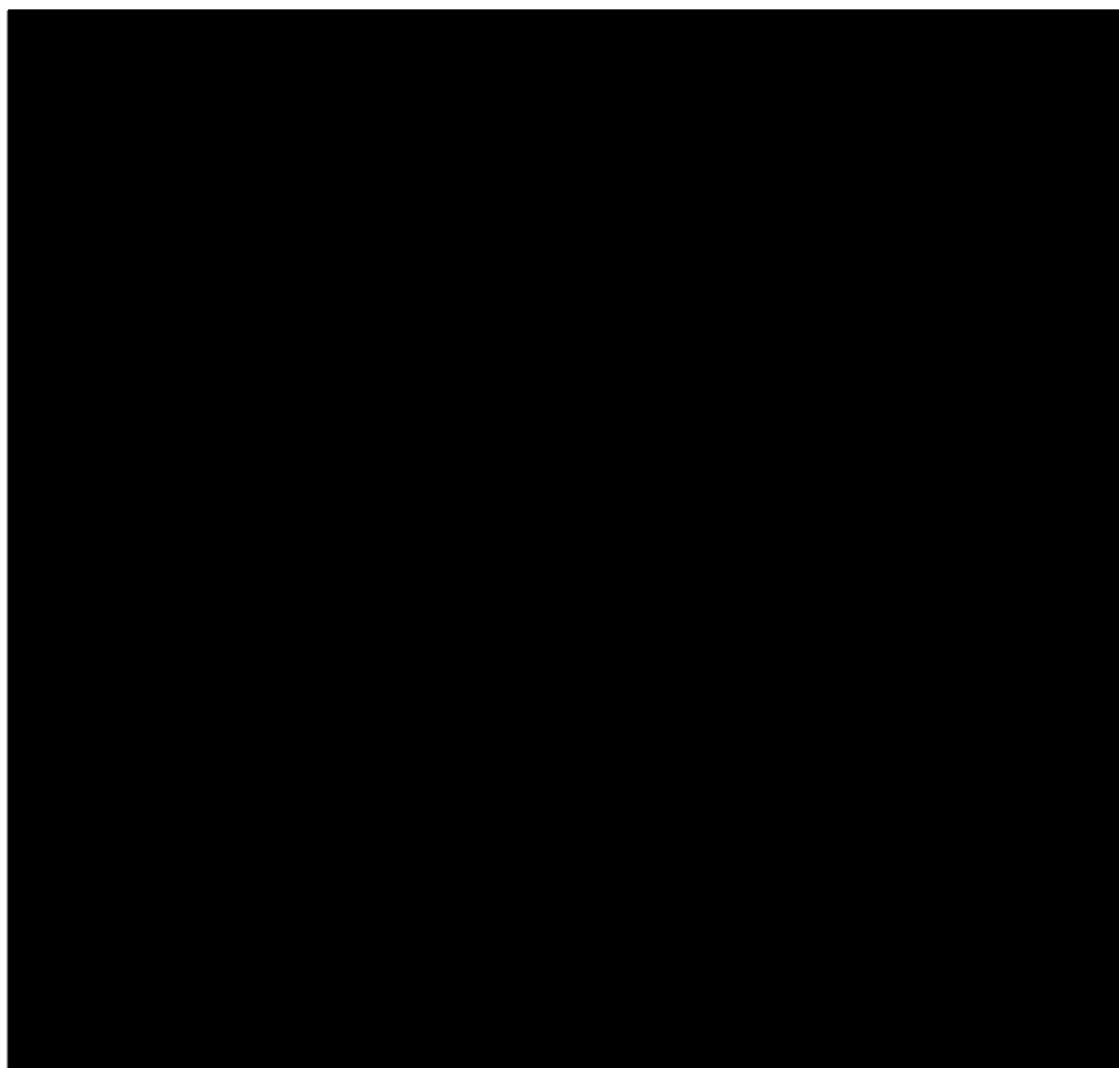
UNDERCOVER CONTACT

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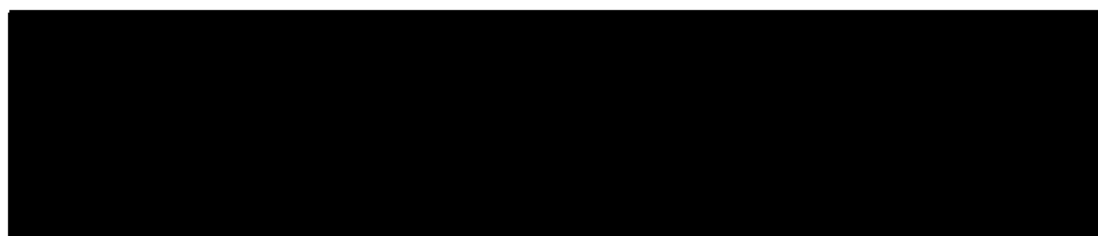
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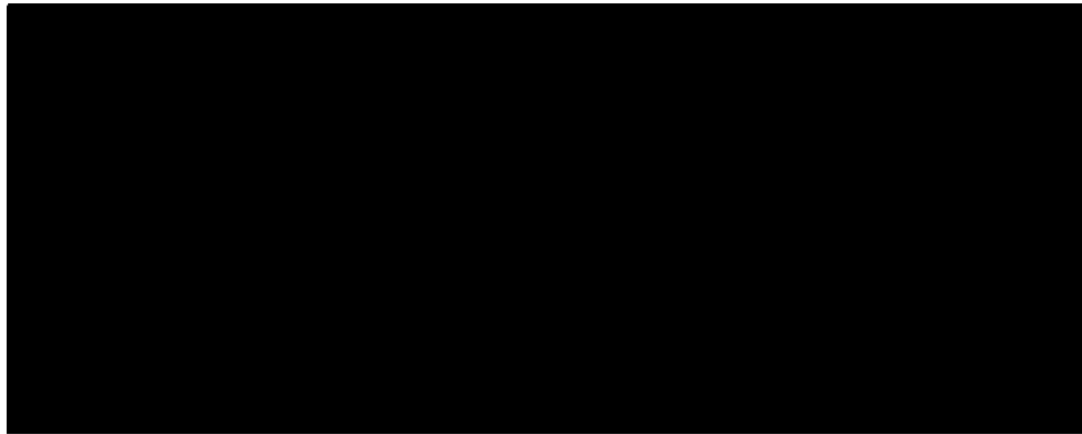
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988003  
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988171

785115-10-0004



20100312

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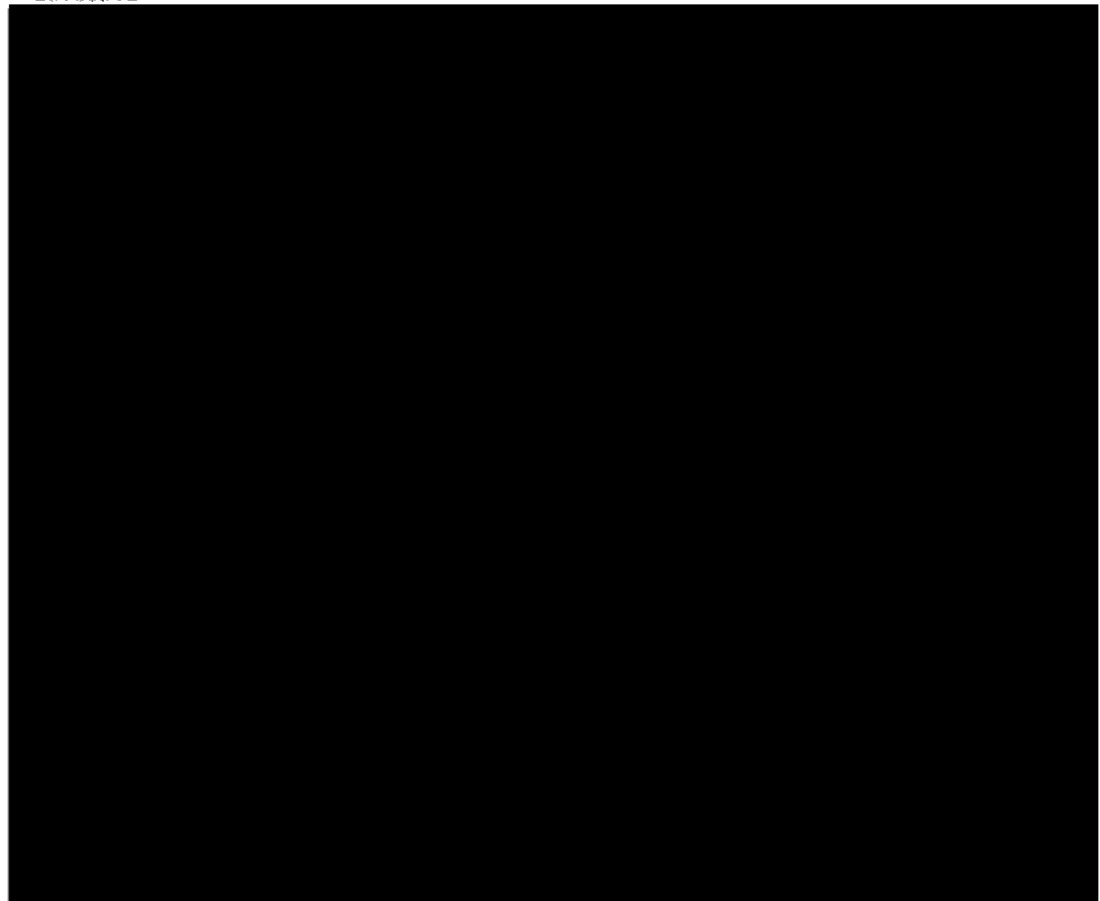
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20100312





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785115-10-0004

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Open

CONTACT INTERVIEW

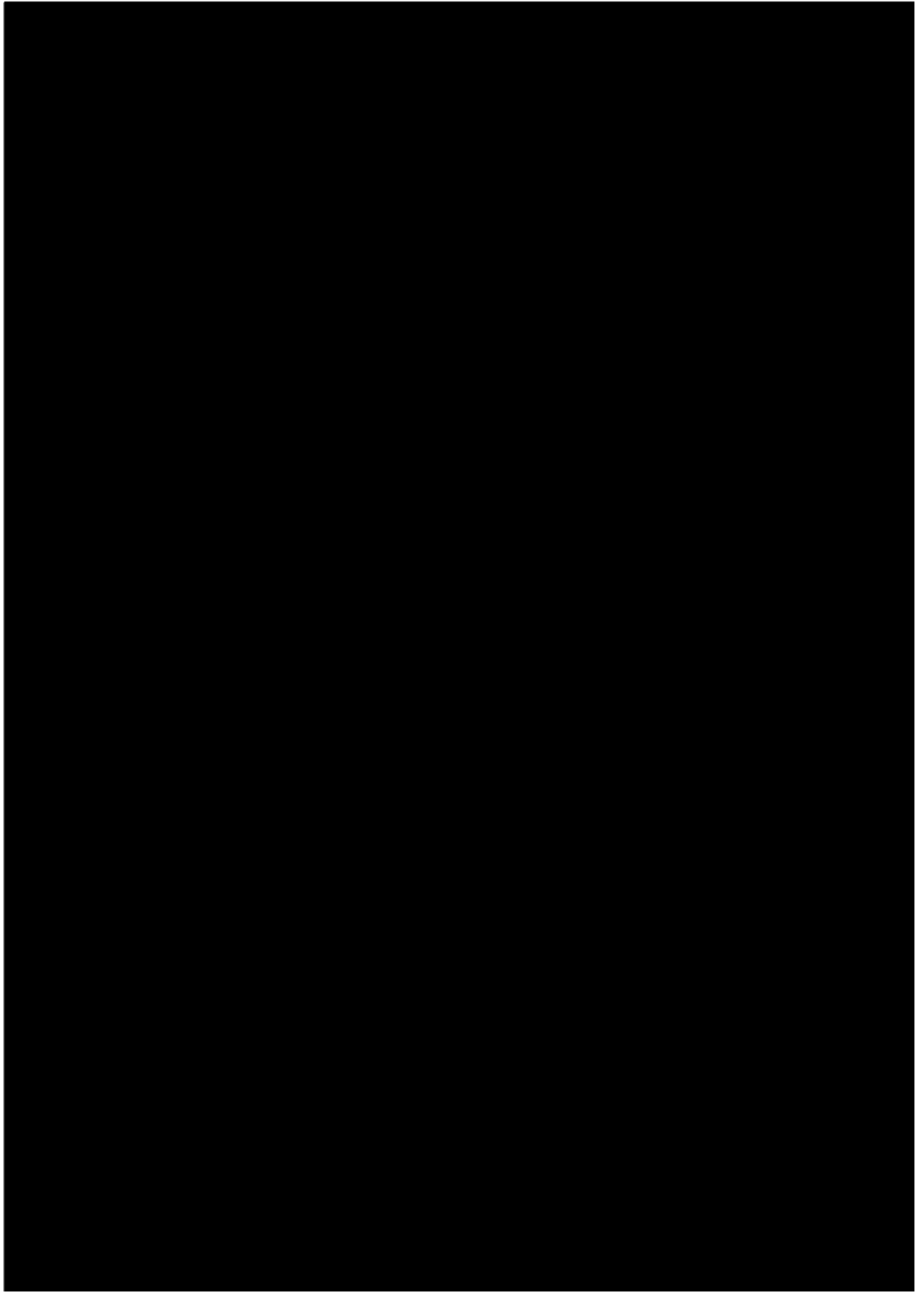
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785115-10-0004

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OTHER (NON-EXPLOSIVE/FIRE)

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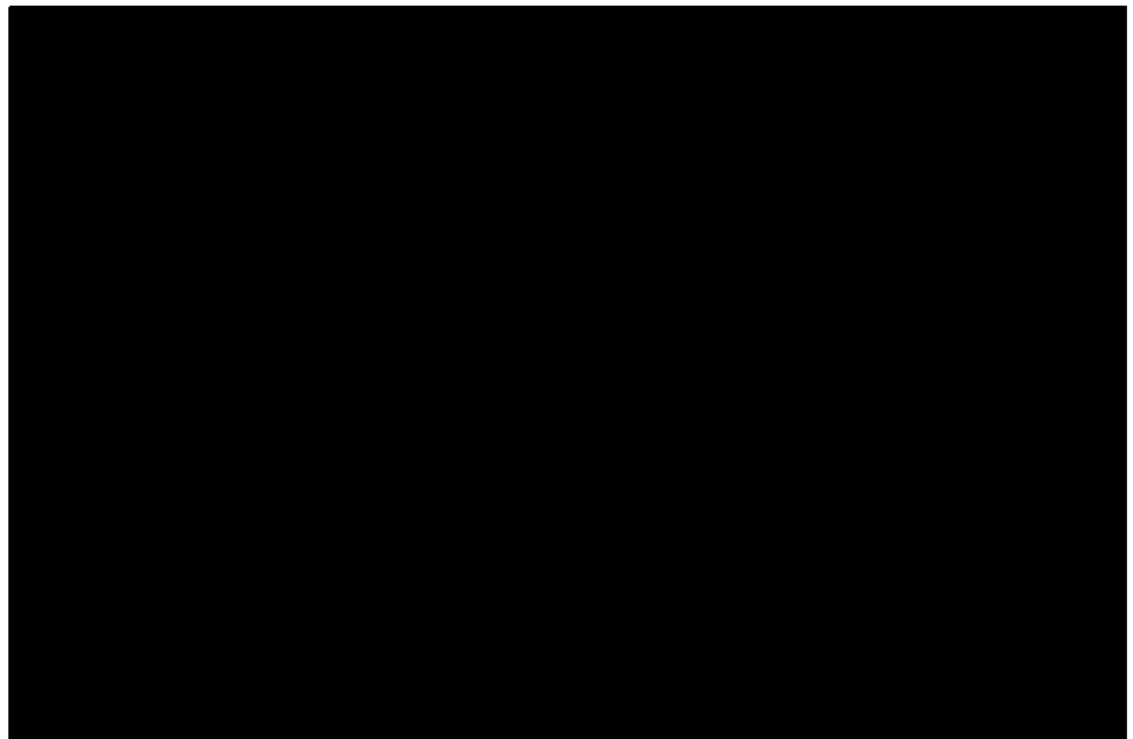
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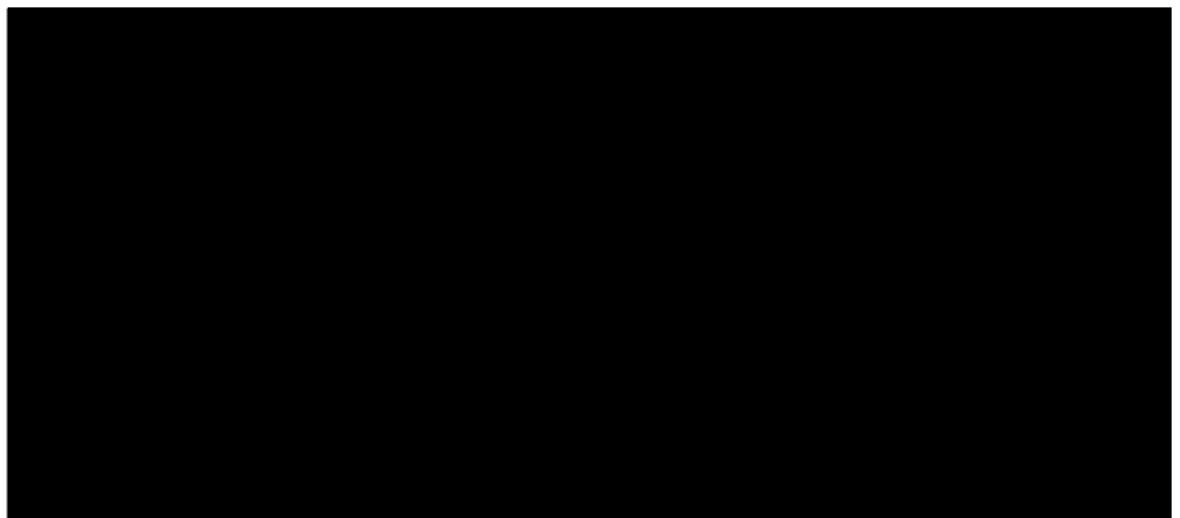
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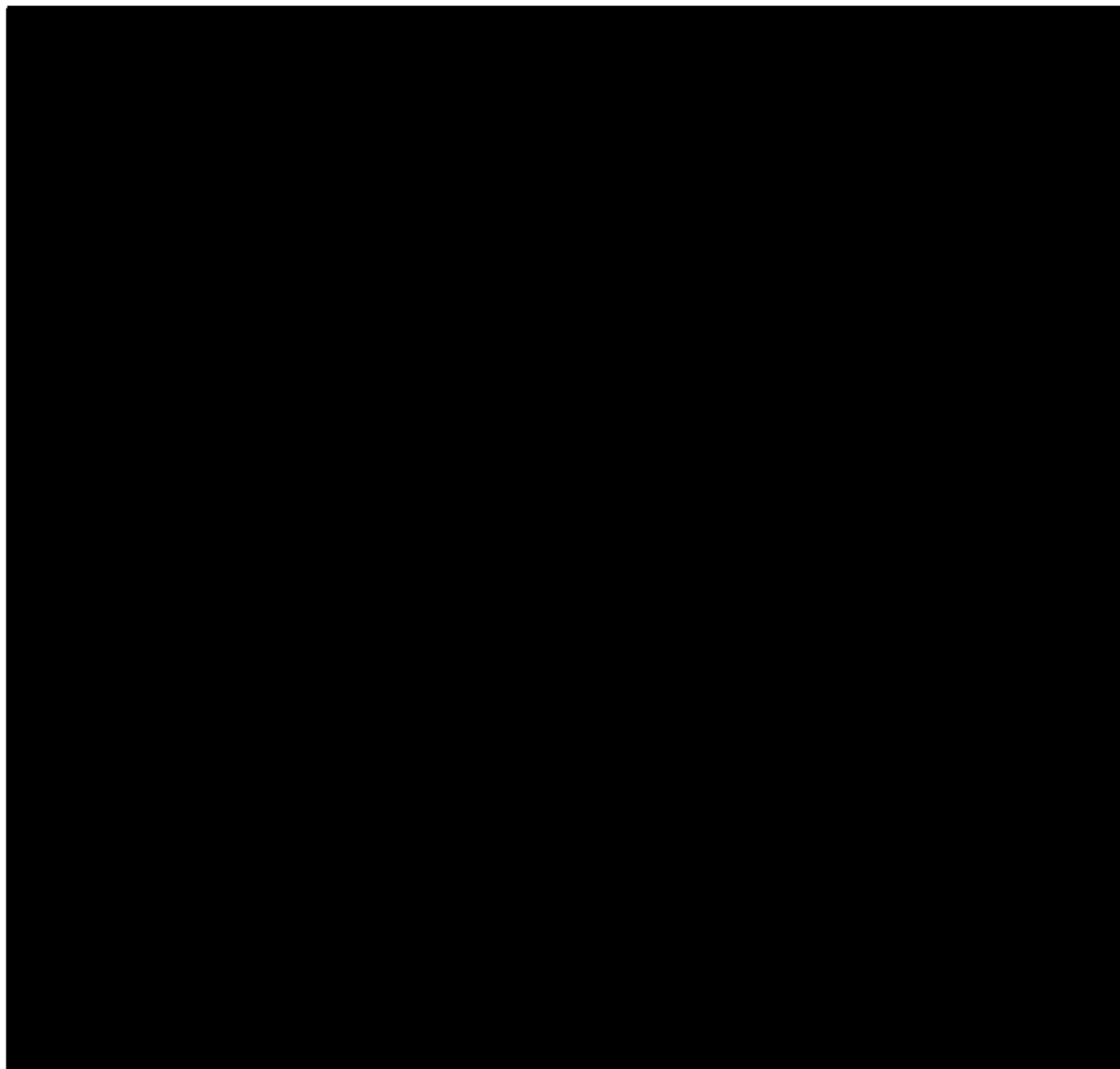
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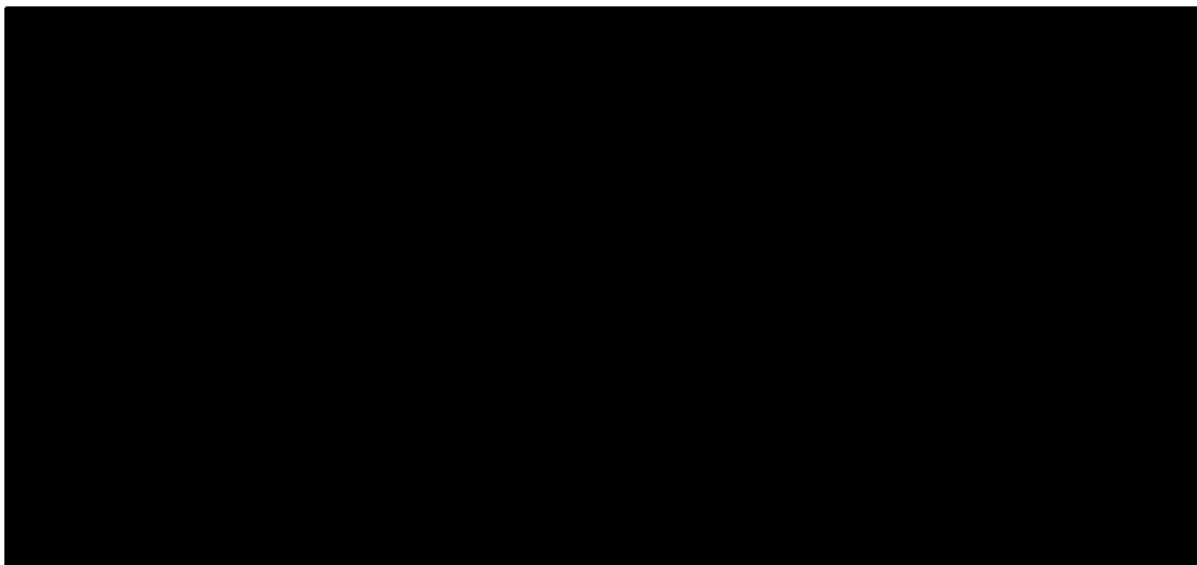
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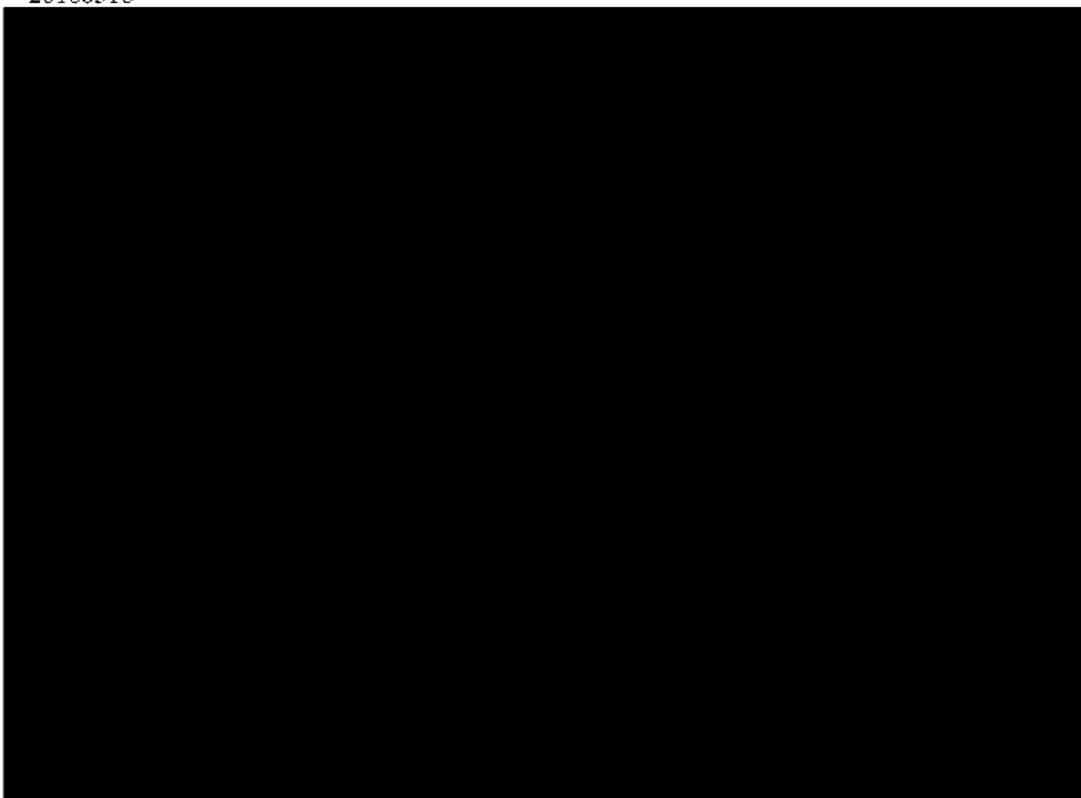
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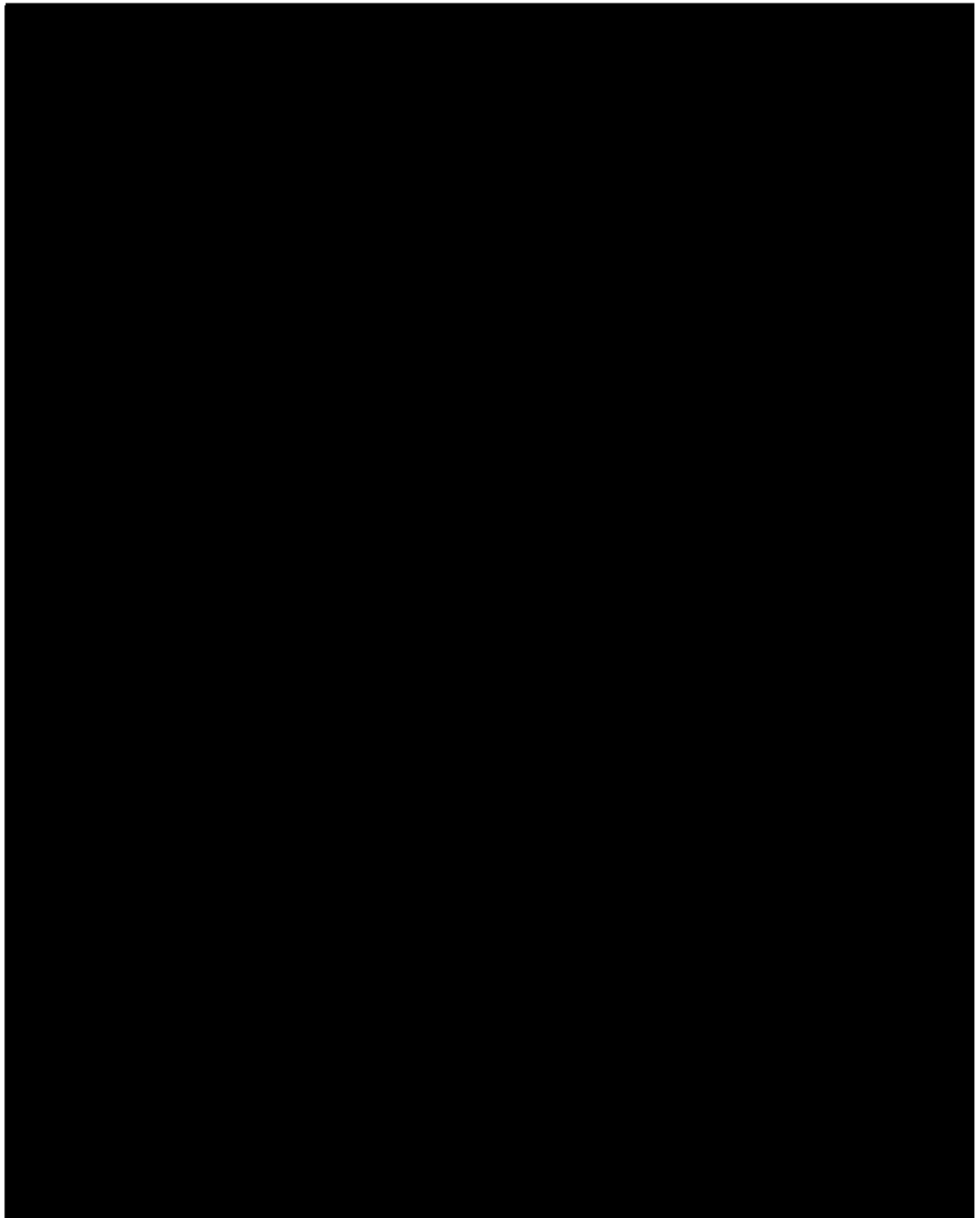
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989486

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OTHER (NON-EXPLOSIVE/FIRE)

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785115-10-0004

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OTHER (NON-EXPLOSIVE/FIRE)

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989502

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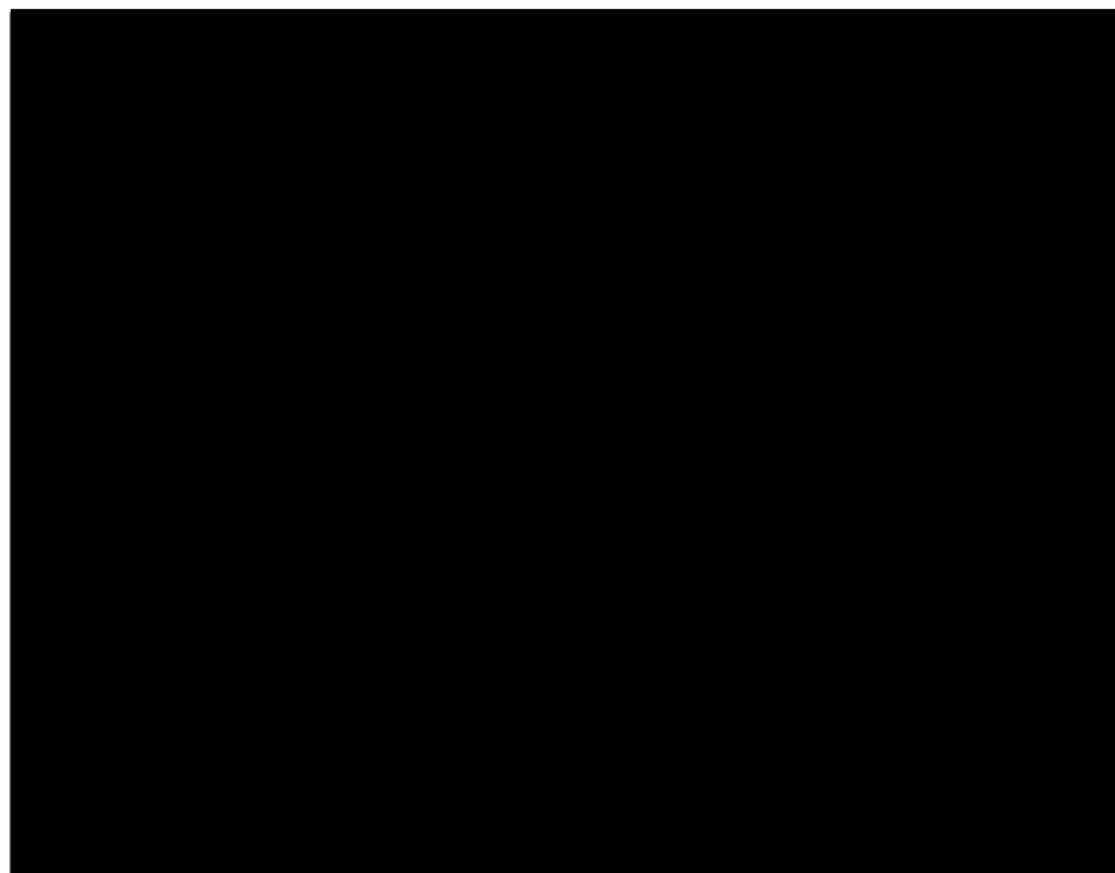
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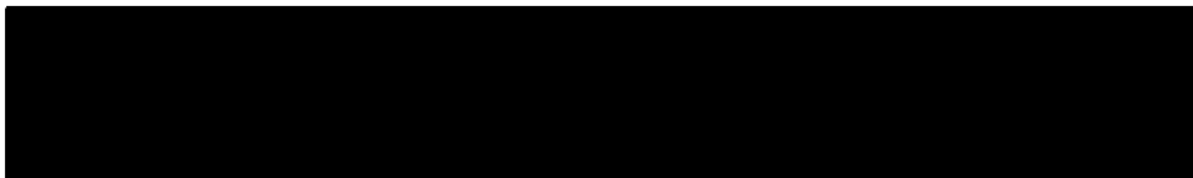
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785115-10-0004



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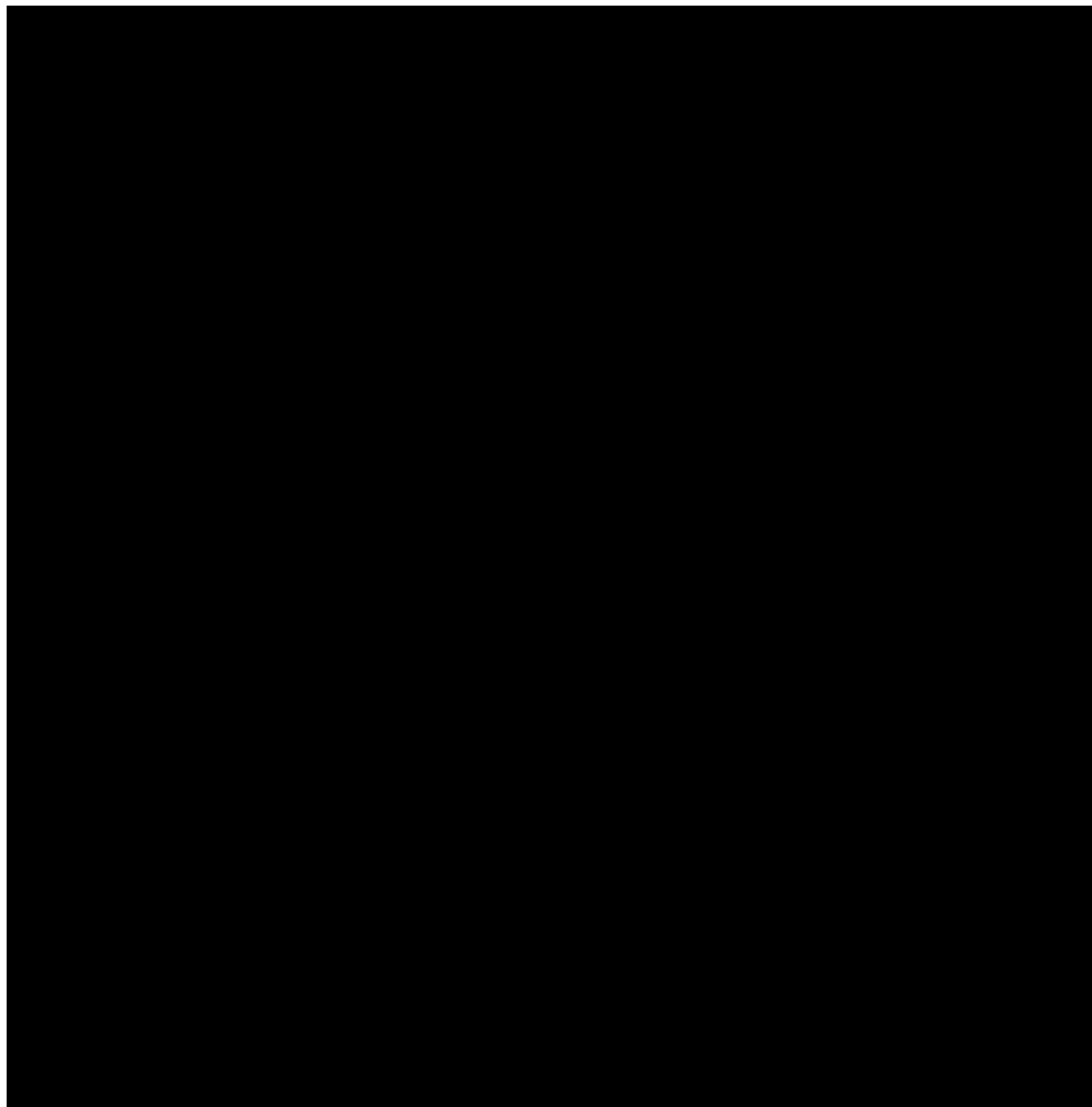
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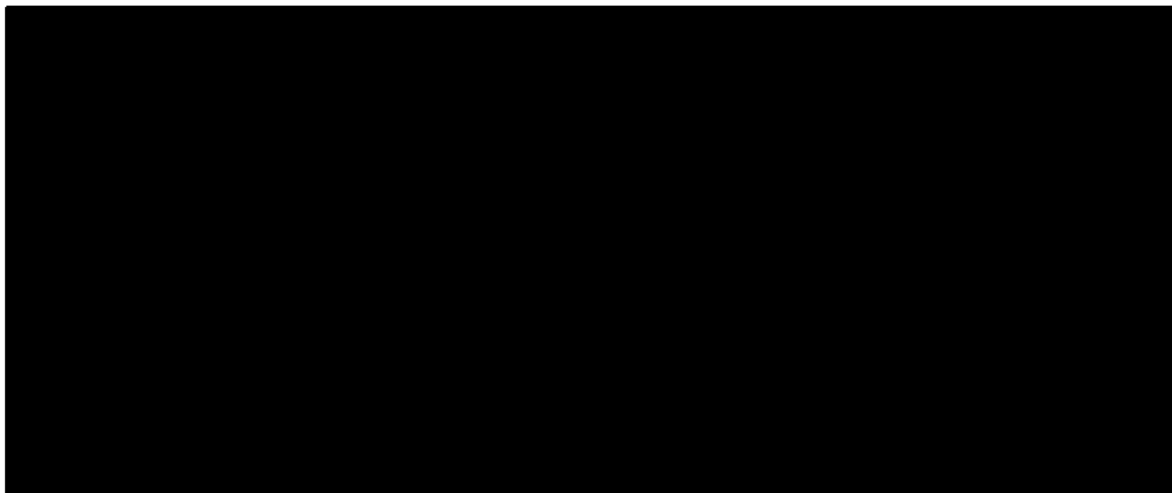
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989849

785115-10-0004



20100317

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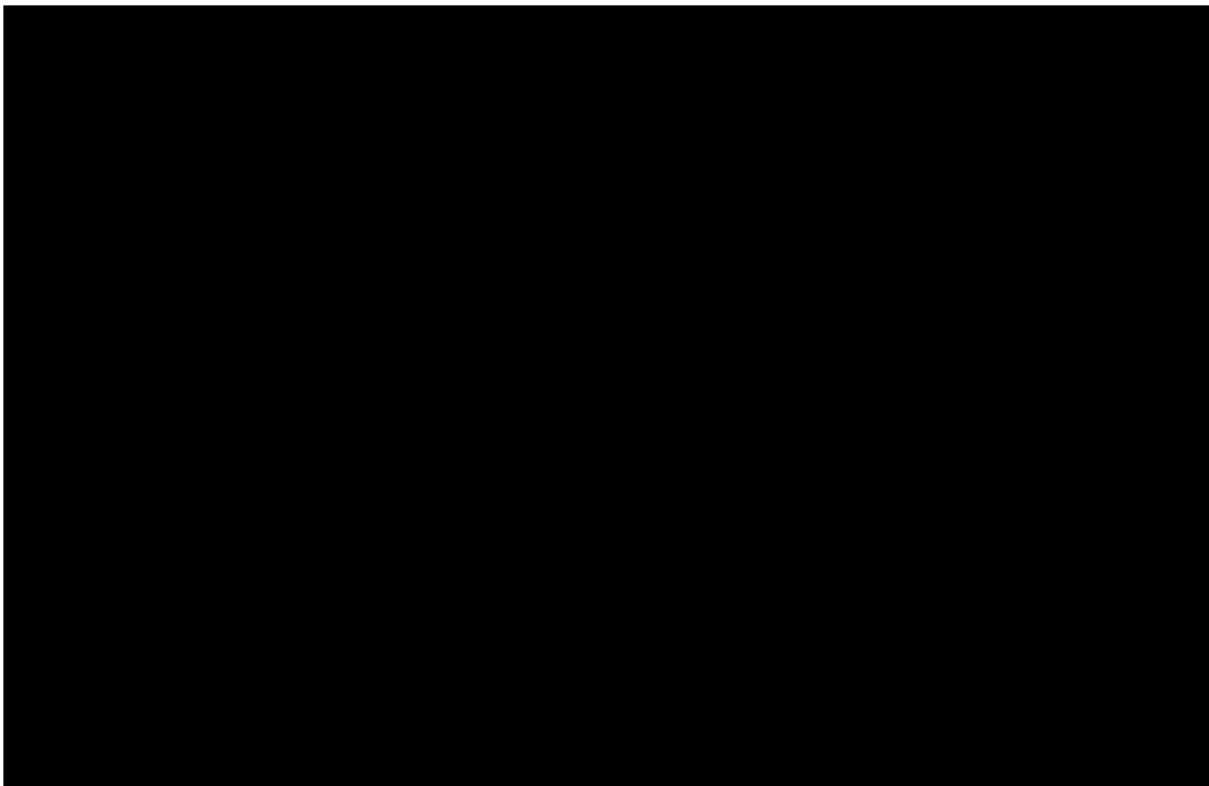
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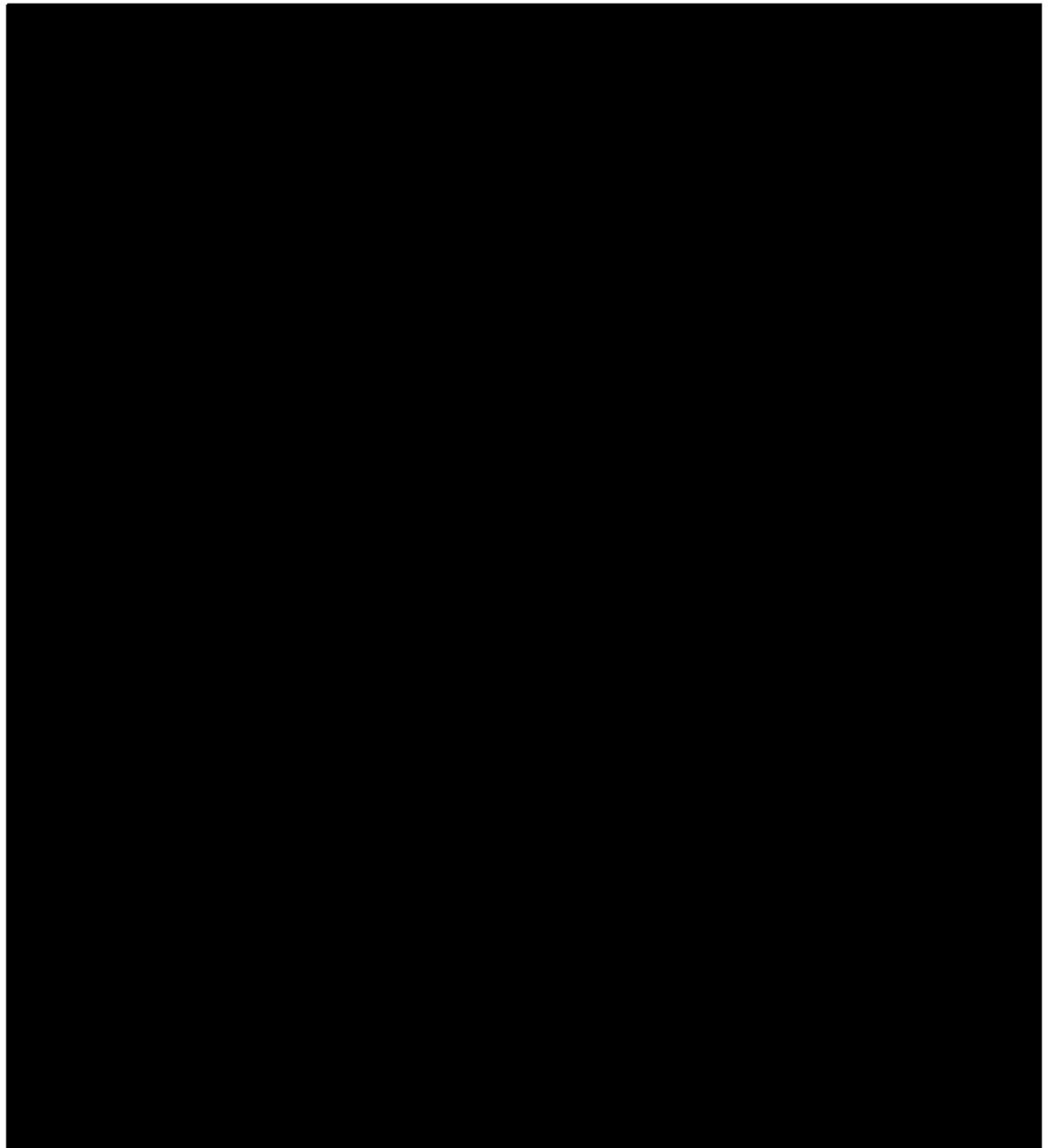
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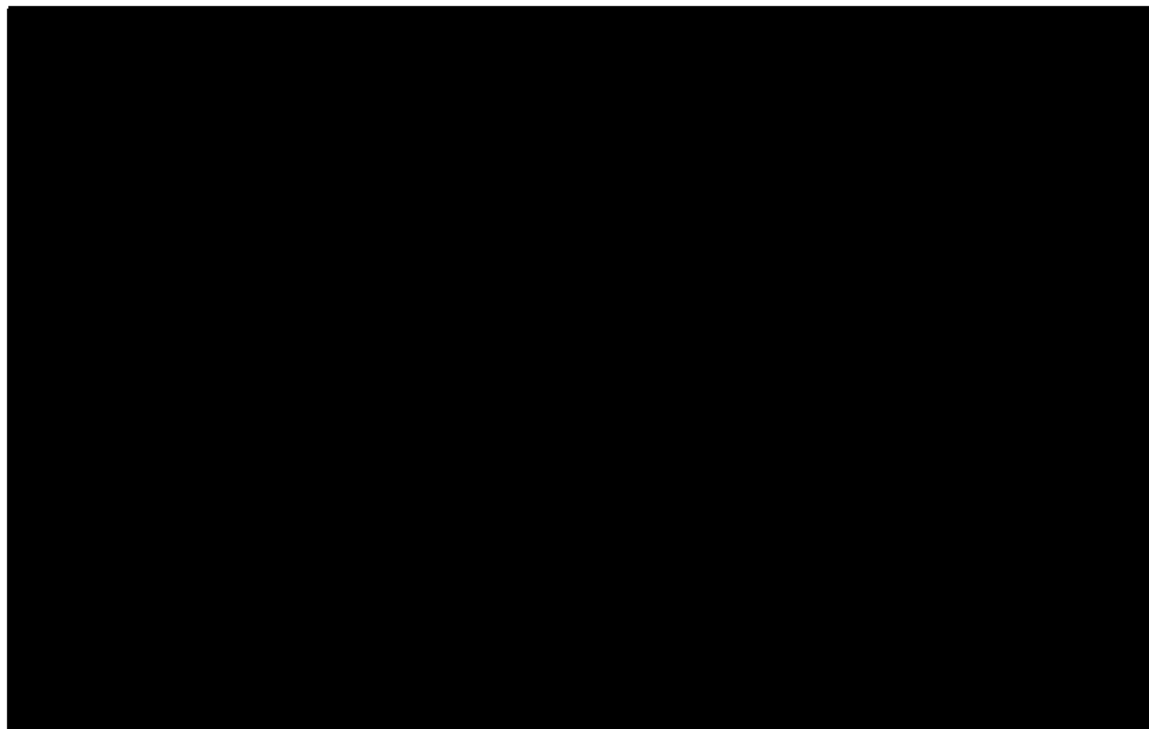
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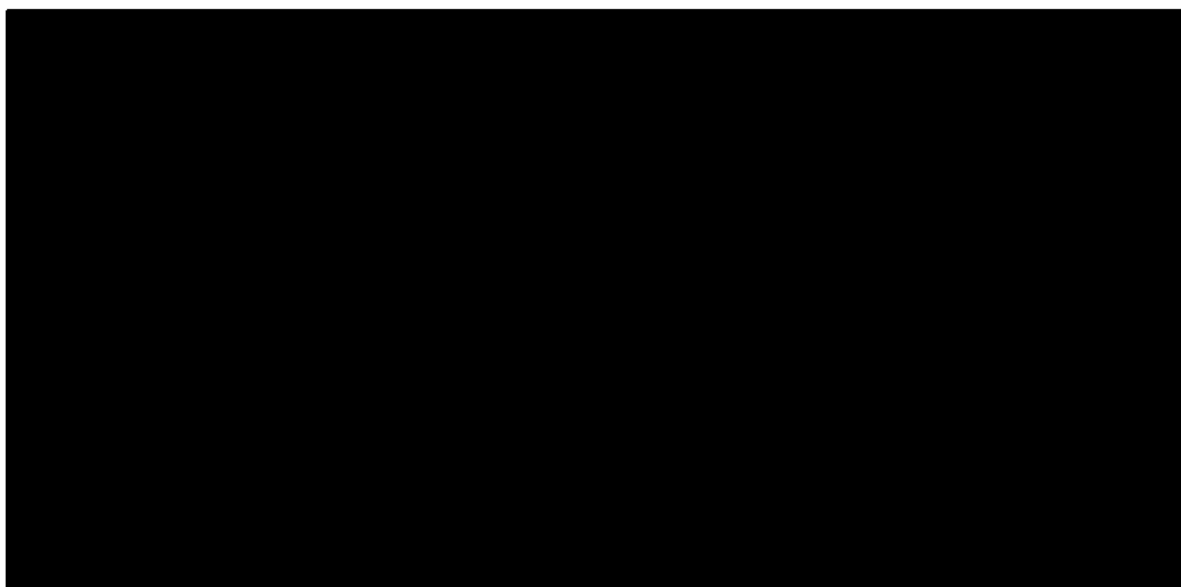
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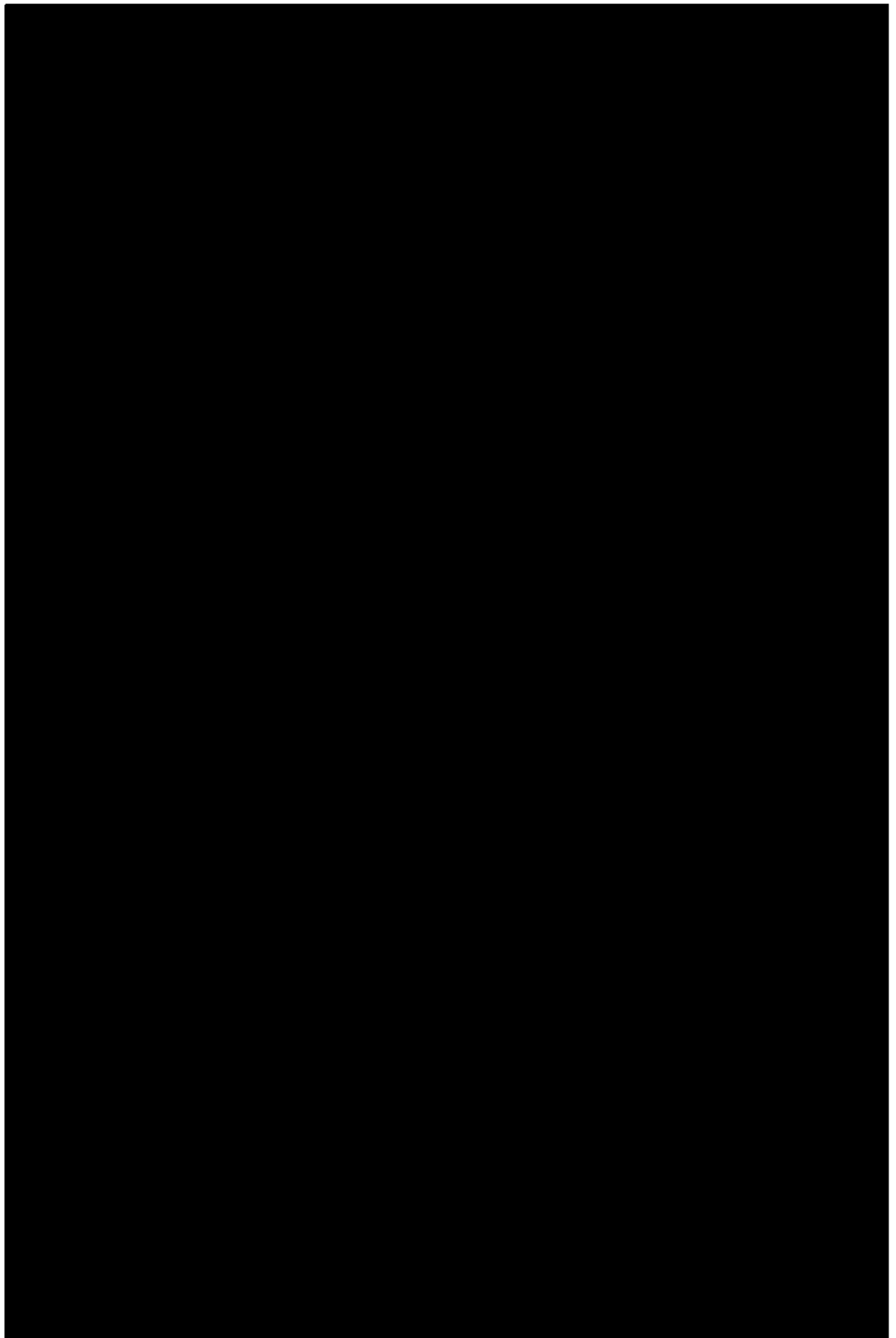
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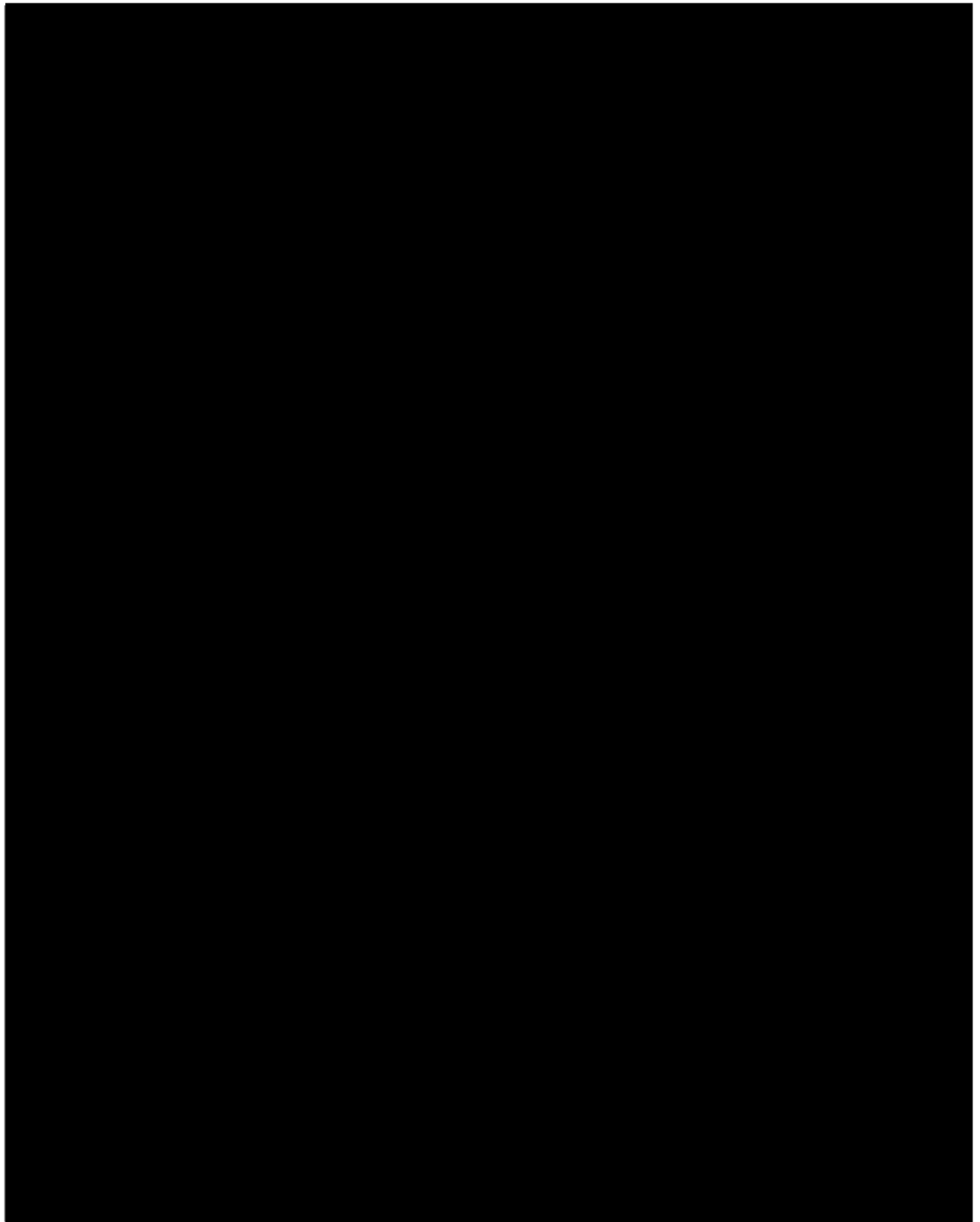


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SURVEILLANCE  
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990265  
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990283

785115-10-0004



20100316

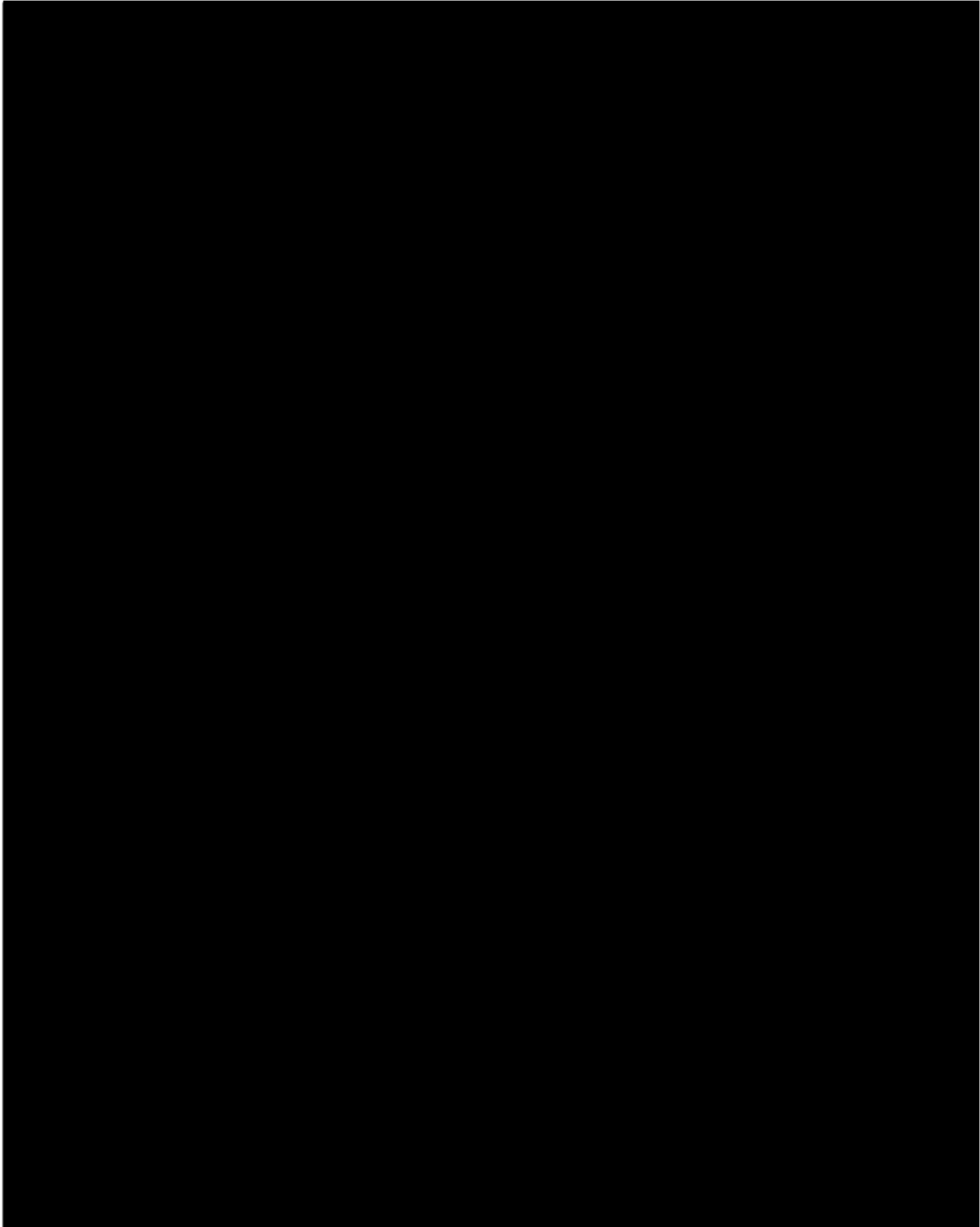
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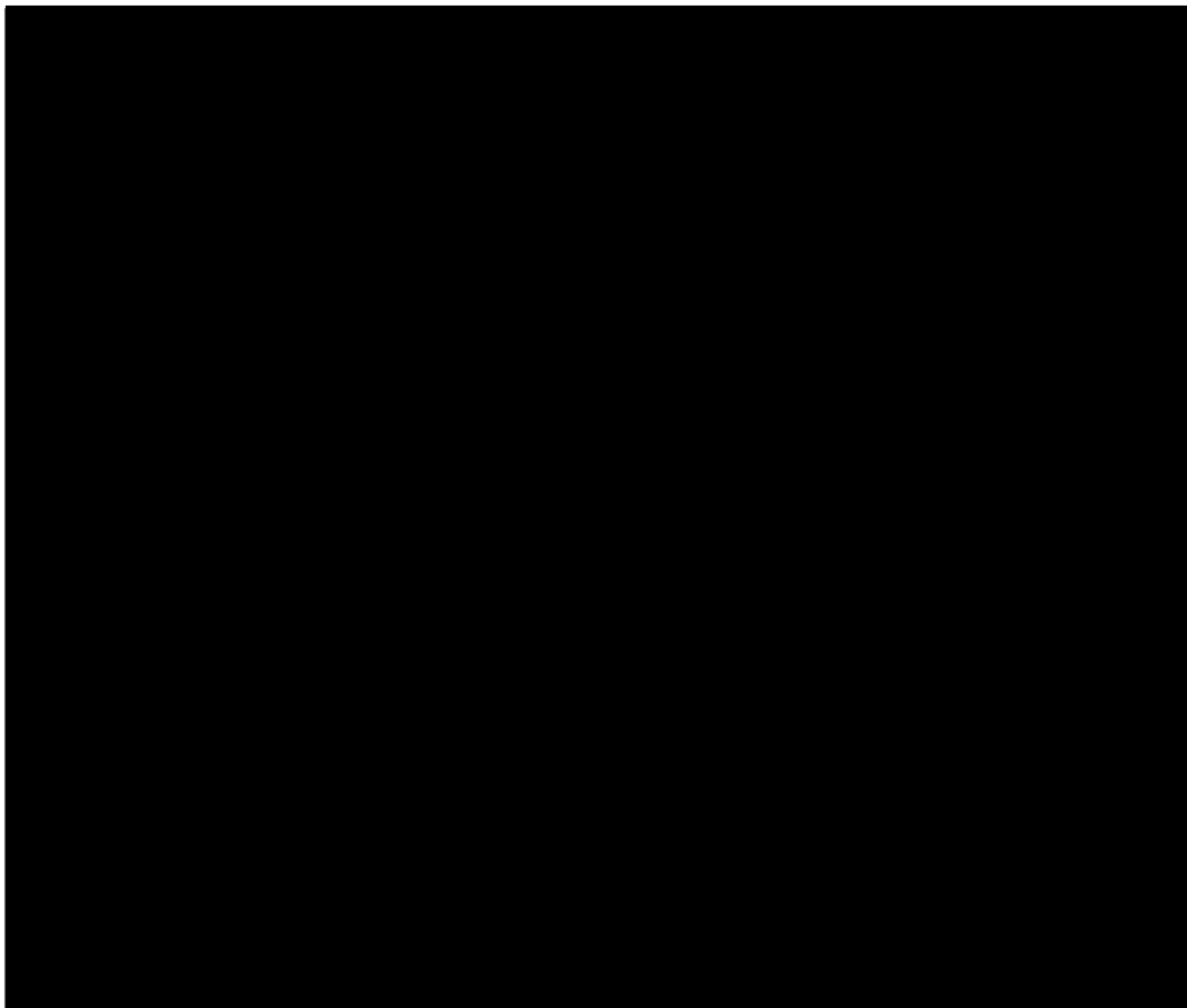


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785115-10-0004



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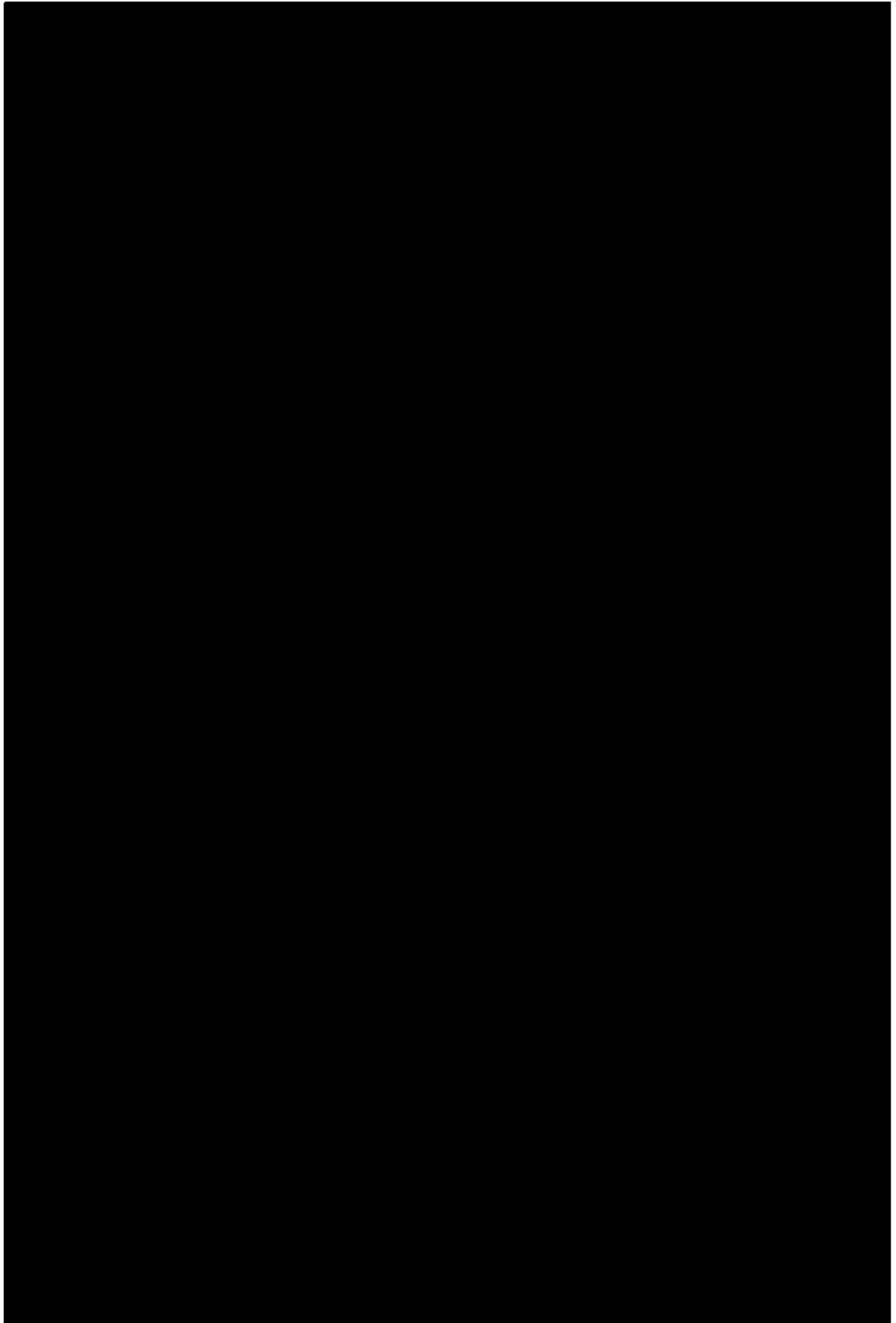
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990299

20100318





990303

785115-10-0004



20100318

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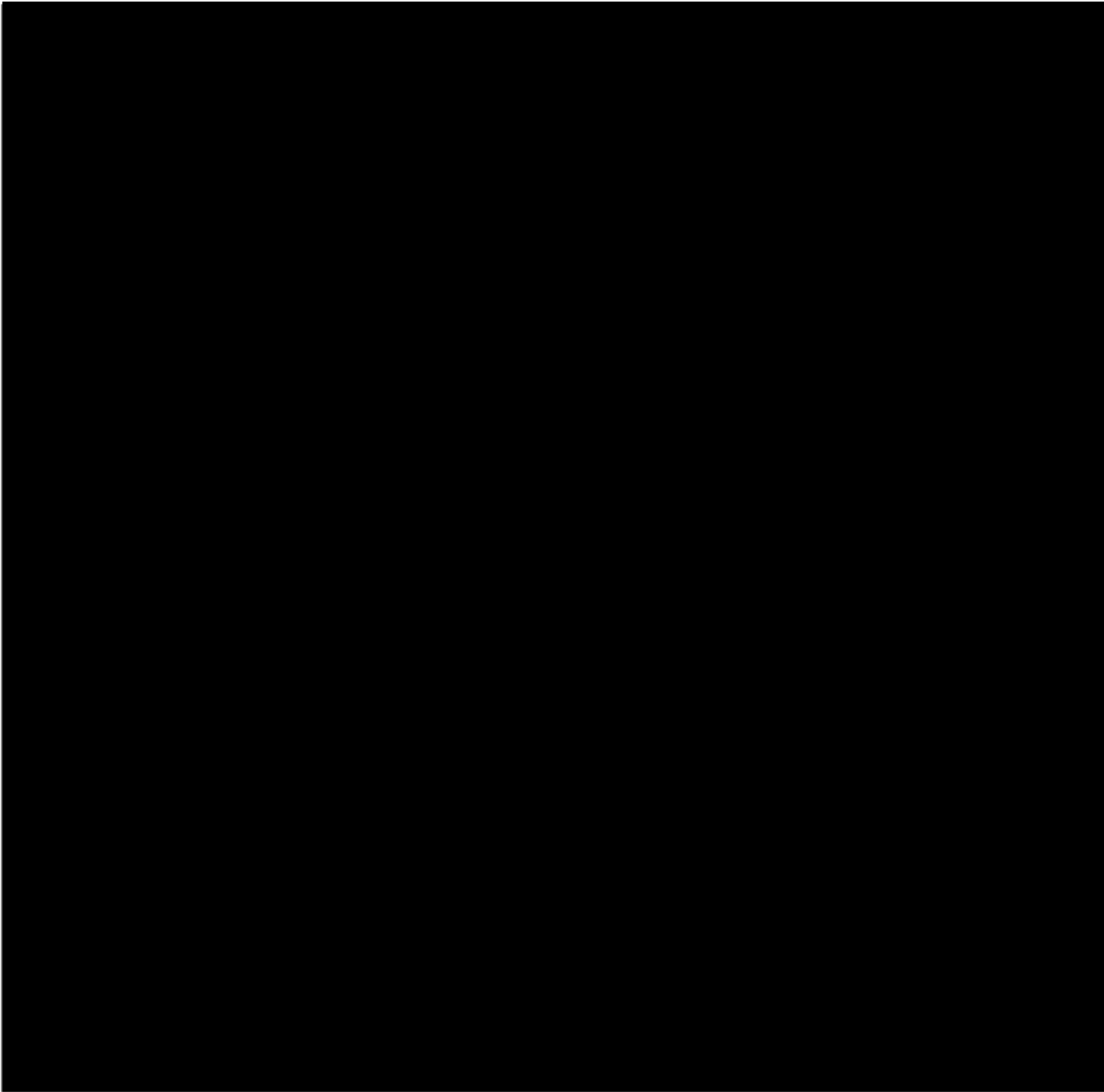
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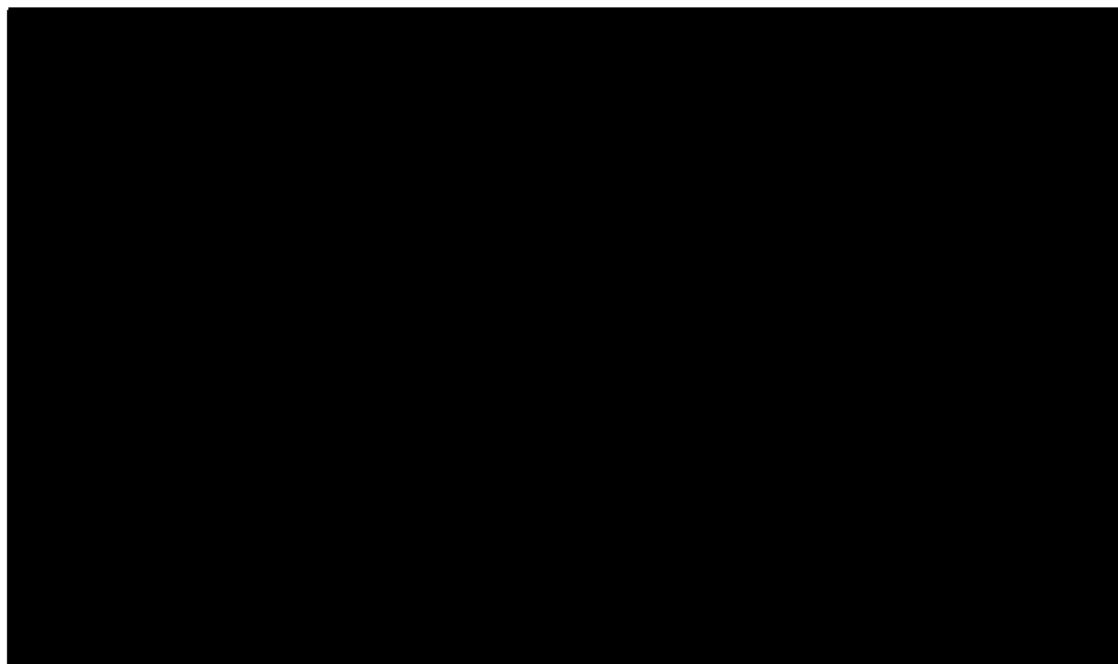
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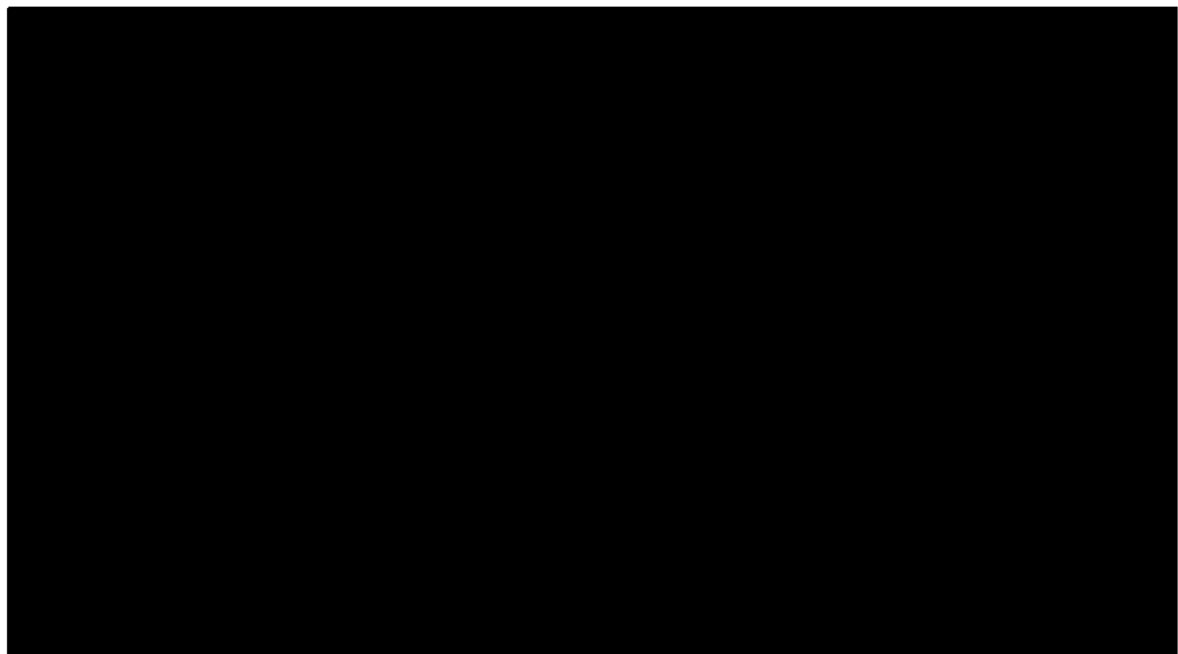
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990613  
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UNDERCOVER CONTACT  
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990613  
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20100311



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990629

785115-10-0004

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20100313

Open

UNDERCOVER CONTACT

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990629

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785115-10-0004

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20100319

Open

OTHER (NON-EXPLOSIVE/FIRE)

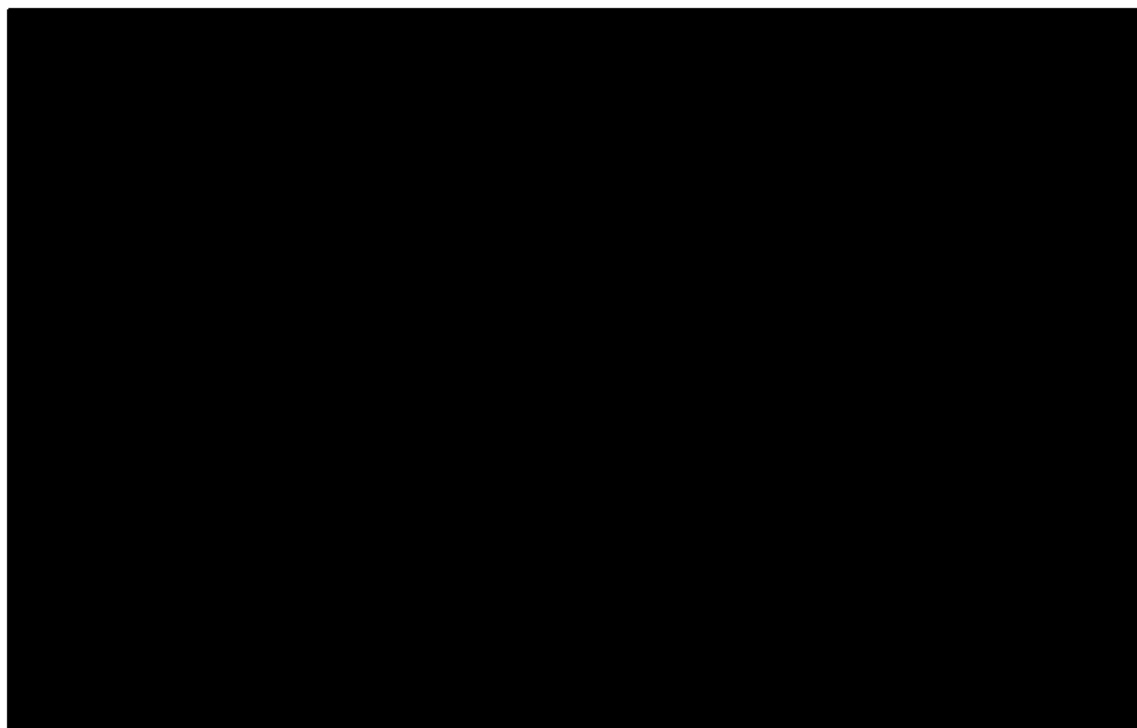
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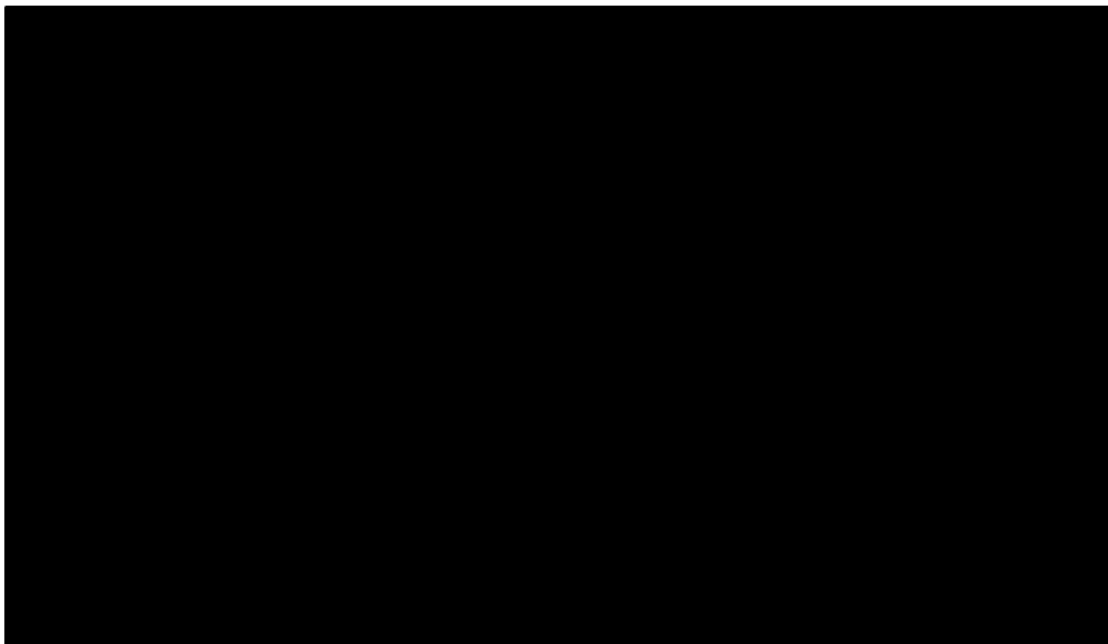
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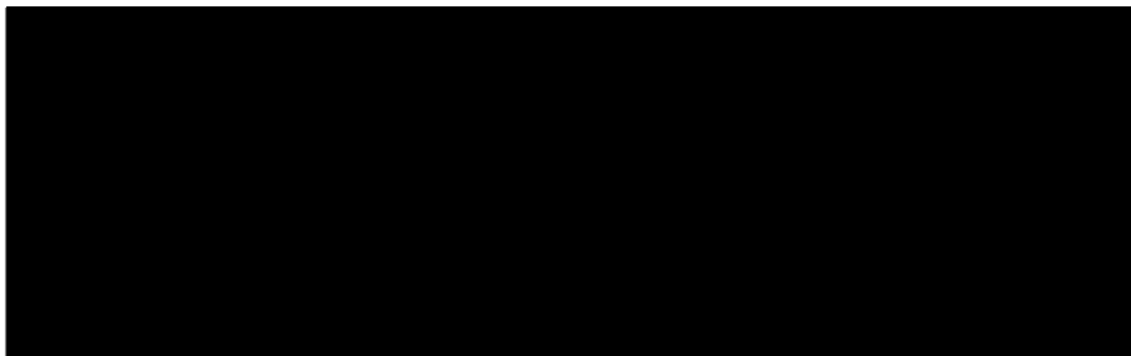
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OTHER (NON-EXPLOSIVE/FIRE)  
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20100319





990750

785115-10-0004



20100313

Open

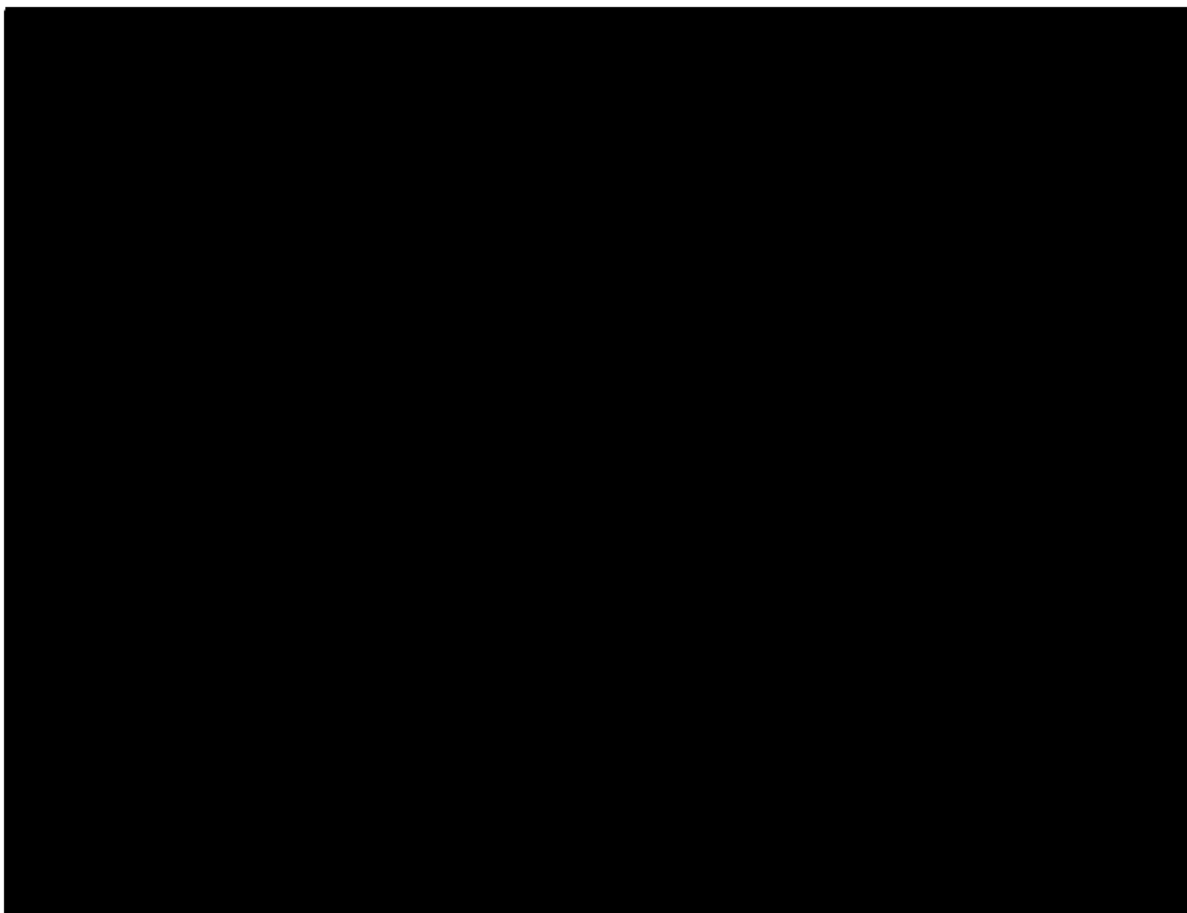
UNDERCOVER CONTACT

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990750



20100313





990752

785115-10-0004



20100315

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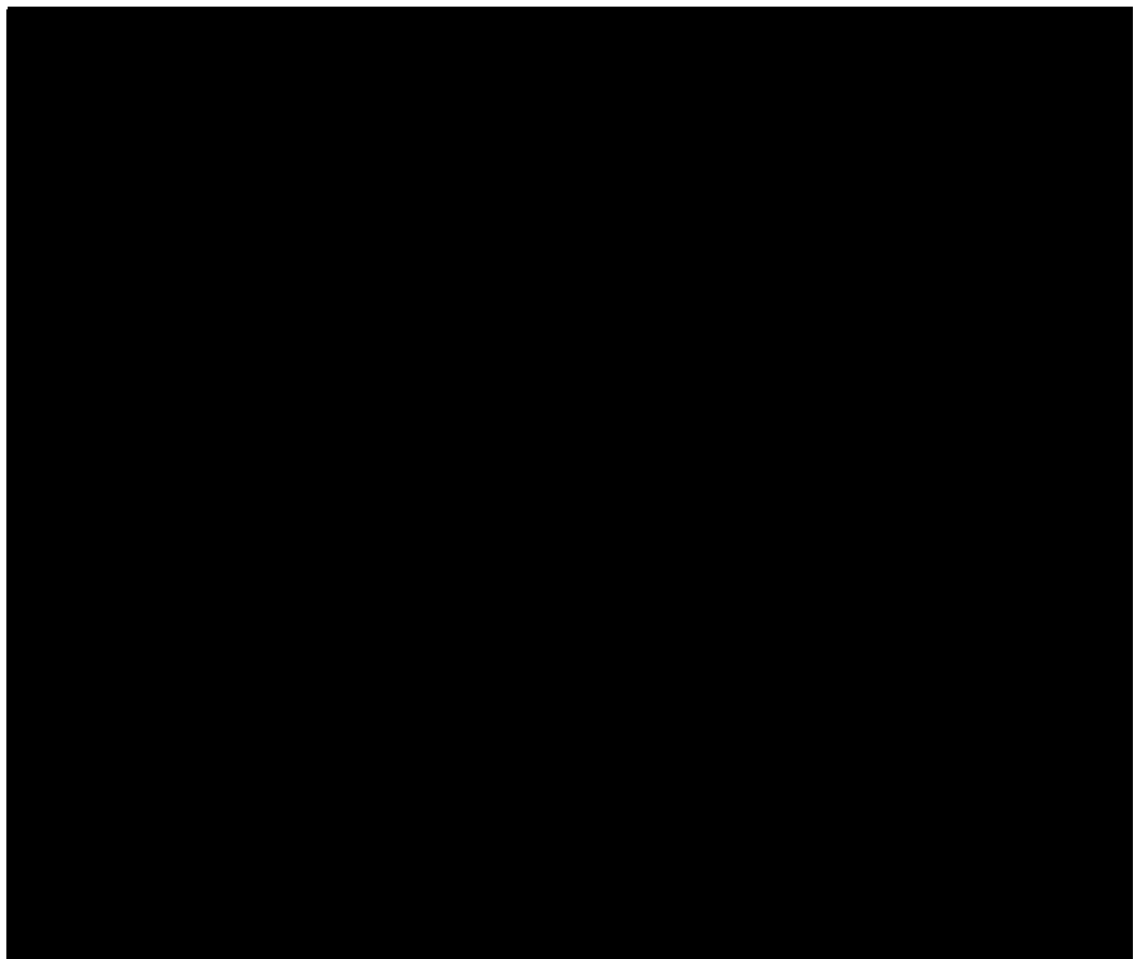
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20100315



990758

785115-10-0004



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UNDERCOVER CONTACT

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785115-10-0004  
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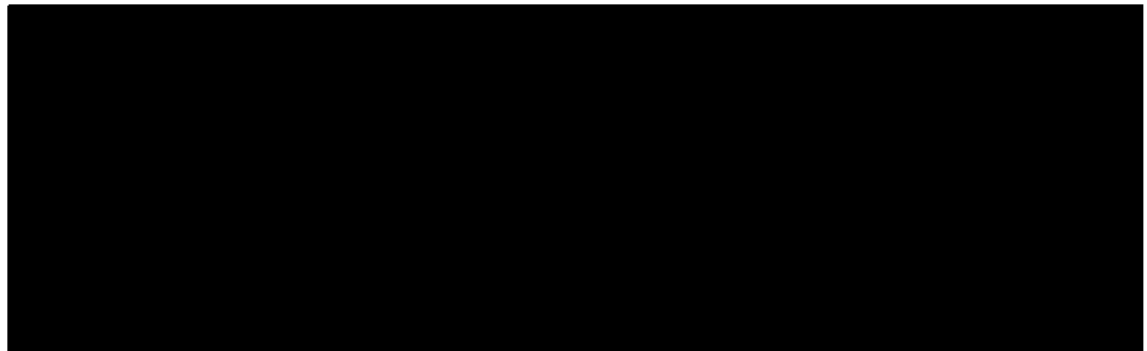
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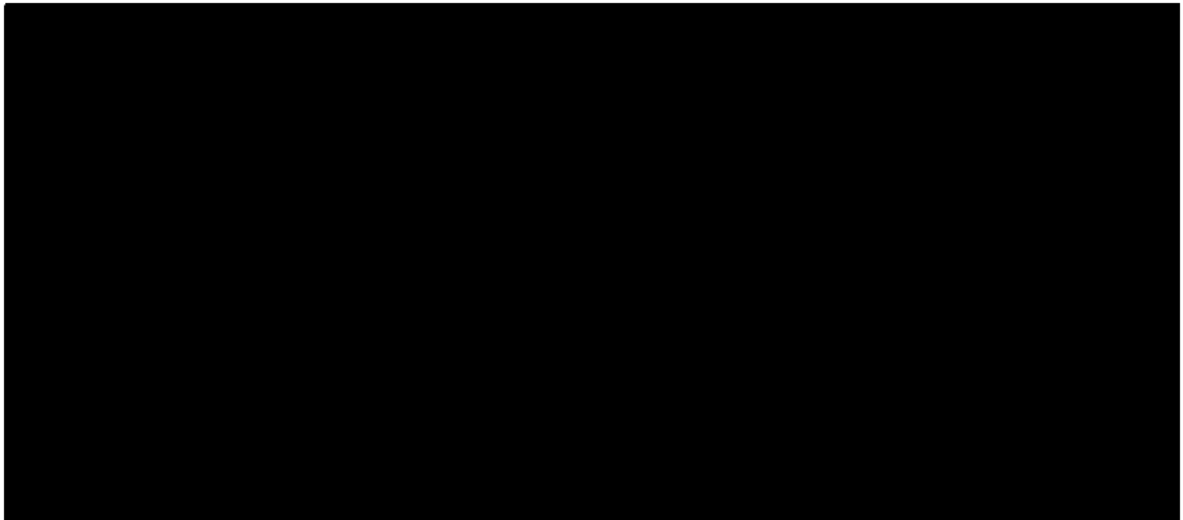
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785115-10-0004

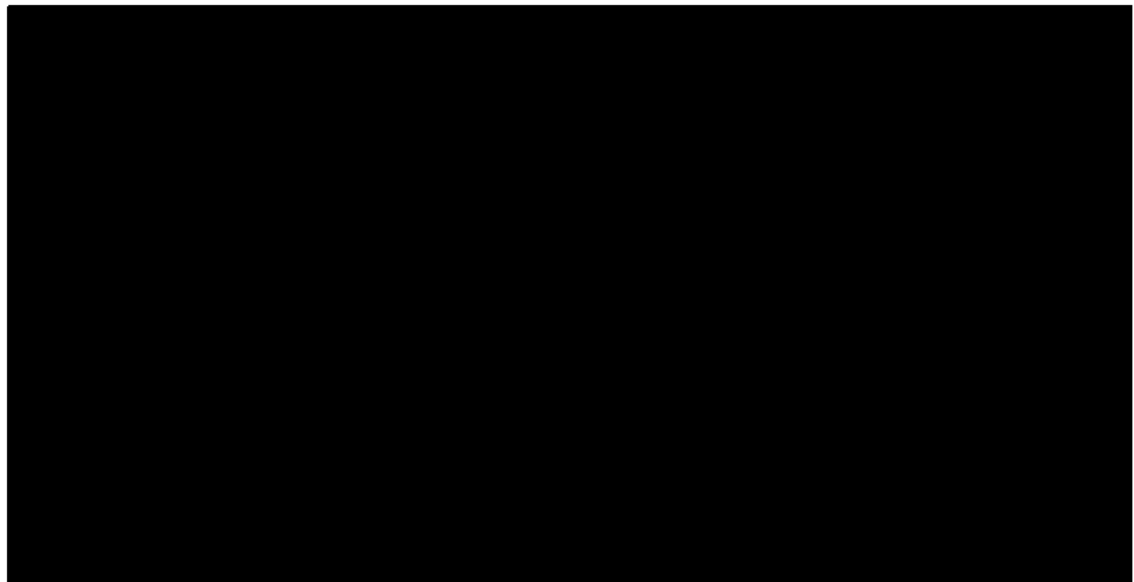


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20100319



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785115-10-0004

[REDACTED]

20100319

Open

SURVEILLANCE

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785115-10-0004

[REDACTED]

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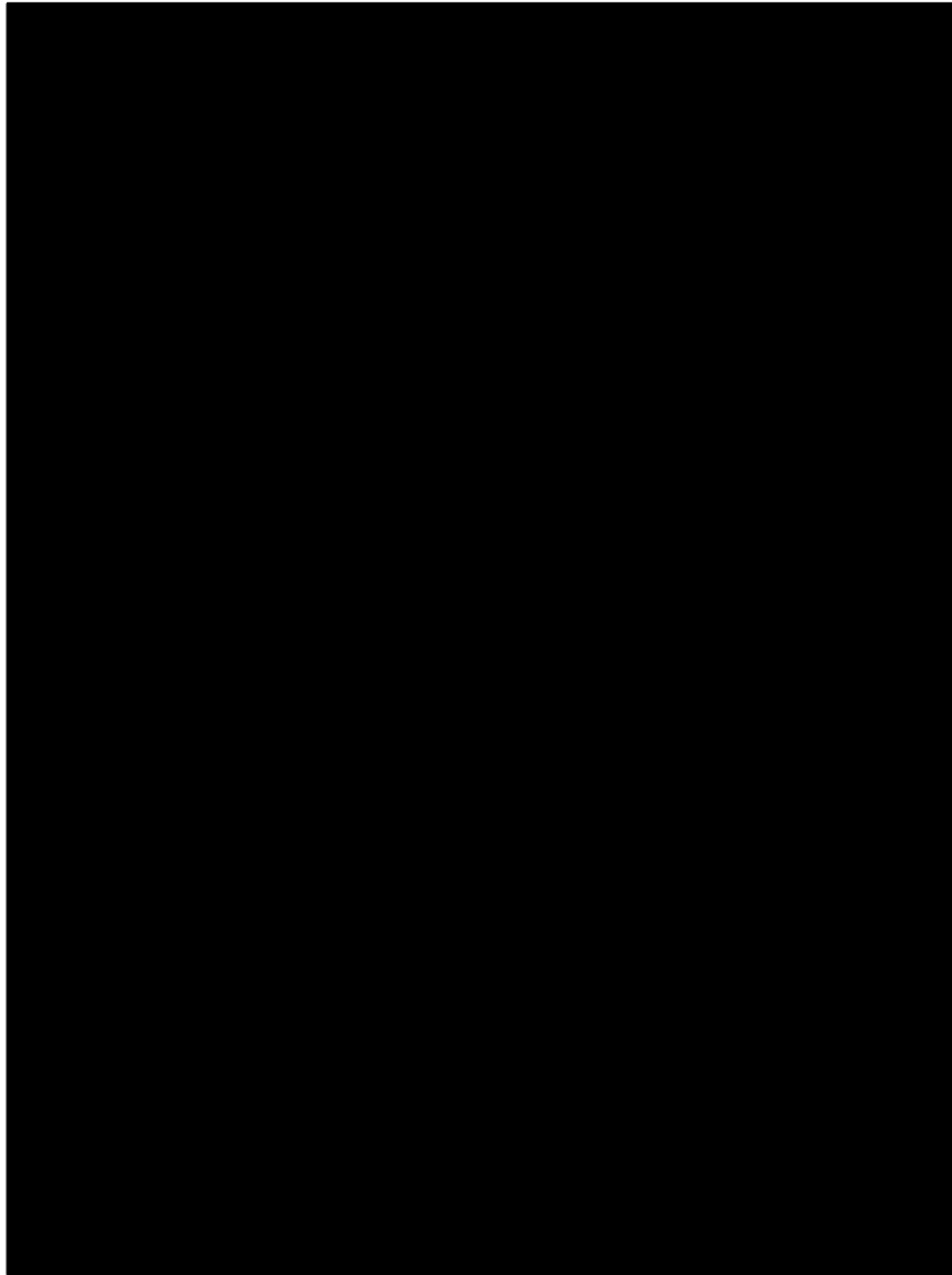
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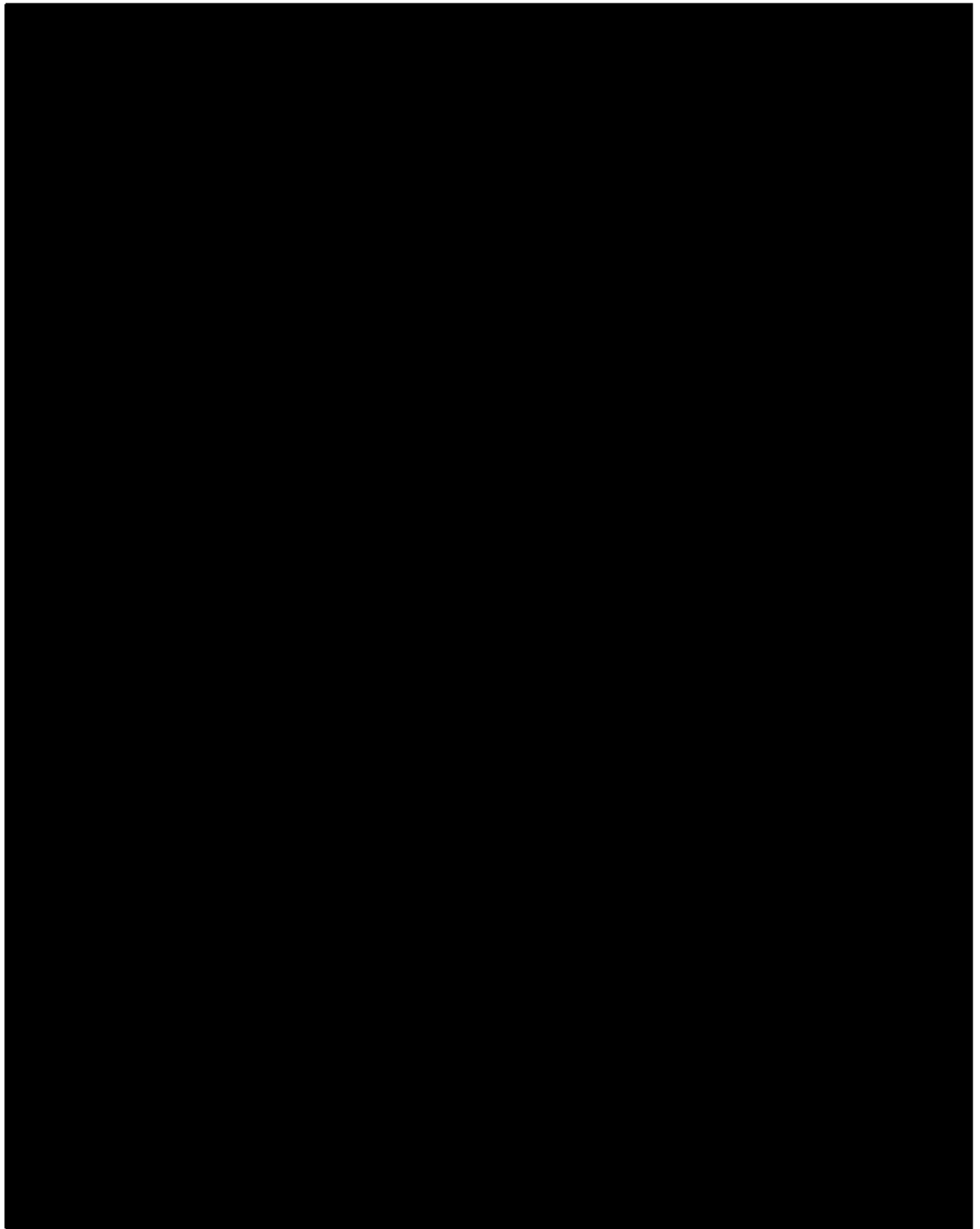
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785115-10-0004

20100323

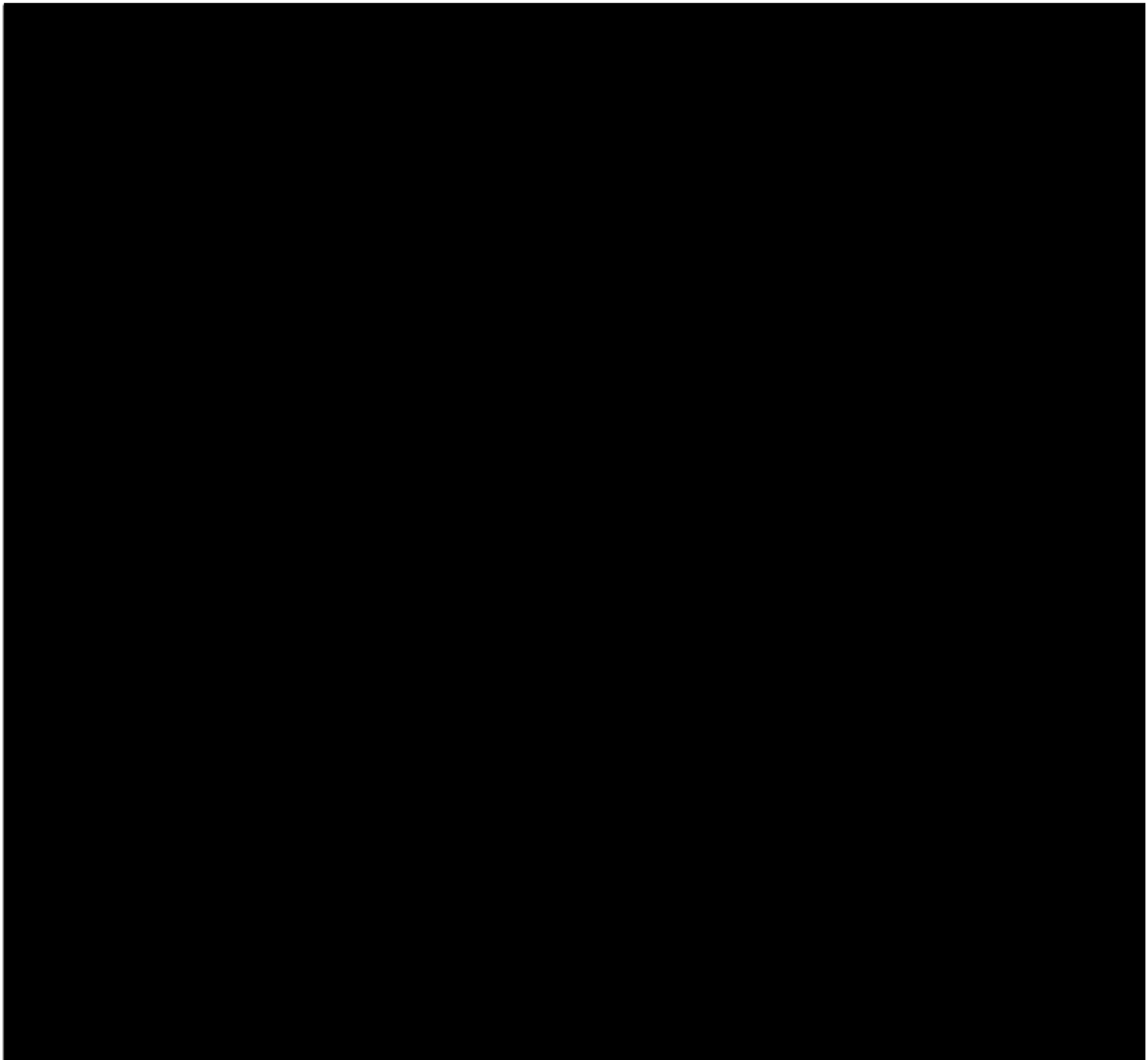
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785115-10-0004

20100323

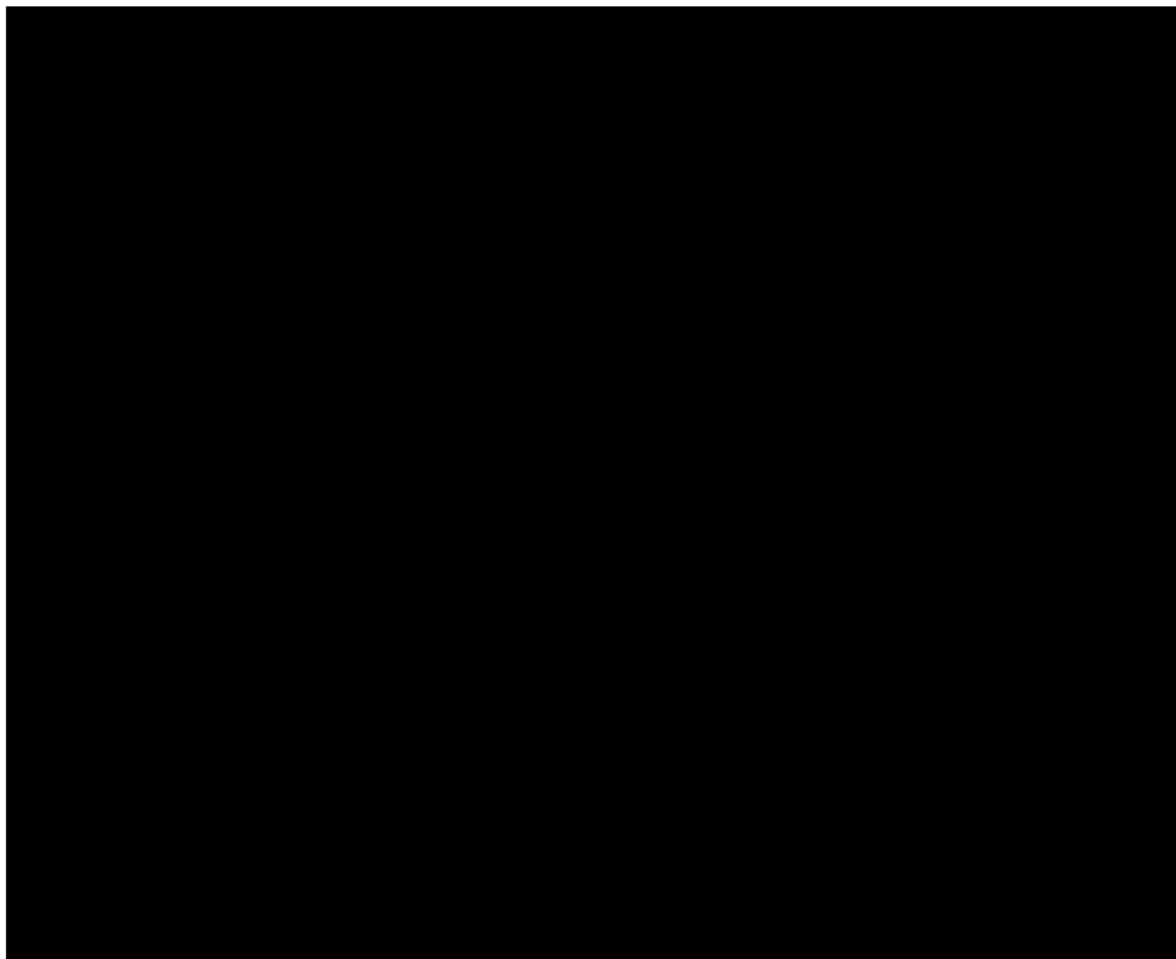
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785115-10-0004



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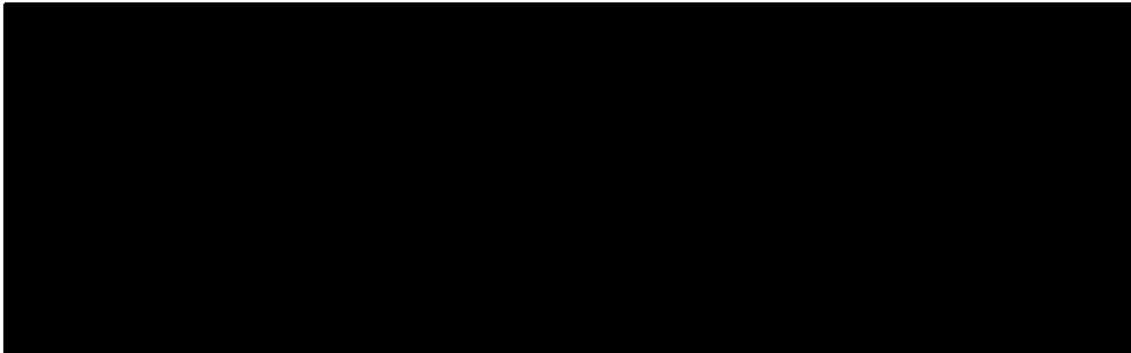
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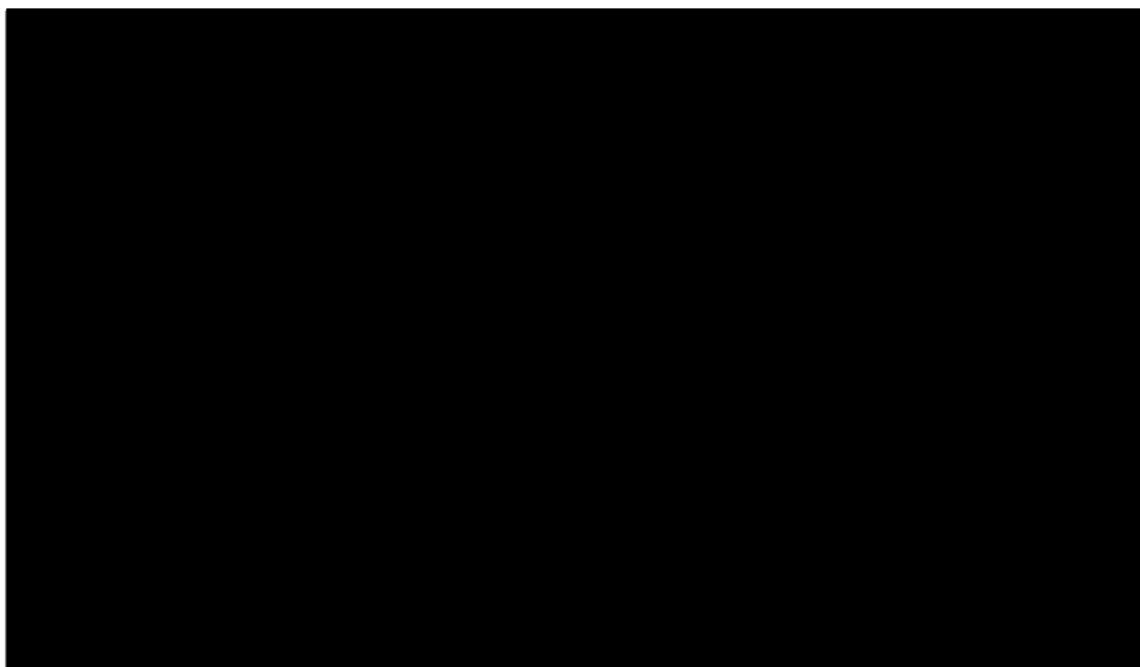
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785115-10-0004



20100324

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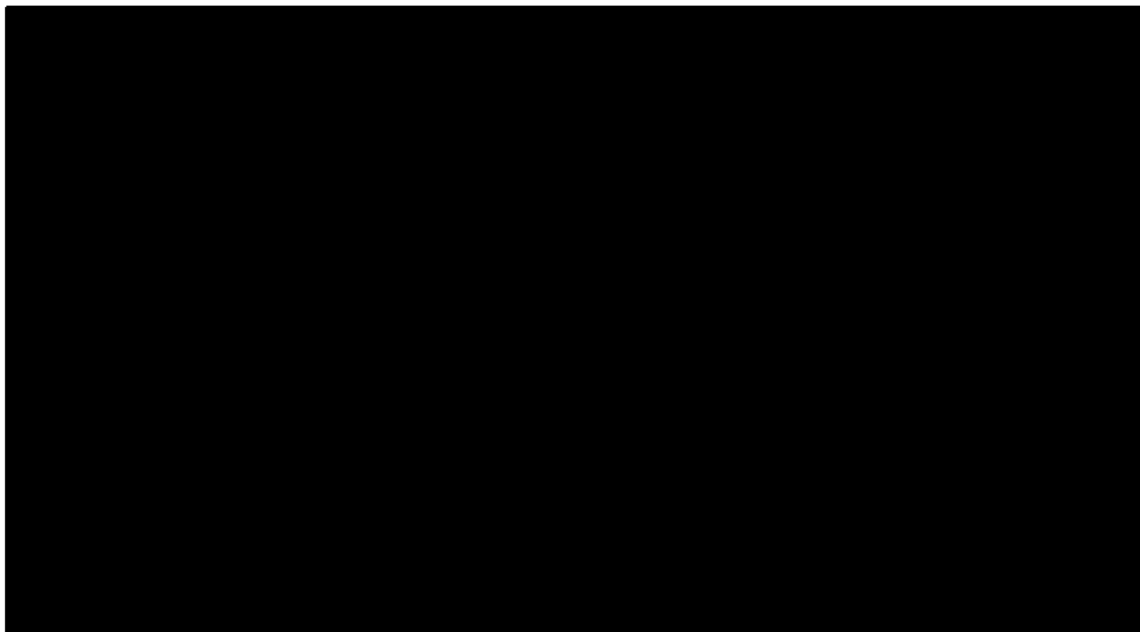
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20100324





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785115-10-0004



20100318

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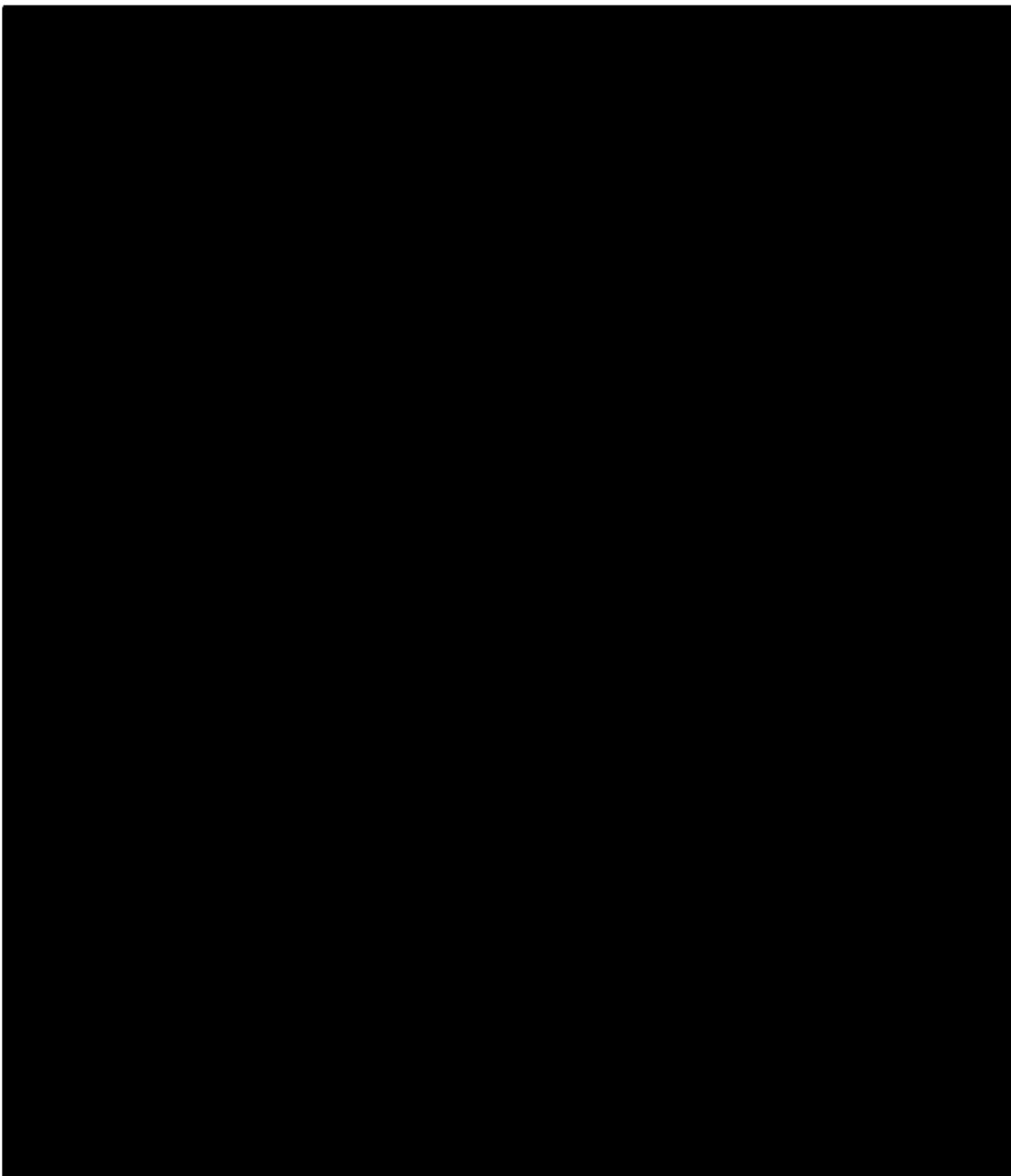
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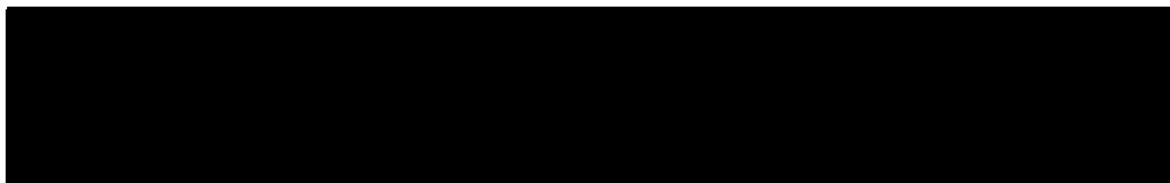
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20100318





991955

785115-10-0004



20100324

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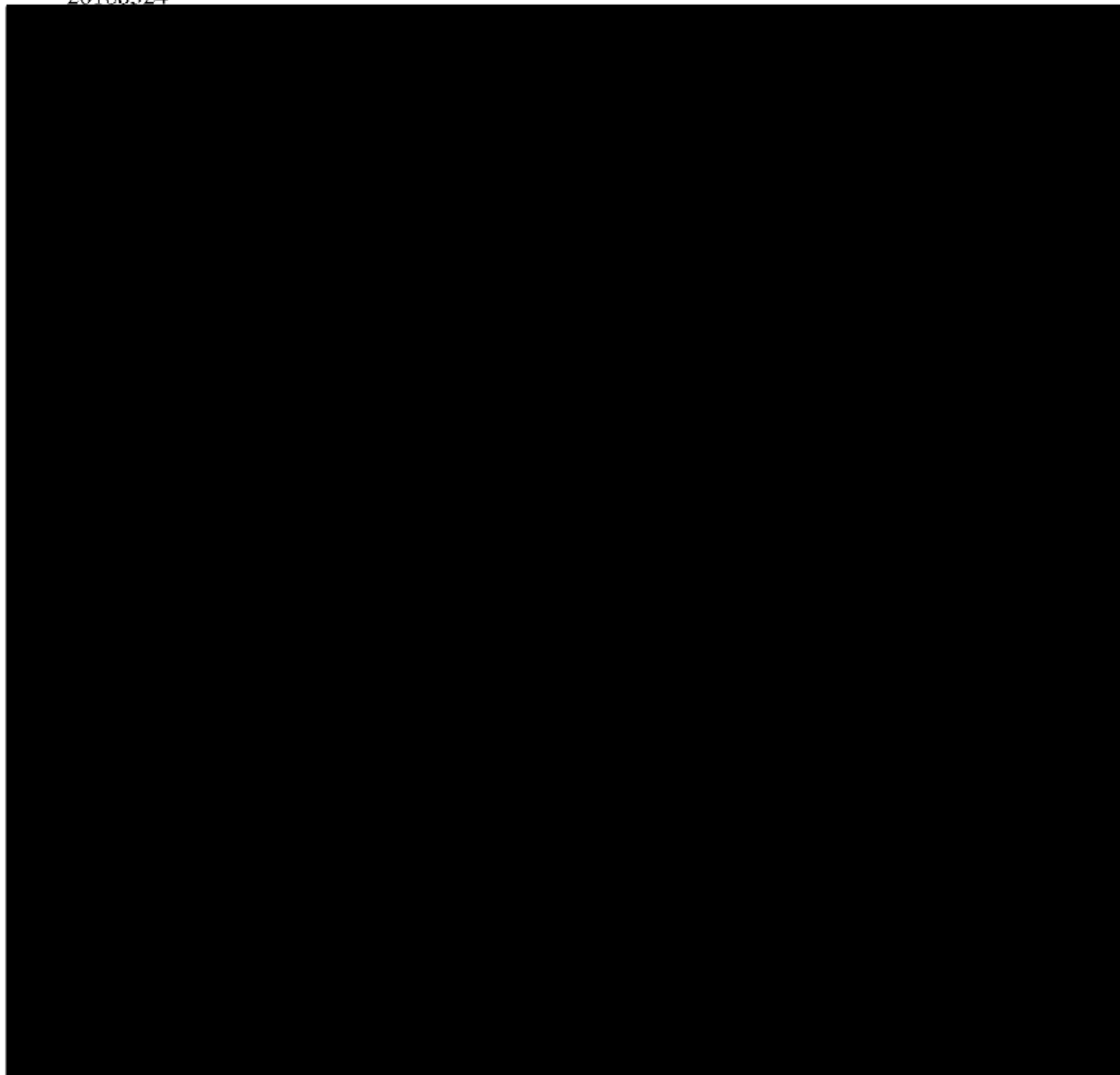
INTELLIGENCE ANALYSIS

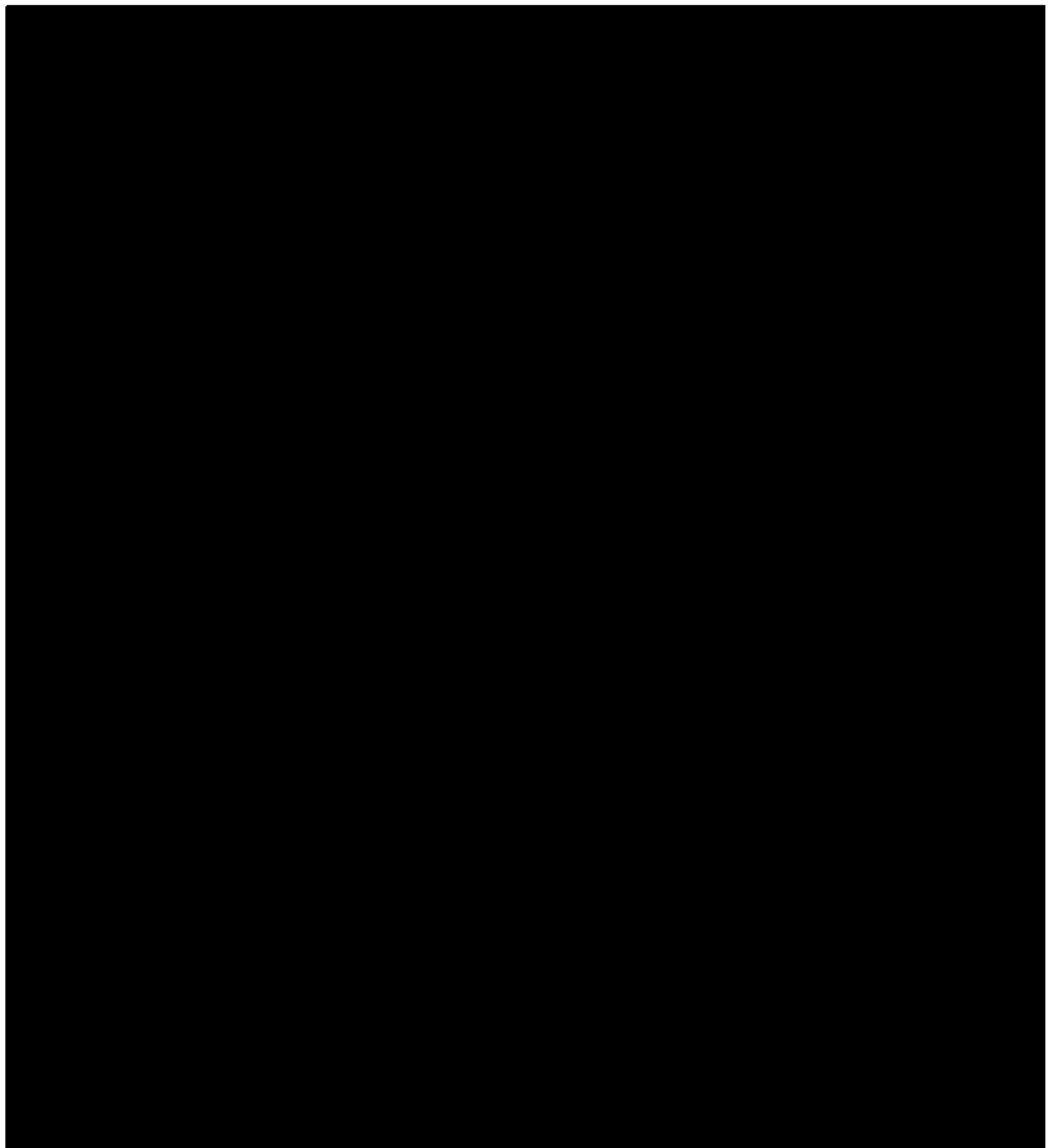
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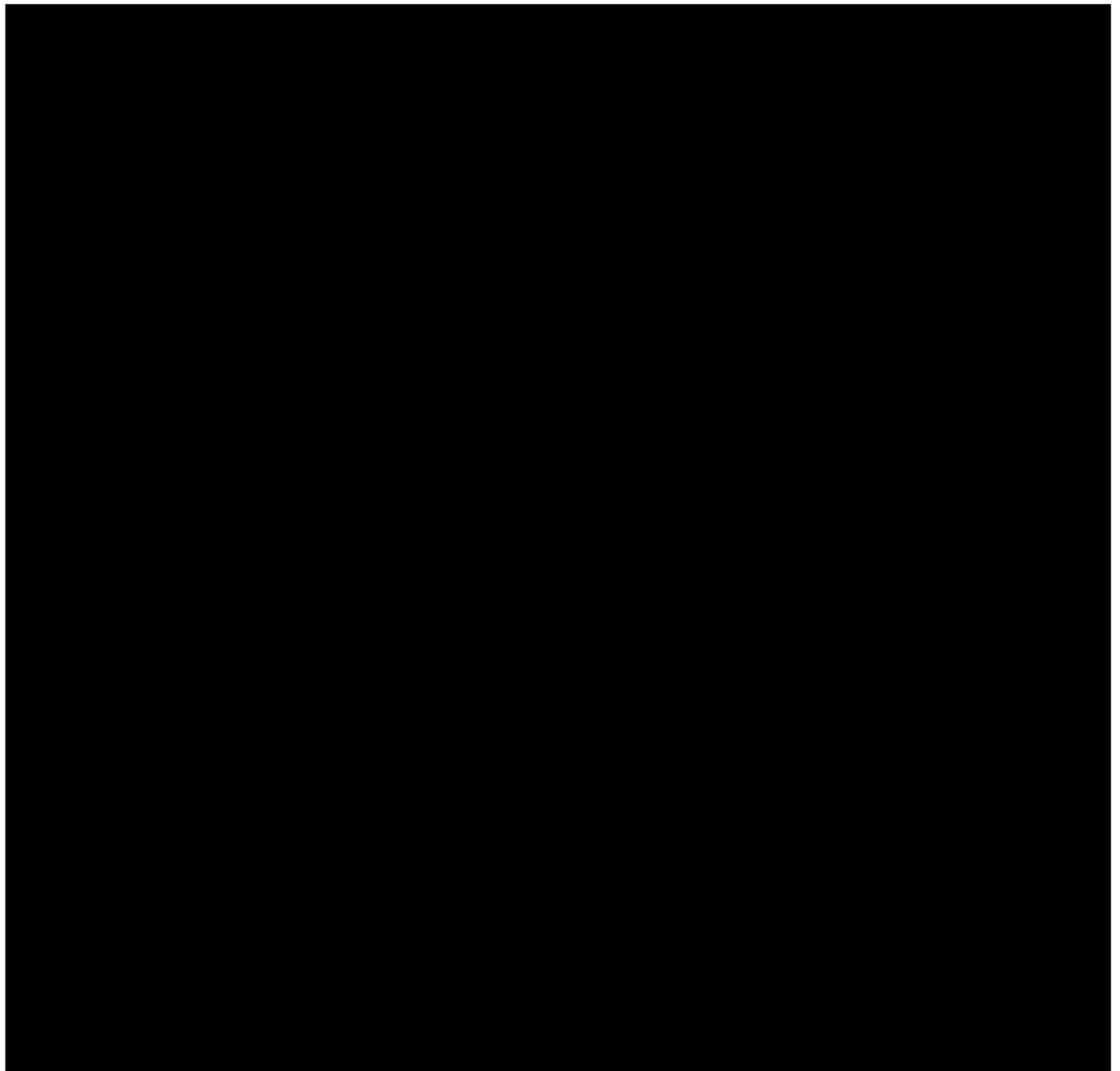
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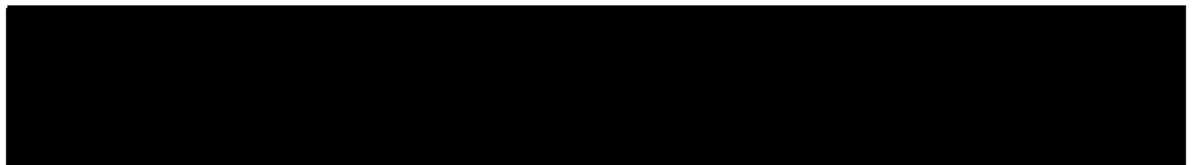
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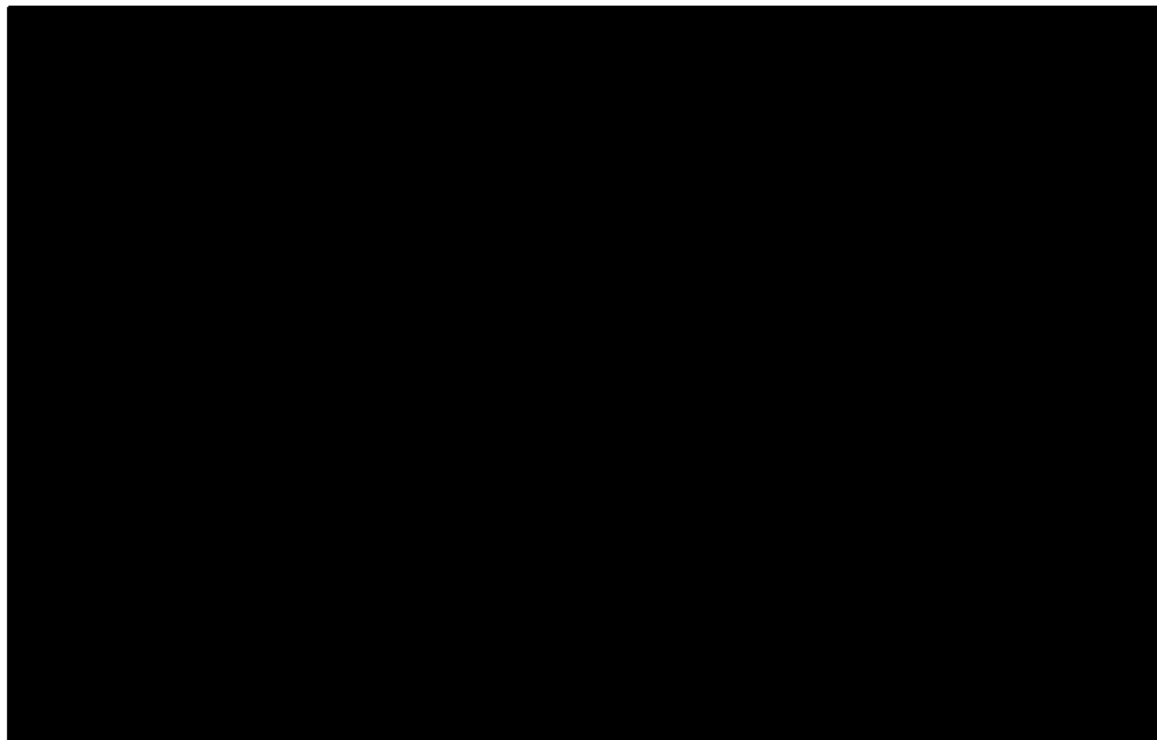
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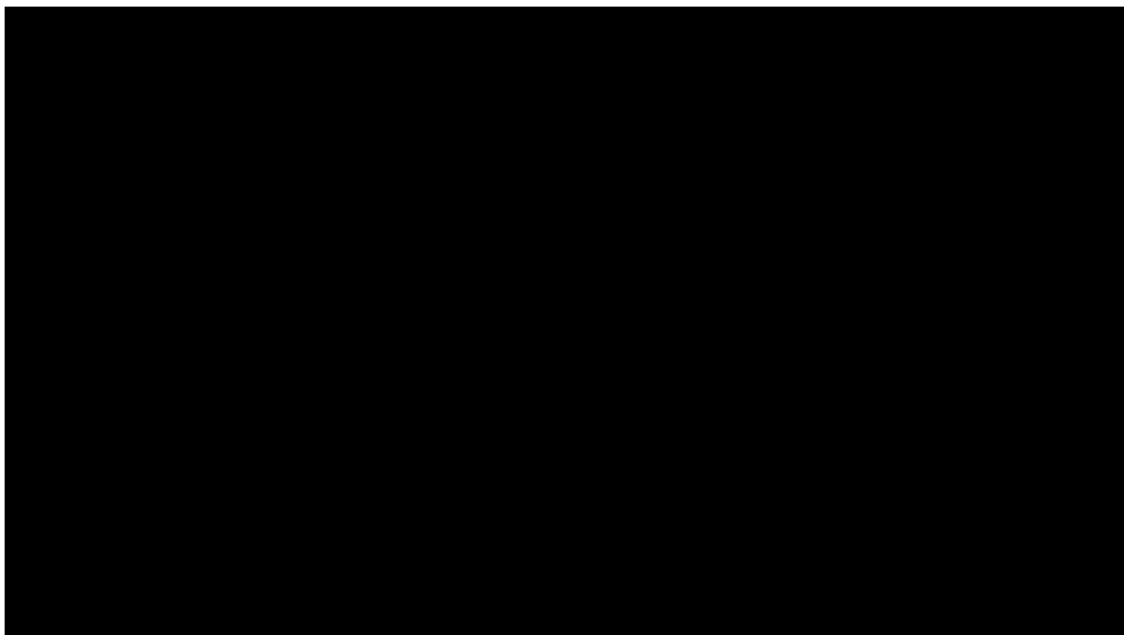
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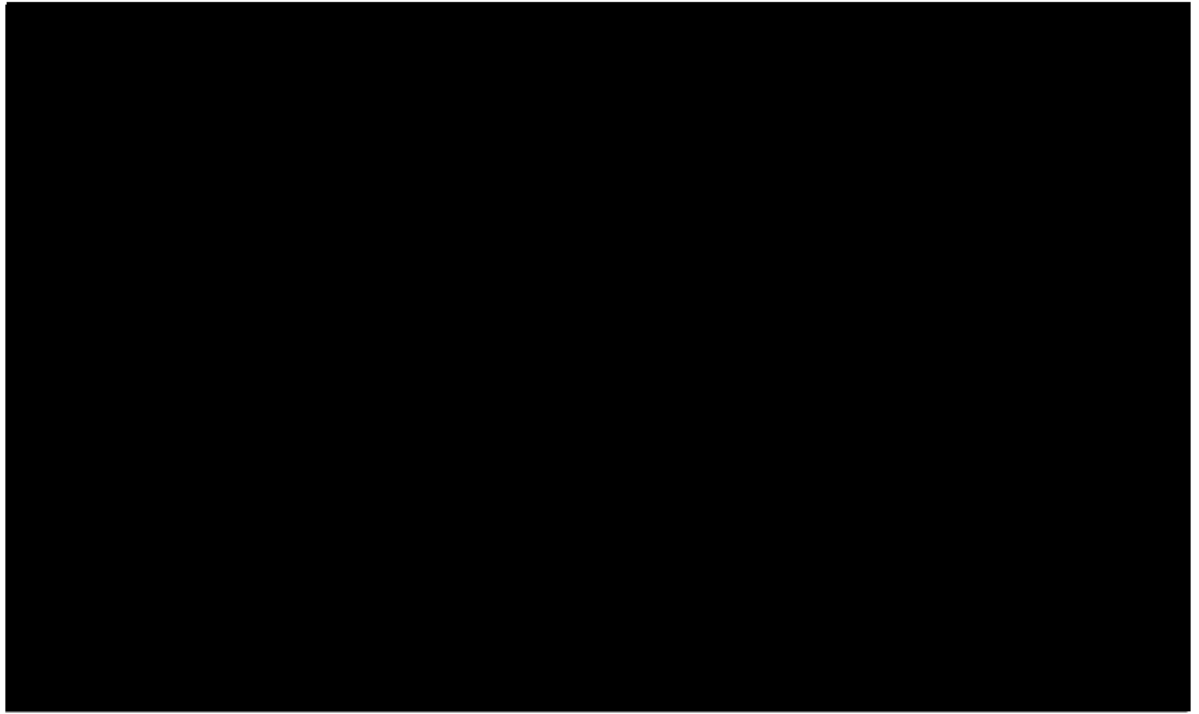




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785115-10-0004  
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SURVEILLANCE  
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991989  
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20100317





992045  
785115-10-0004

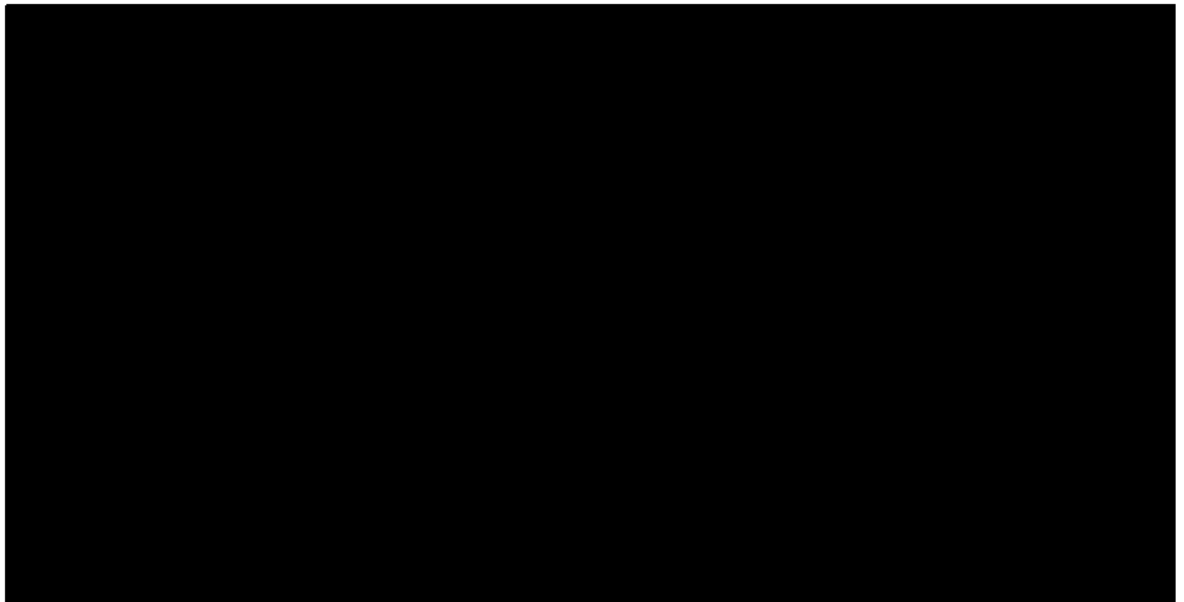


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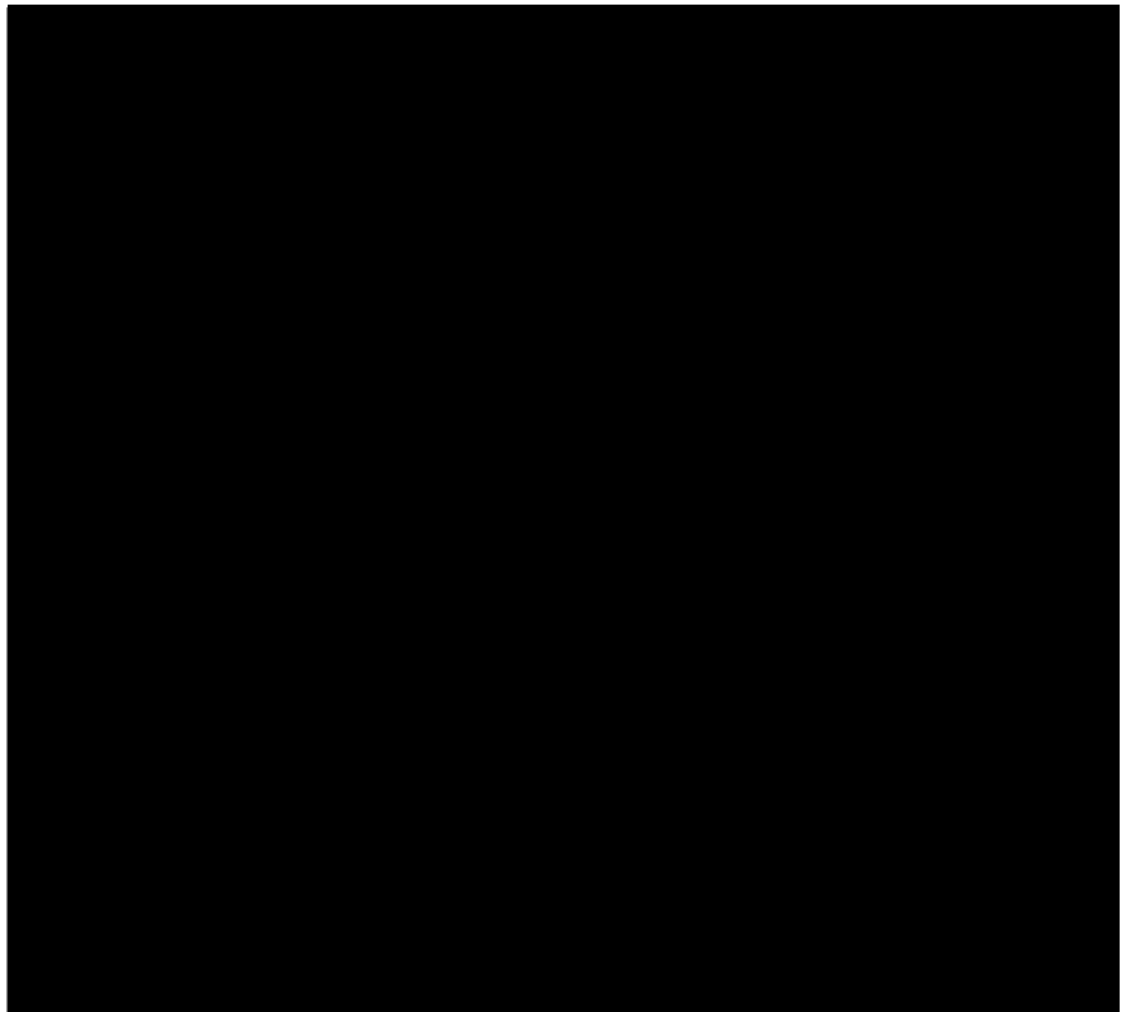
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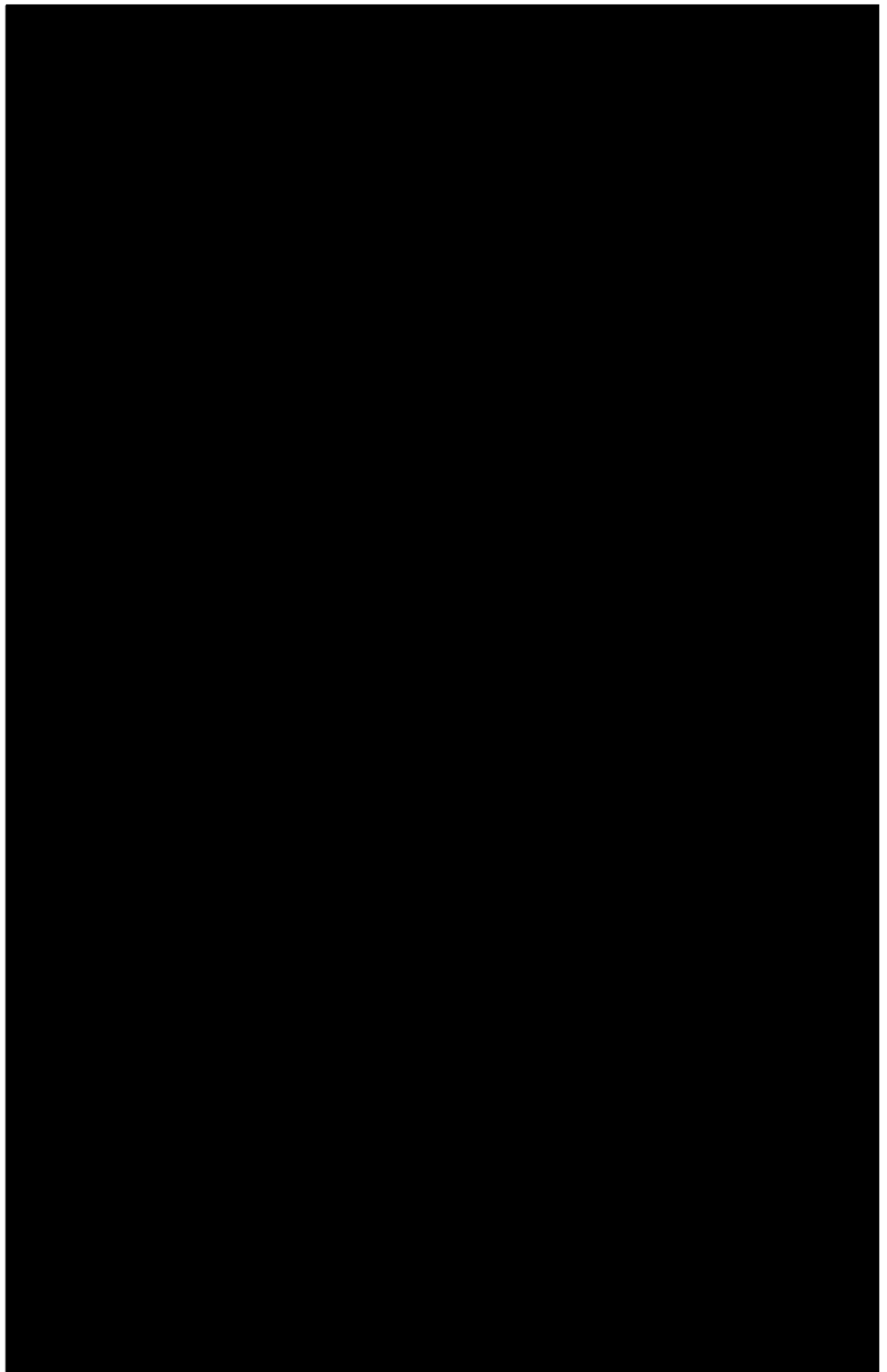




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SURVEILLANCE  
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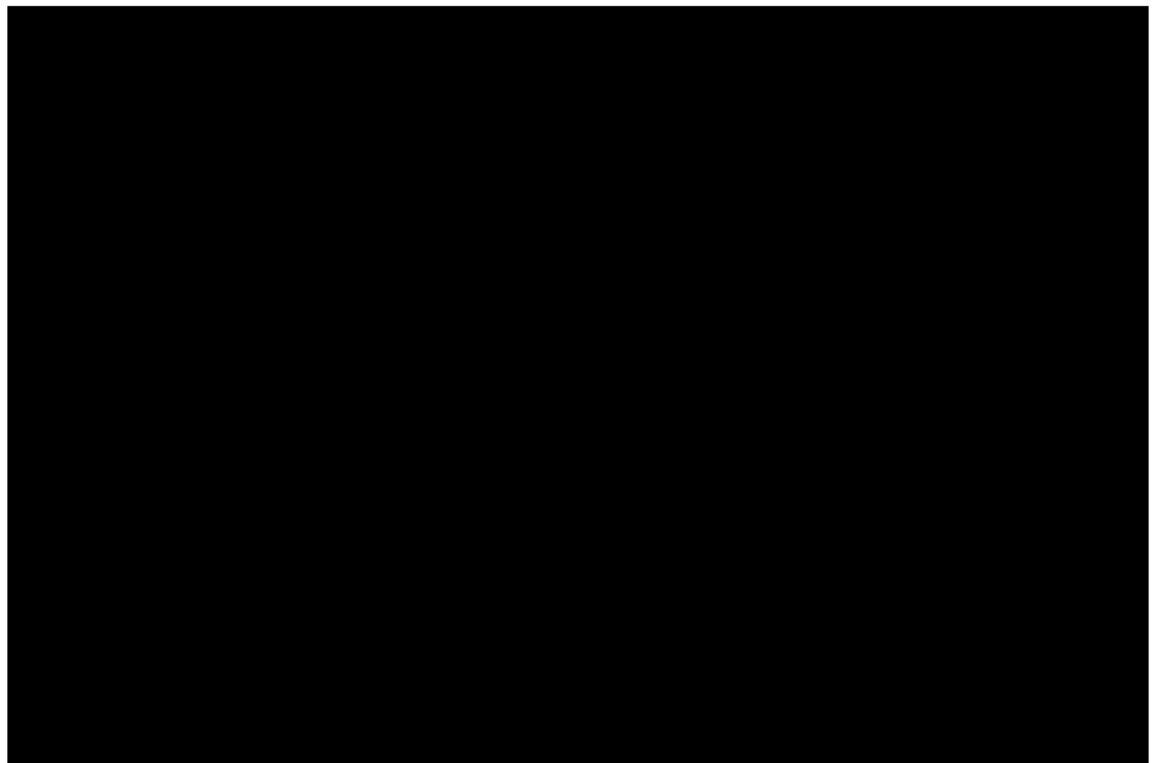


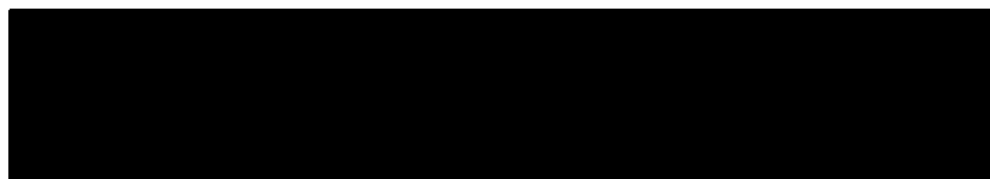




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OTHER (NON-EXPLOSIVE/FIRE)  
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992334

785115-10-0004



20100323

Open

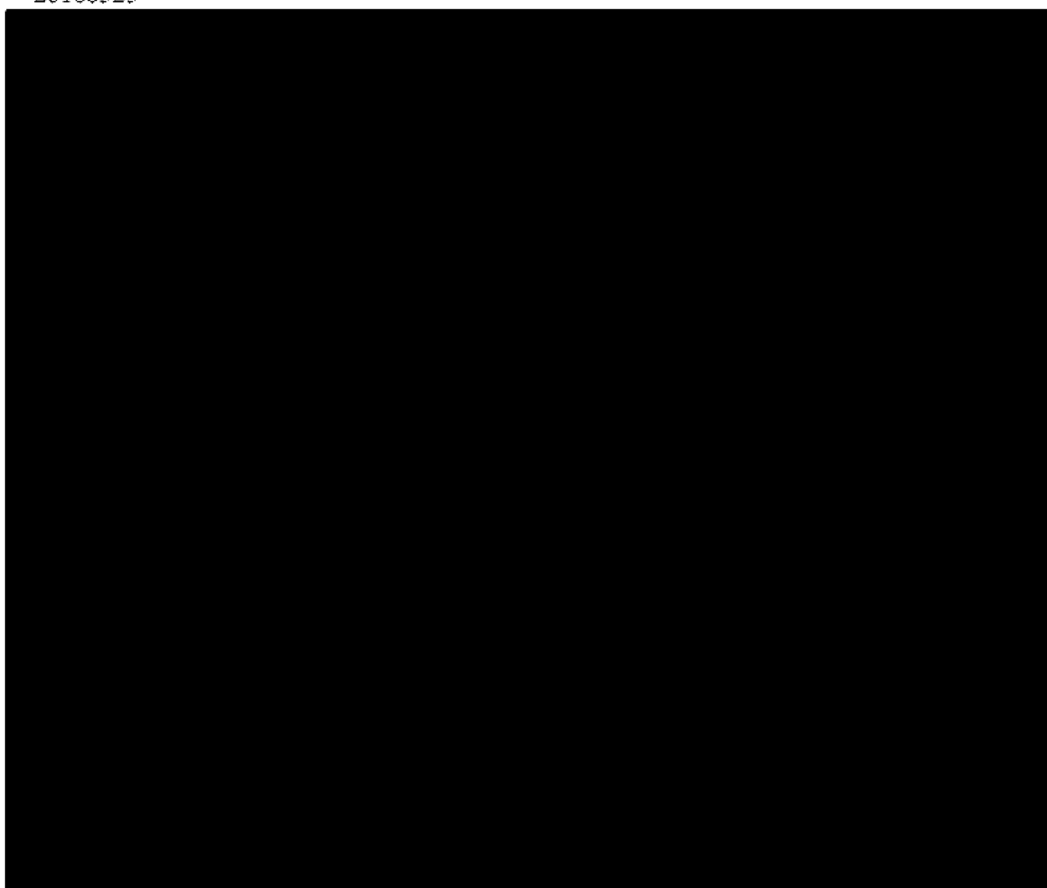
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20100323



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785115-10-0004

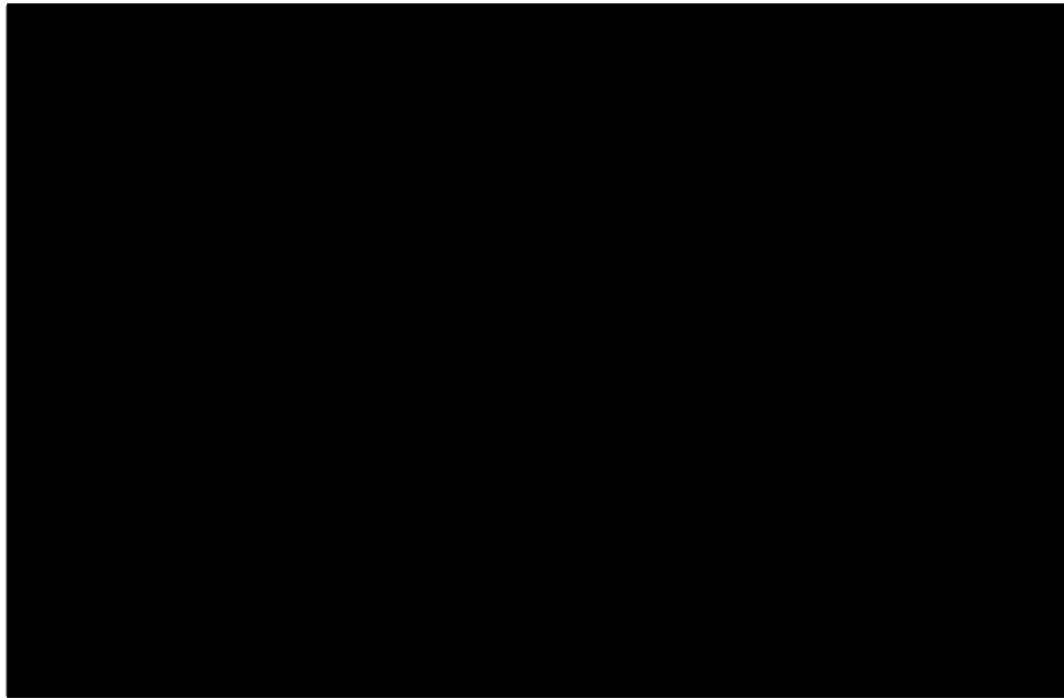


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OTHER (NON-EXPLOSIVE/FIRE)  
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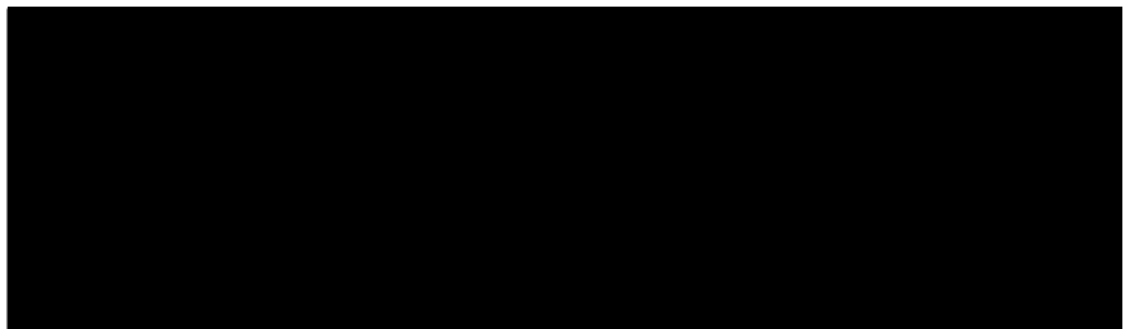
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785115-10-0004

20100325

Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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992438

20100325





992591  
785115-10-0004



20100326

Open

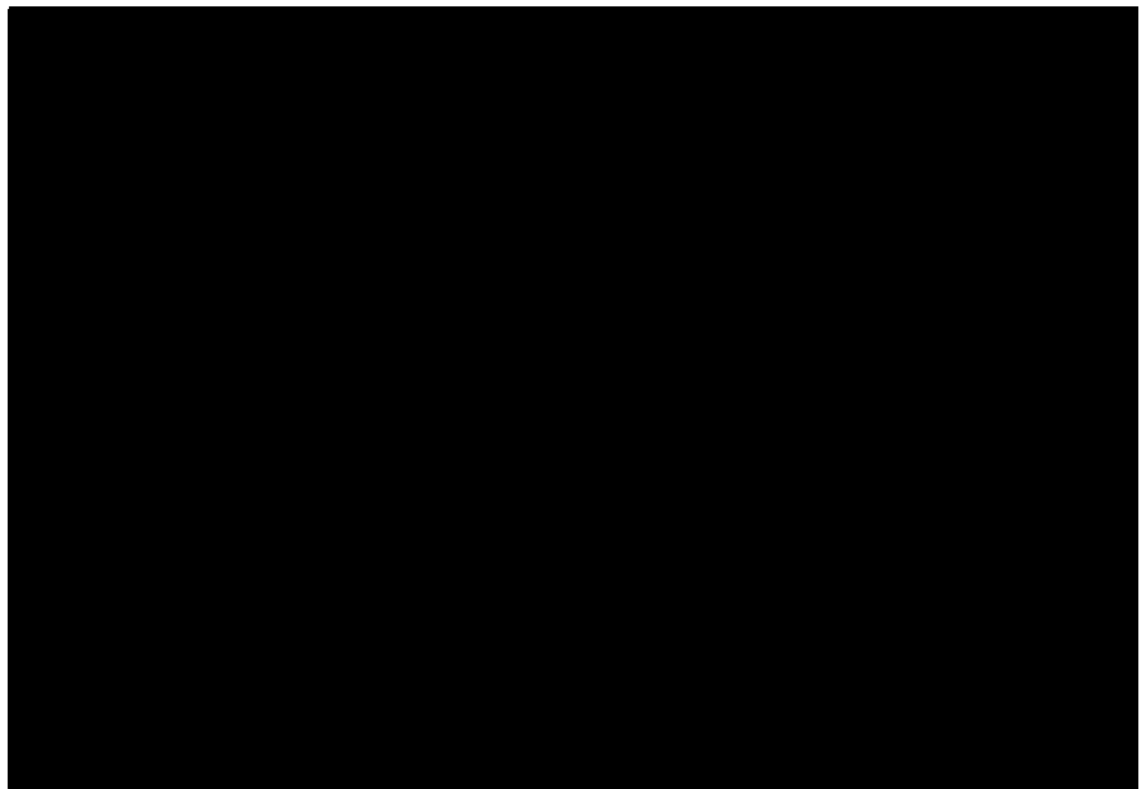


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785115-10-0004

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OTHER (NON-EXPLOSIVE/FIRE)

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785115-10-0004

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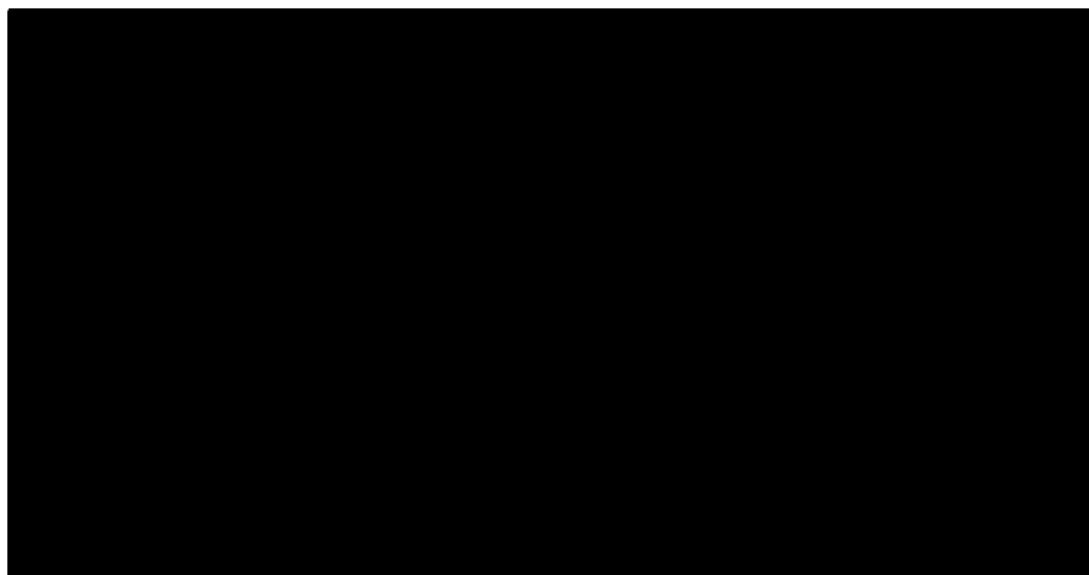
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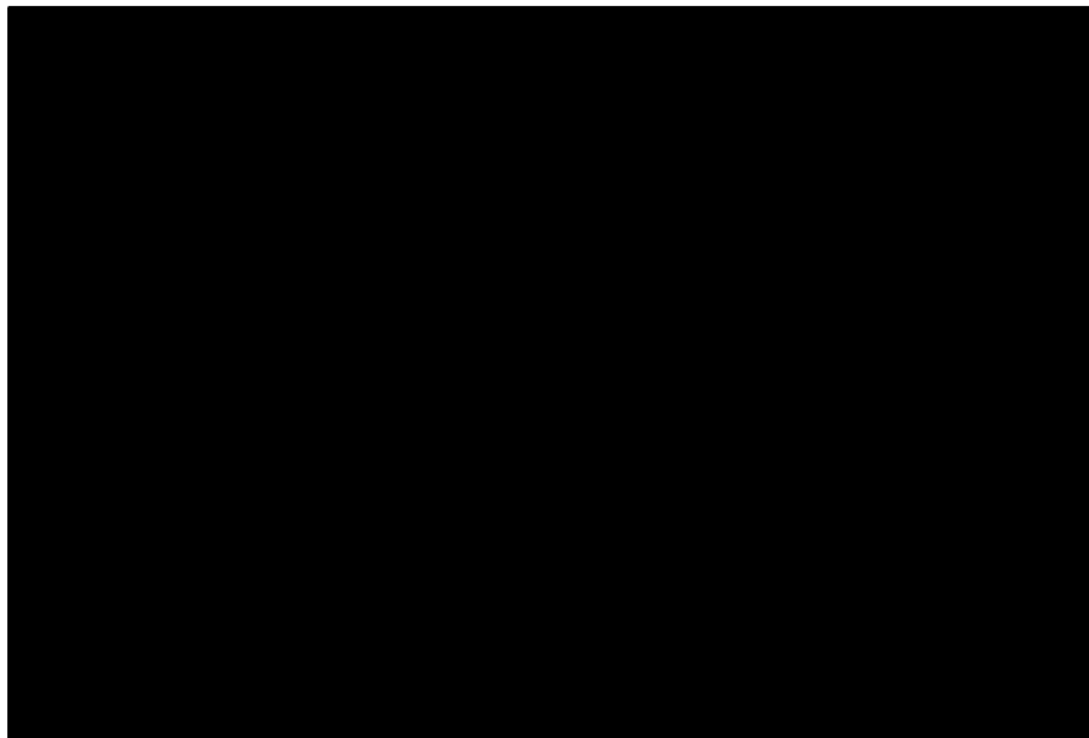
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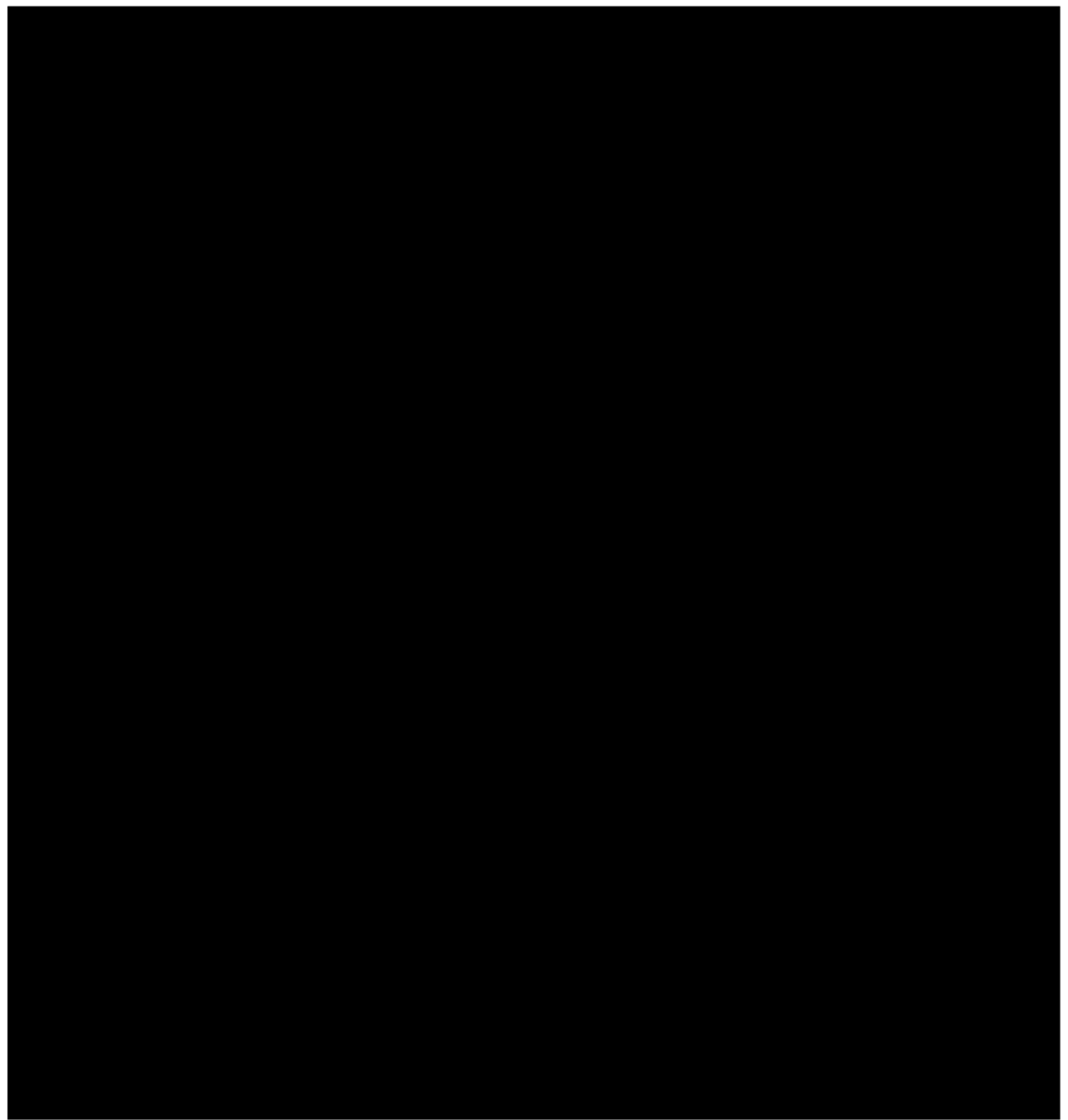
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785115-10-0004



20100321

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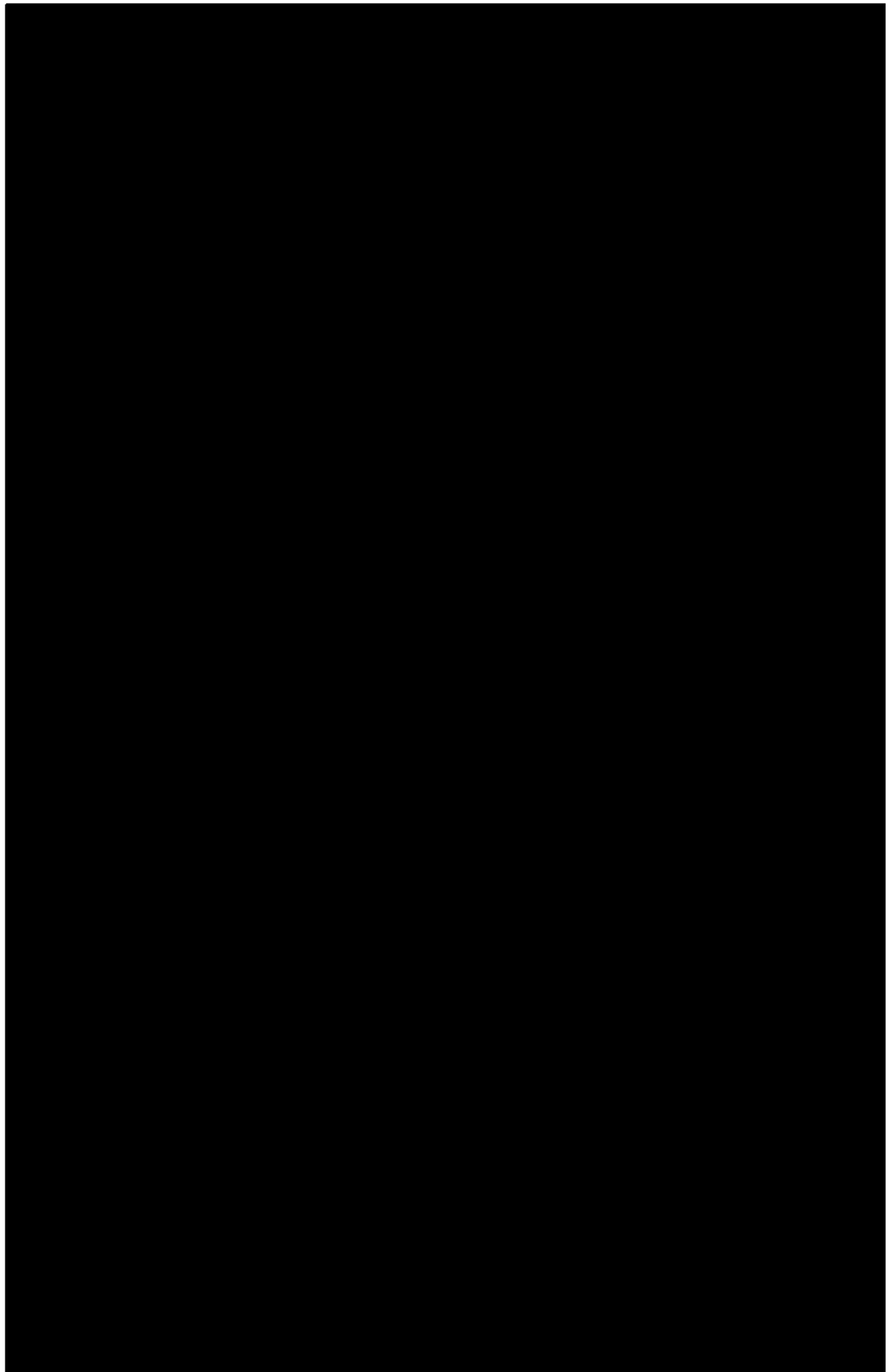
SURVEILLANCE

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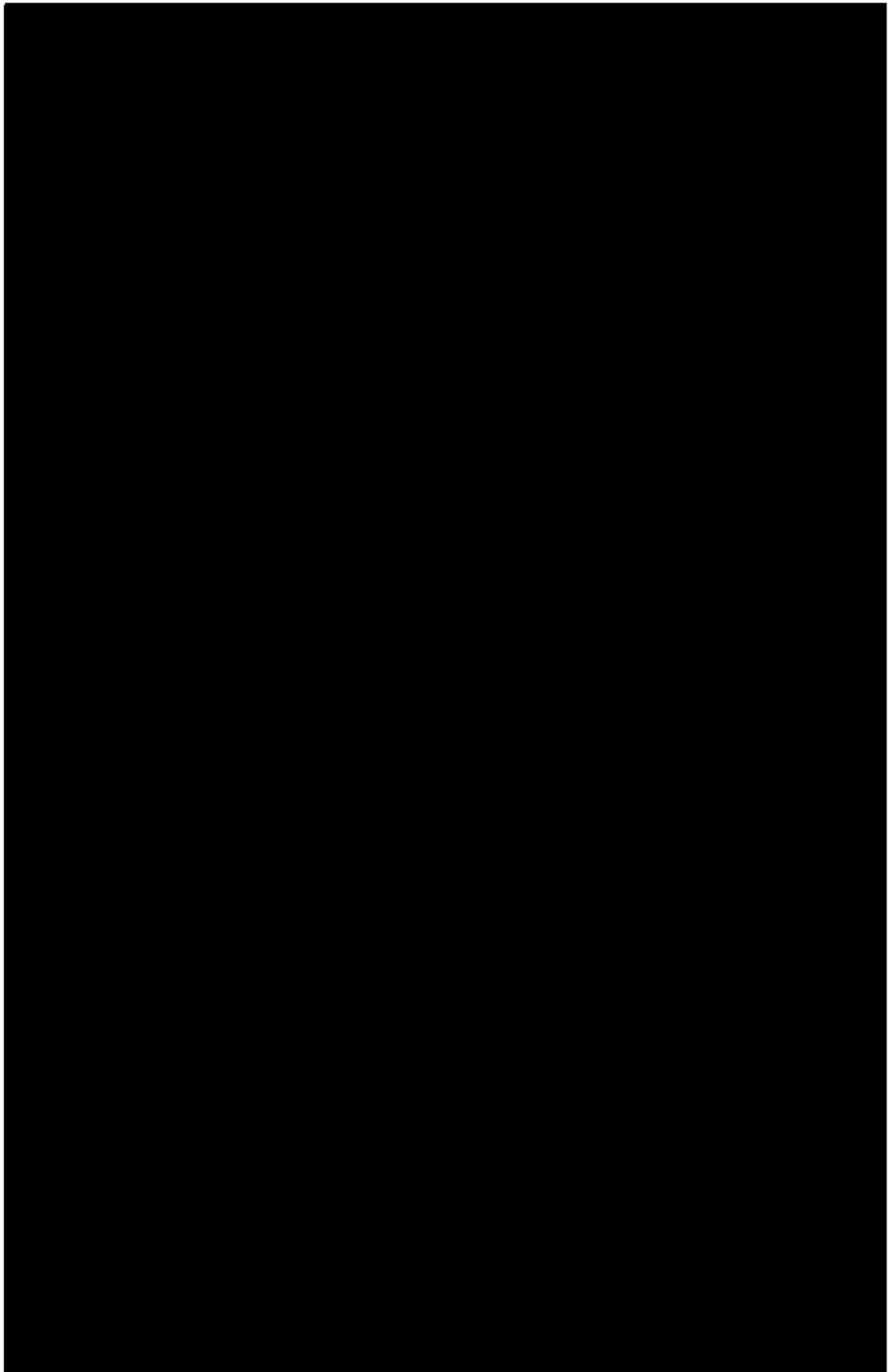
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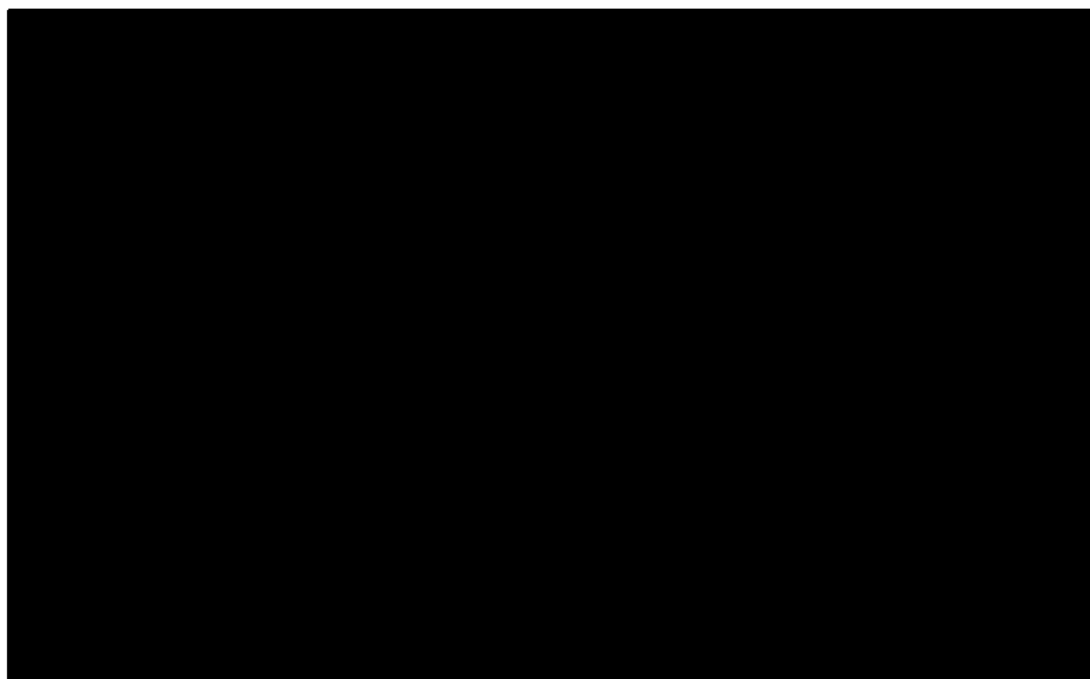


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785115-10-0004

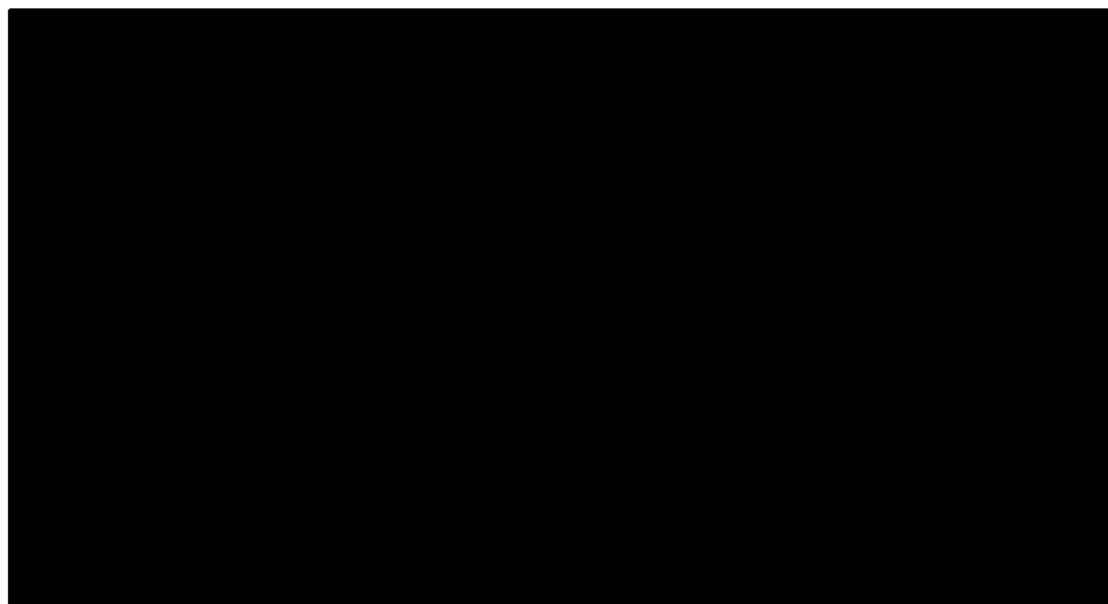


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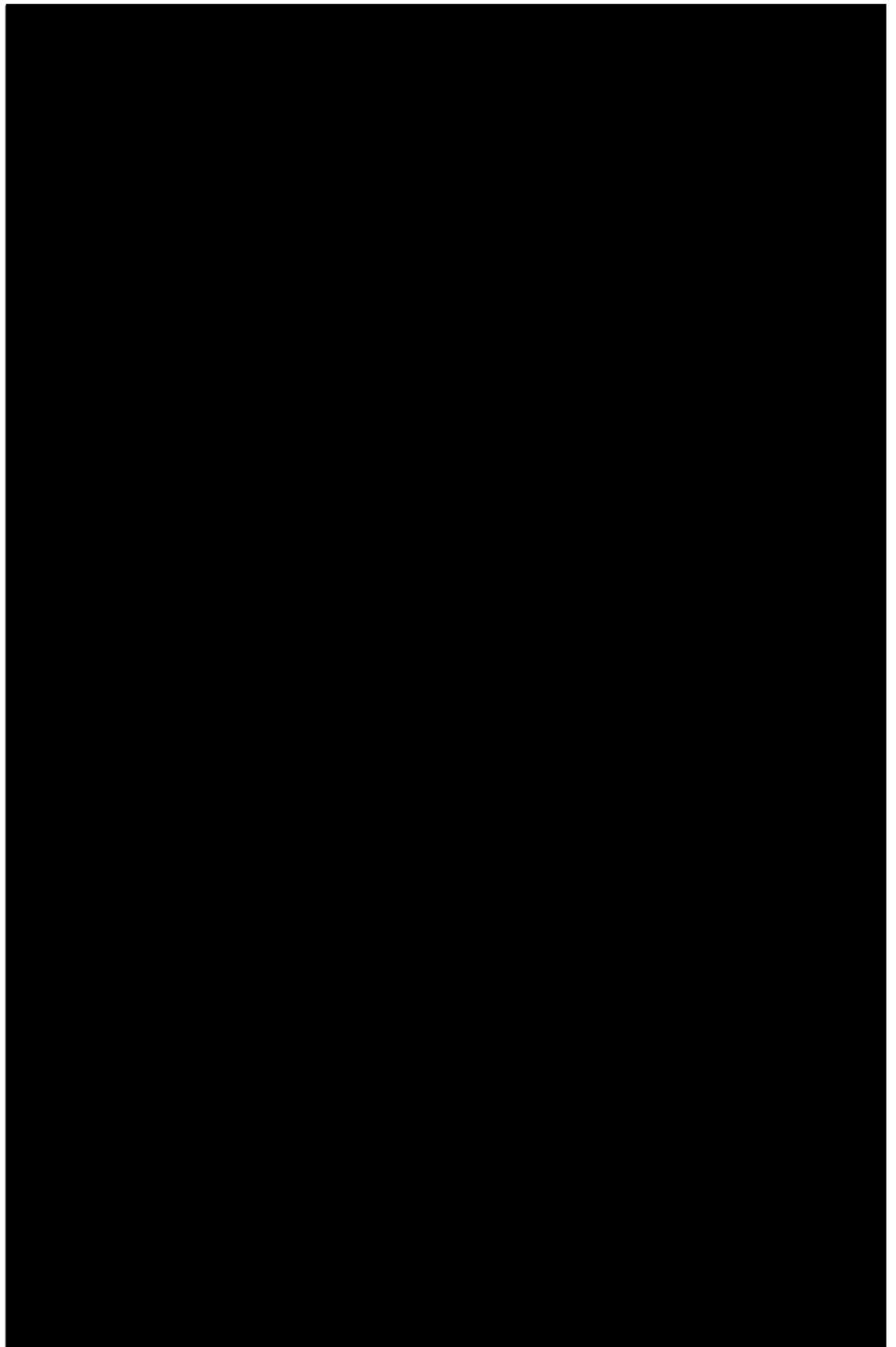
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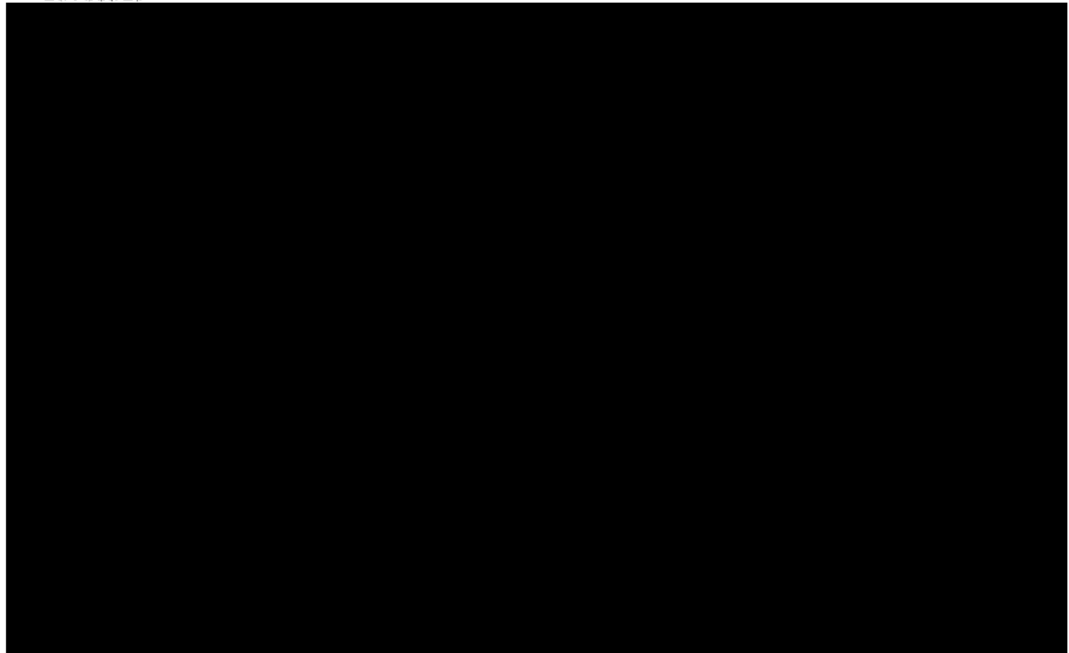


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785115-10-0004

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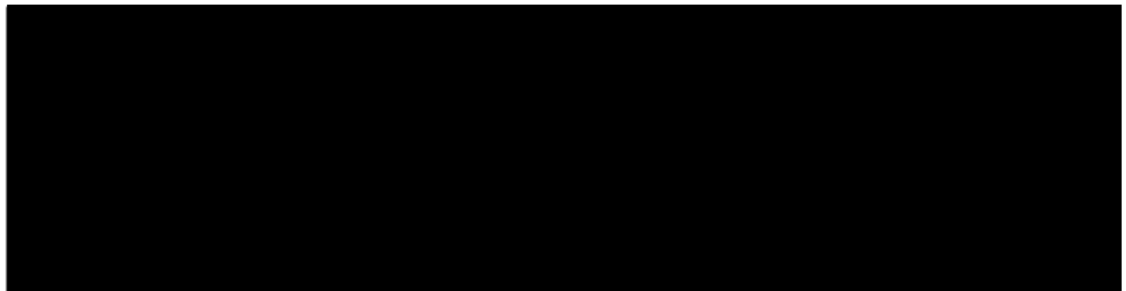


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785115-10-0004

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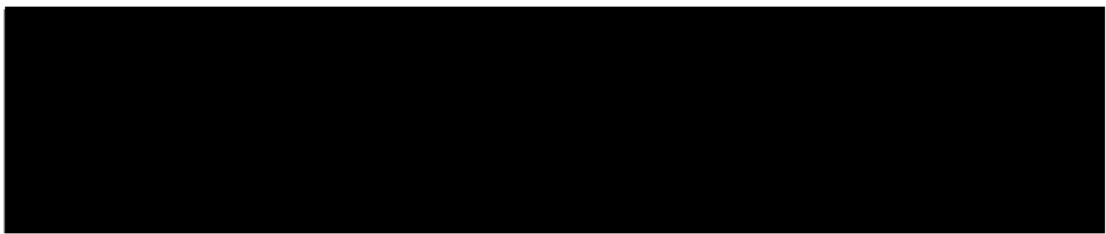
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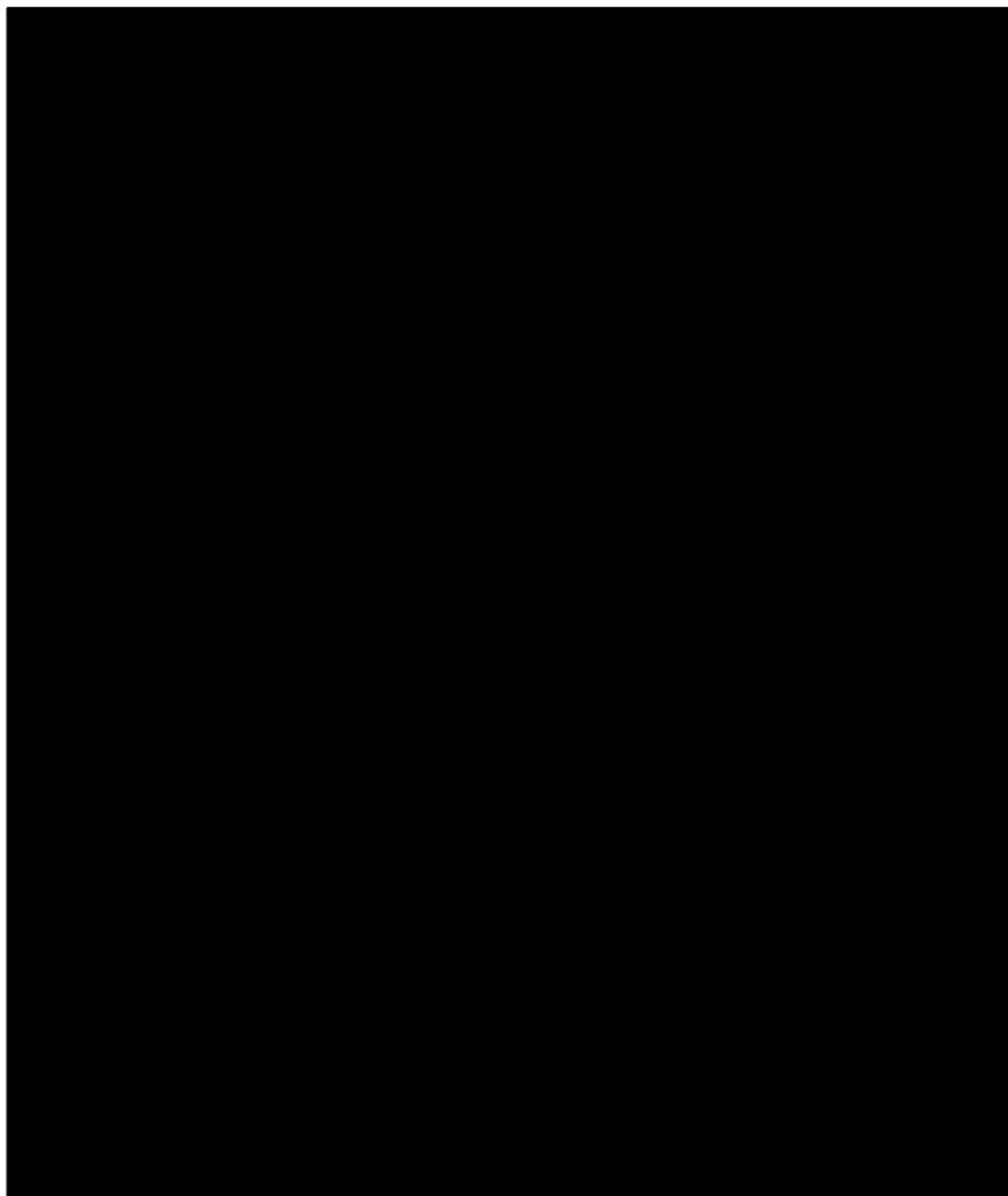




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993327  
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20100329





993345

785115-10-0004



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Open

OTHER (NON-EXPLOSIVE/FIRE)

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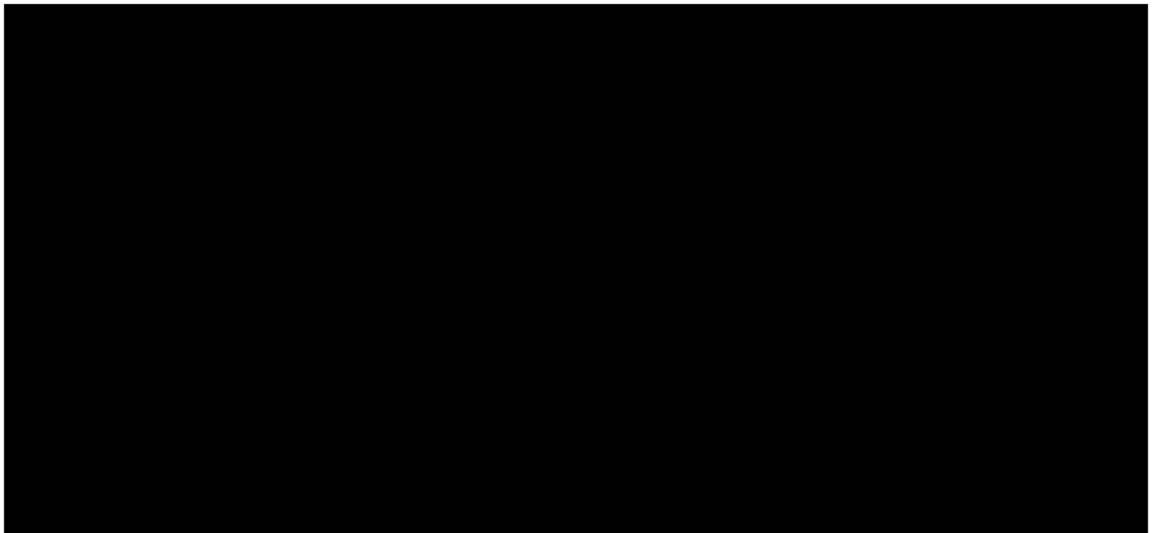
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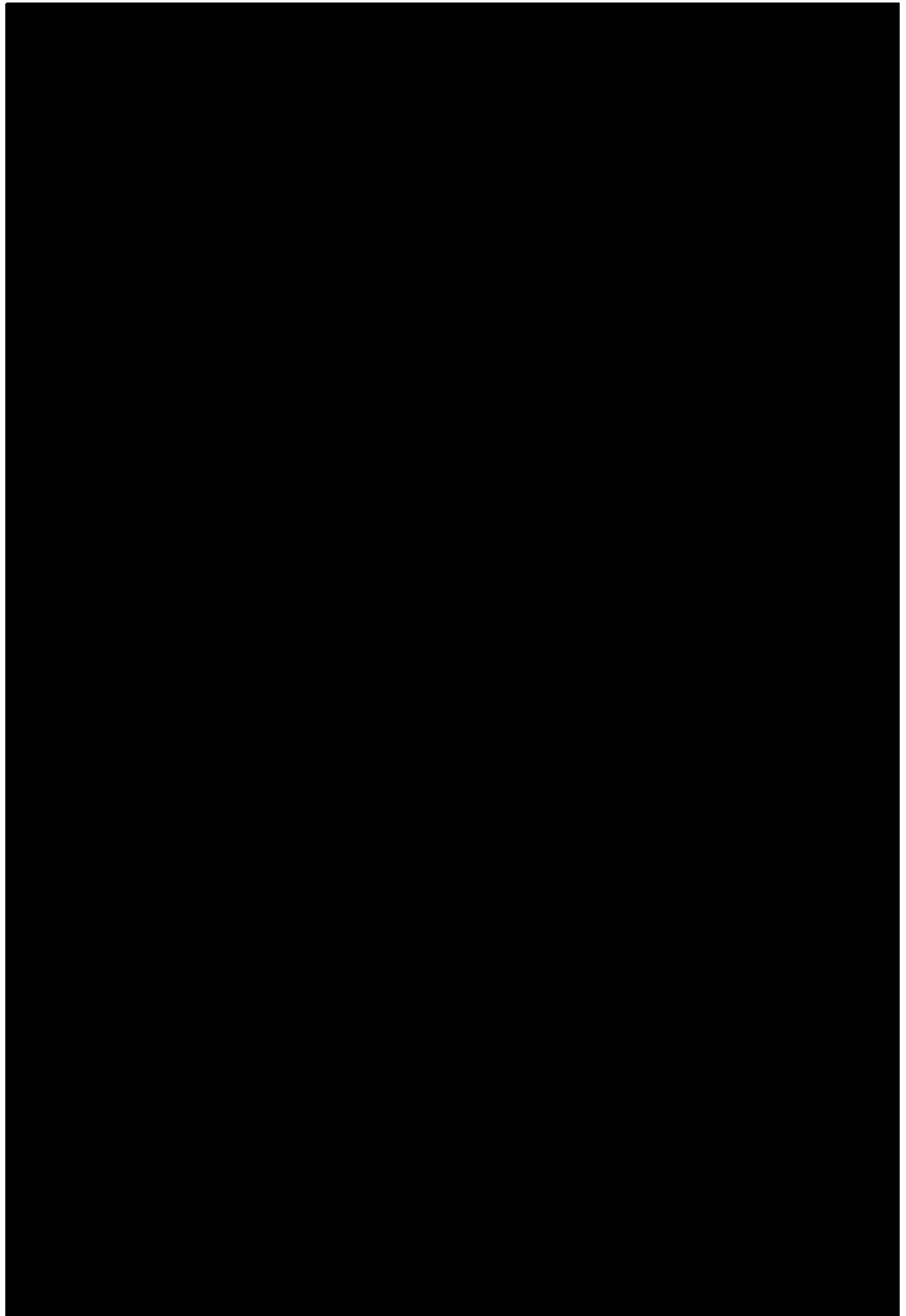


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785115-10-0004  
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993364

785115-10-0004

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SURVEILLANCE

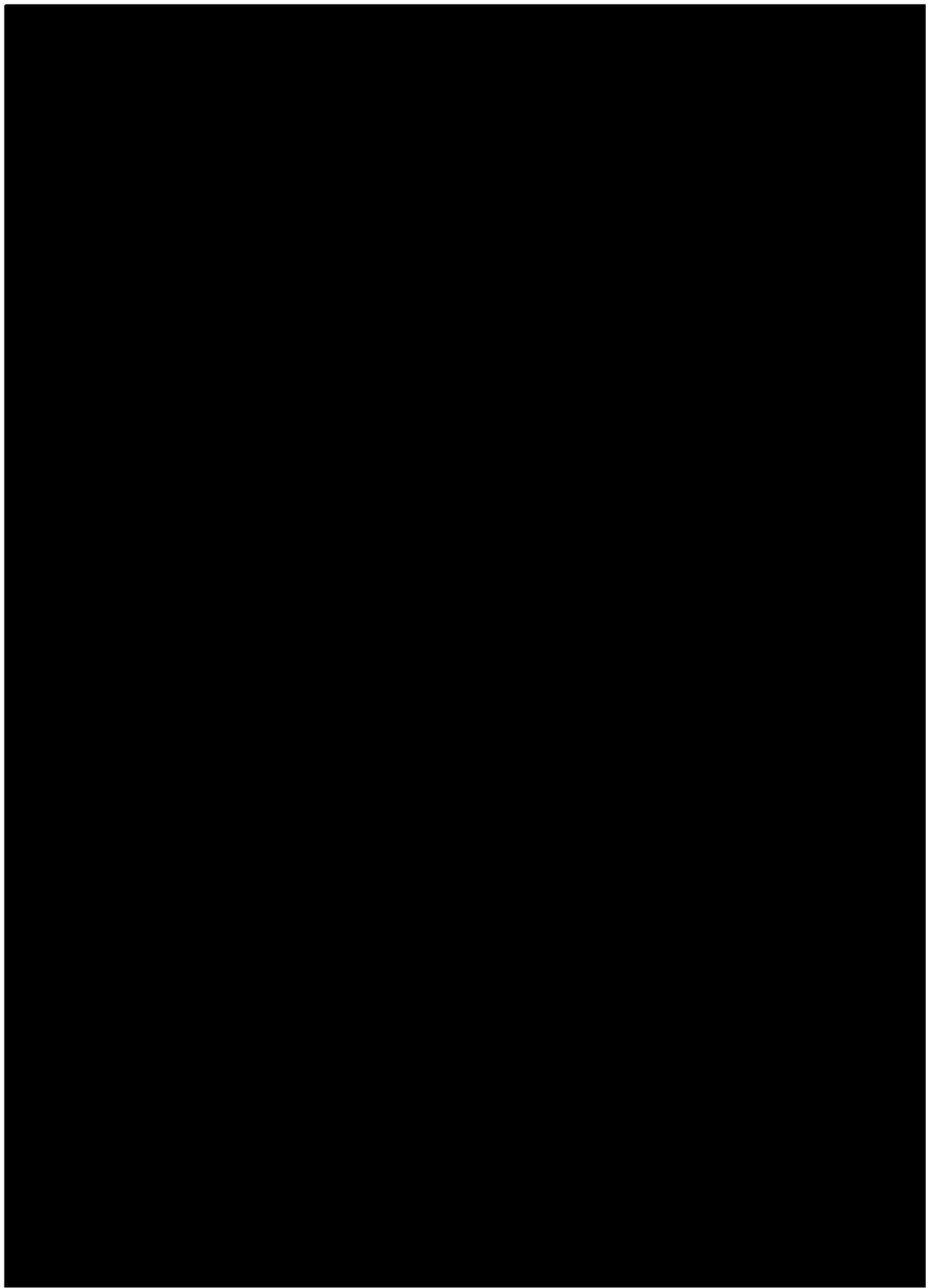
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993374

785115-10-0004

[REDACTED]

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Open

INTELLIGENCE ANALYSIS

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785115-10-0004

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Open

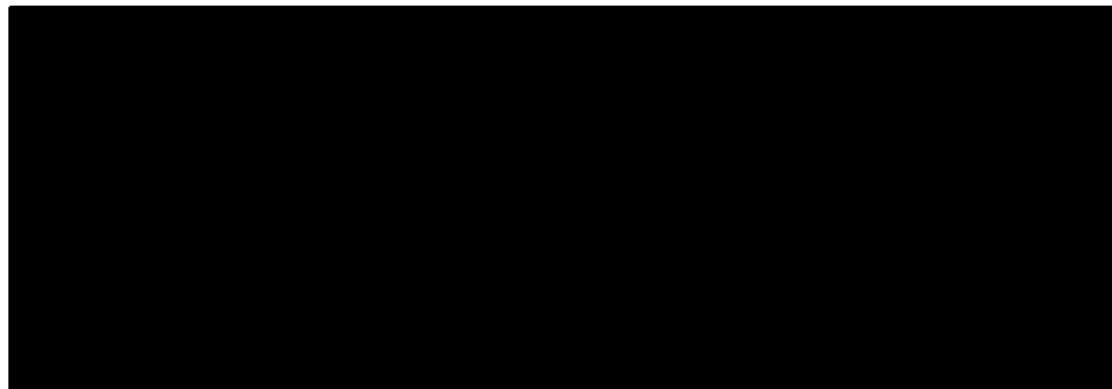
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785115-10-0004



20100330

Open

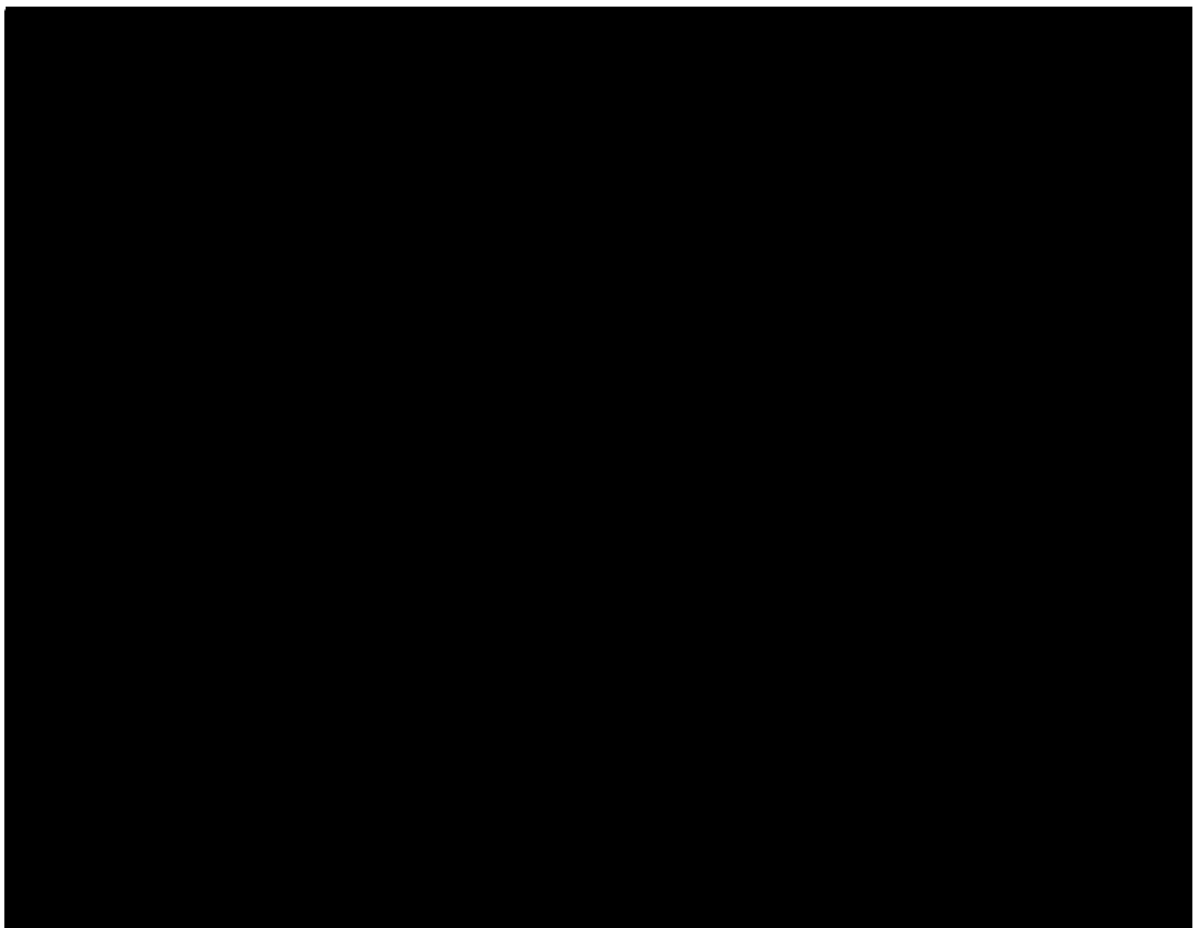
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20100330



993656

785115-10-0004

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Open

INTELLIGENCE ANALYSIS

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785115-10-0004

[REDACTED]

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Open

UNDERCOVER CONTACT

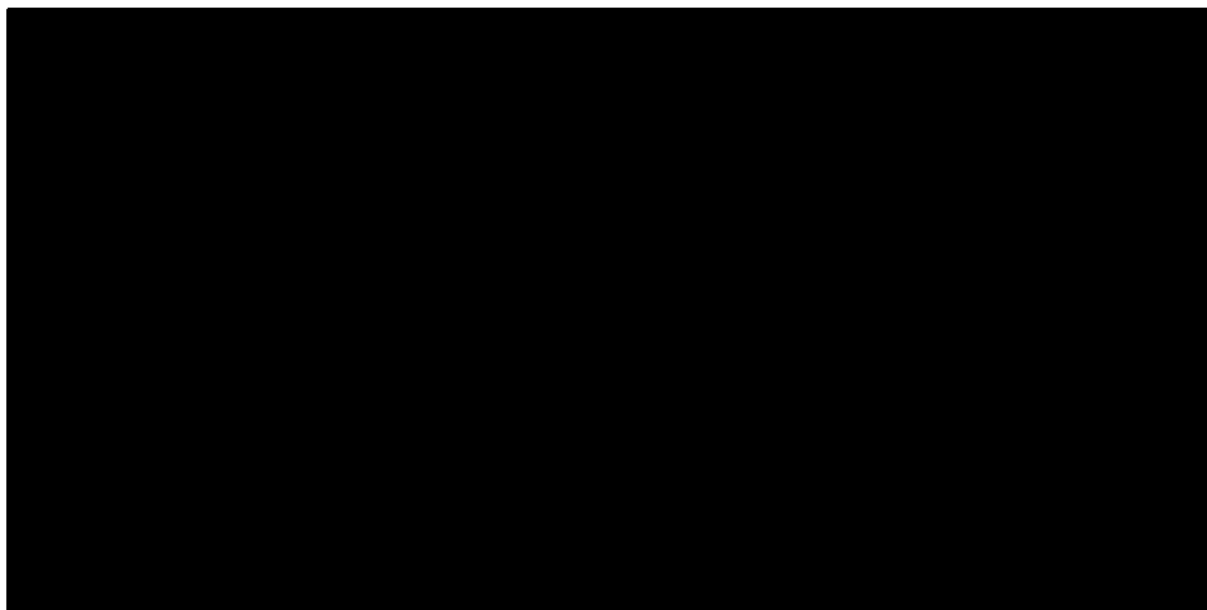
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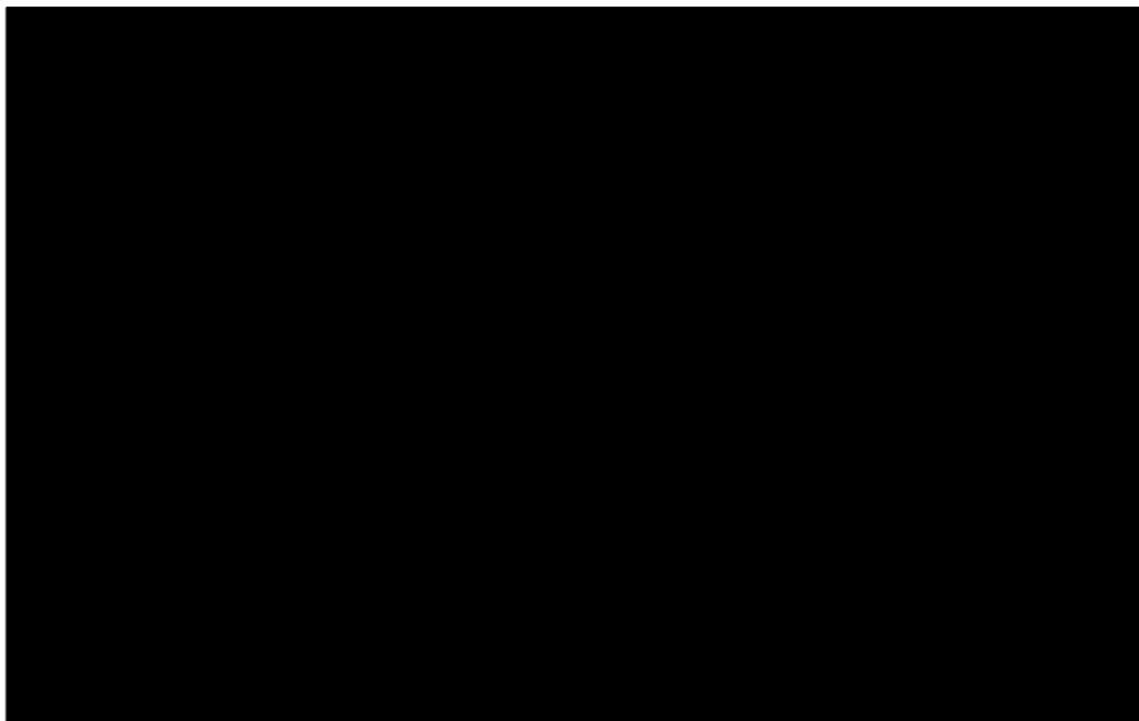
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993779

785115-10-0004

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OTHER (NON-EXPLOSIVE/FIRE)

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785115-10-0004

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OTHER (NON-EXPLOSIVE/FIRE)

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785115-10-0004

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OTHER (NON-EXPLOSIVE/FIRE)

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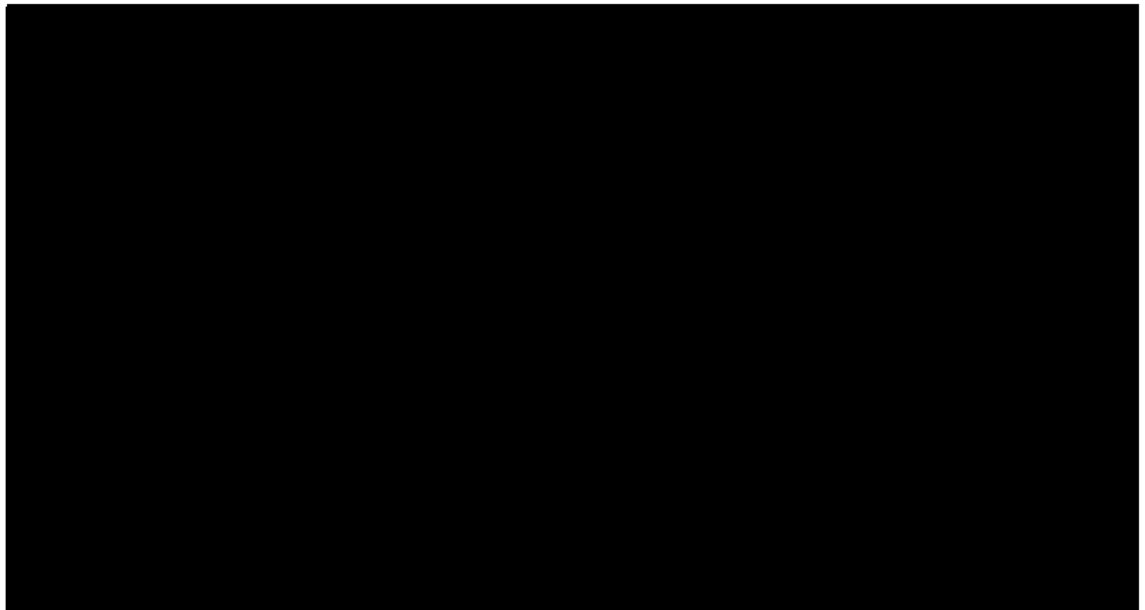
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OTHER (NON-EXPLOSIVE/FIRE)  
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785115-10-0004

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20100330

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OTHER (NON-EXPLOSIVE/FIRE)

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785115-10-0004



20100331

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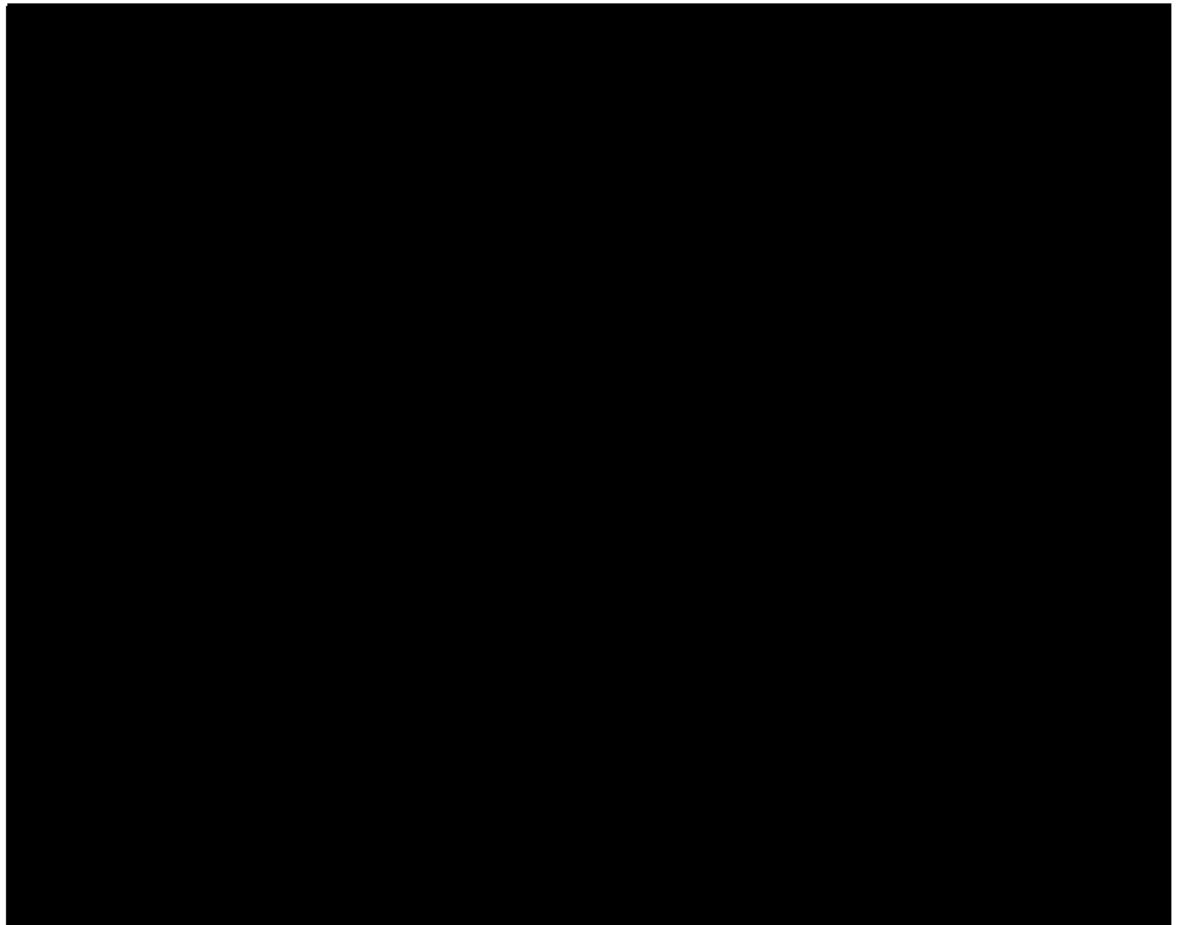
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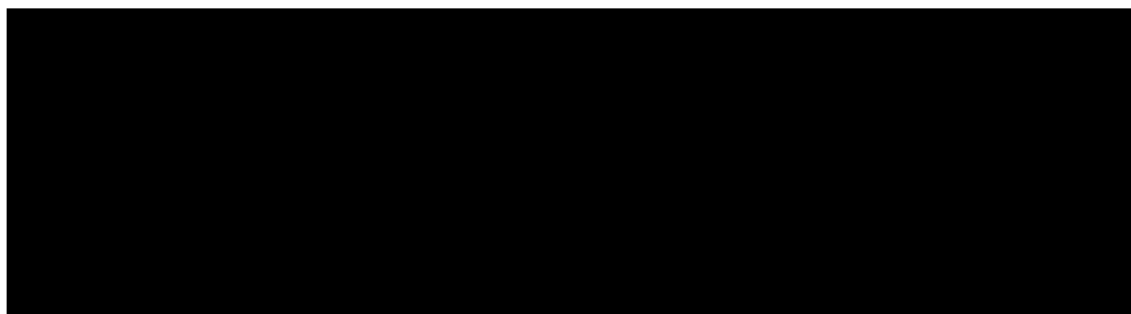
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20100331





994230

785115-10-0004



20100331

Open

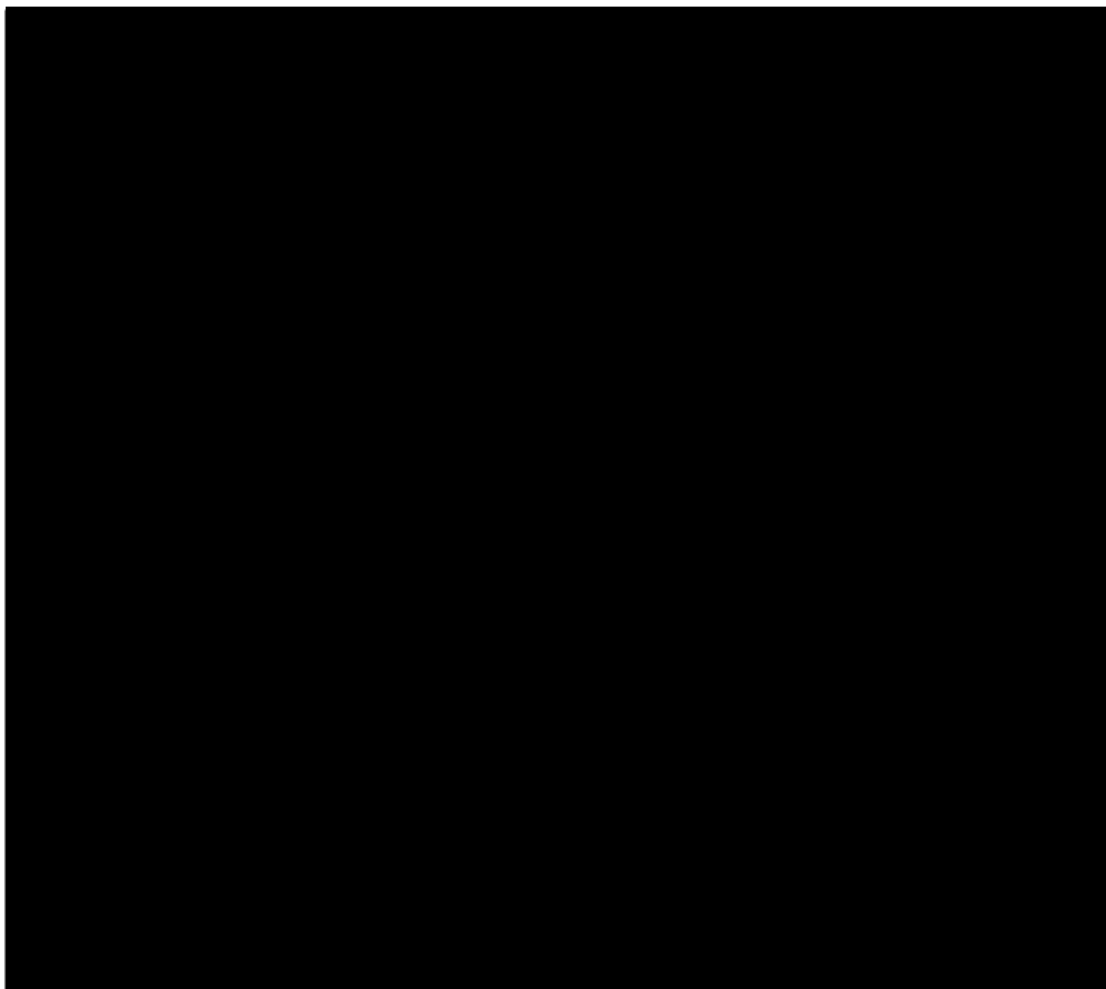
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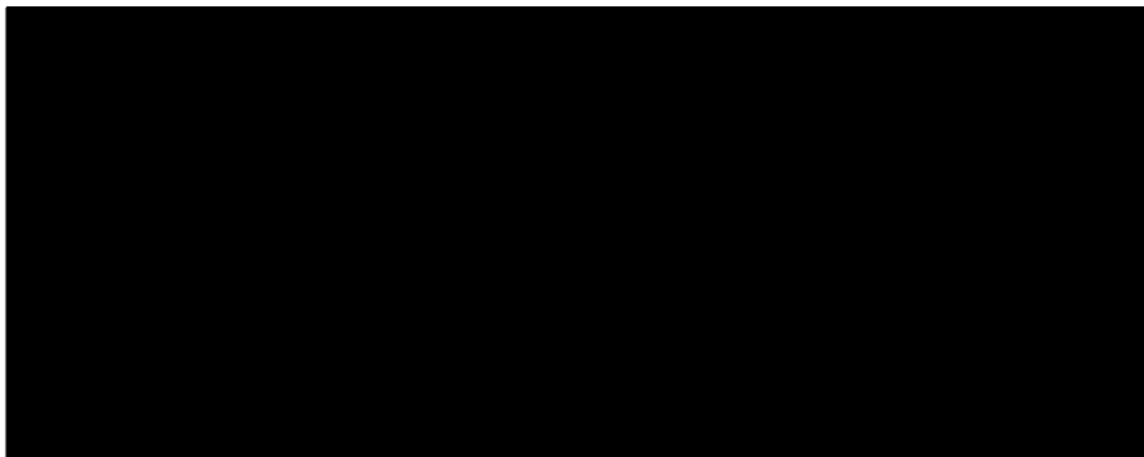
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20100331





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785115-10-0004

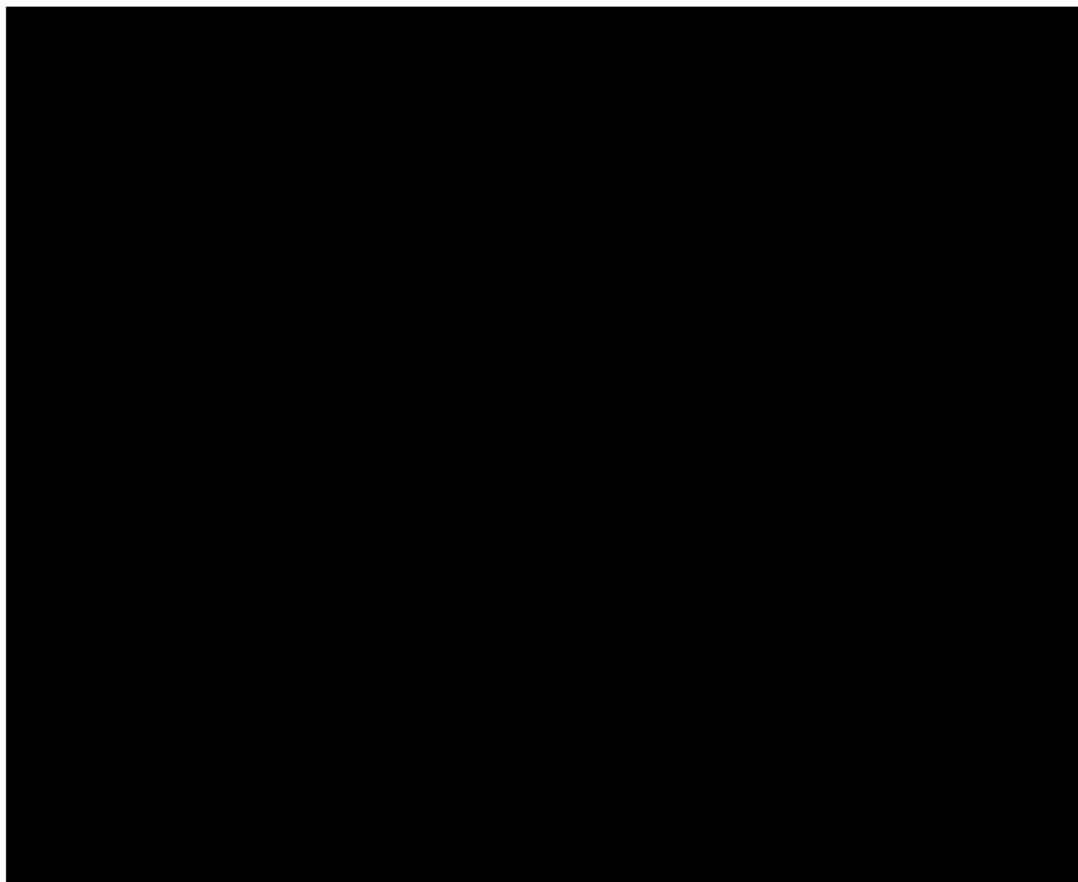


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SURVEILLANCE  
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994623



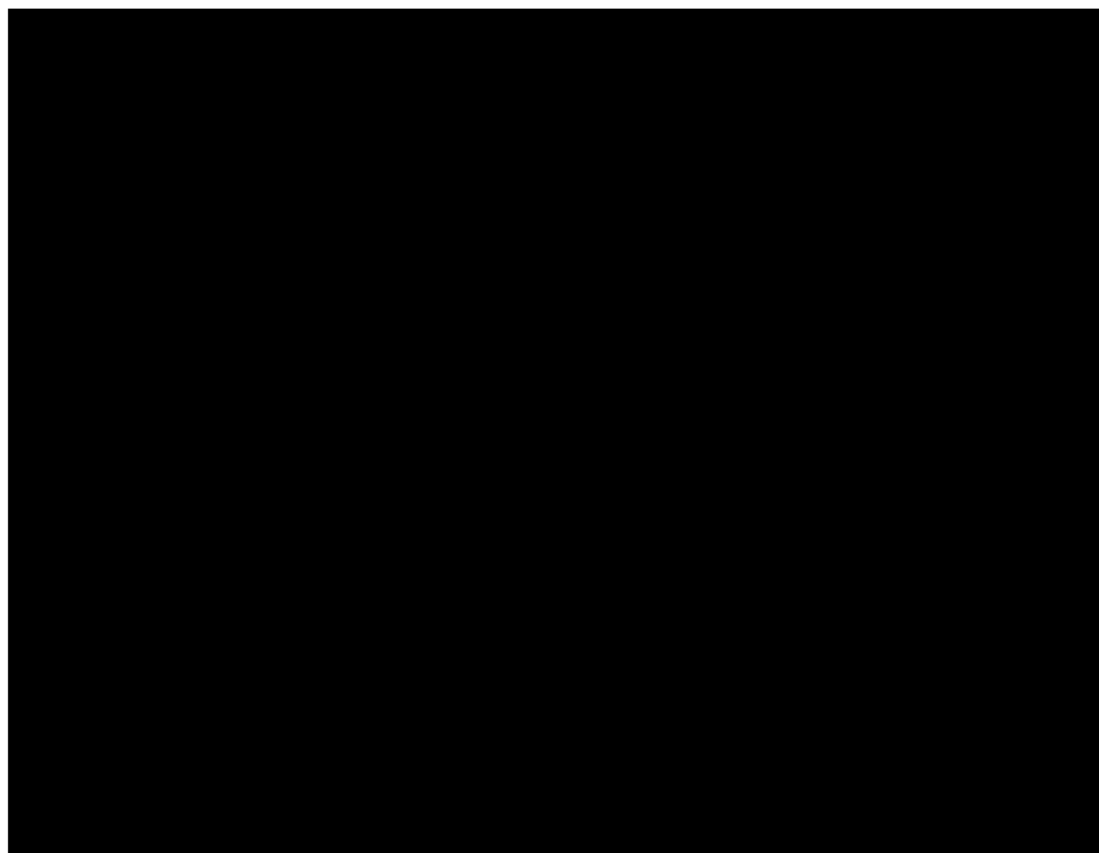
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785115-10-0004  
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994818

785115-10-0004



20100401

Open

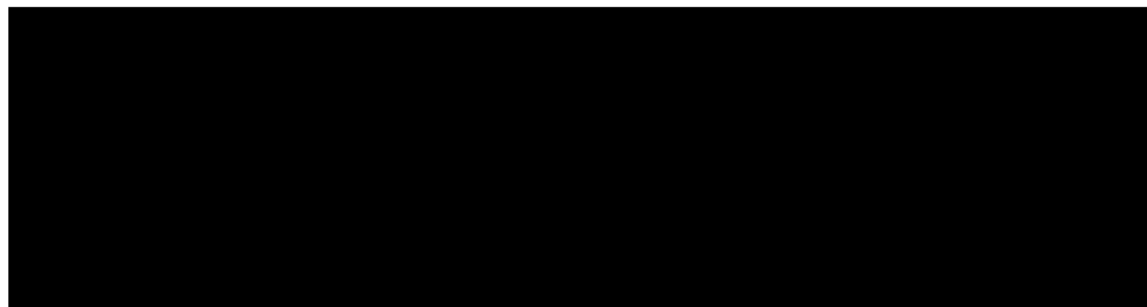
UNDERCOVER CONTACT

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994818



20100401



994978

785115-10-0004



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SURVEILLANCE  
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994980  
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SURVEILLANCE  
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785115-10-0004

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Open

SURVEILLANCE

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995004

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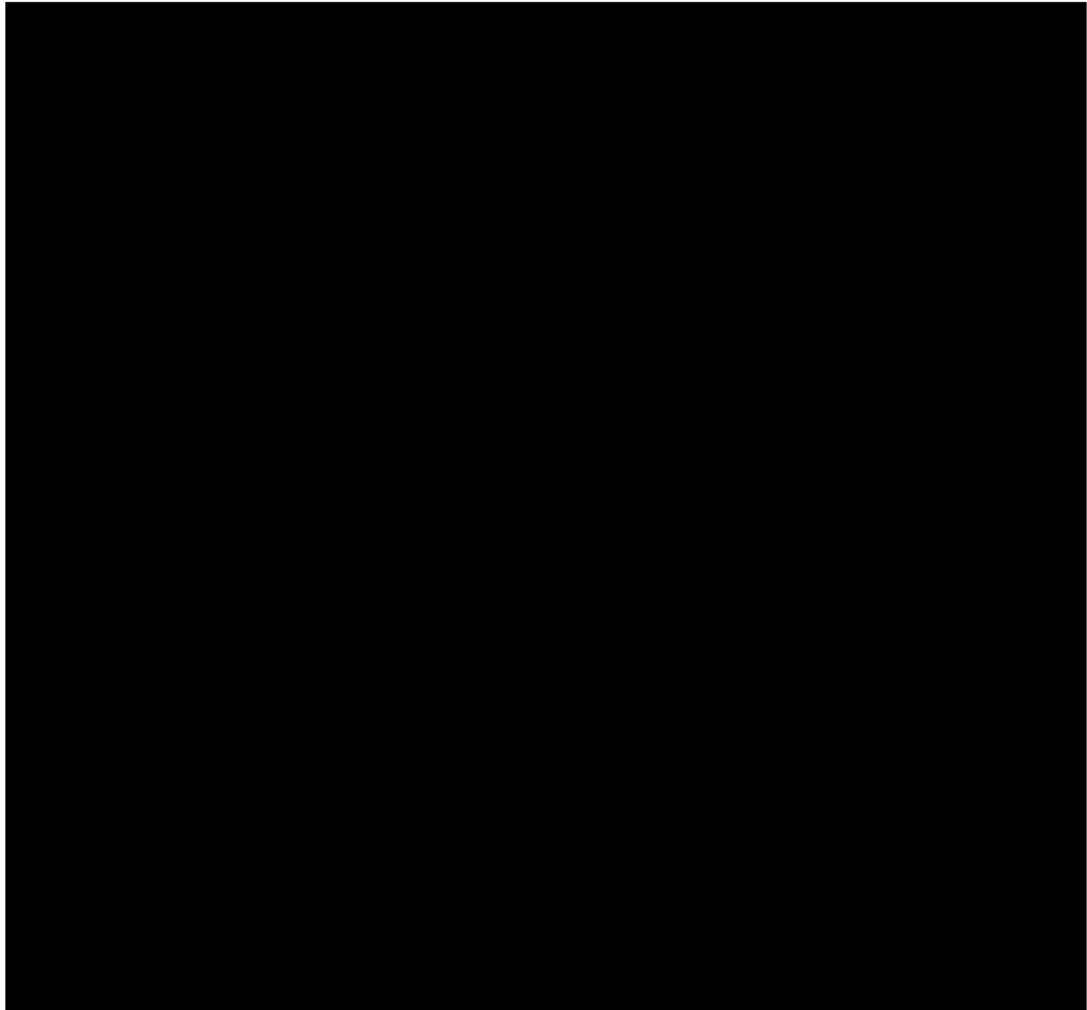
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SURVEILLANCE  
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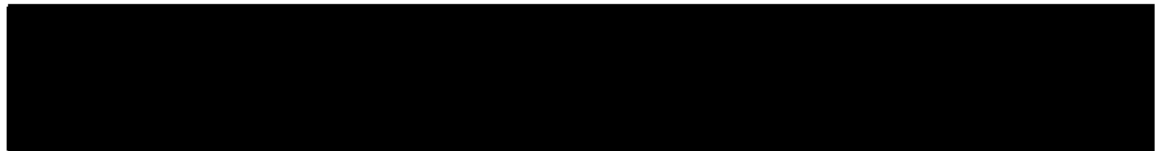
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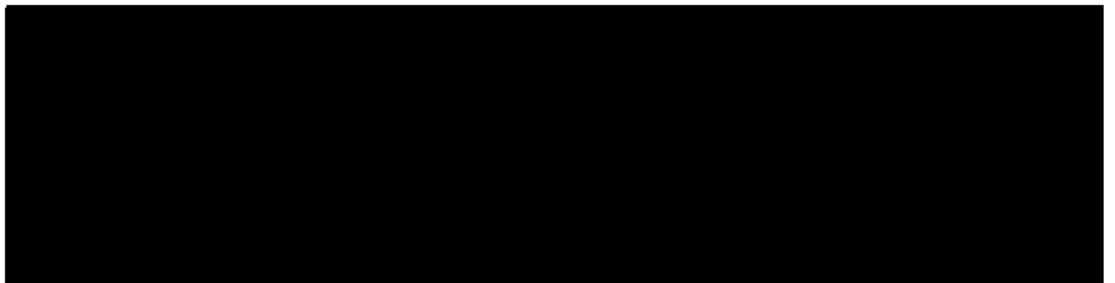
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785115-10-0004  
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SURVEILLANCE  
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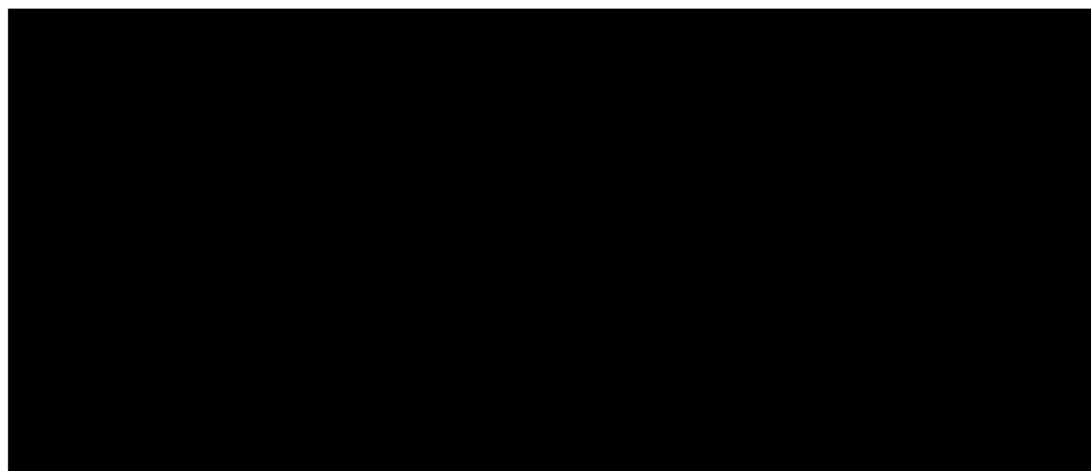
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20100324



995414  
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OTHER (NON-EXPLOSIVE/FIRE)  
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995414  
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20100403





995488  
785115-10-0004

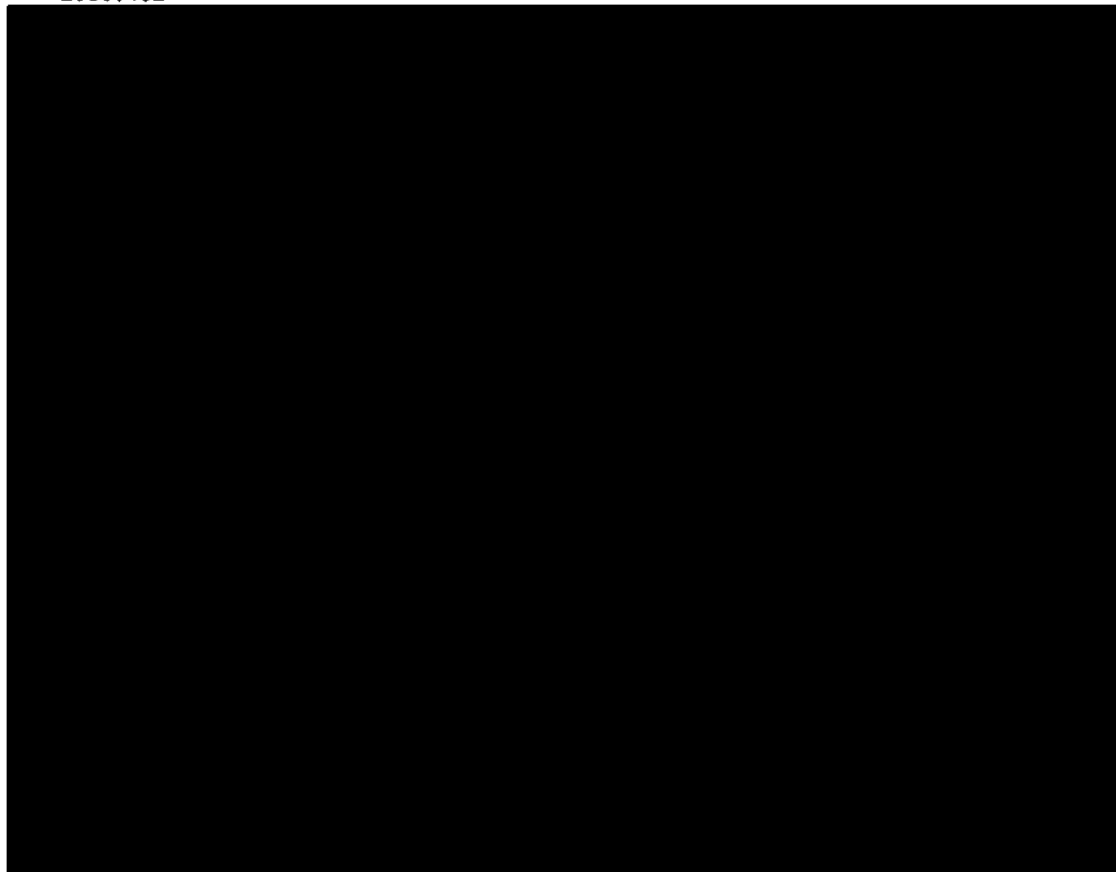


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SURVEILLANCE  
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995488



20100402





995490  
785115-10-0004

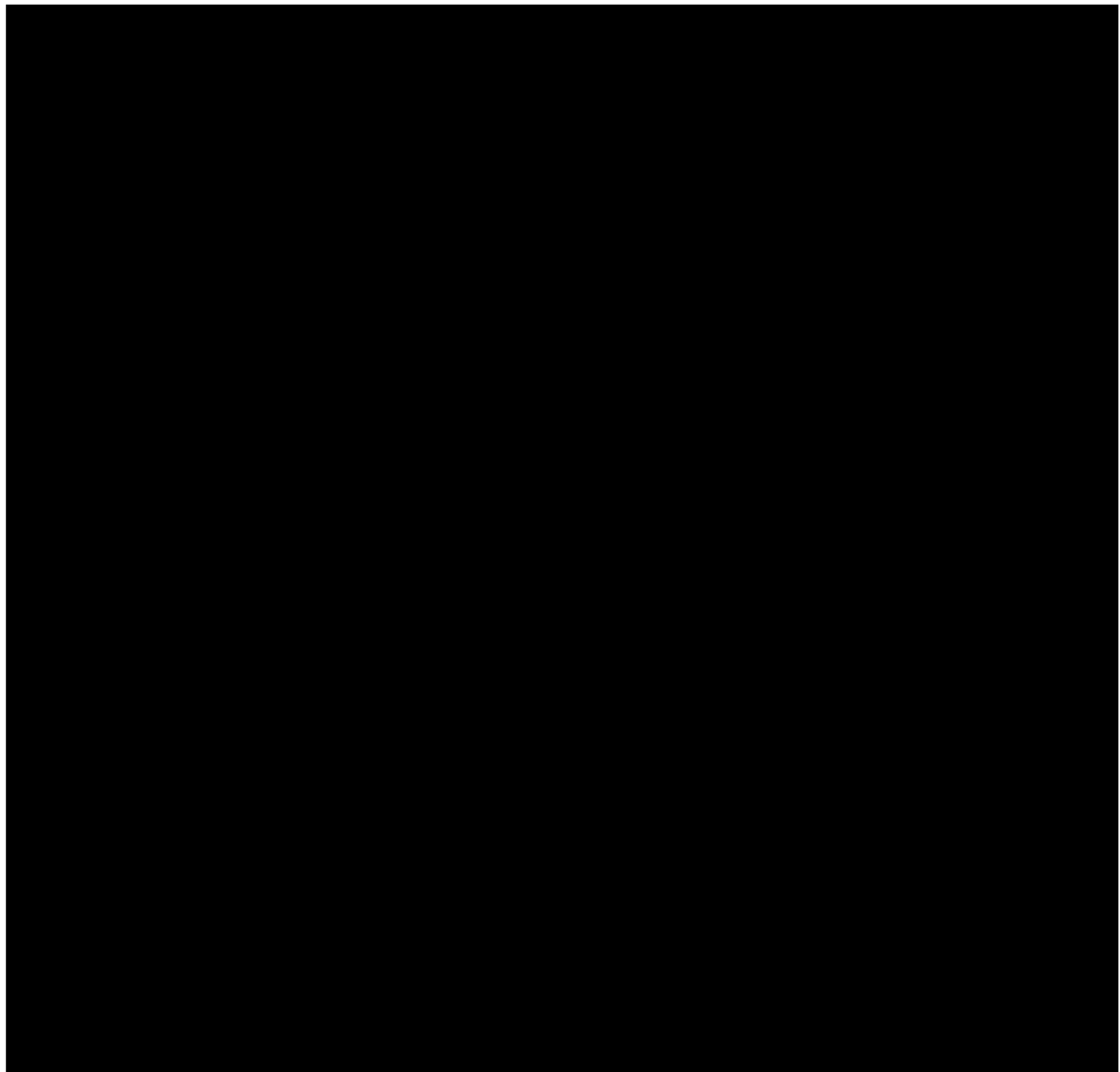


20100405  
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ARREST  
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995490



20100405





995501  
785115-10-0004

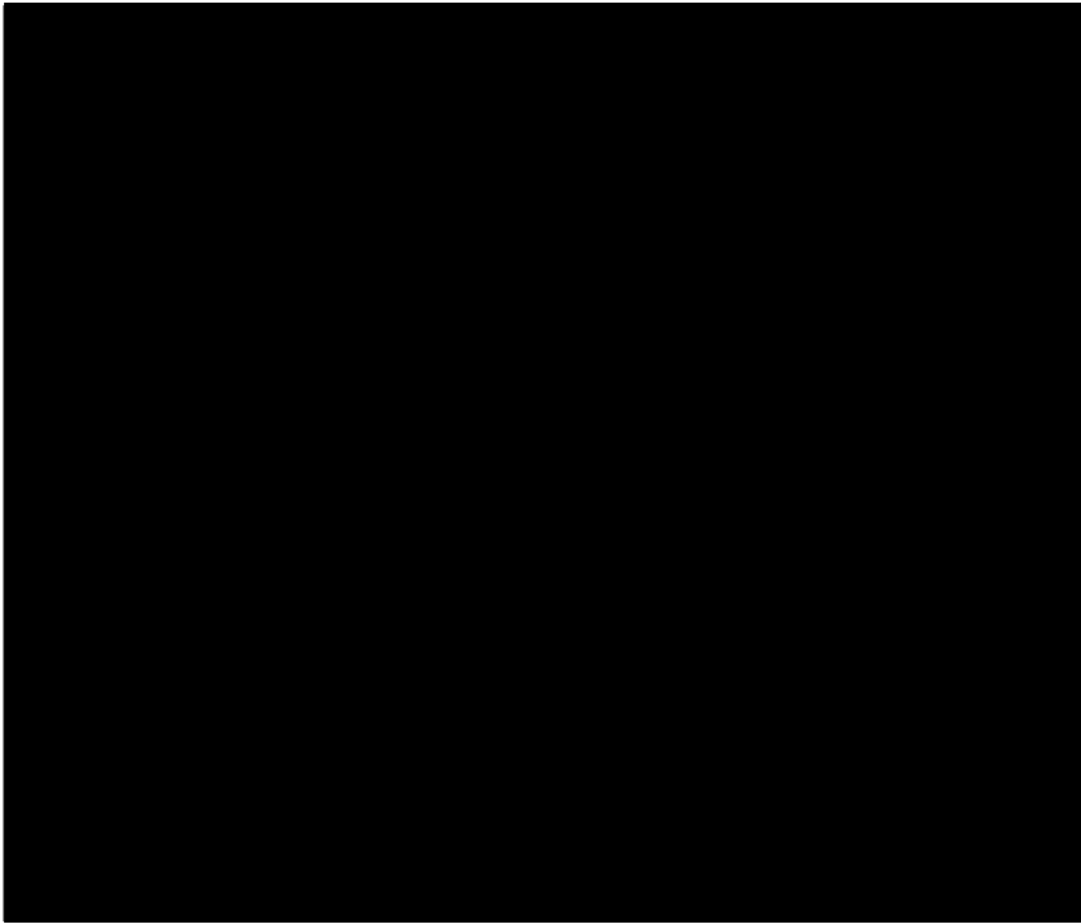


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OTHER (NON-EXPLOSIVE/FIRE)  
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995501



20100405



995636  
785115-10-0004



20100405

Open  
SURVEILLANCE  
I

995636

[REDACTED]  
20100405

995705  
785115-10-0004  
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SURVEILLANCE  
I

995705

[REDACTED]  
20100401

995731  
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SURVEILLANCE  
I

995731

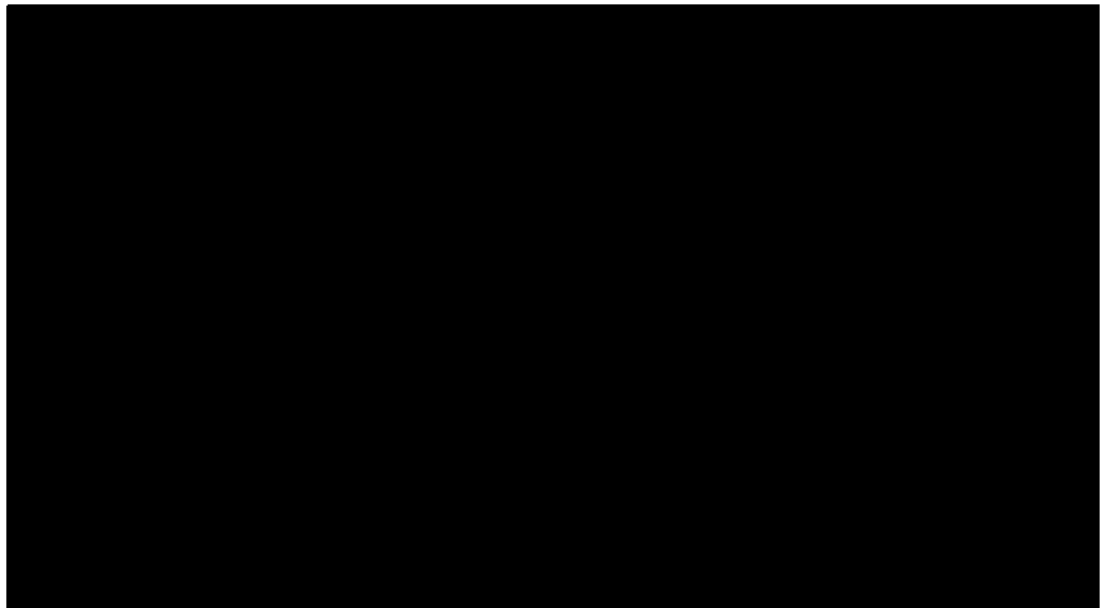
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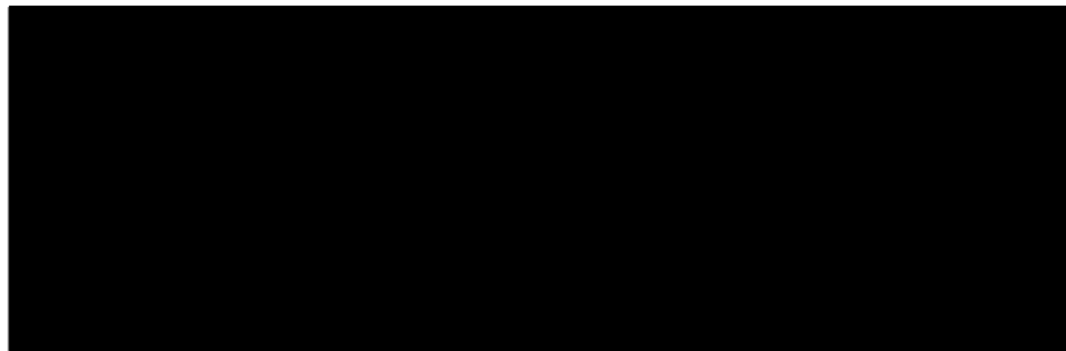




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OTHER (NON-EXPLOSIVE/FIRE)  
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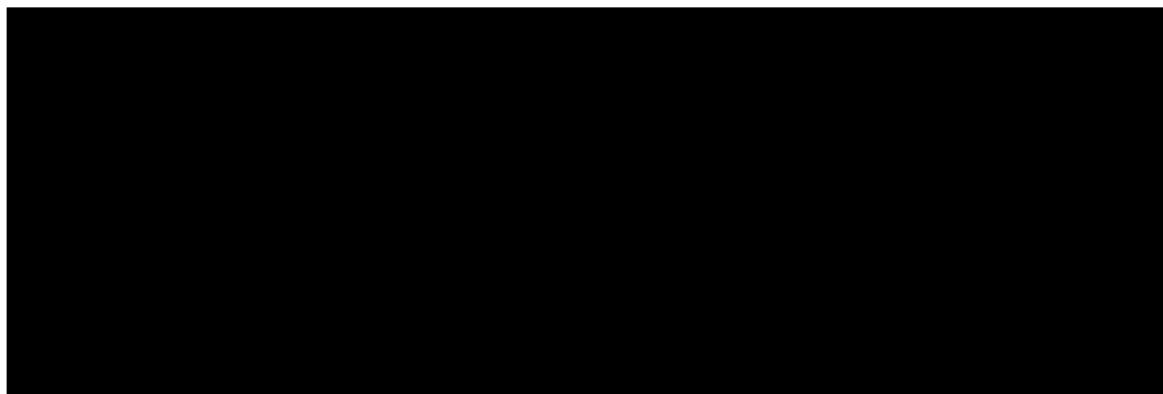
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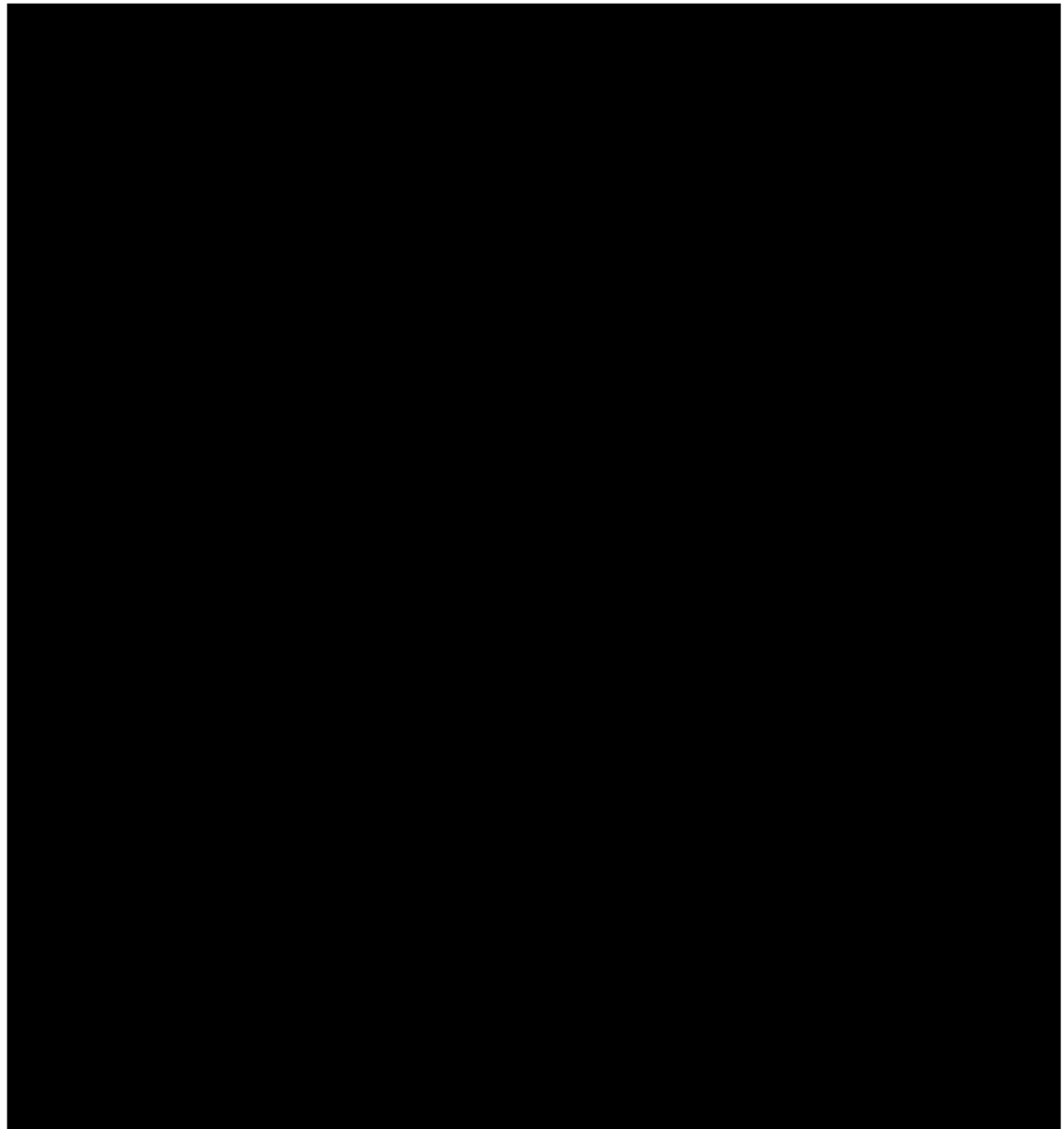
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CONTACT INTERVIEW  
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996048  
[REDACTED]  
20100305



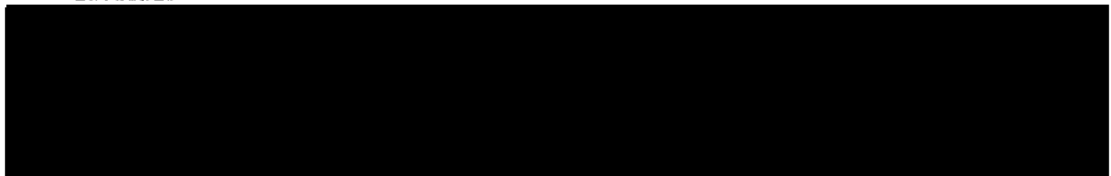
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OTHER (NON-EXPLOSIVE/FIRE)  
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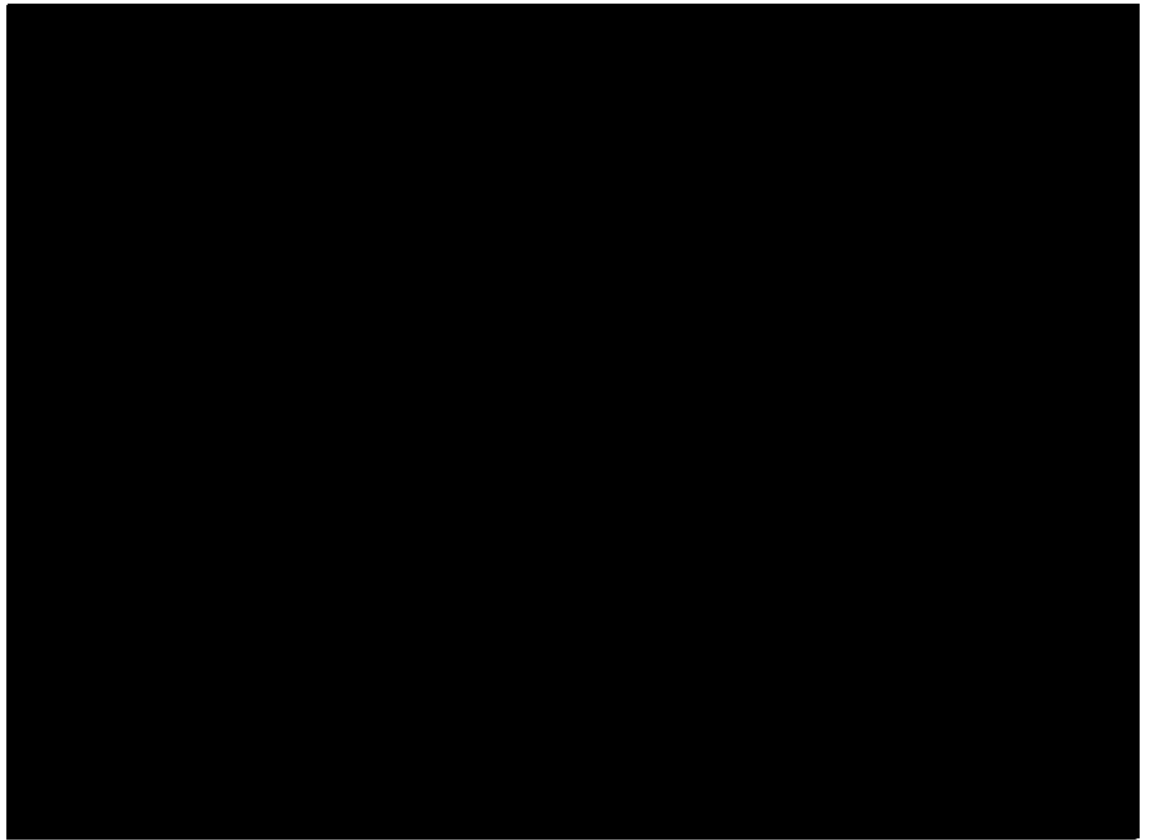
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996124  
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CONTACT INTERVIEW  
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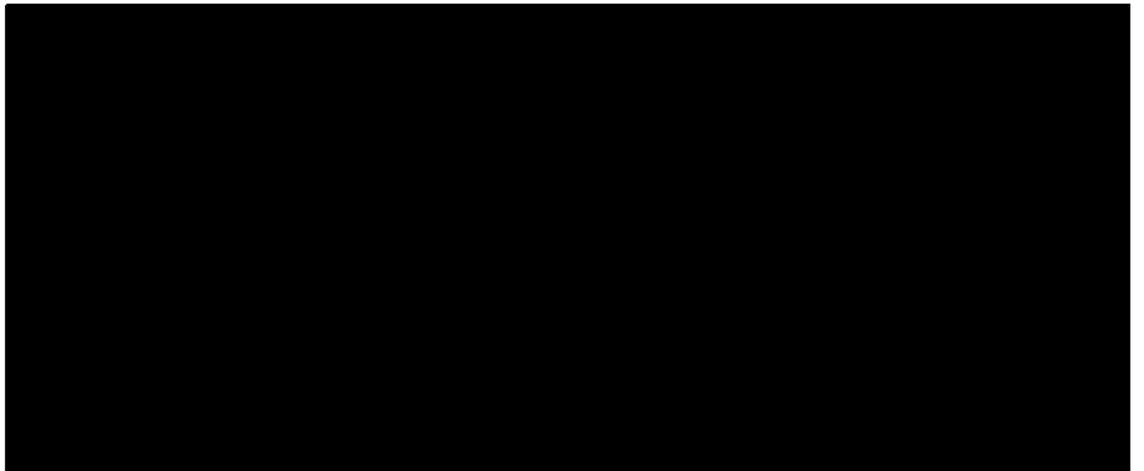
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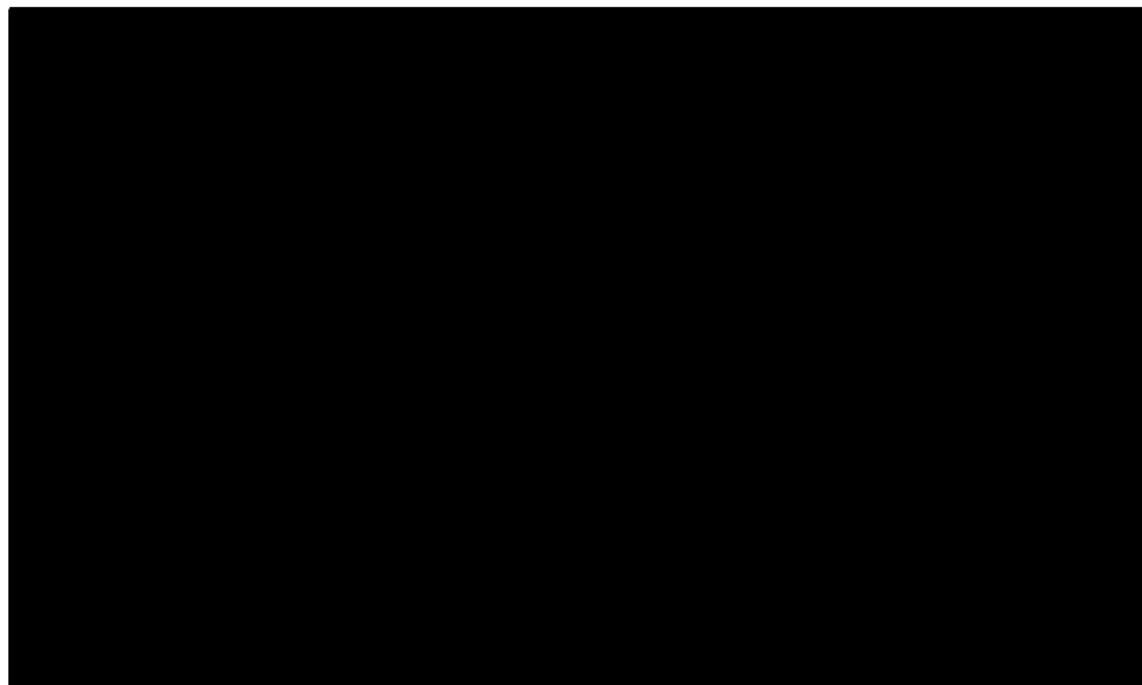




996273  
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996492  
785115-10-0004

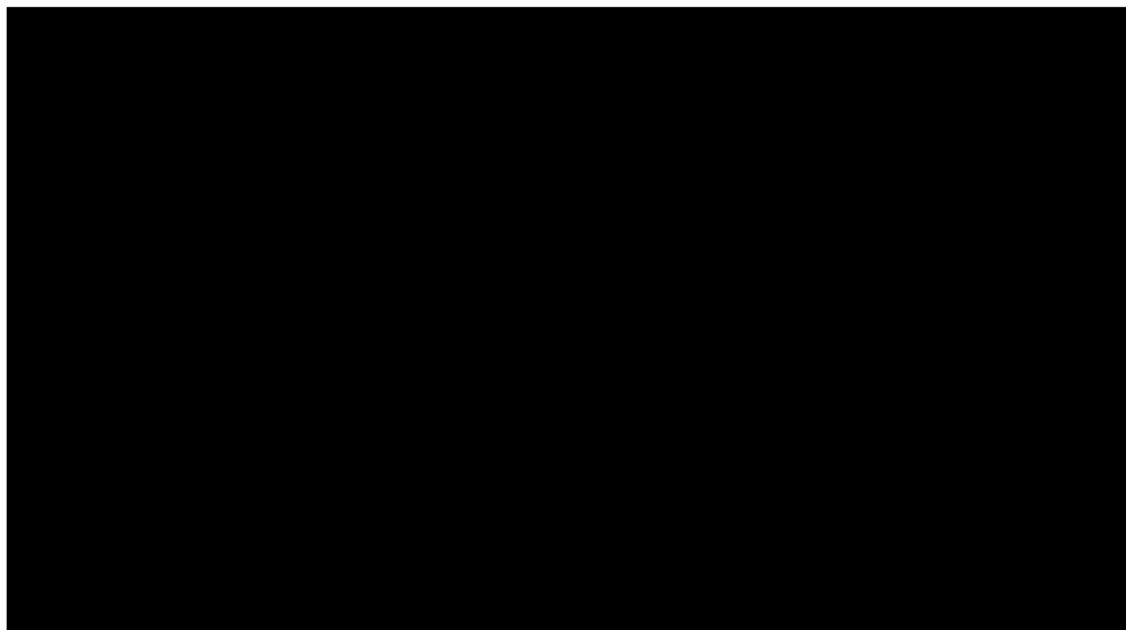


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SURVEILLANCE  
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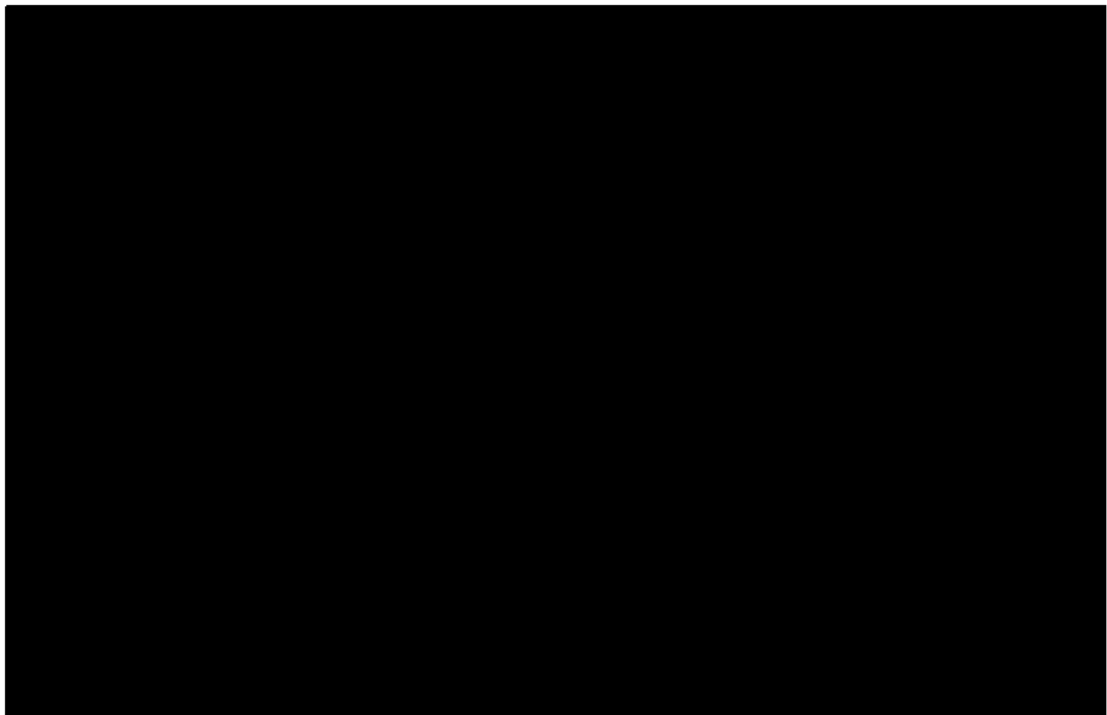
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997043  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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997043  
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20100409



997248

785115-10-0004

[REDACTED]

20100412

Open

OTHER (NON-EXPLOSIVE/FIRE)

I

997248

[REDACTED]

20100412

[REDACTED]

997376

785115-10-0004

[REDACTED]

20100408

Open

OTHER (NON-EXPLOSIVE/FIRE)

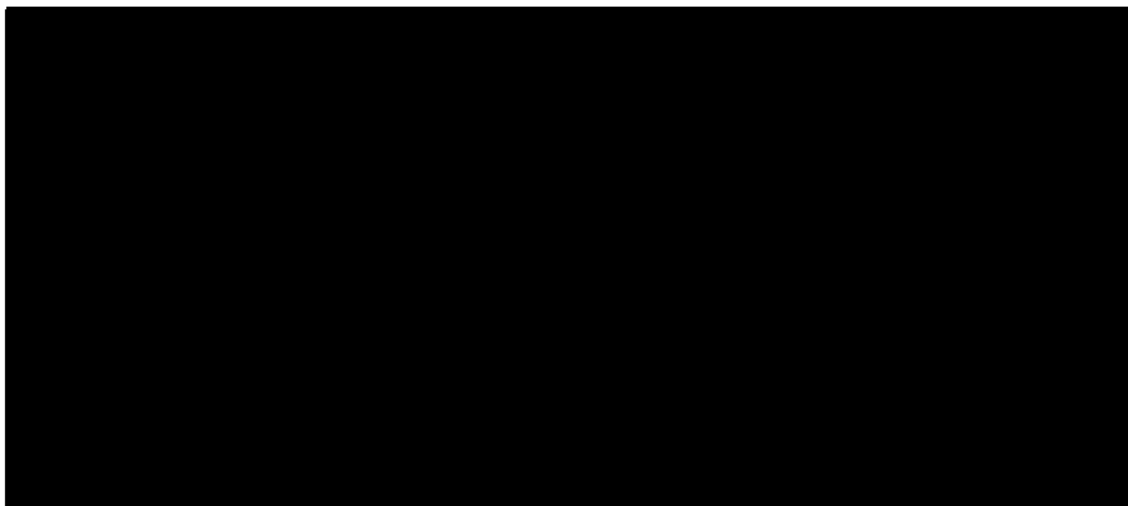
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997376

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20100408

[REDACTED]



997388

785115-10-0004



20100412

Open

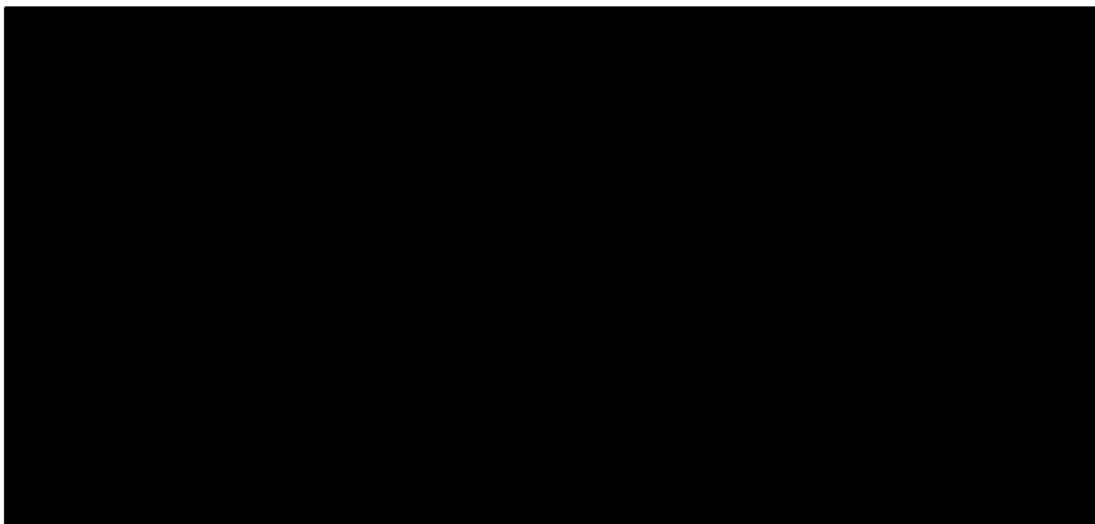
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997388



20100412



997476


785115-10-0004

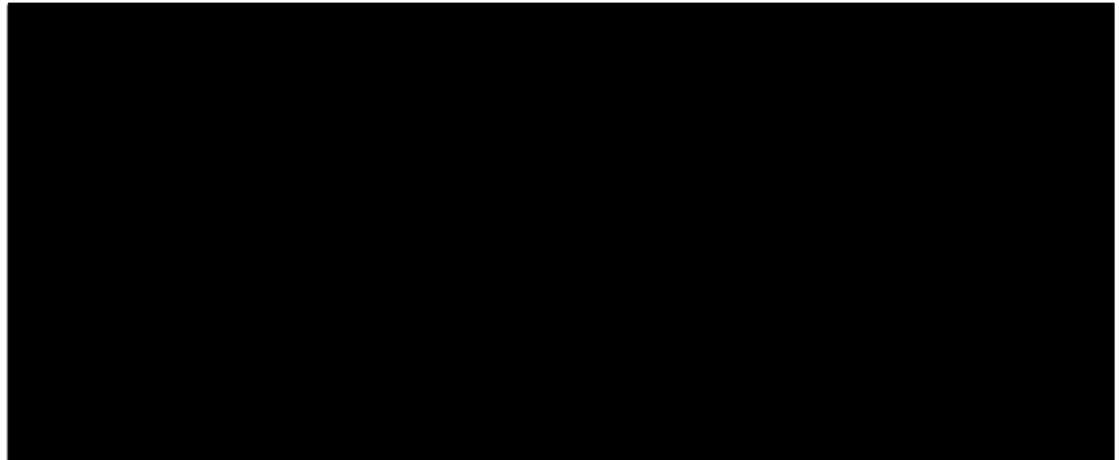





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OTHER (NON-EXPLOSIVE/FIRE)  
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997476

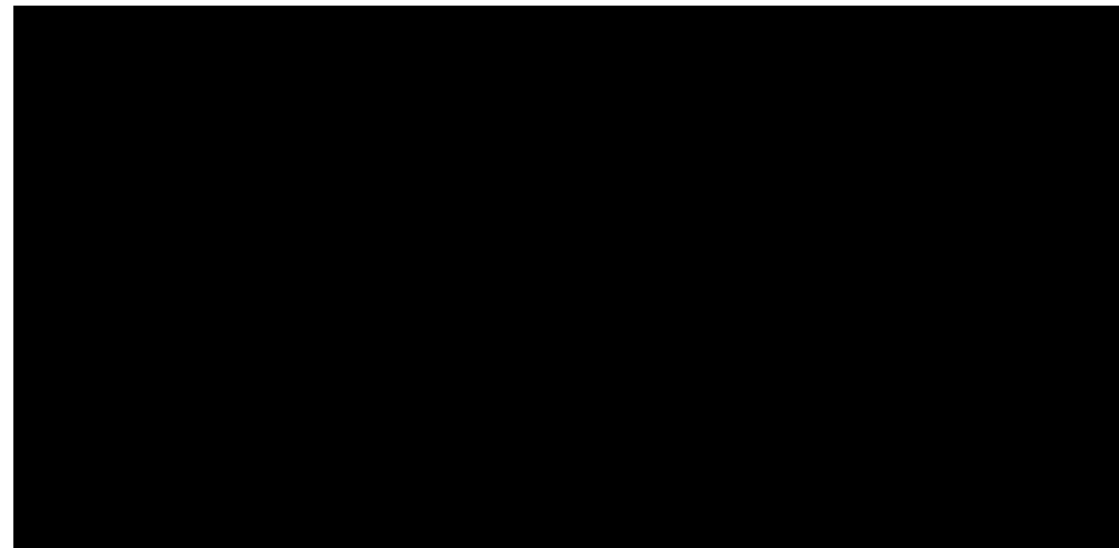
  
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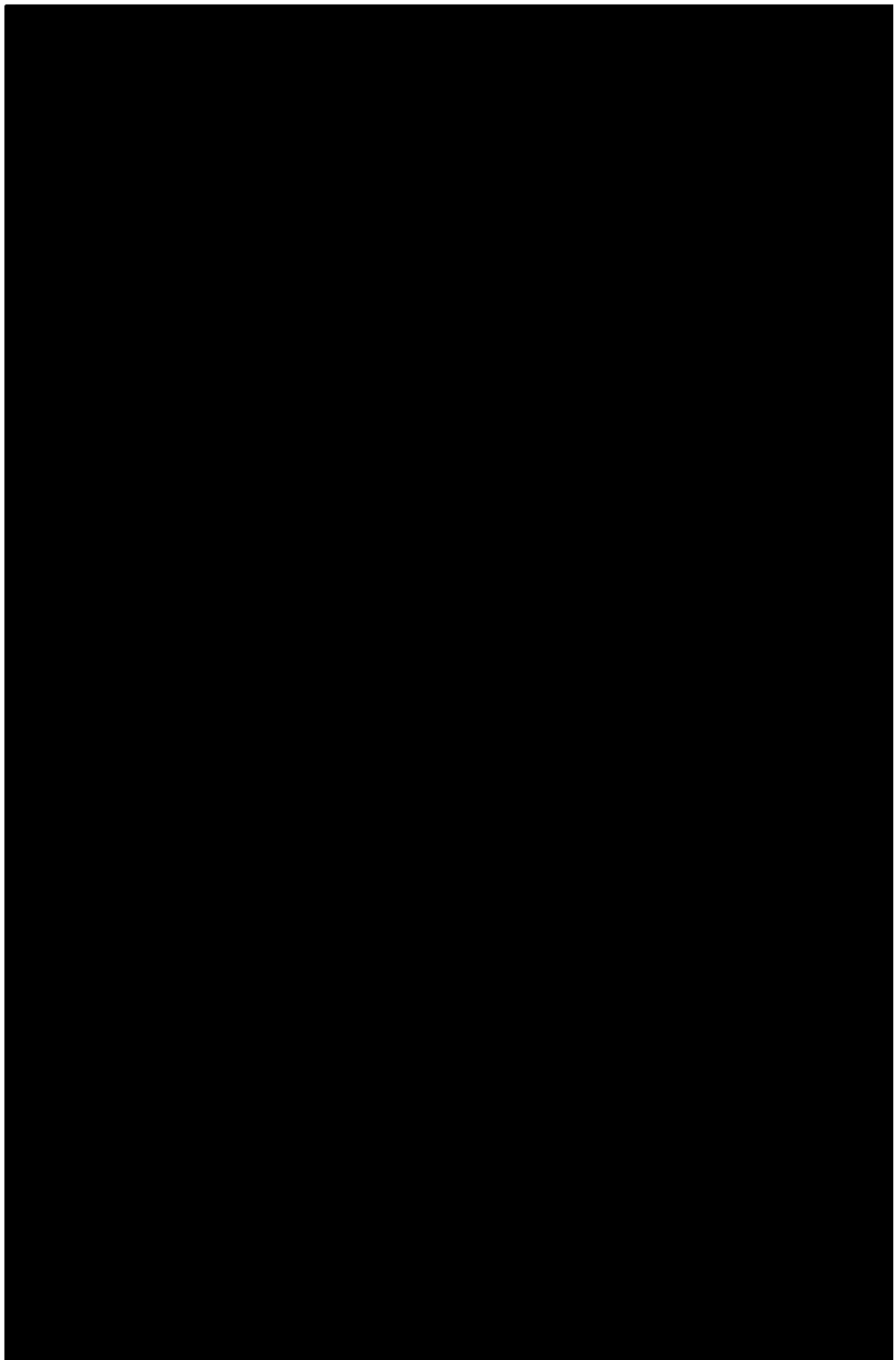


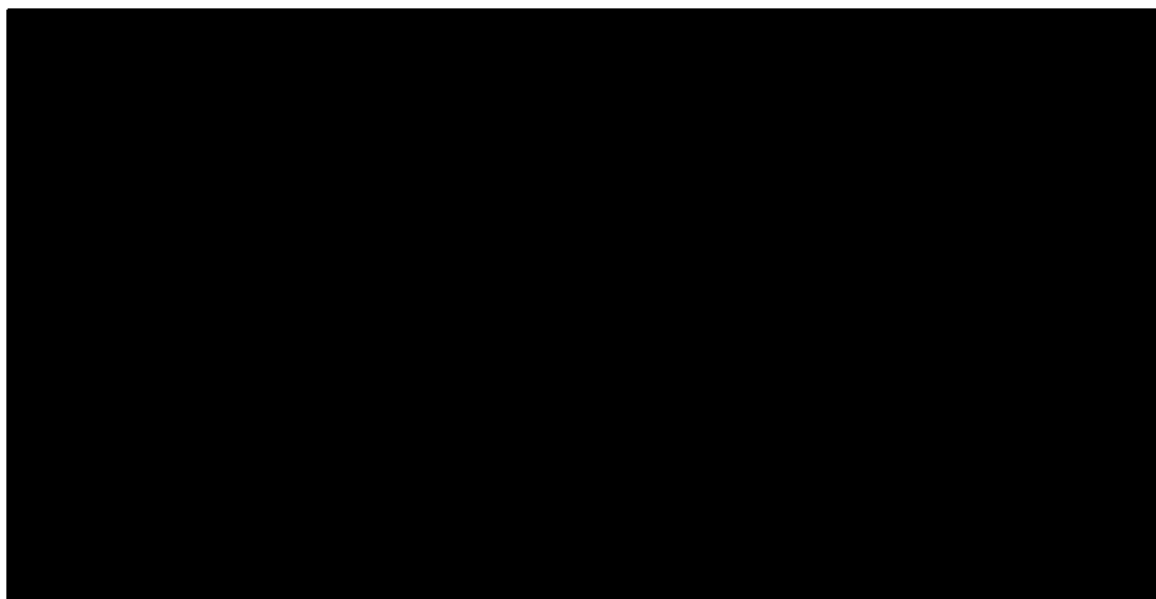
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OTHER (NON-EXPLOSIVE/FIRE)  
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997516

  
20100412







997518

785115-10-0004



20100412

Open

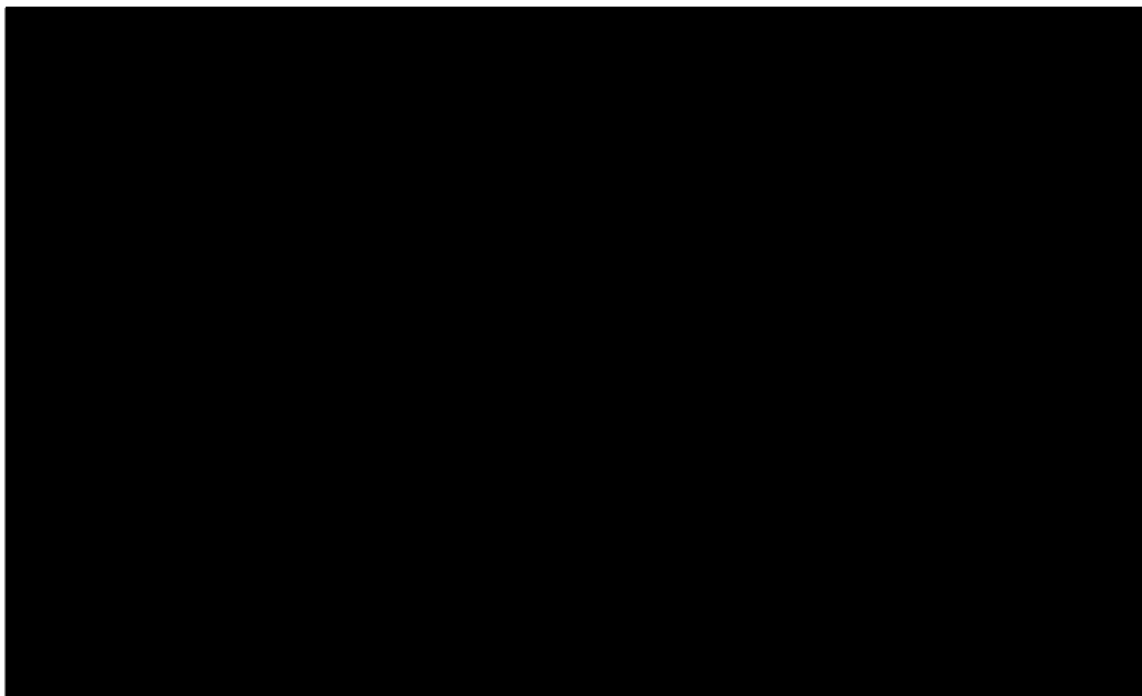
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997518



20100412



997533  
785115-10-0004

[REDACTED]  
20100410

Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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997533

[REDACTED]  
20100410

998707  
785115-10-0004

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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

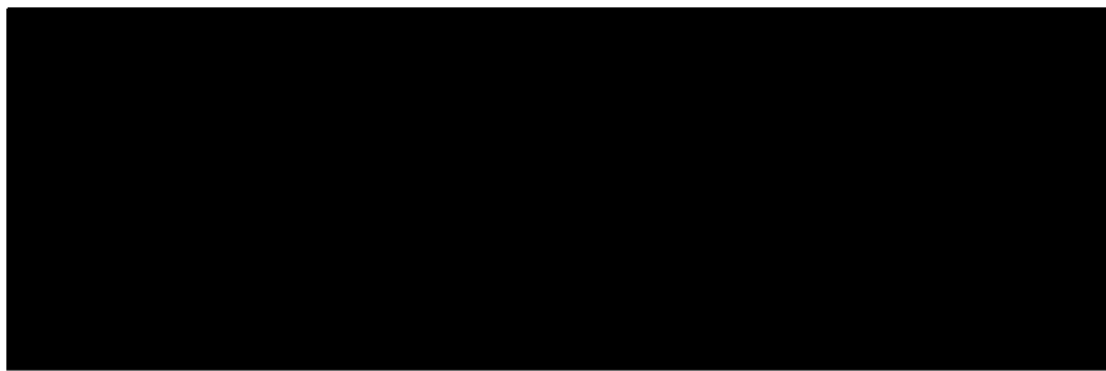
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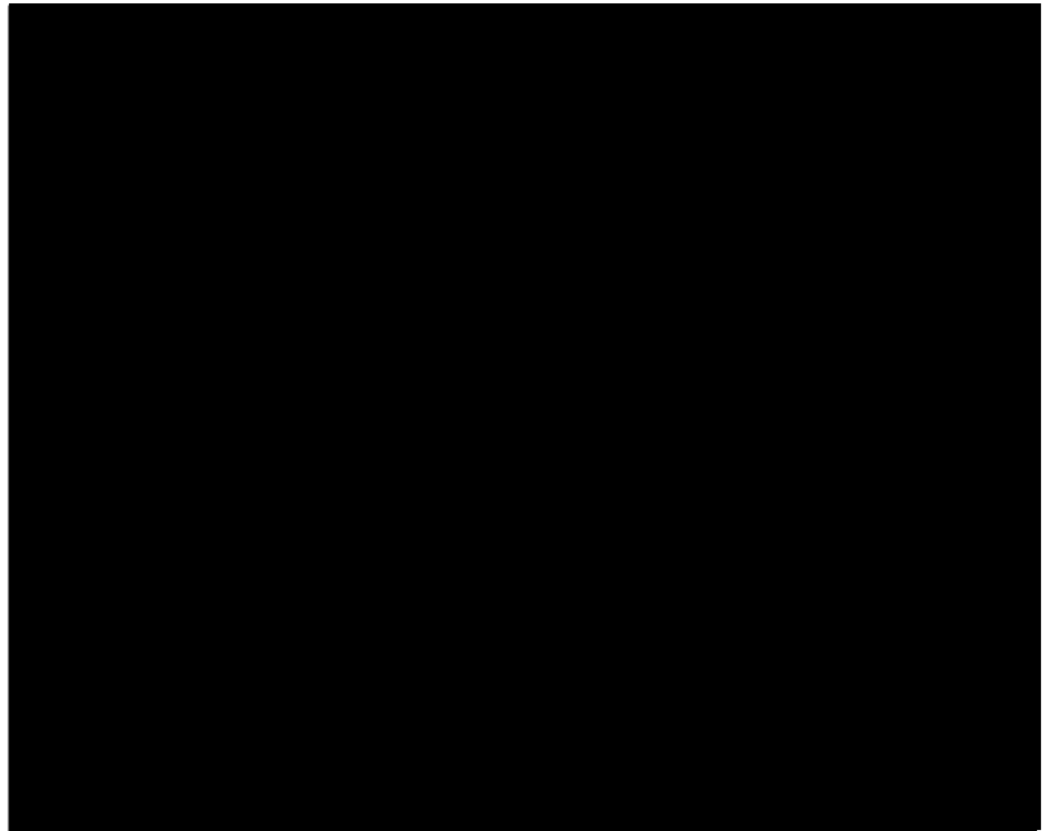
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1000253  
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OTHER (NON-EXPLOSIVE/FIRE)  
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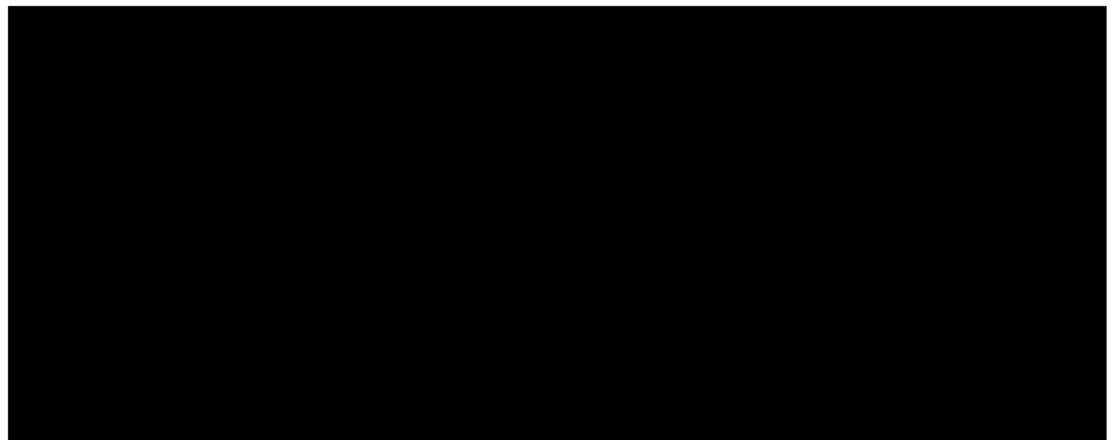
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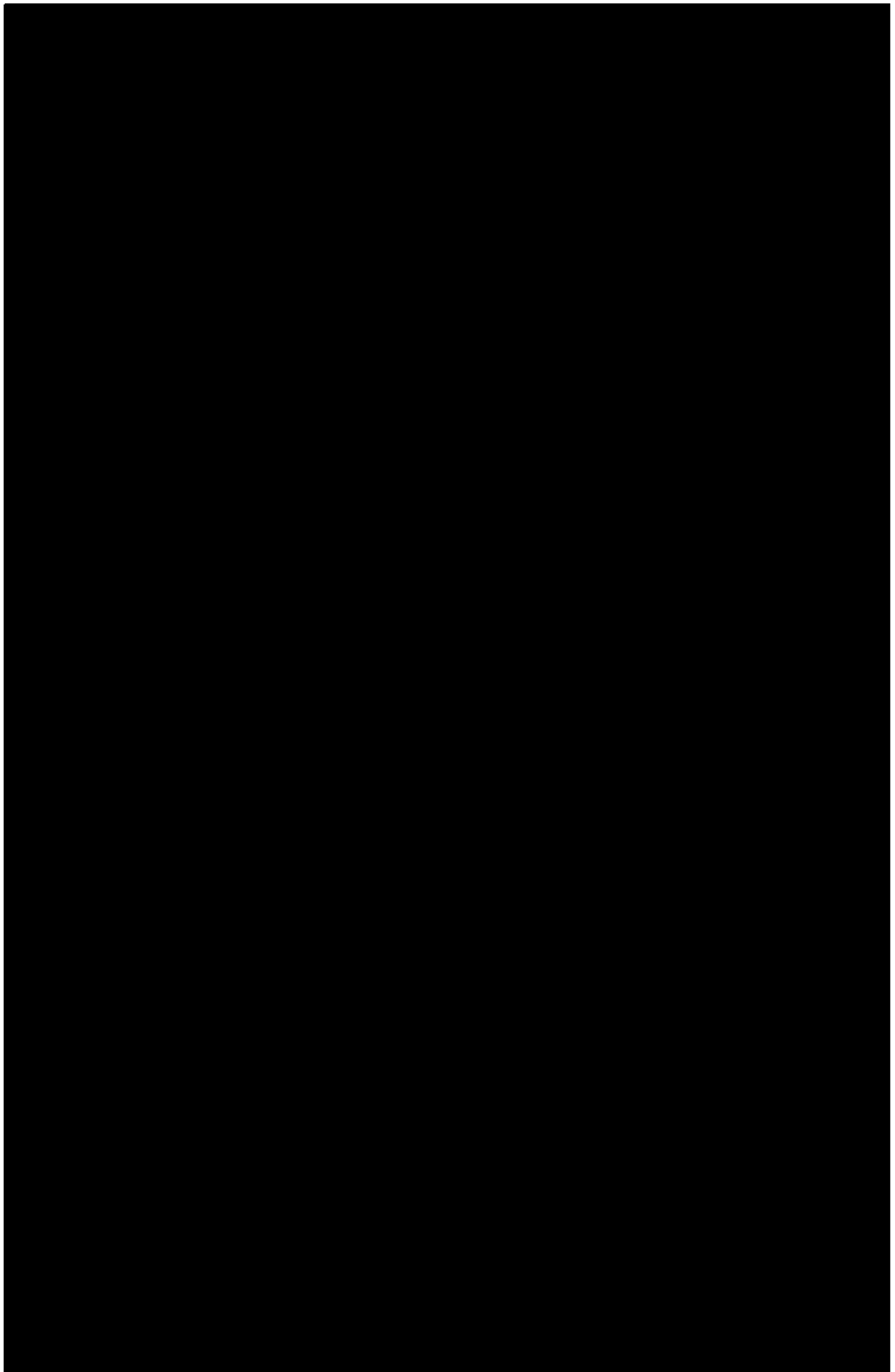


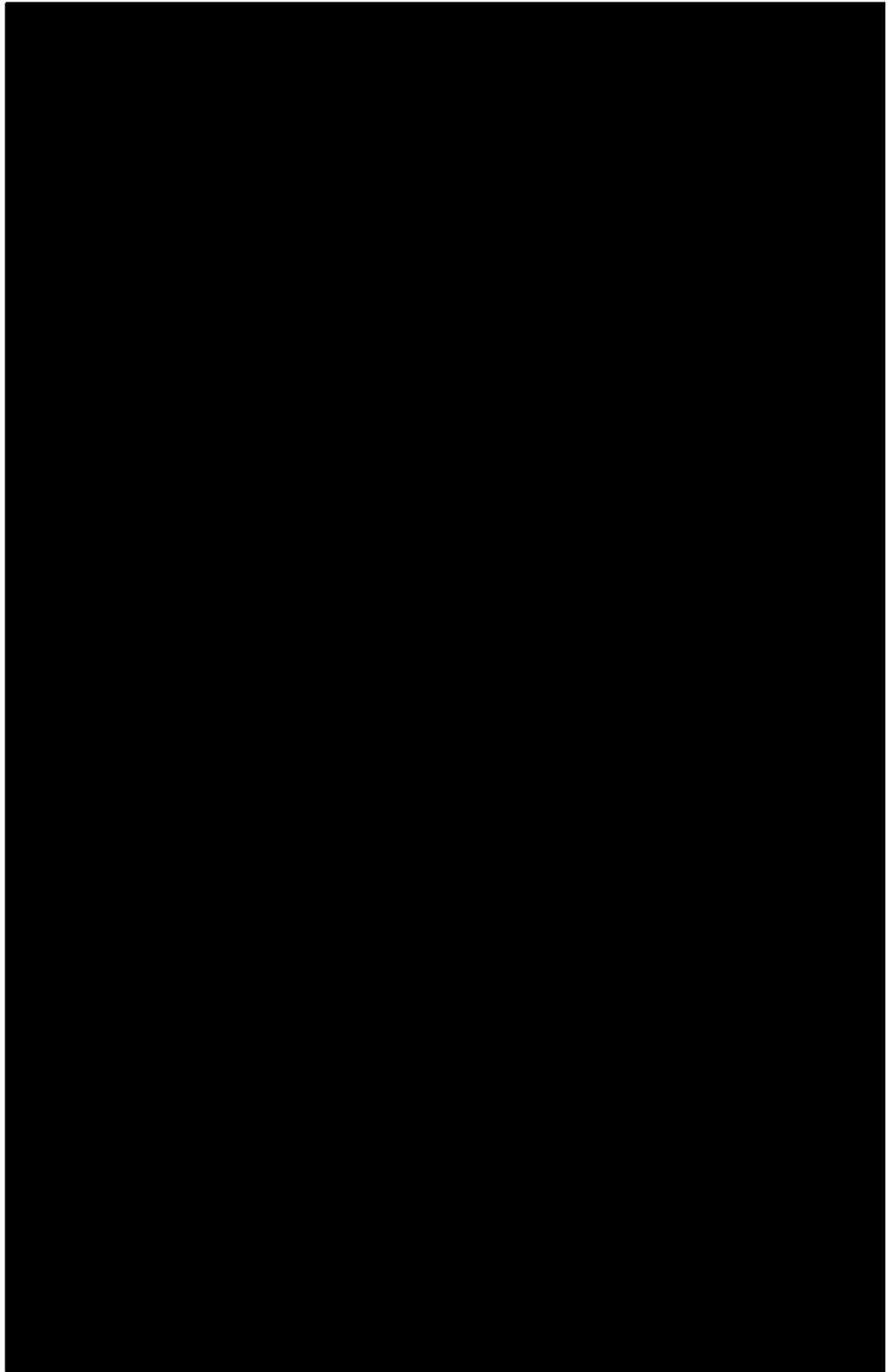


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SURVEILLANCE  
I

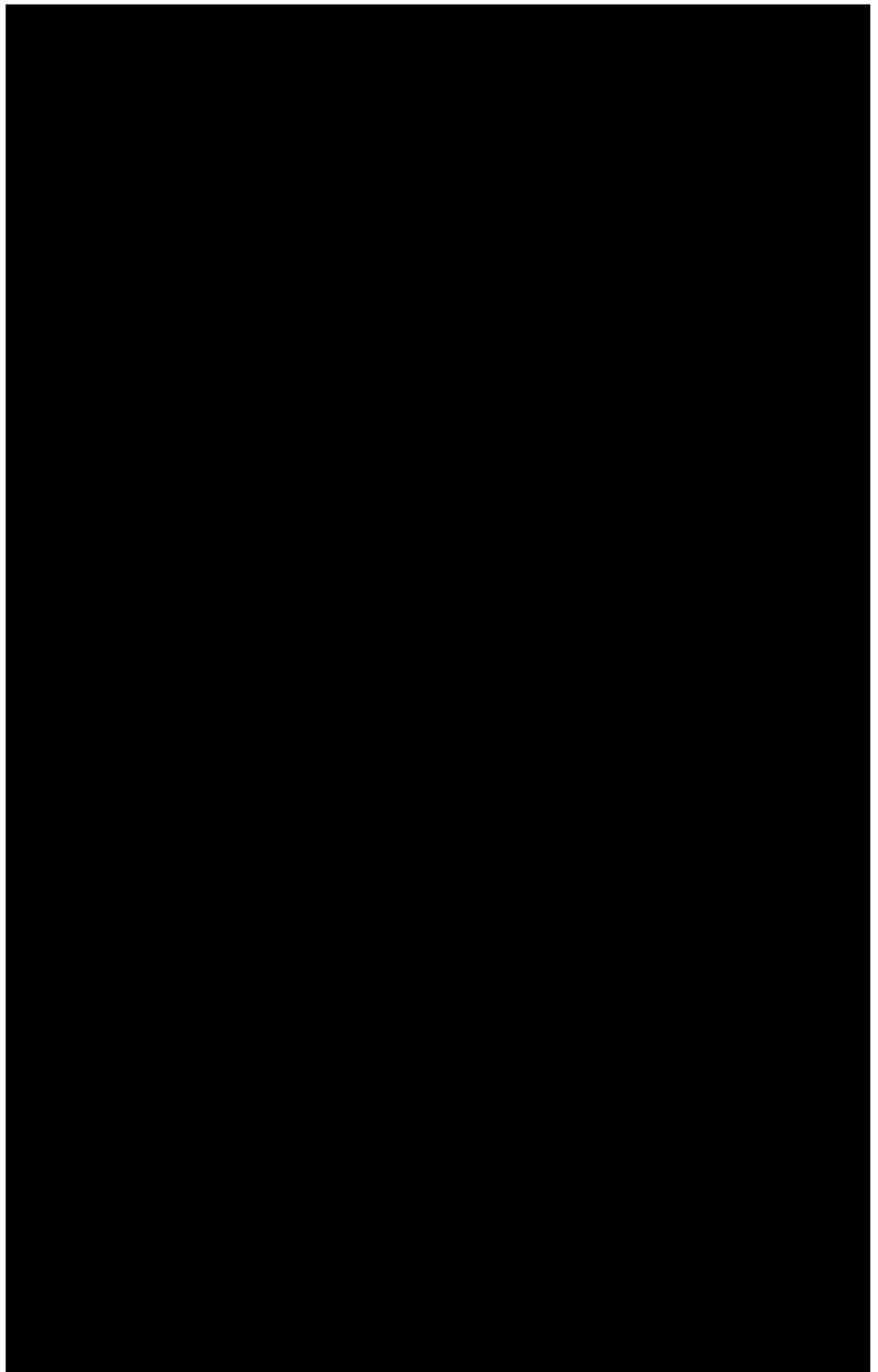
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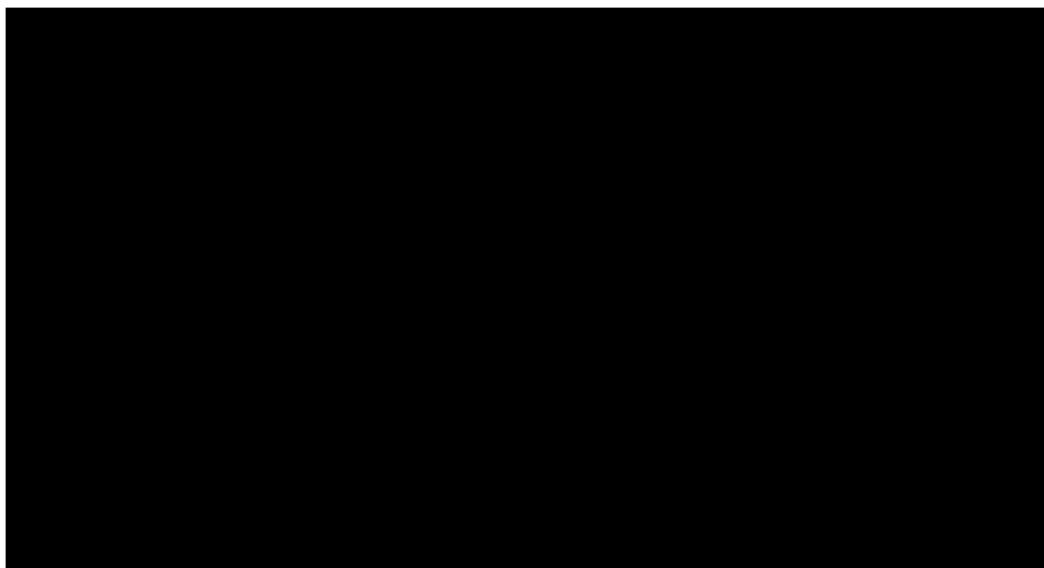






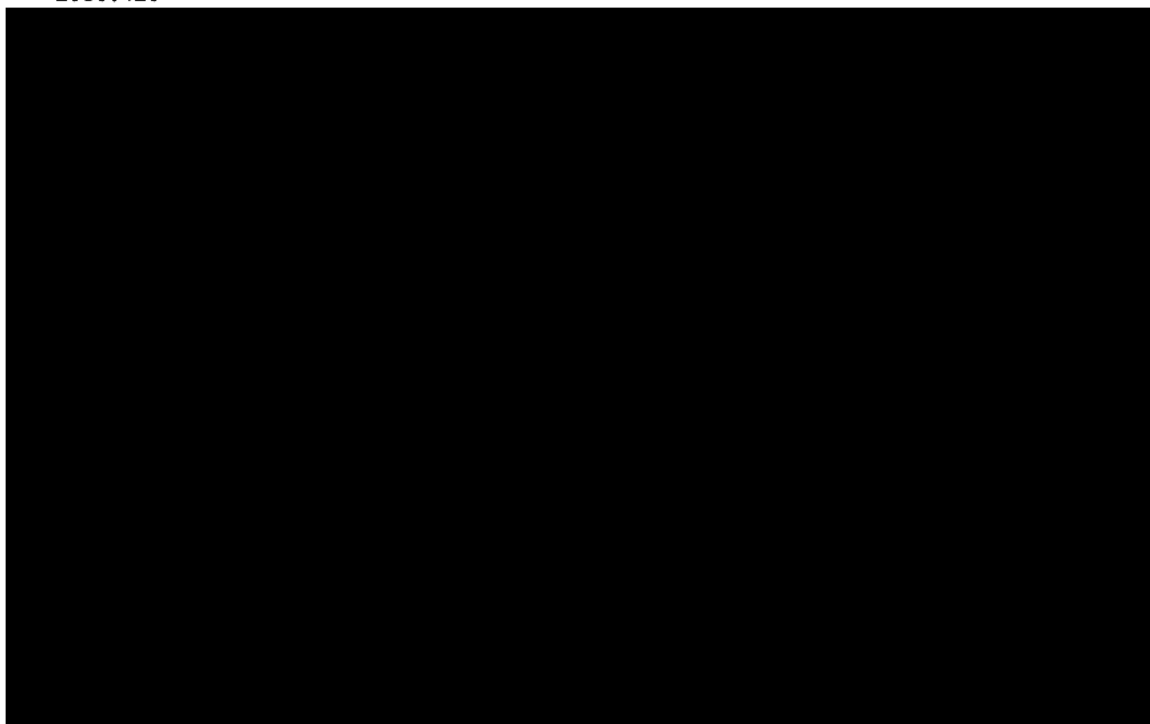






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OTHER (NON-EXPLOSIVE/FIRE)  
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1000632

785115-10-0004

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20100420

Open

SURVEILLANCE

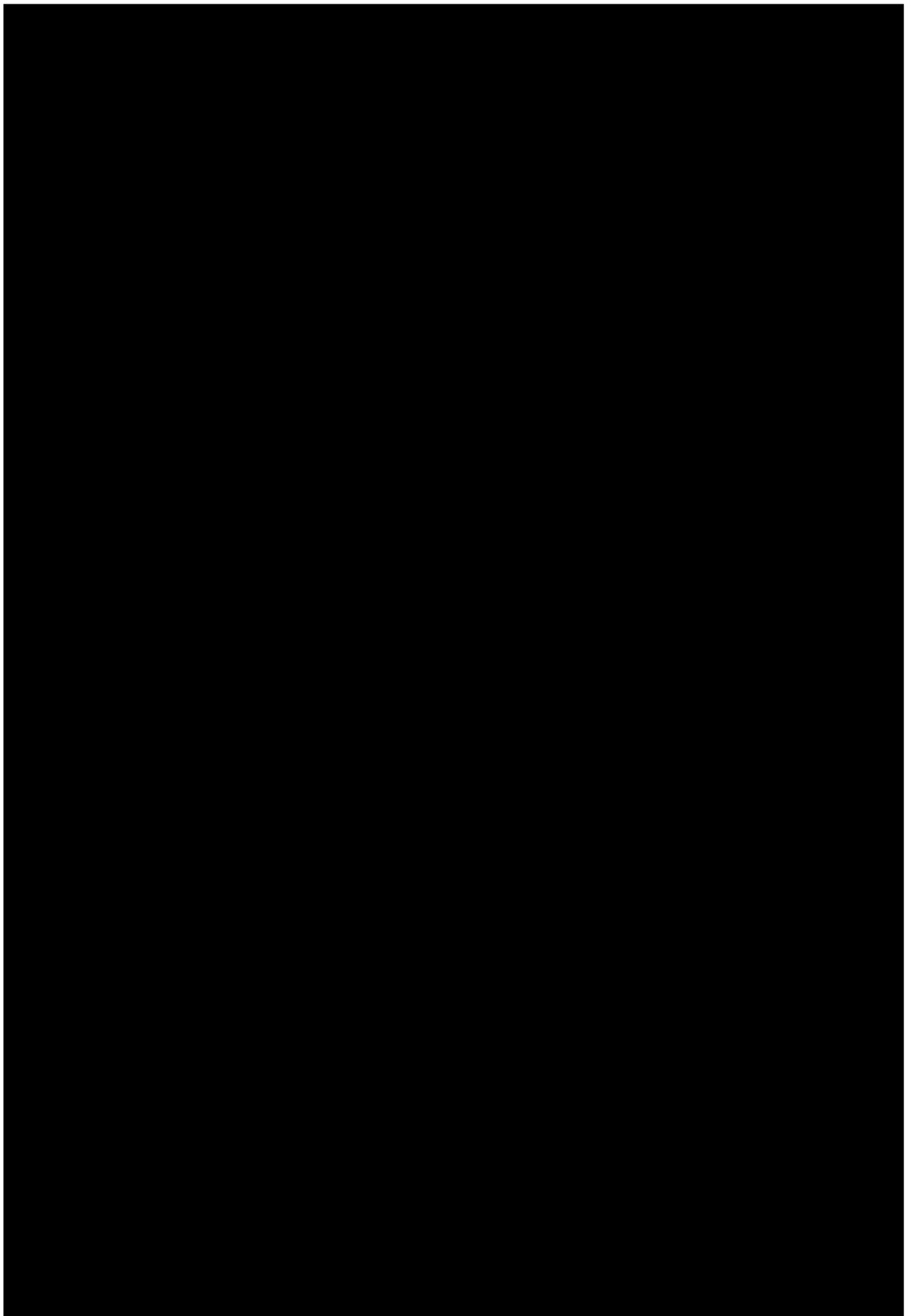
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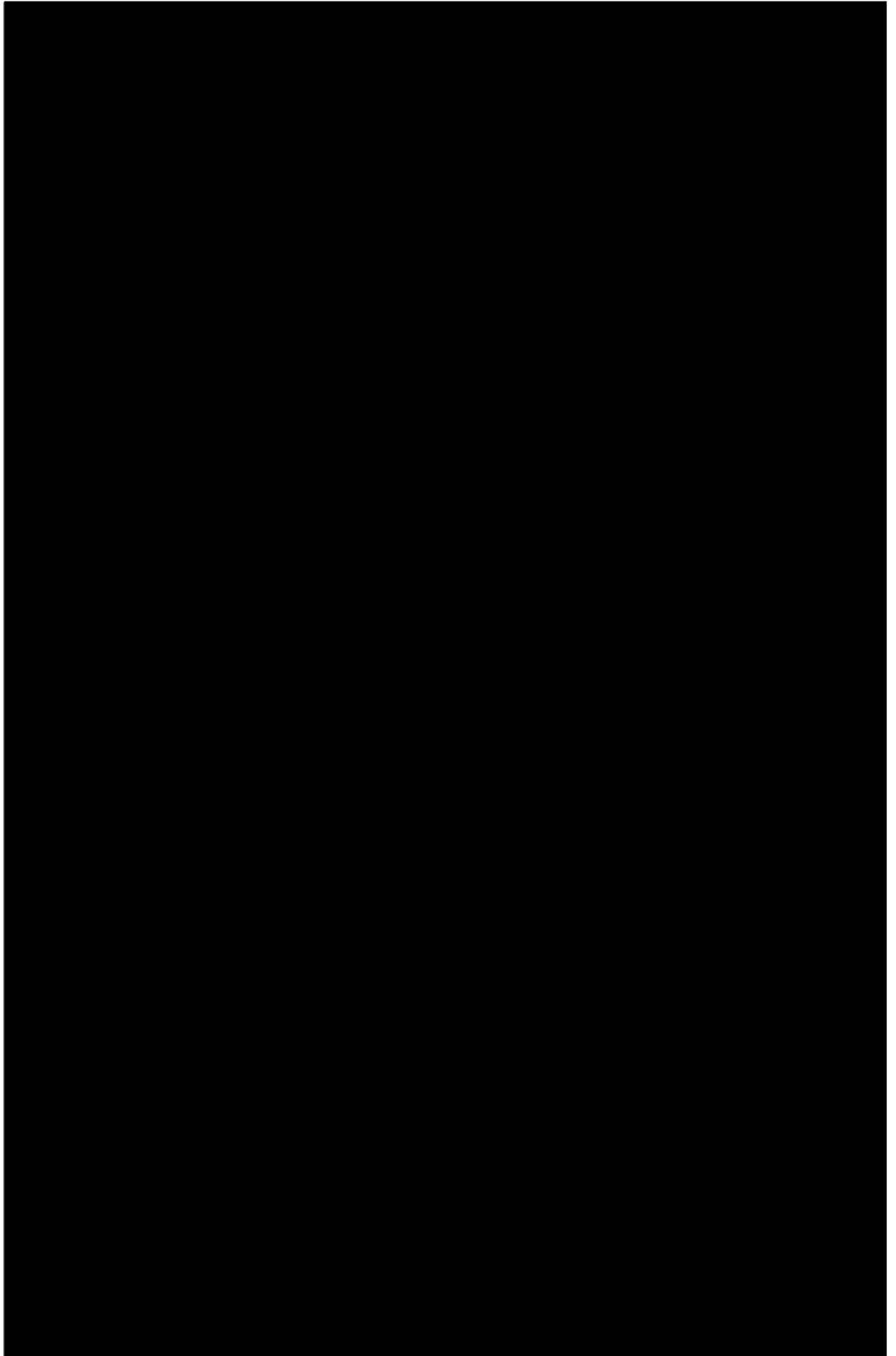
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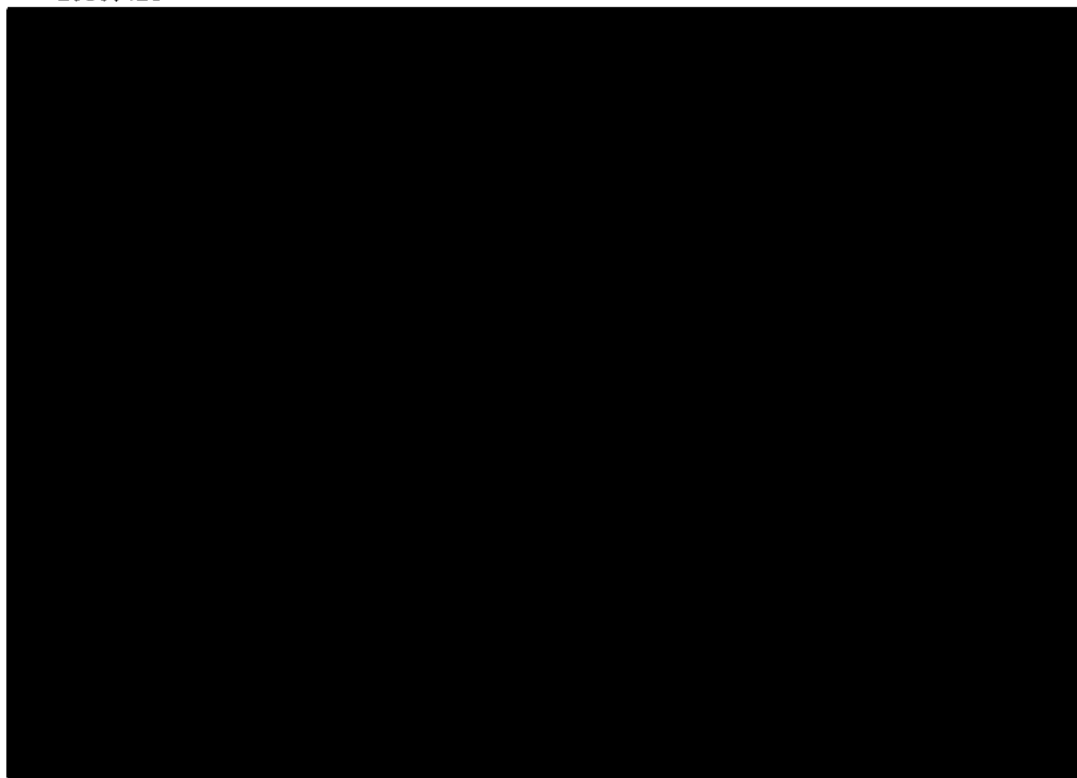


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OTHER (NON-EXPLOSIVE/FIRE)  
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1000706



20100421



1000715  
785115-10-0004



20100421  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1000715

[REDACTED]

20100421

[REDACTED]

1000927

785115-10-0004

[REDACTED]

20100417

Open

OTHER (NON-EXPLOSIVE/FIRE)

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1000927

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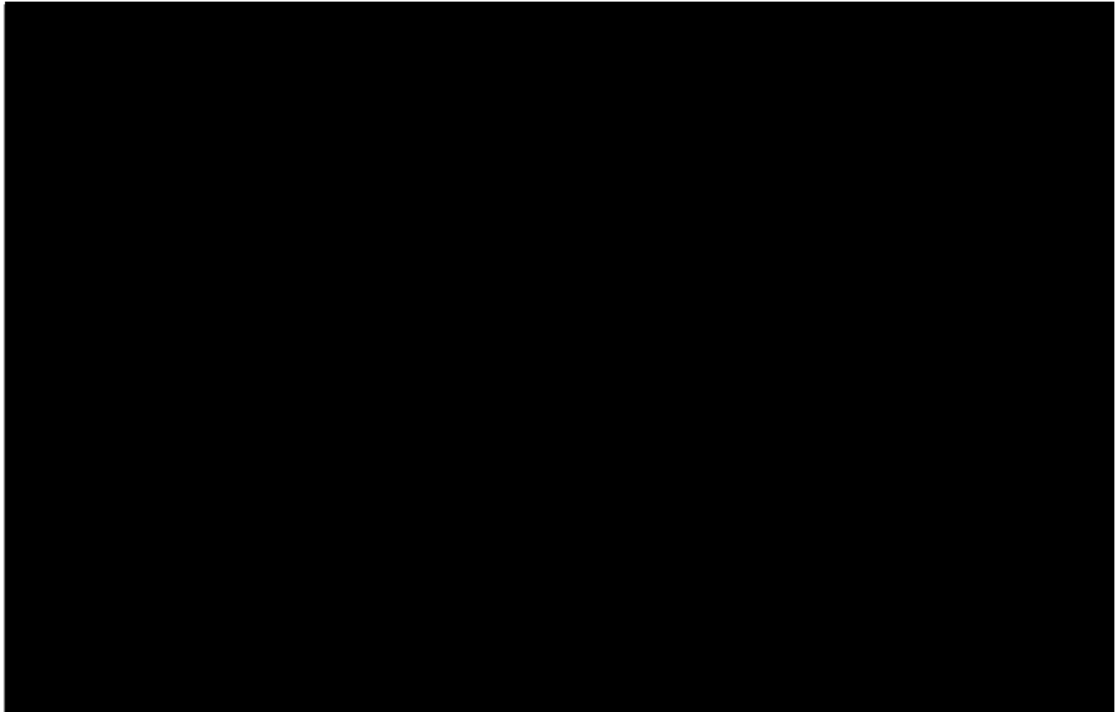
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1001341  
785115-10-0004  
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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
1



1001341

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20100421

[REDACTED]

1001548

785115-10-0004

[REDACTED]

20100425

Open

SURVEILLANCE

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1001548

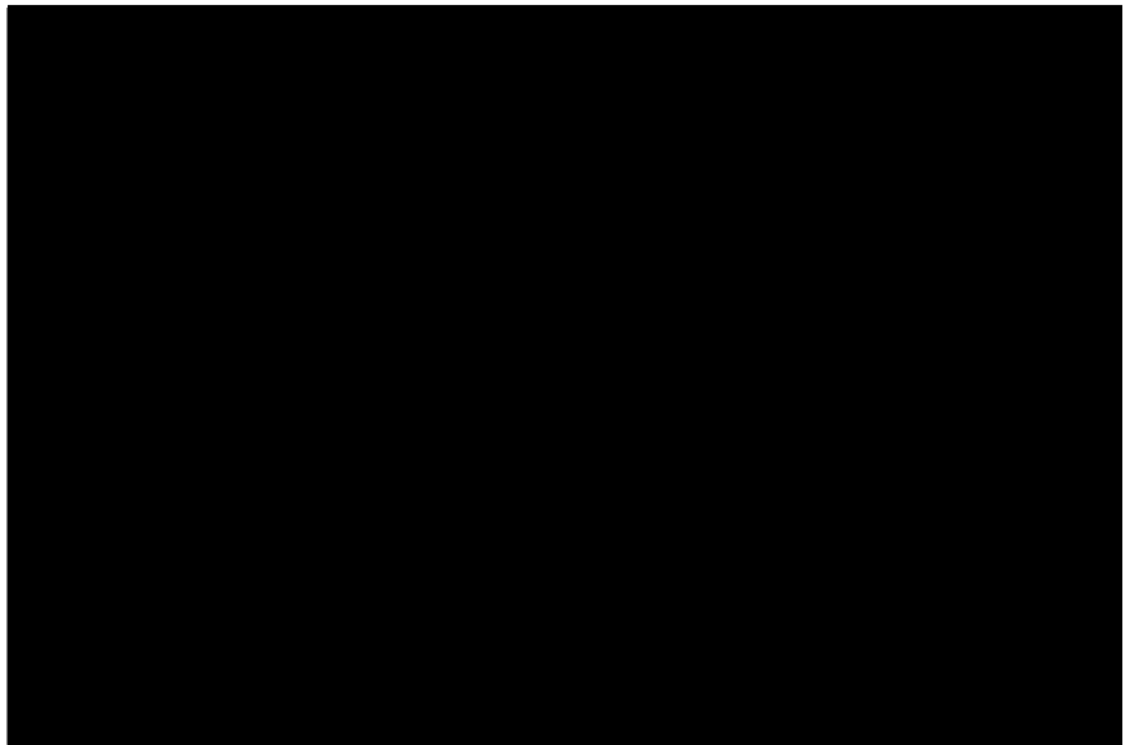
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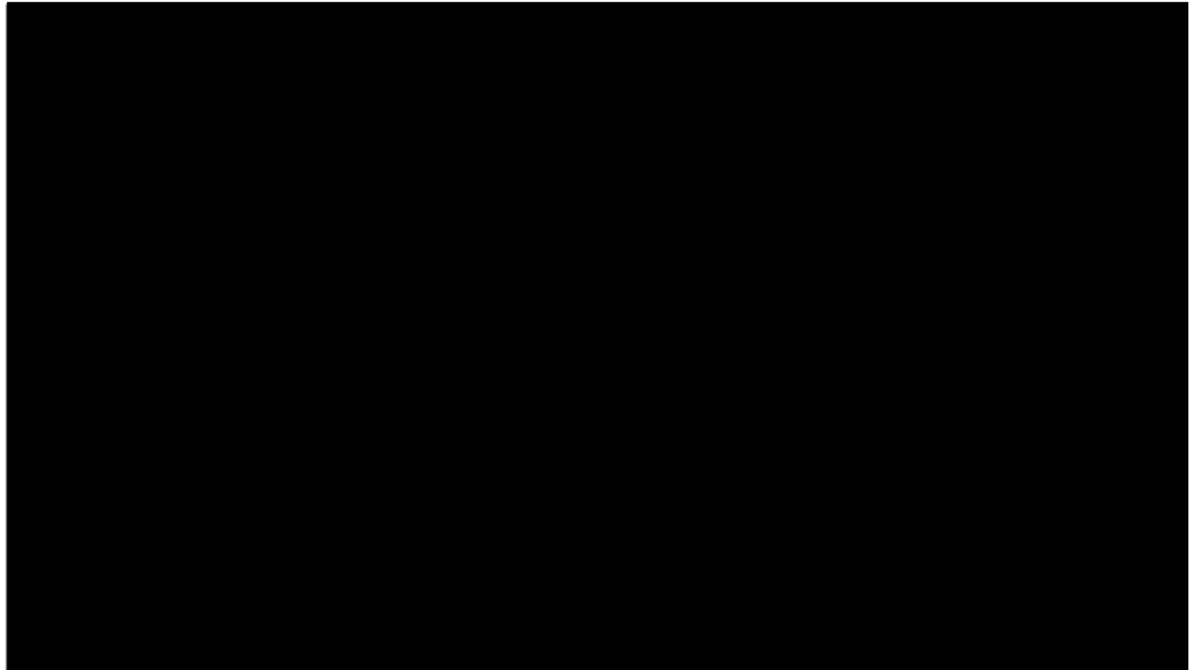
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OTHER (NON-EXPLOSIVE/FIRE)  
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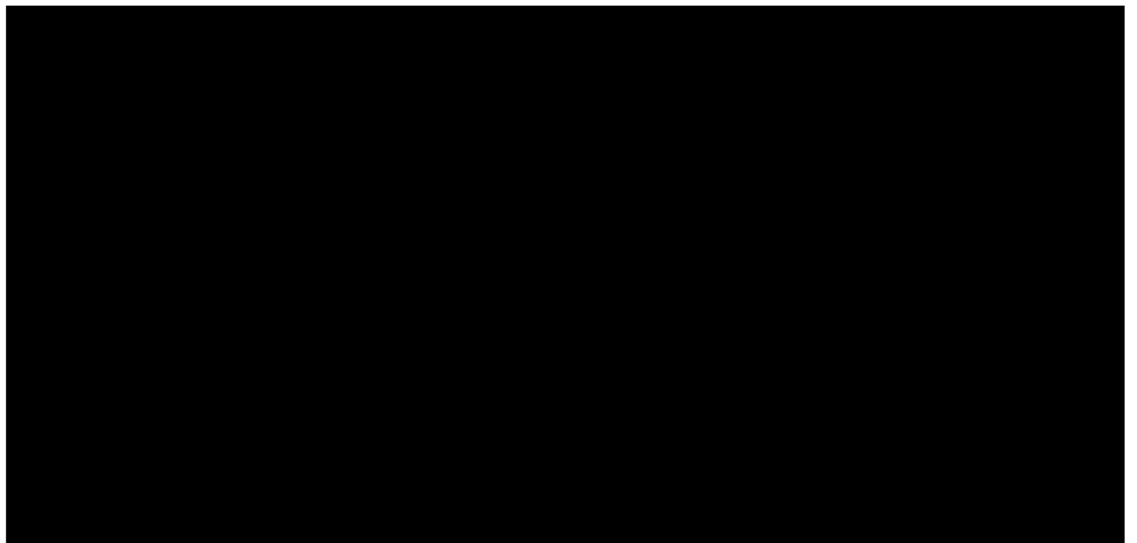
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OTHER (NON-EXPLOSIVE/FIRE)  
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1002068  
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1002225  
785115-10-0004  
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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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1002225  
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20100427





1002456  
785115-10-0004

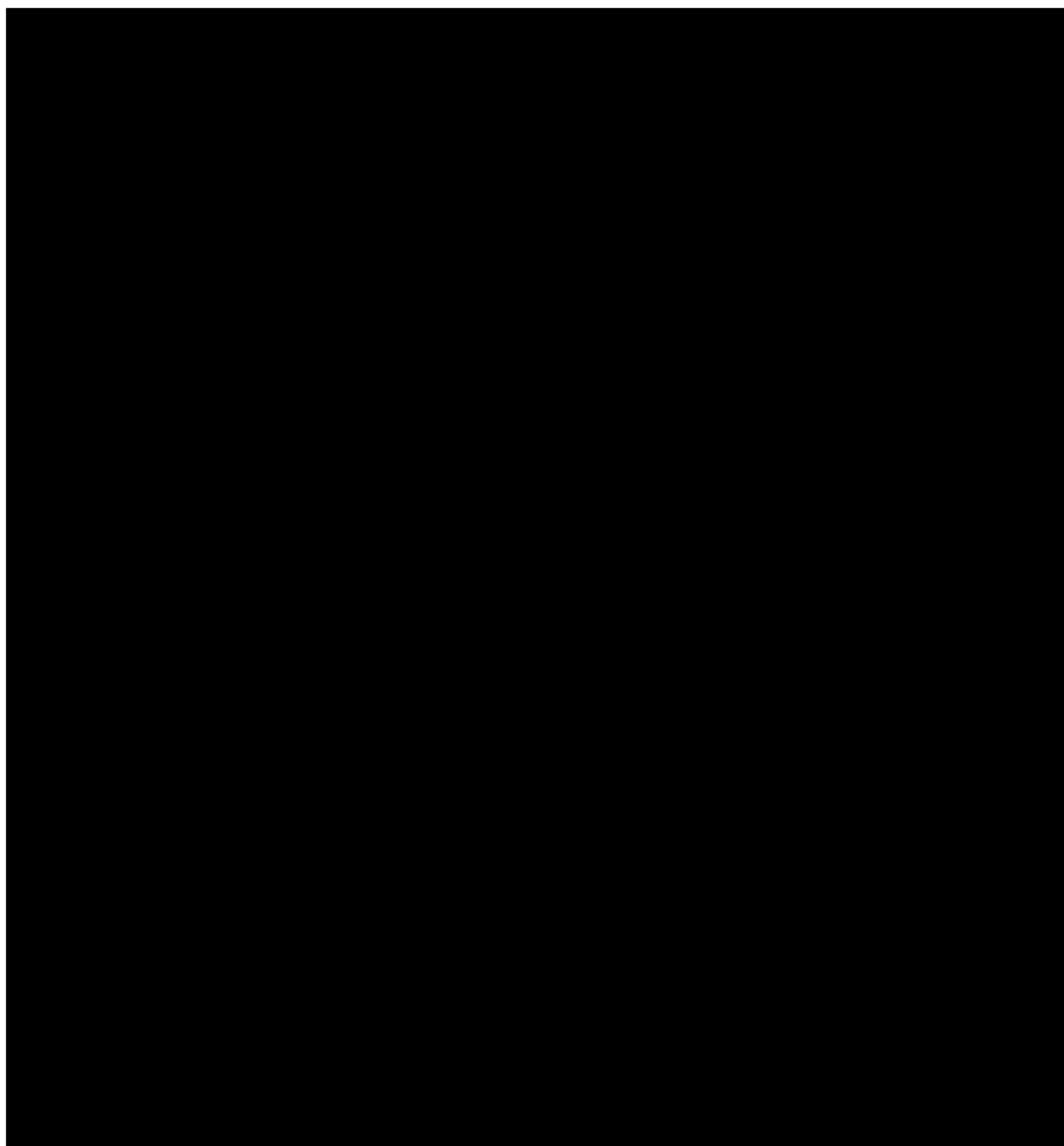


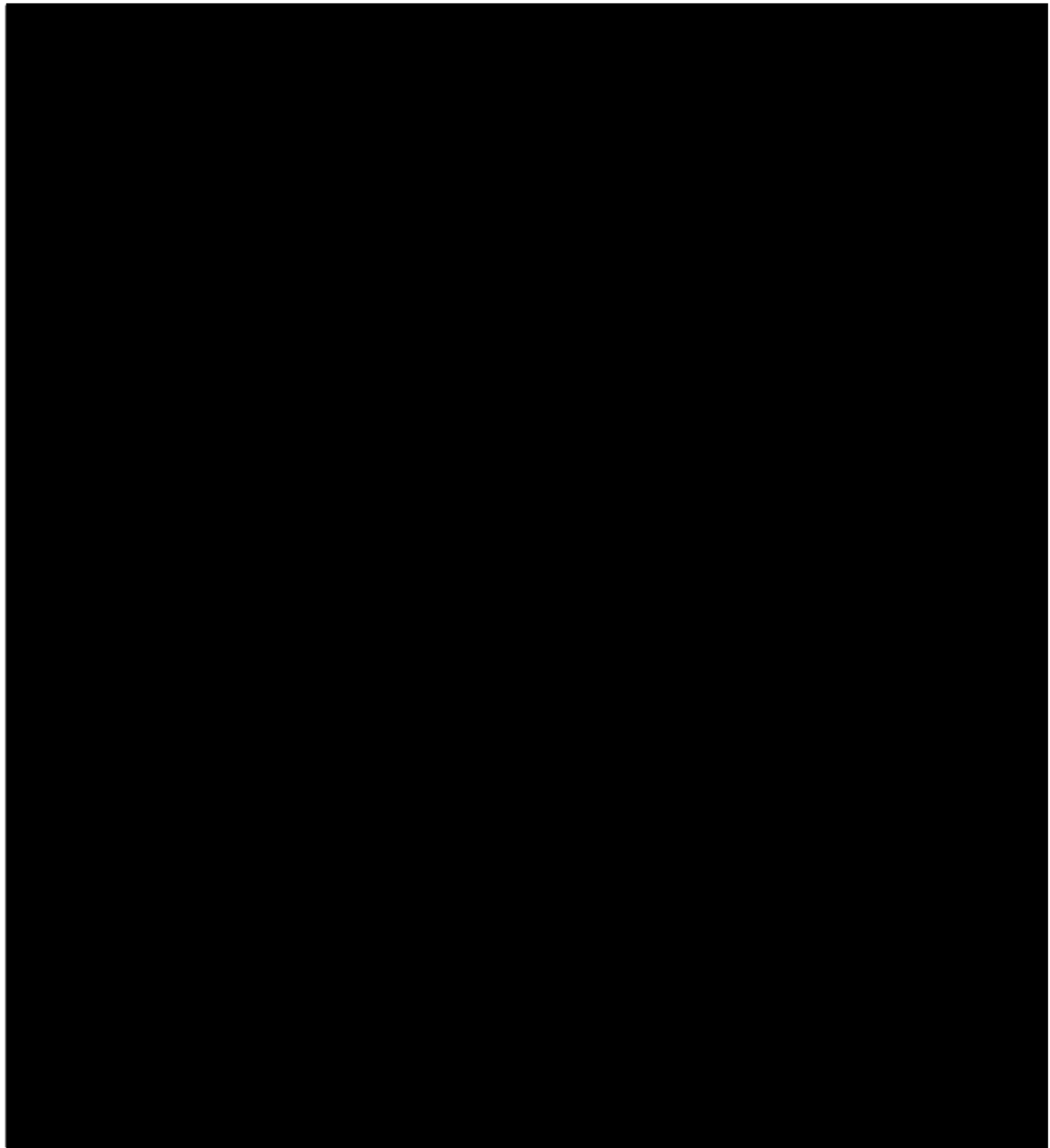
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SURVEILLANCE  
I

1002456



20100426





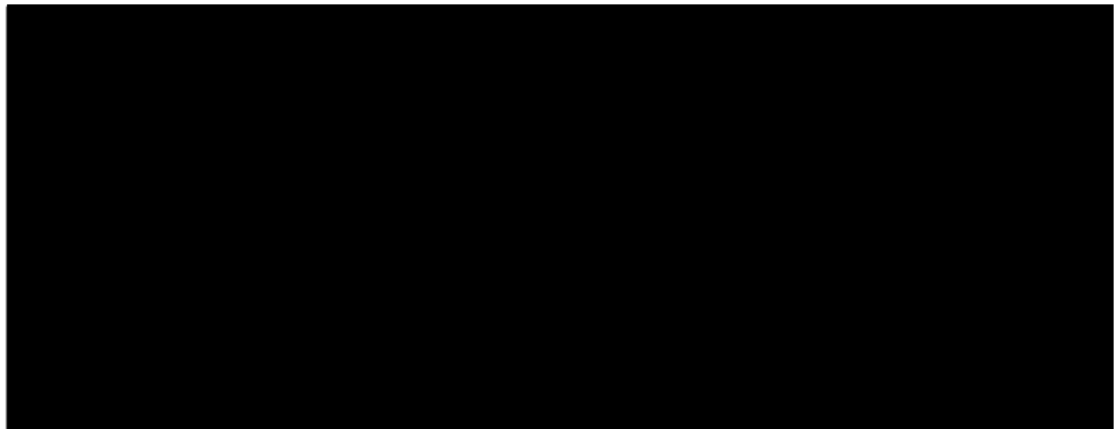
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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
J

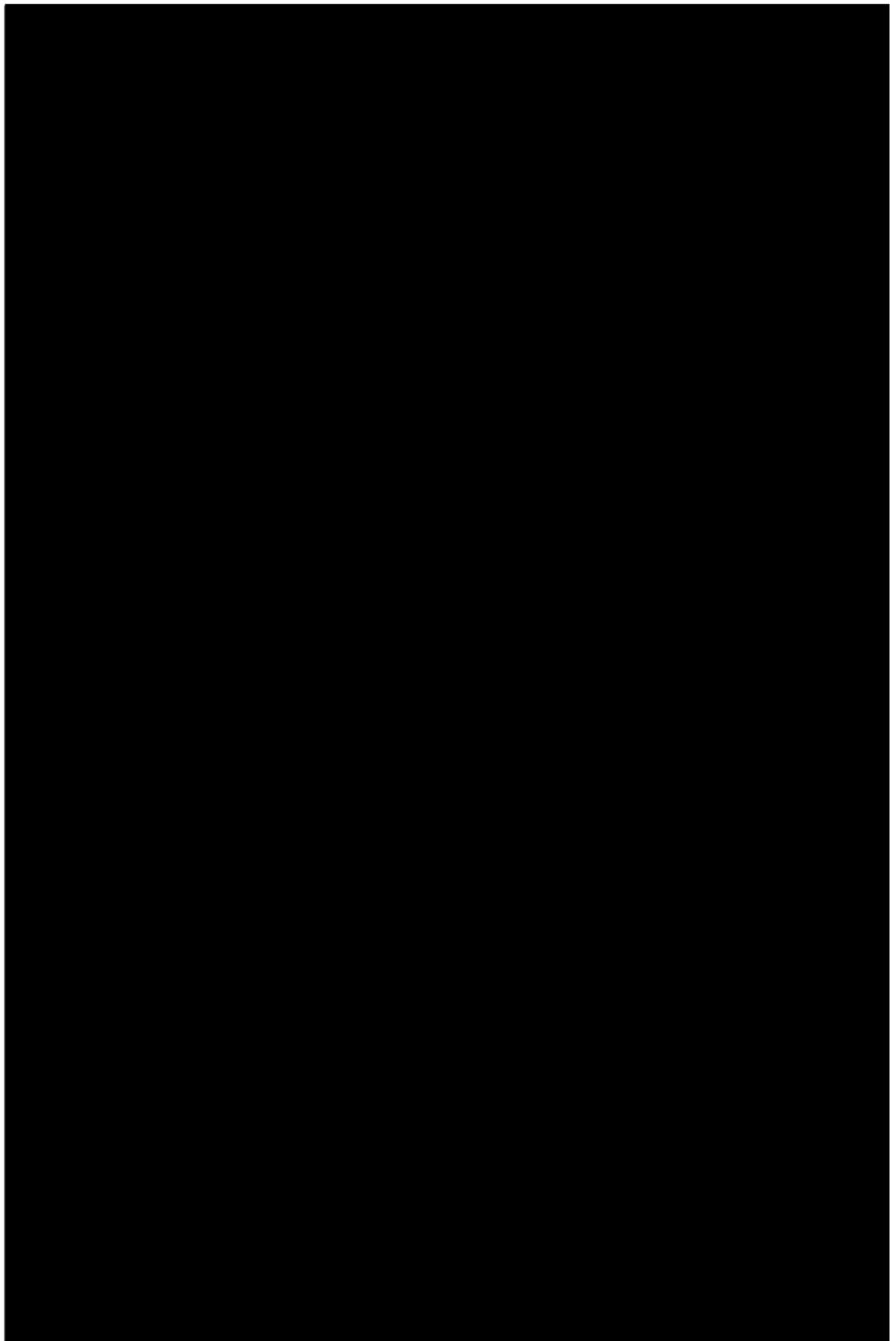
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SURVEILLANCE  
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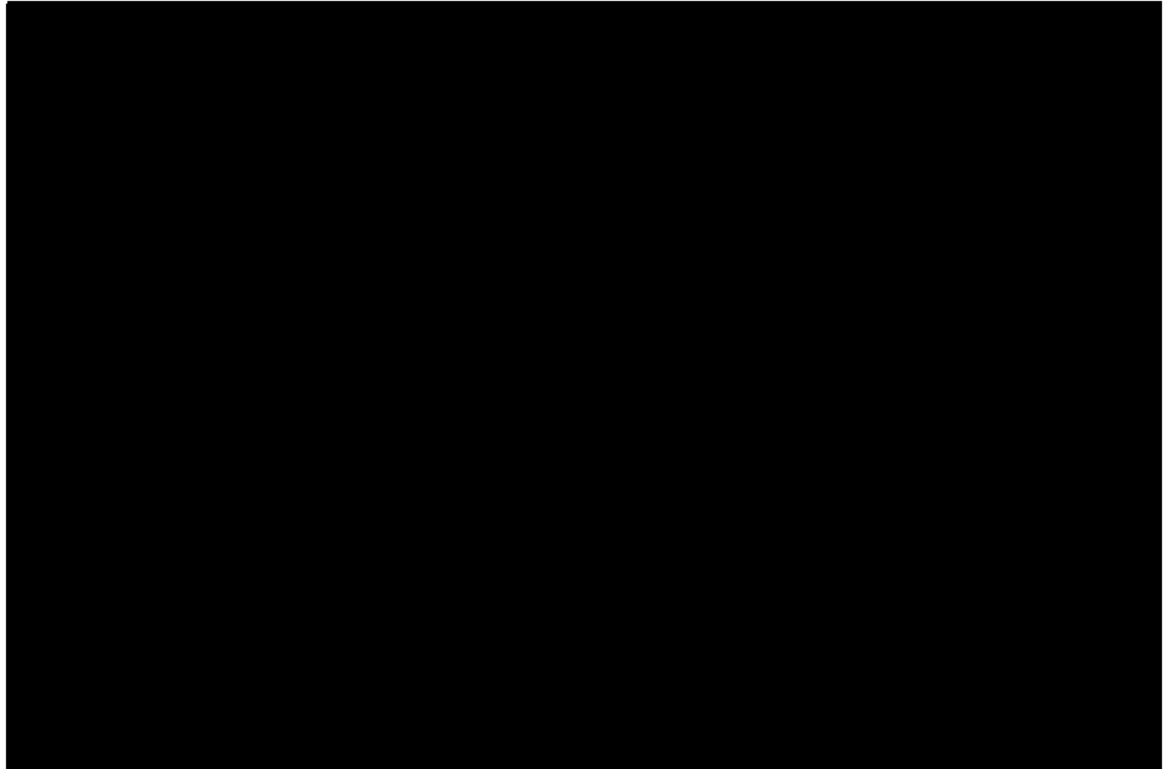
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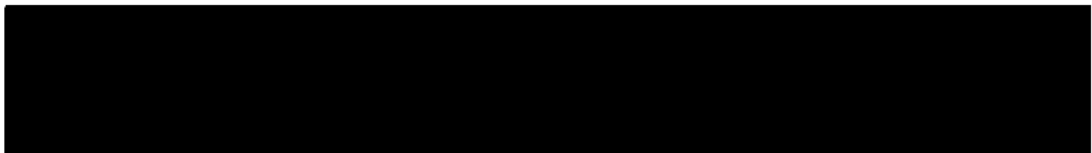
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OTHER (NON-EXPLOSIVE/FIRE)  
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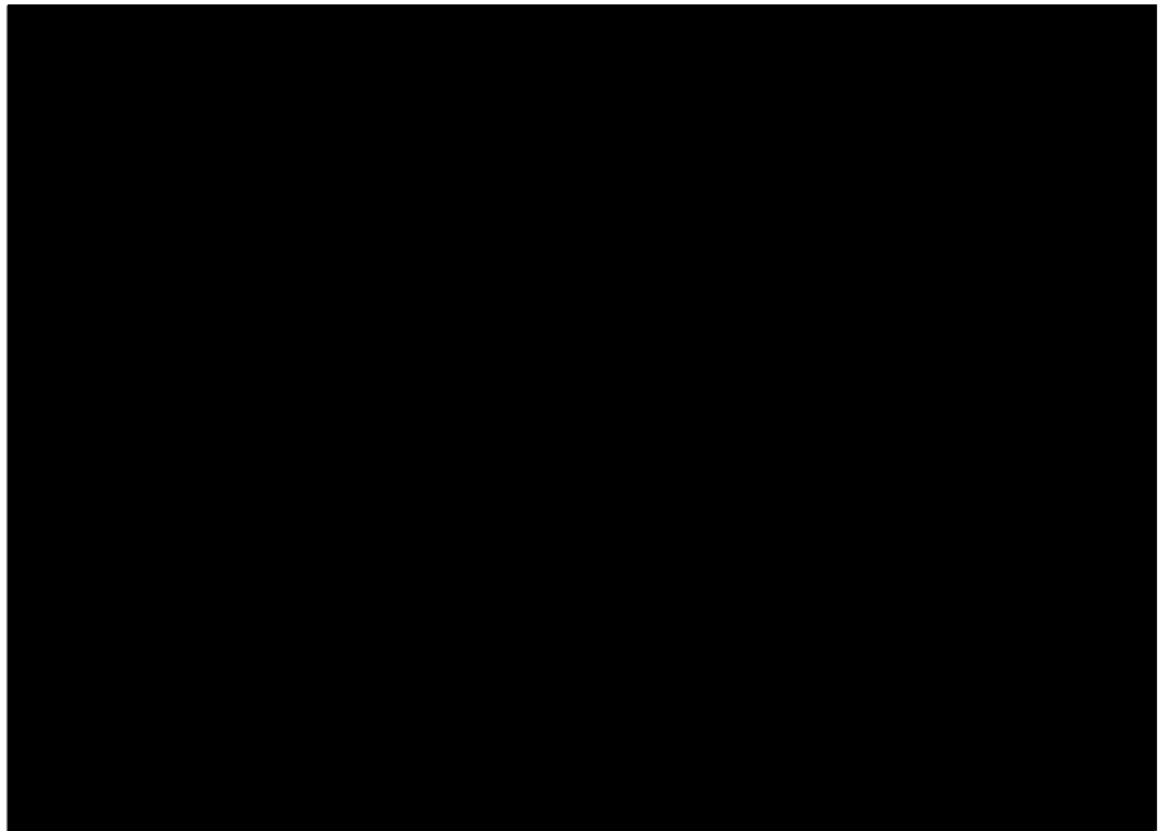


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SURVEILLANCE  
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1002911  
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20100422







1002917  
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20100426  
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SURVEILLANCE  
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1002917  
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20100426



1003202  
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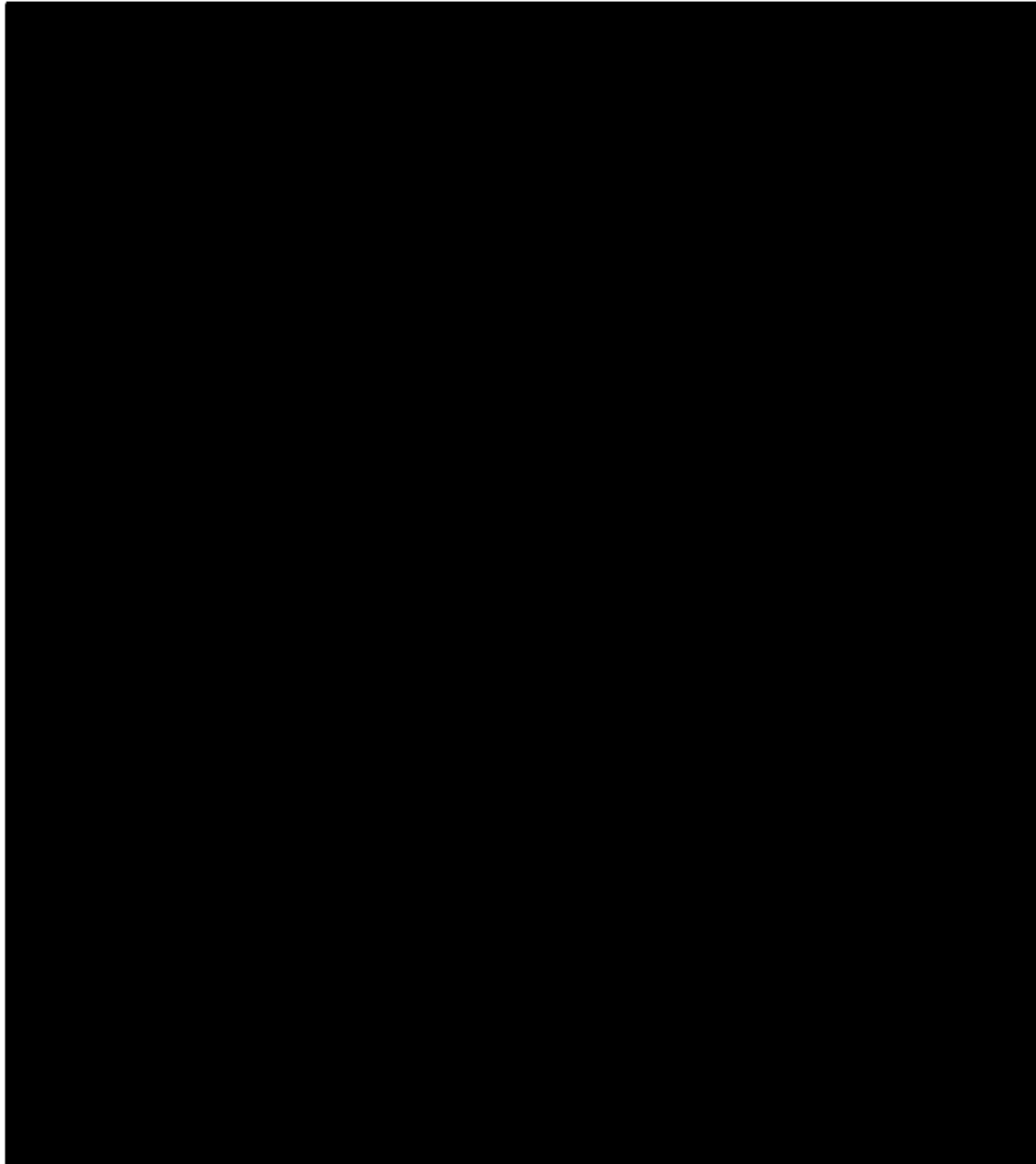
SURVEILLANCE

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1003612

785115-10-0004

[REDACTED]

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Open

OTHER (NON-EXPLOSIVE/FIRE)

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1003612

20100430

1003634

785115-10-0004

20100430

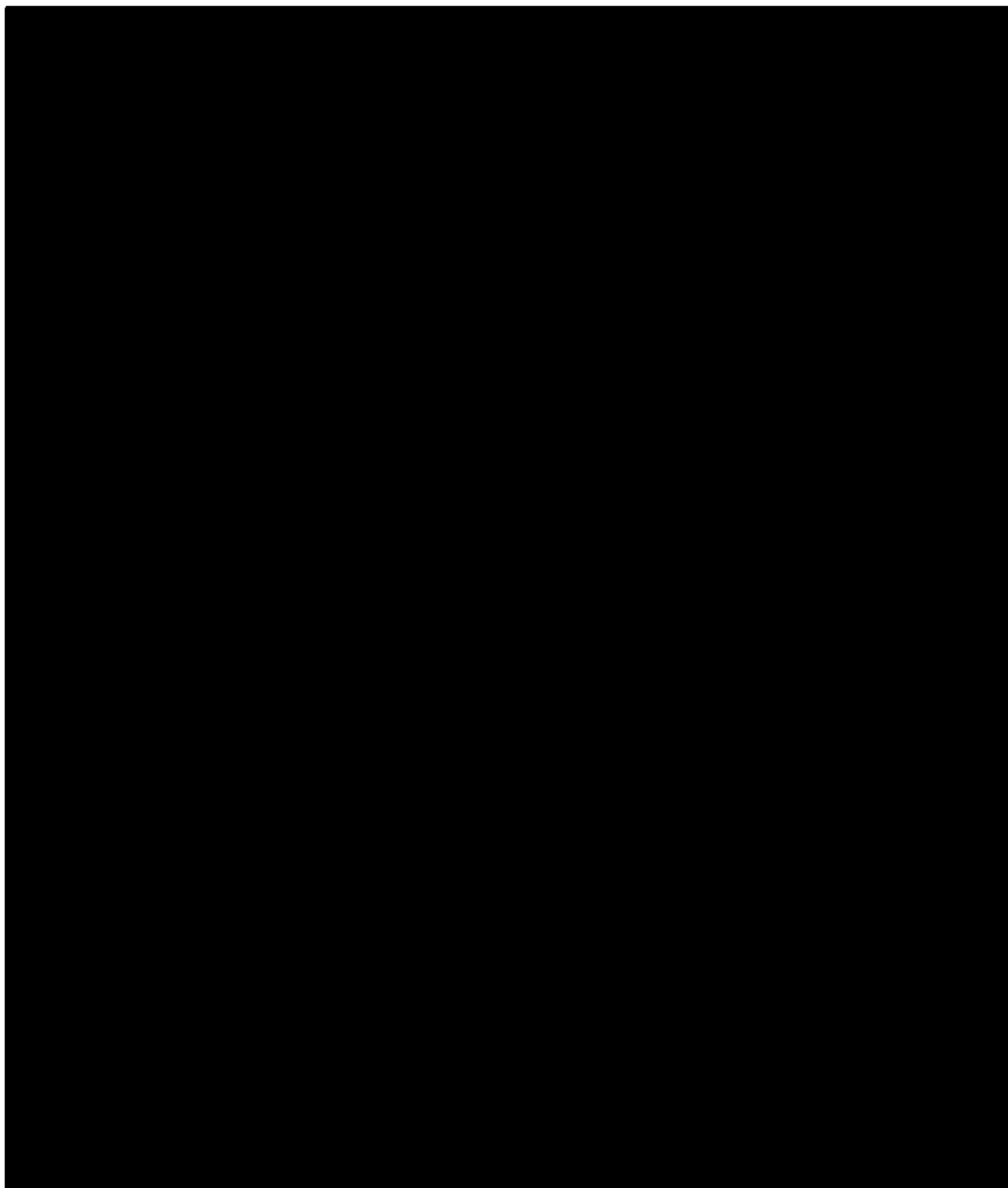
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OTHER (NON-EXPLOSIVE/FIRE)

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1003634

20100430



1003695

785115-10-0004



20100428

Open

OTHER (NON-EXPLOSIVE/FIRE)

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20100428

[REDACTED]

1003696

785115-10-0004

[REDACTED]

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Open

SURVEILLANCE

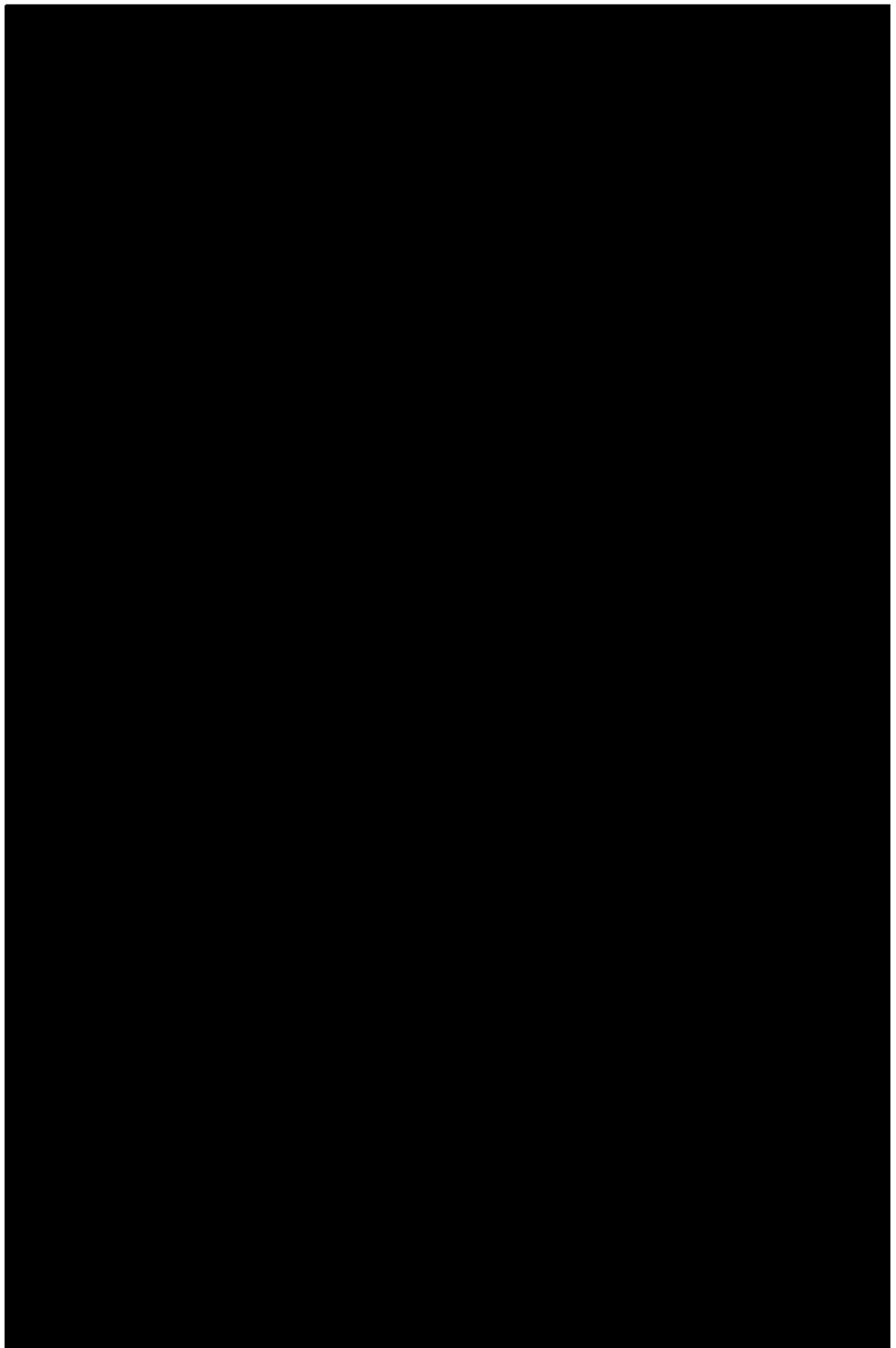
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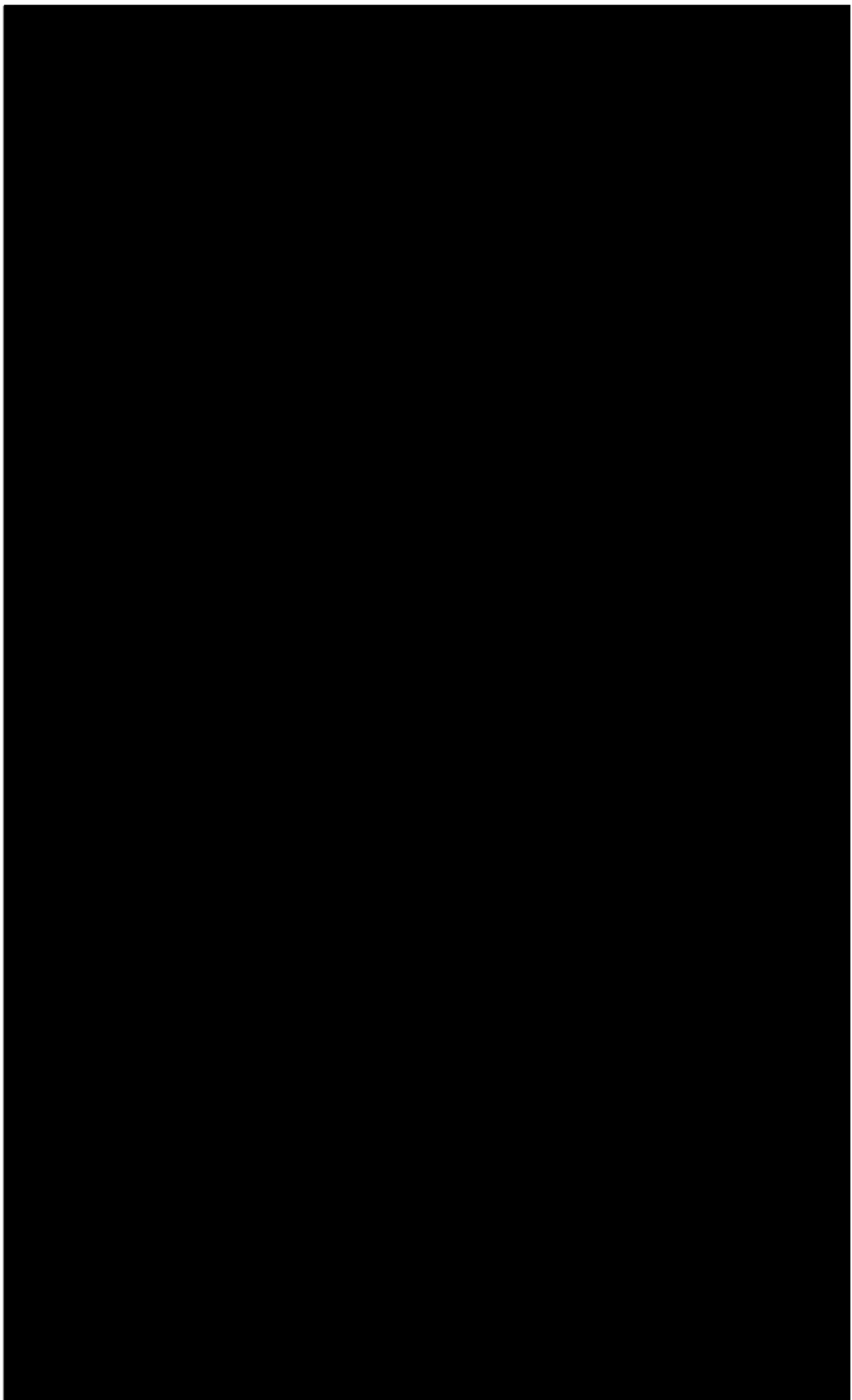
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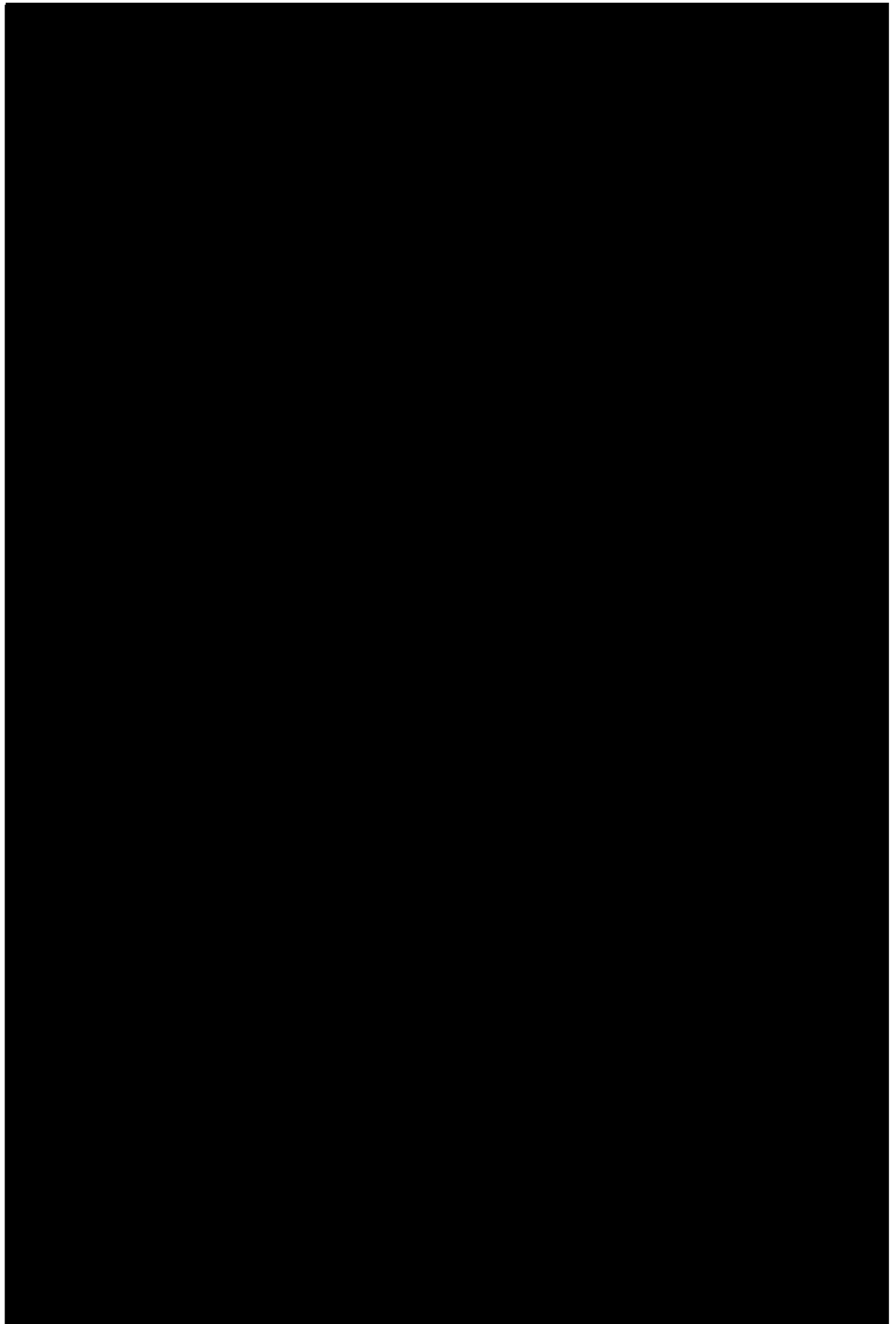
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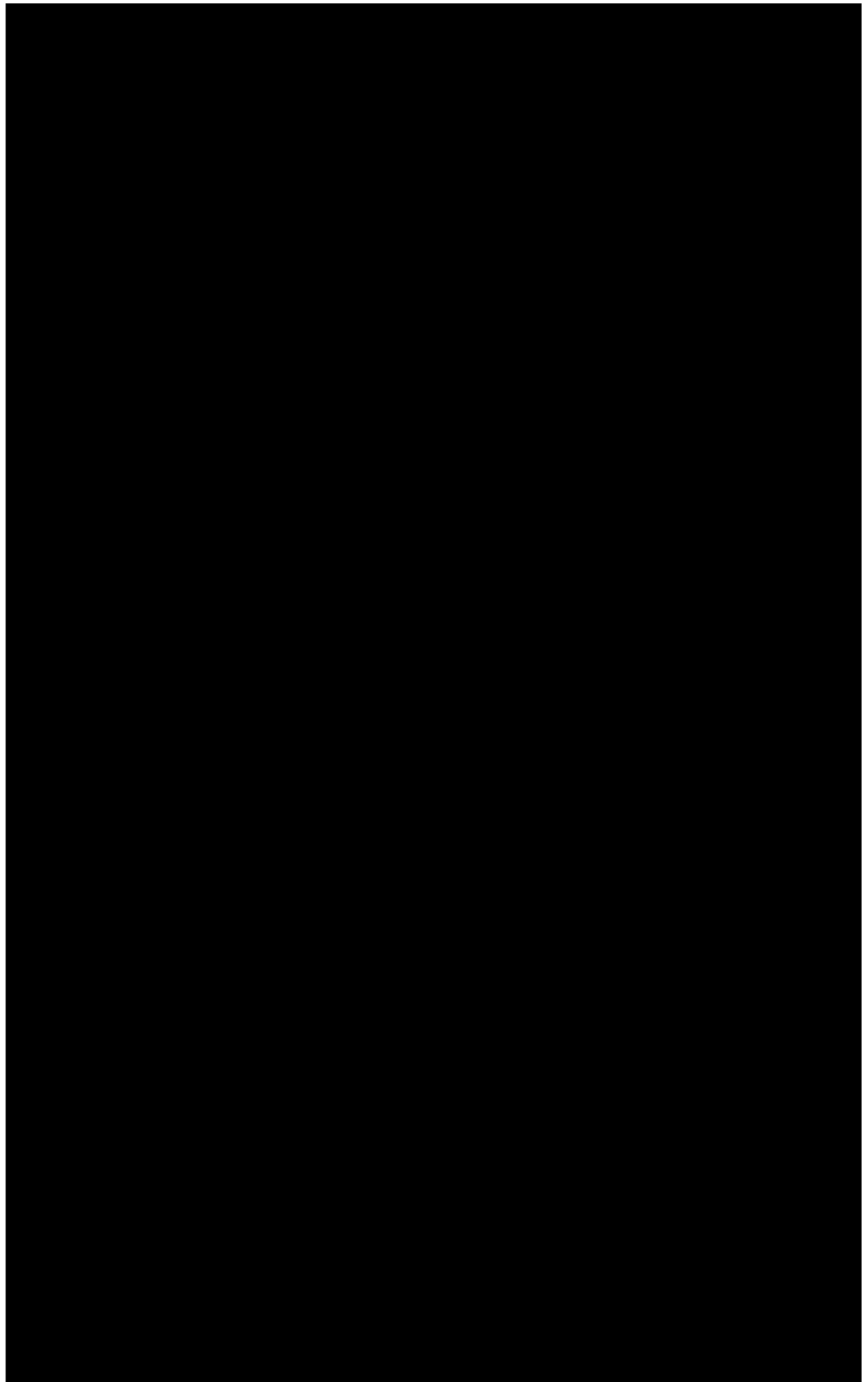
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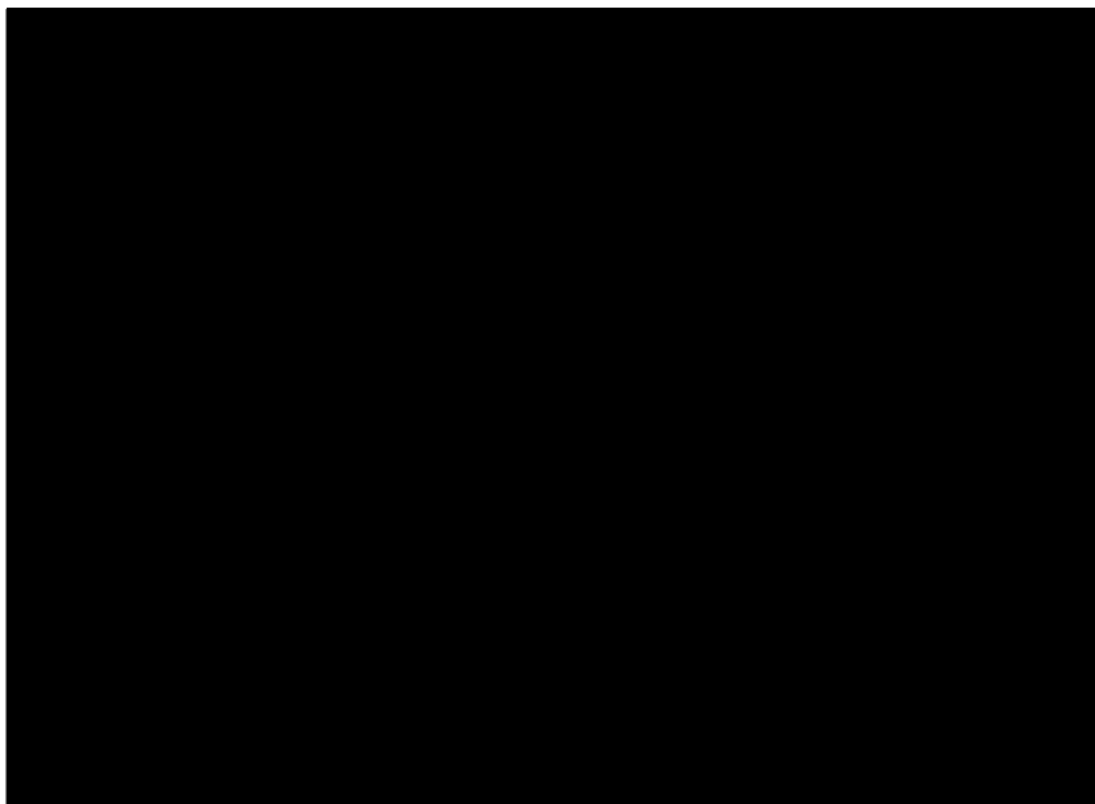






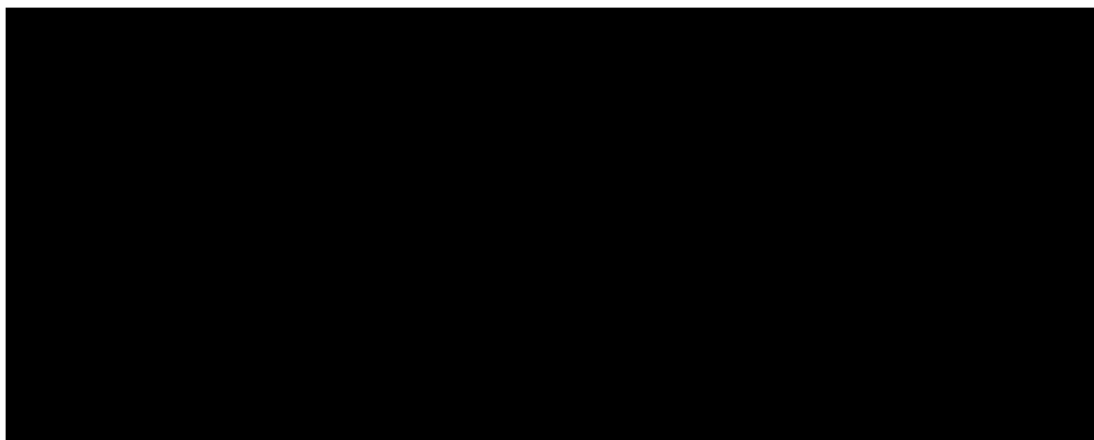


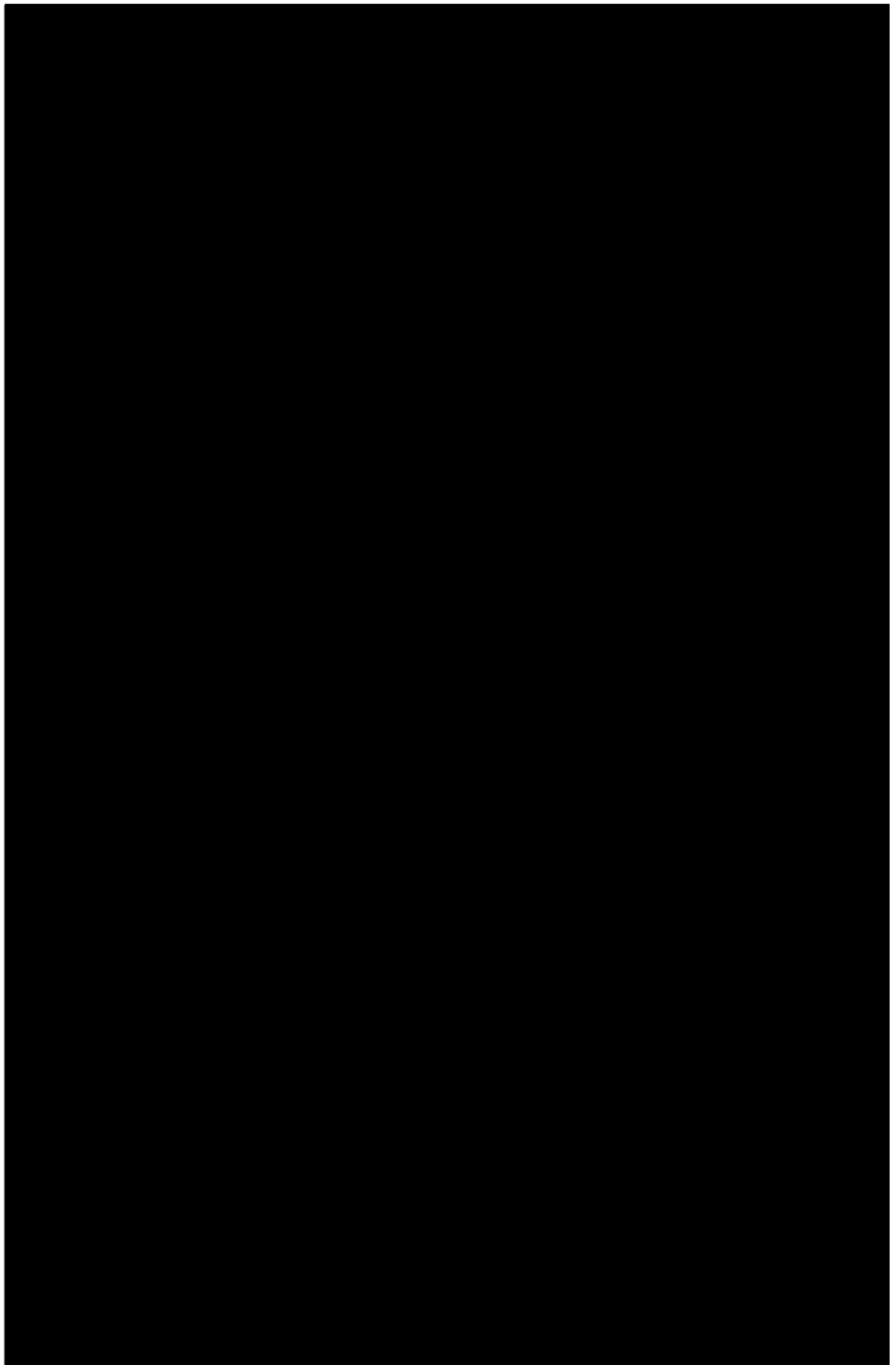




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785115-10-0004  
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SURVEILLANCE  
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1004158  
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20100424

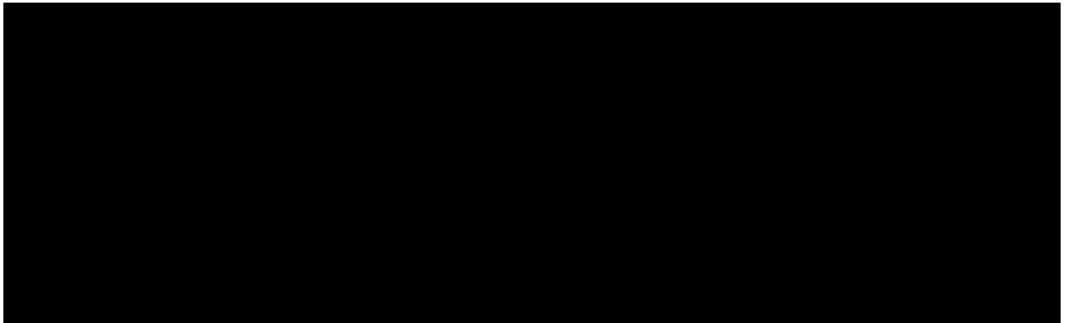






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SURVEILLANCE  
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1004166  
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20100430



1004187  
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SURVEILLANCE  
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1004187  
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20100502



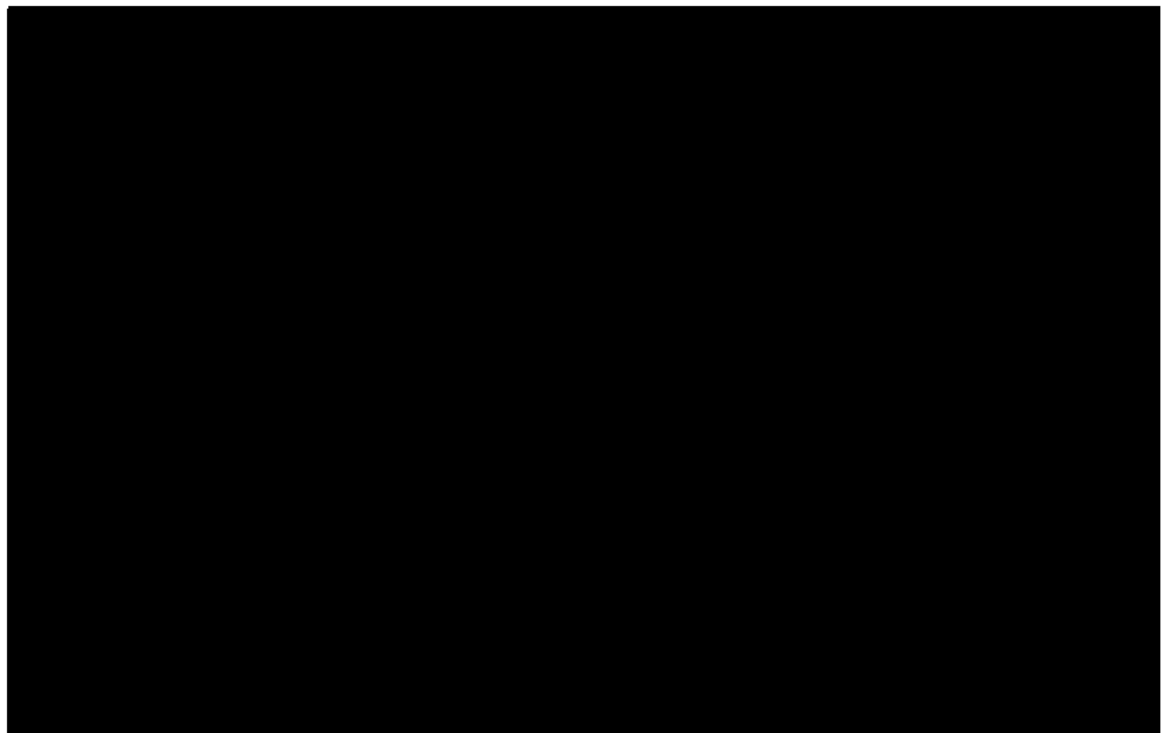


1004375  
785115-10-0004

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Open  
SEIZURE  
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1004375

[REDACTED]  
20100429



1004988  
785115-10-0004

[REDACTED]  
20100504  
Open  
SURVEILLANCE  
I

1004988

[REDACTED]

20100504

[REDACTED]

1006070

785115-10-0004

[REDACTED]

20100510

Open

OTHER (NON-EXPLOSIVE/FIRE)

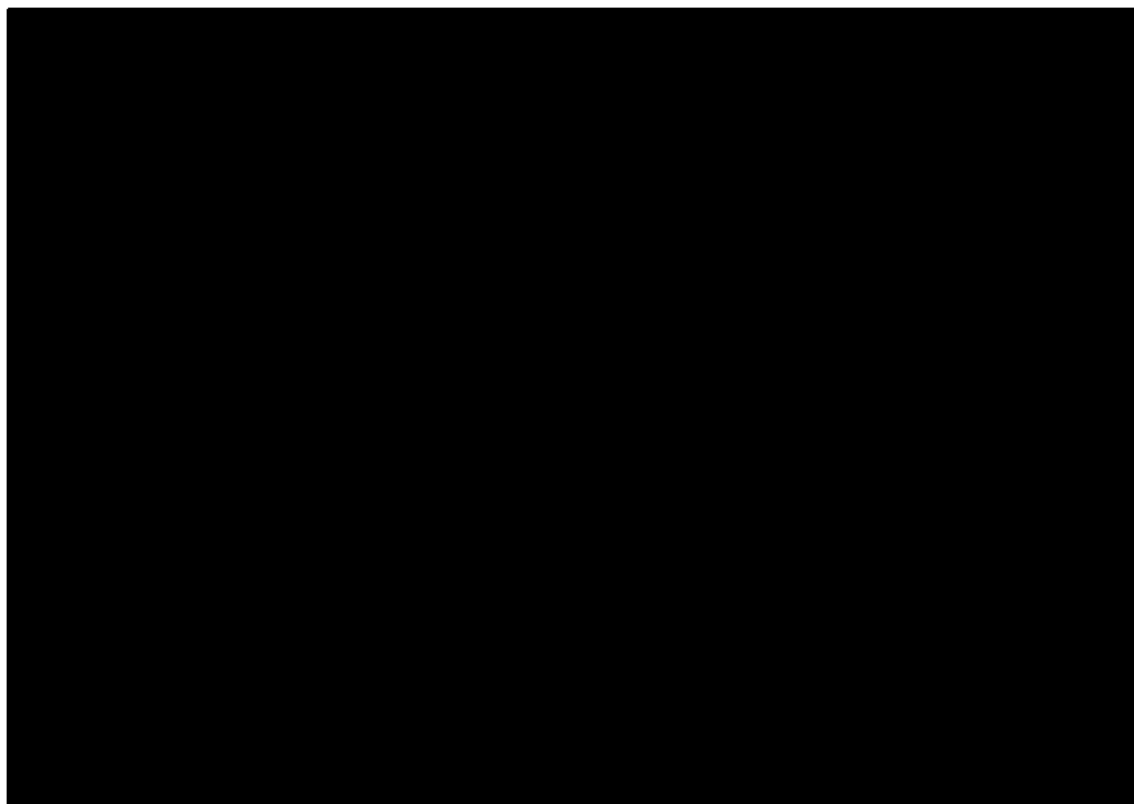
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1006070

[REDACTED]

20100510

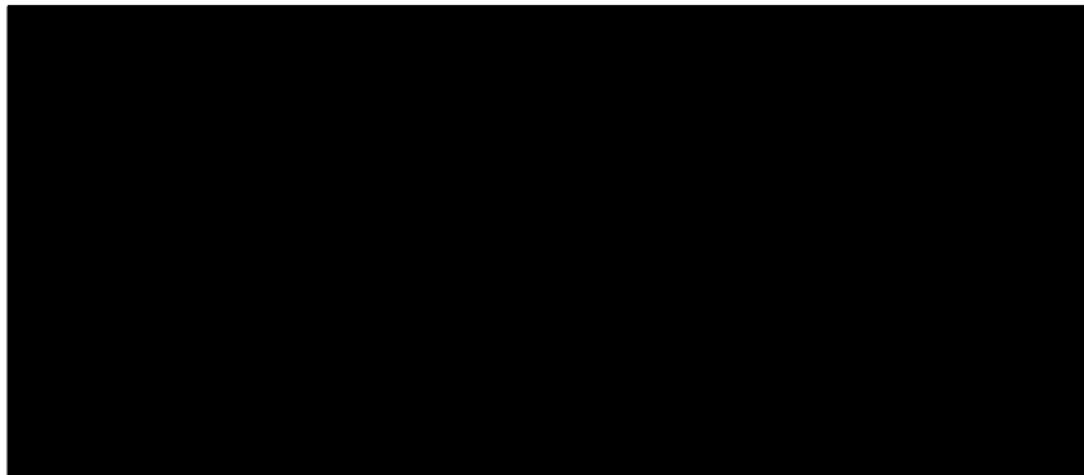
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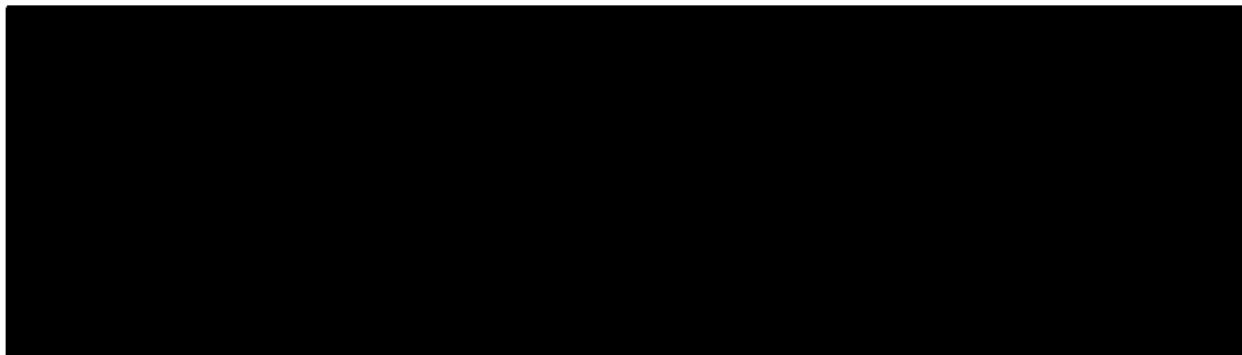


1006217  
785115-10-0004  
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20100510  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1006217

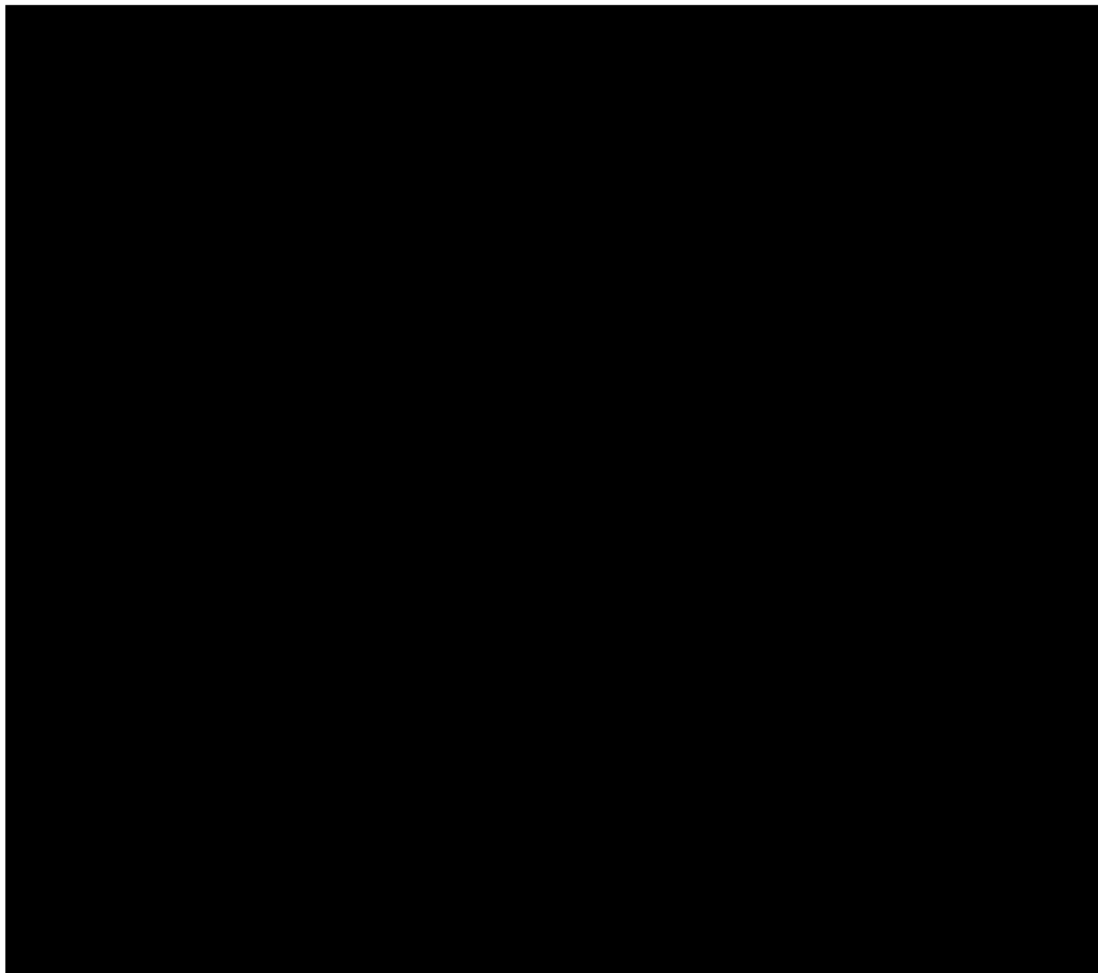
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20100510



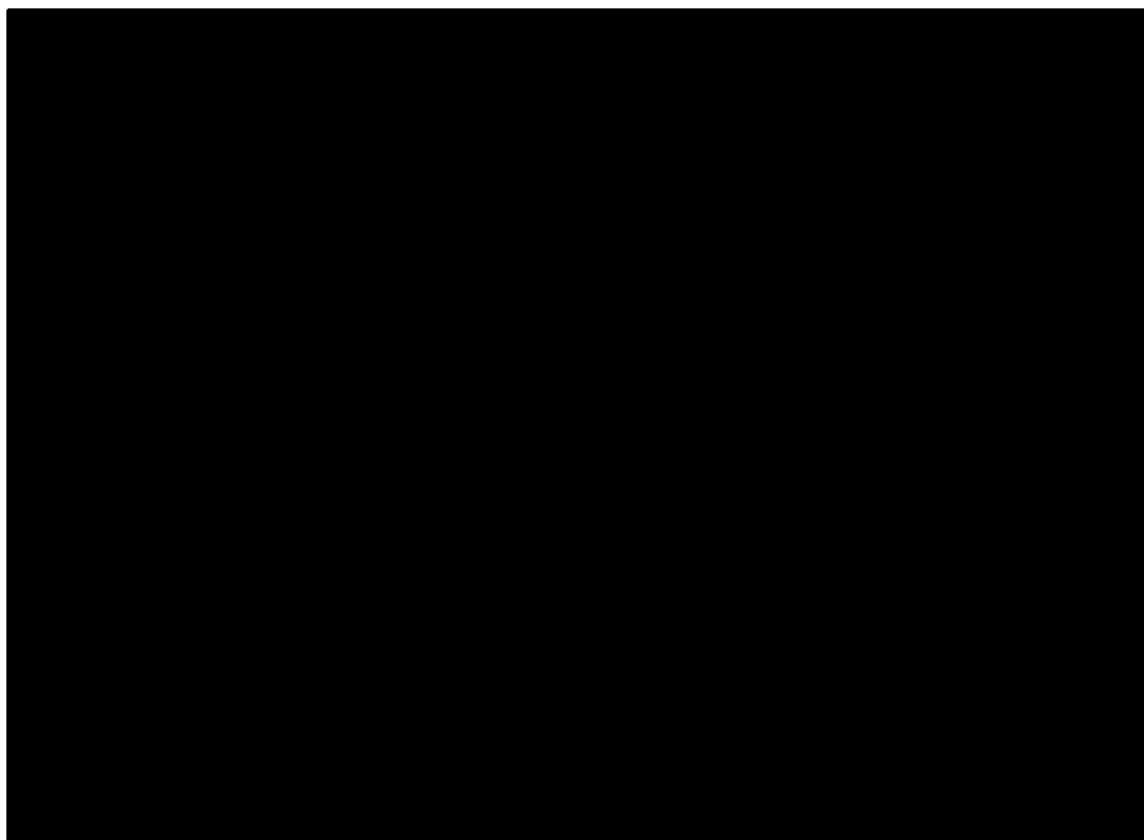


1006430  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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20100510

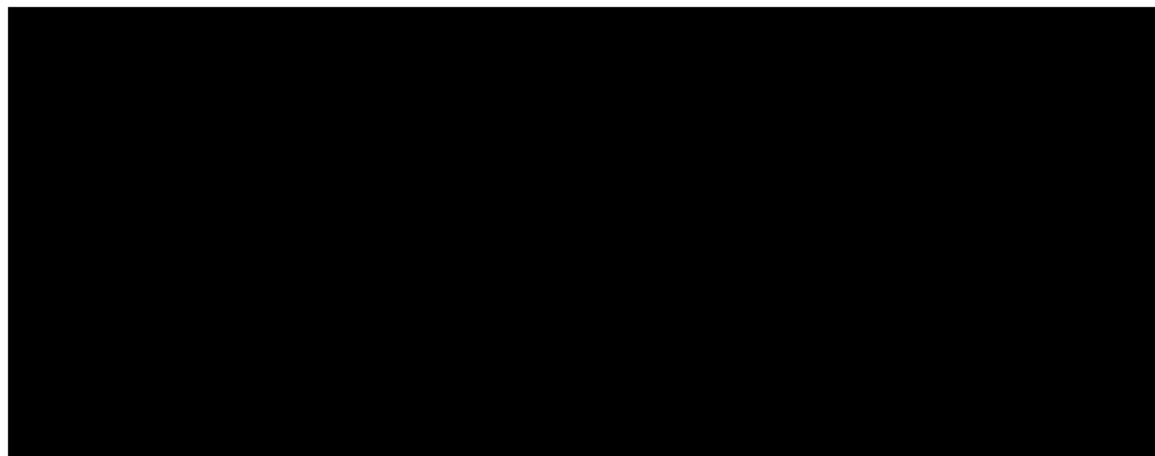


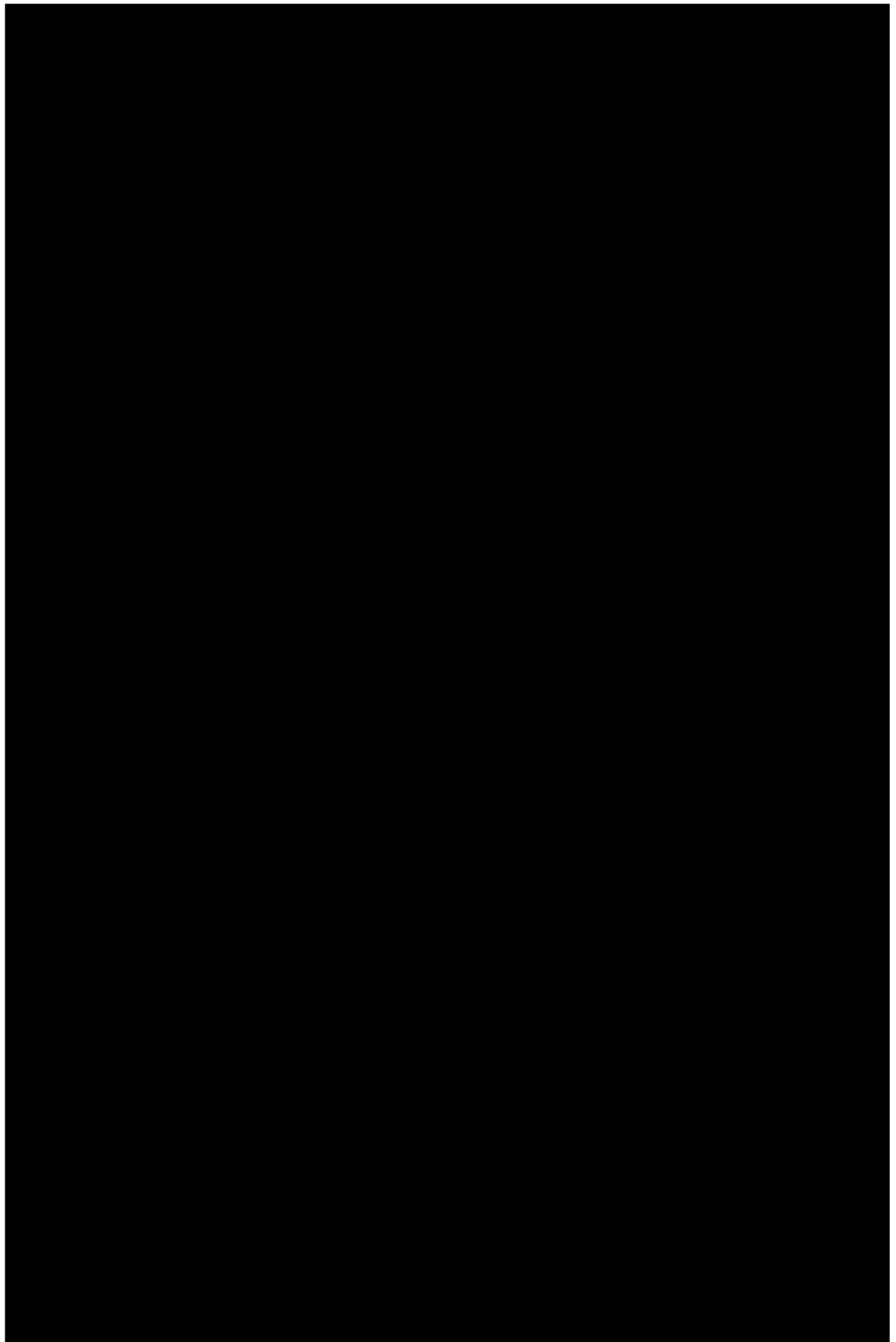


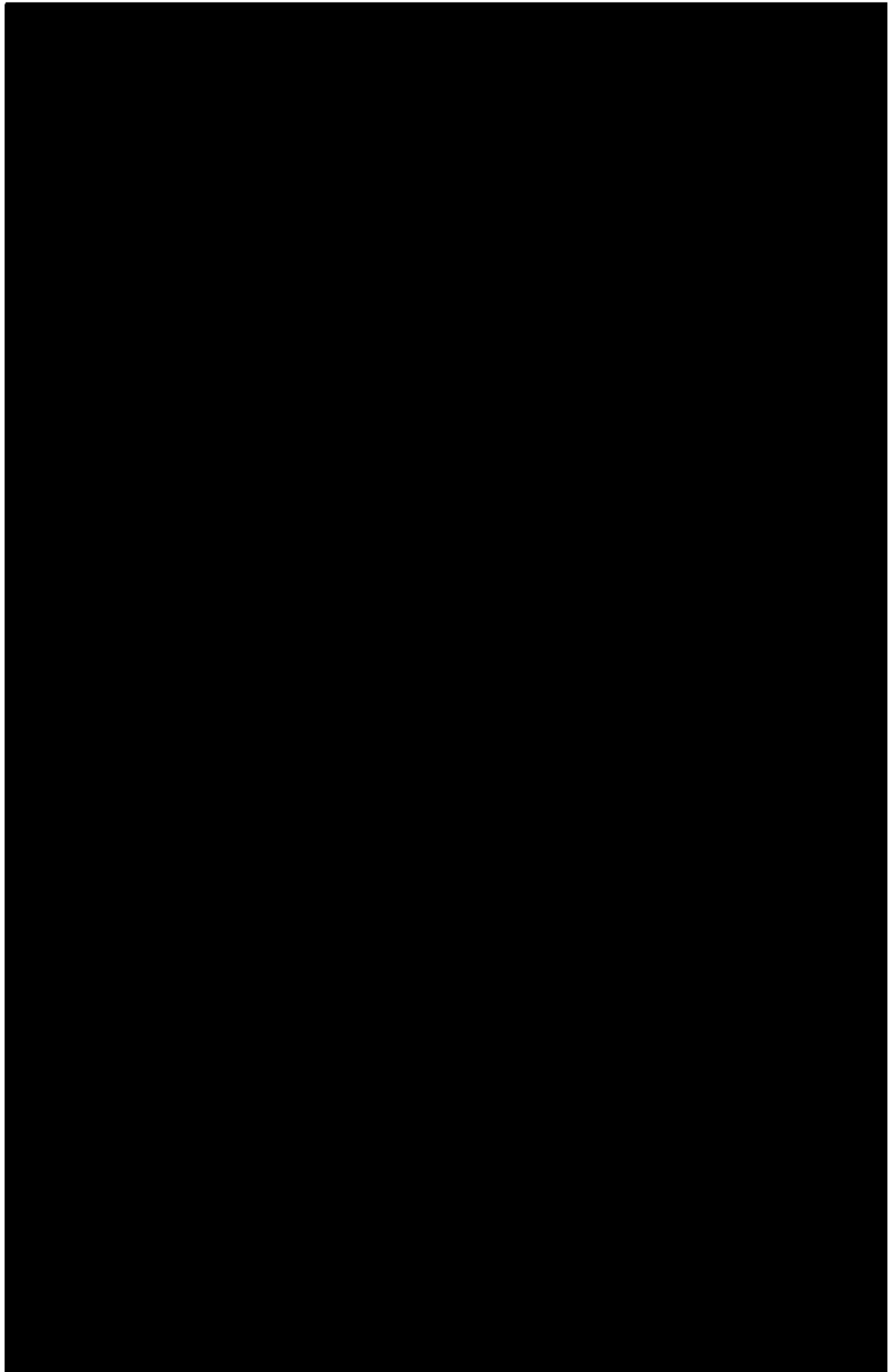


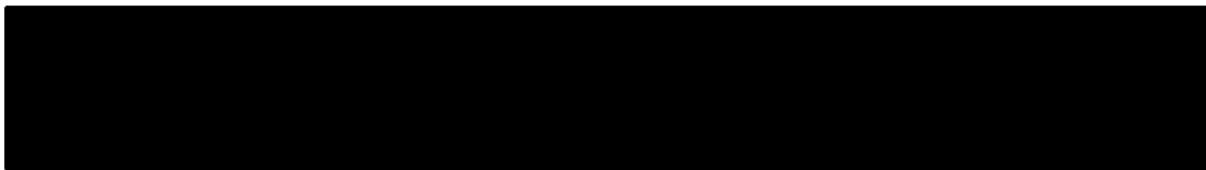
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785115-10-0004  
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20100511  
Open  
SURVEILLANCE  
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1006481  
[Redacted]  
20100511



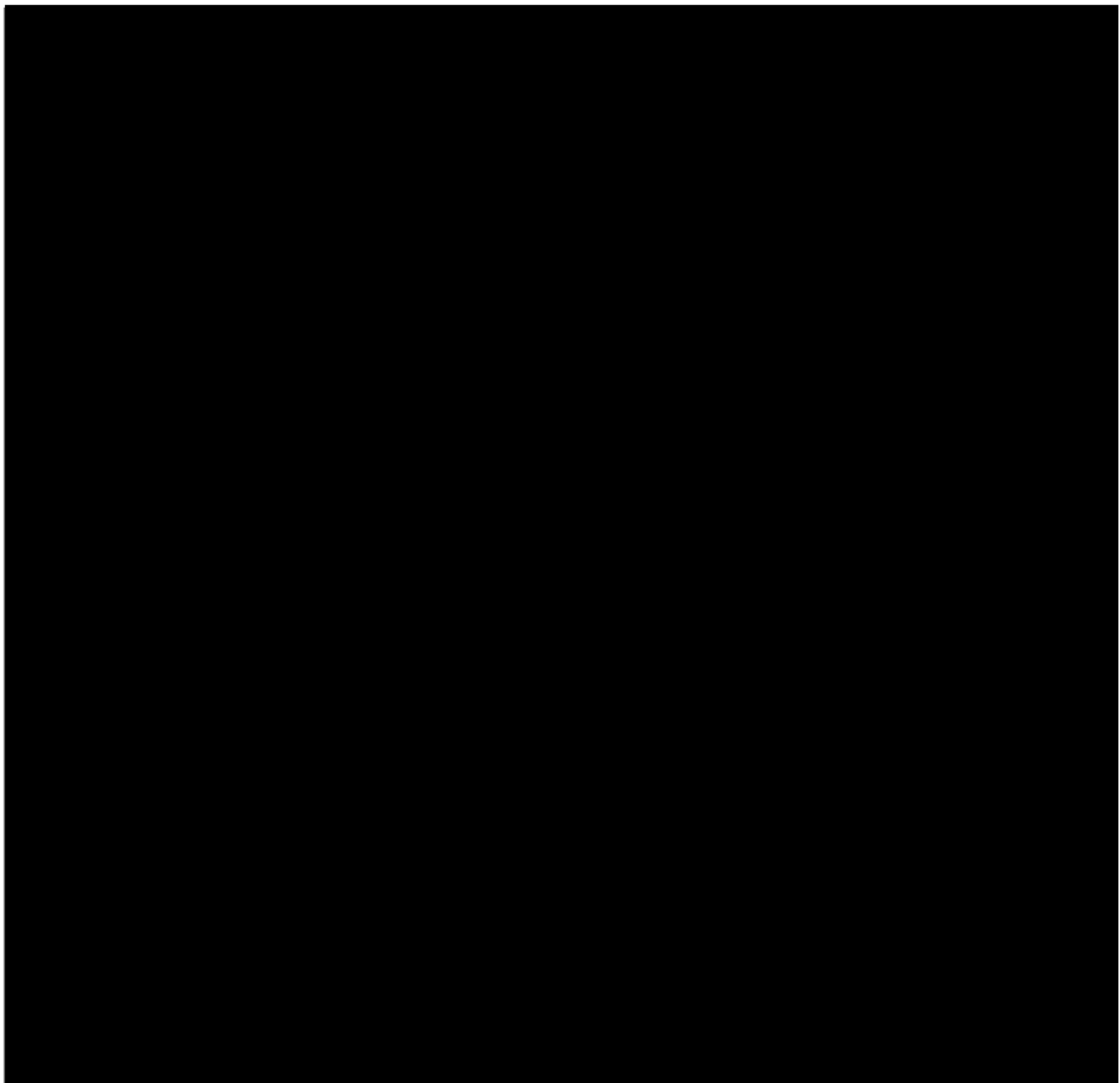







1006763  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1006763  
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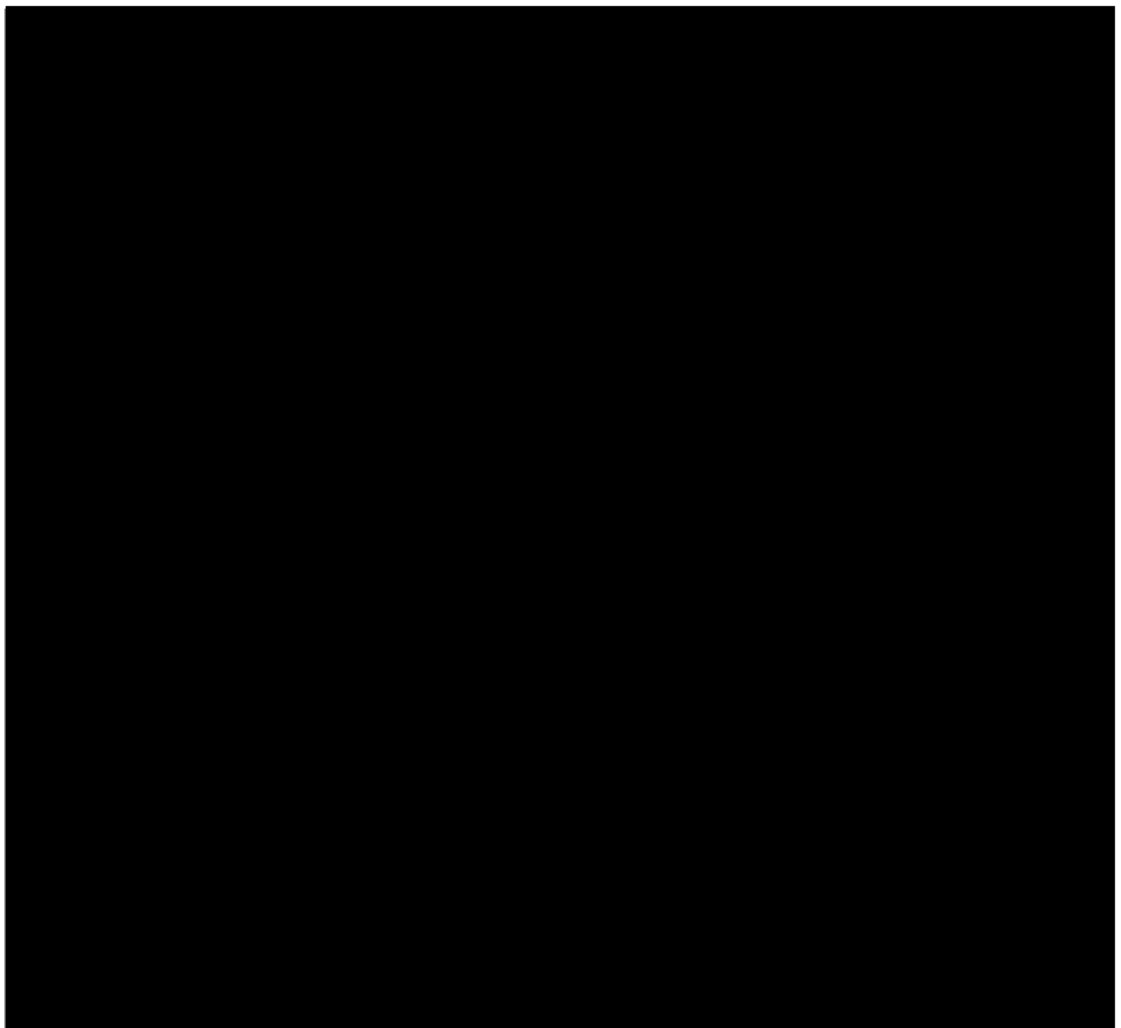




1007585  
785115-10-0004  
  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1007585

  
20100513



1008385  
785115-10-0004

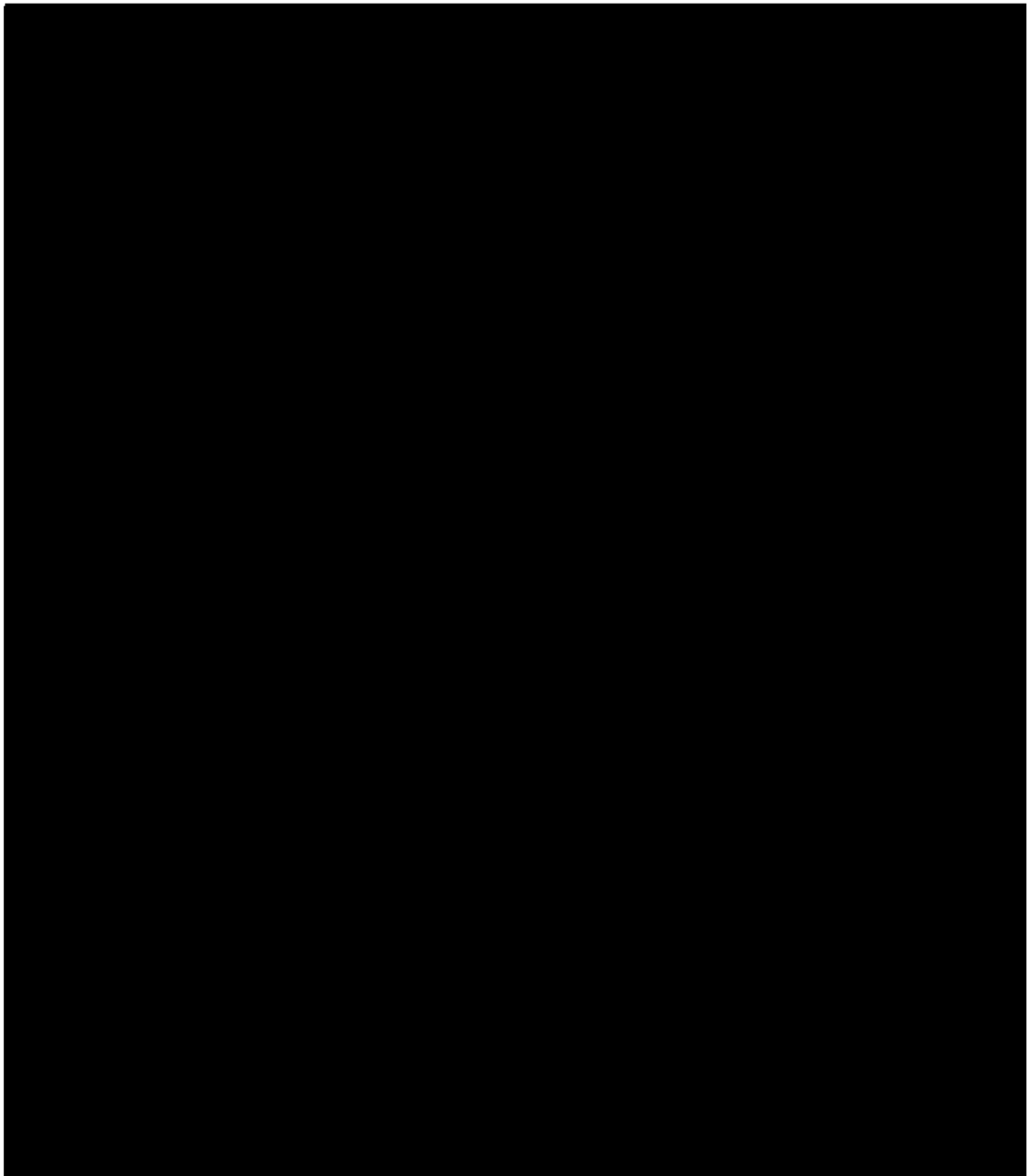


20100517  
Open  
UNDERCOVER CONTACT  
I

1008385



20100517



1008452  
785115-10-0004

[REDACTED]

20100517

Open

OTHER (NON-EXPLOSIVE/FIRE)

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1008452

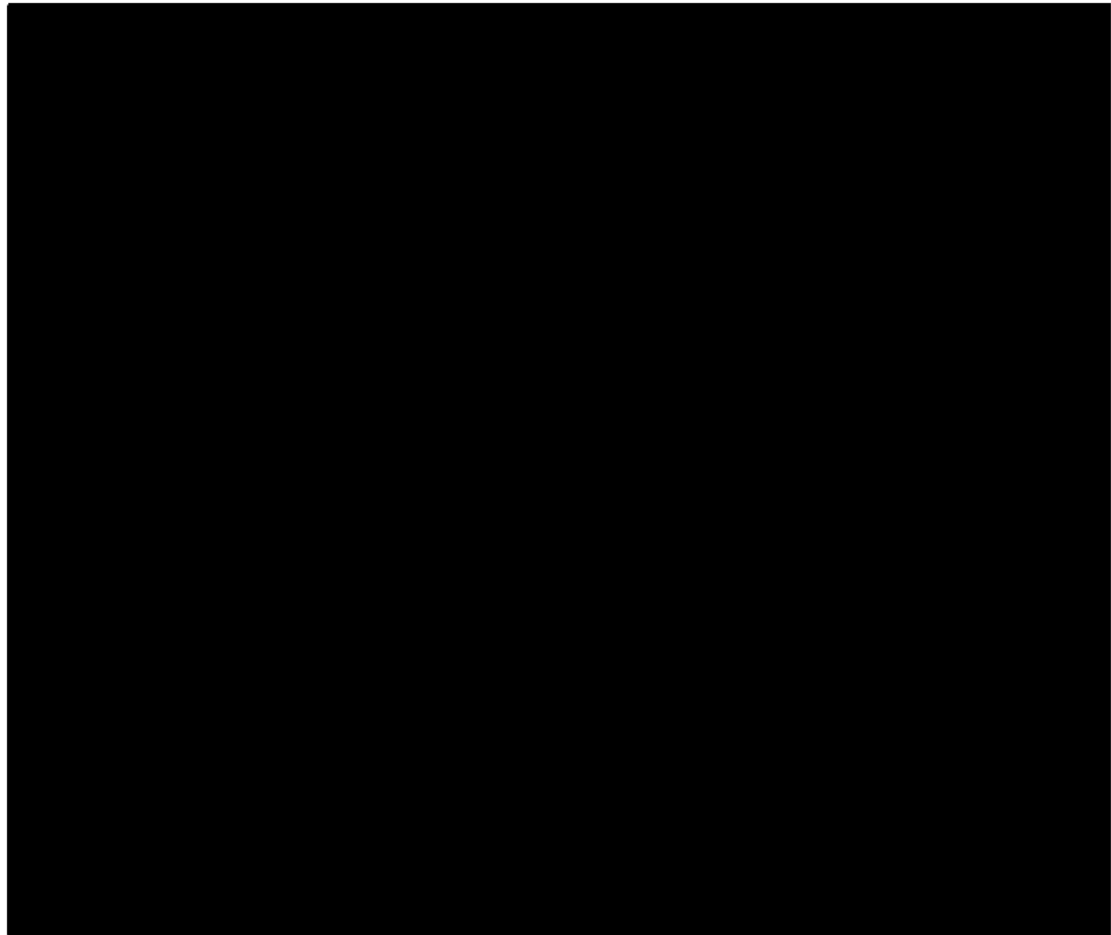
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20100517



1009993  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1009993  
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20100521

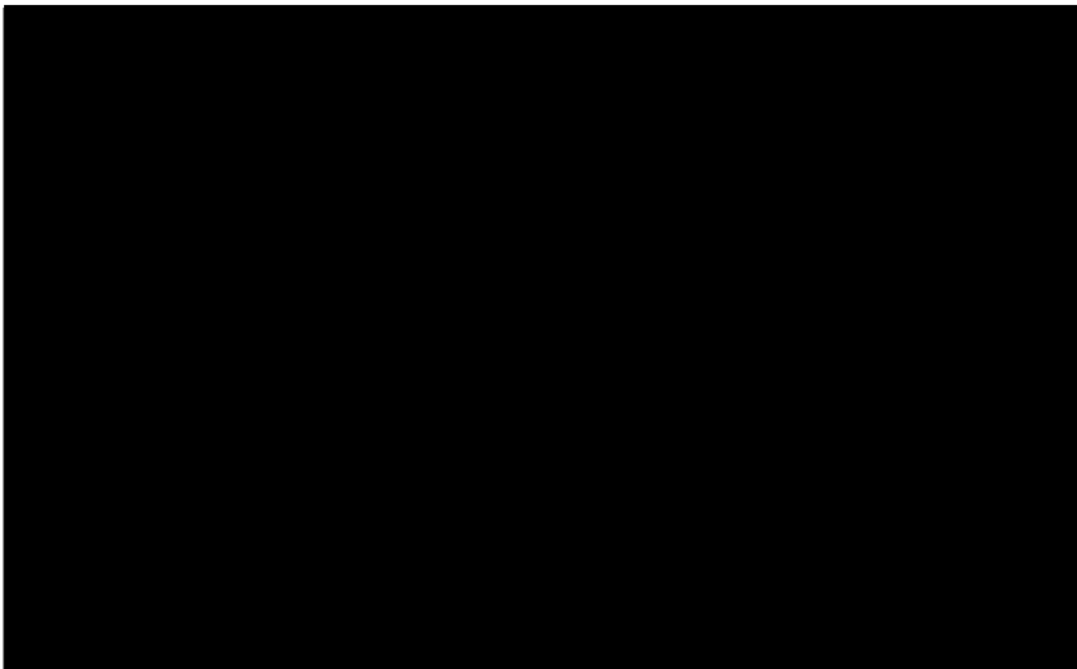


1010008  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1010008



[REDACTED]  
20100521



1010579

785115-10-0004

[REDACTED]  
20100524

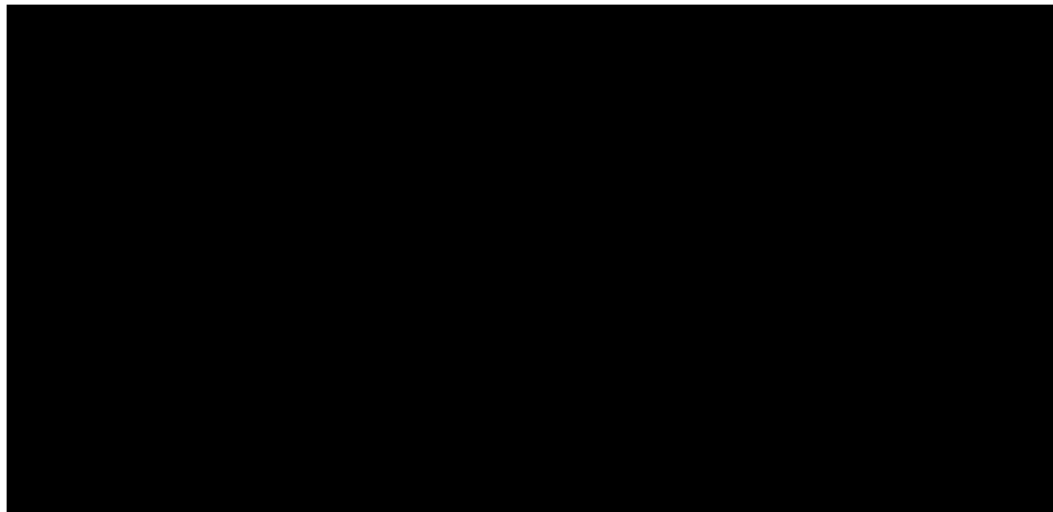
Open

OTHER (NON-EXPLOSIVE/FIRE)

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1010579

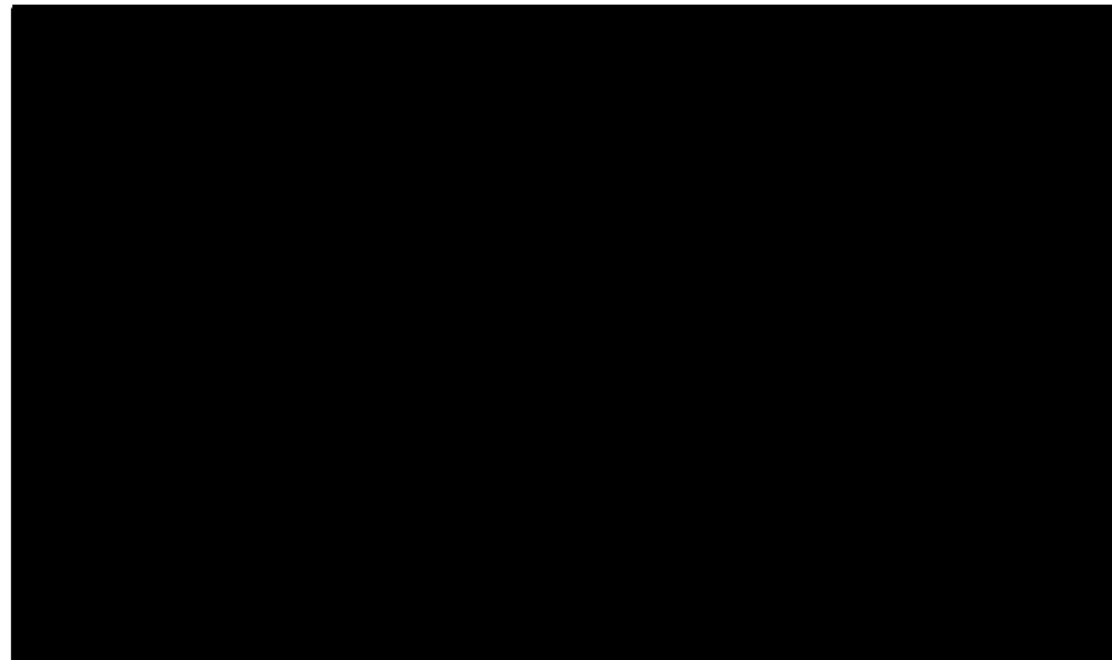
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20100524





1010583  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1010583  
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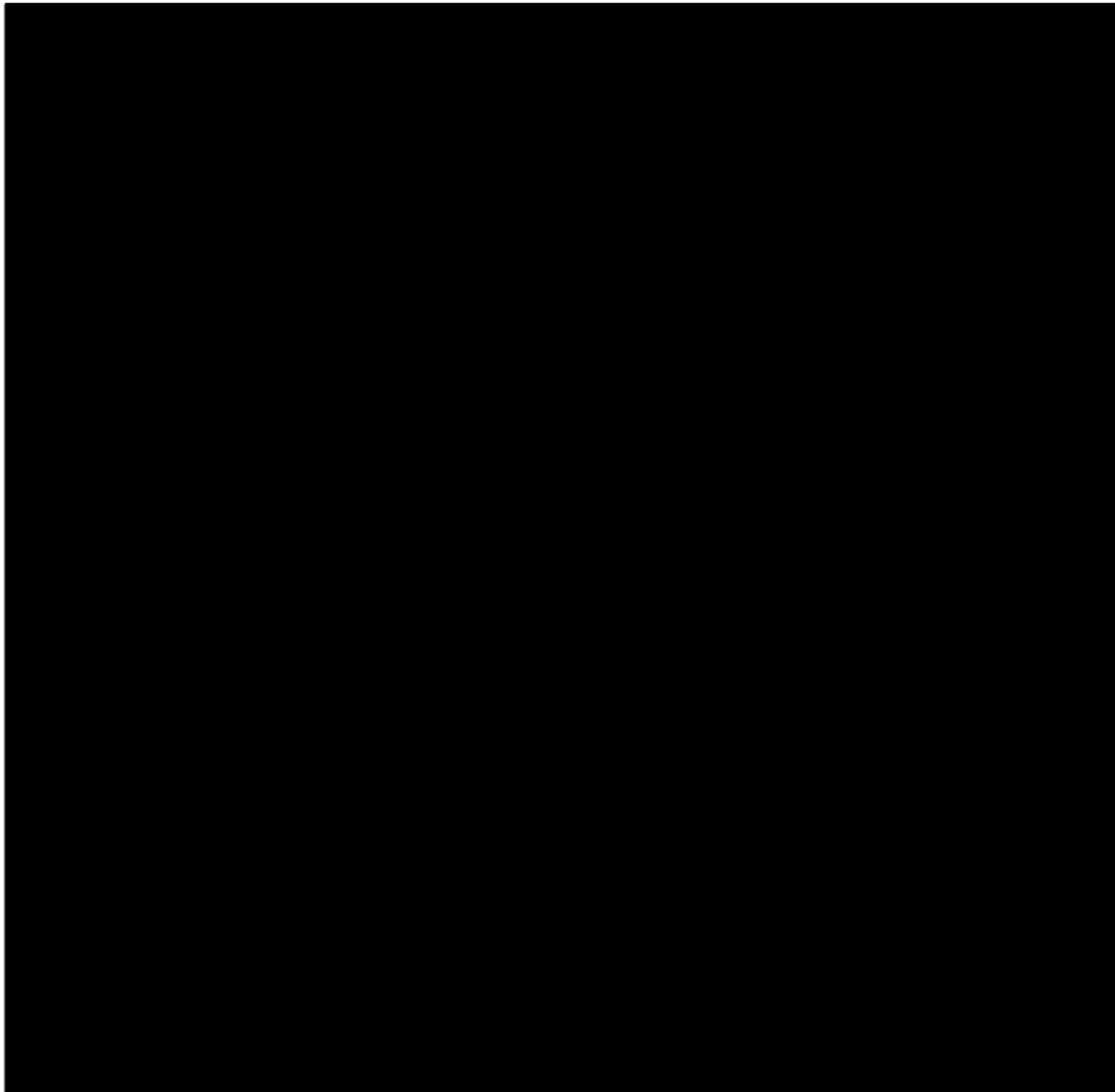


1010609  
785115-10-0004  
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Open  
SURVEILLANCE  
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1010609



20100520



1010822

785115-10-0004



20100525

Open

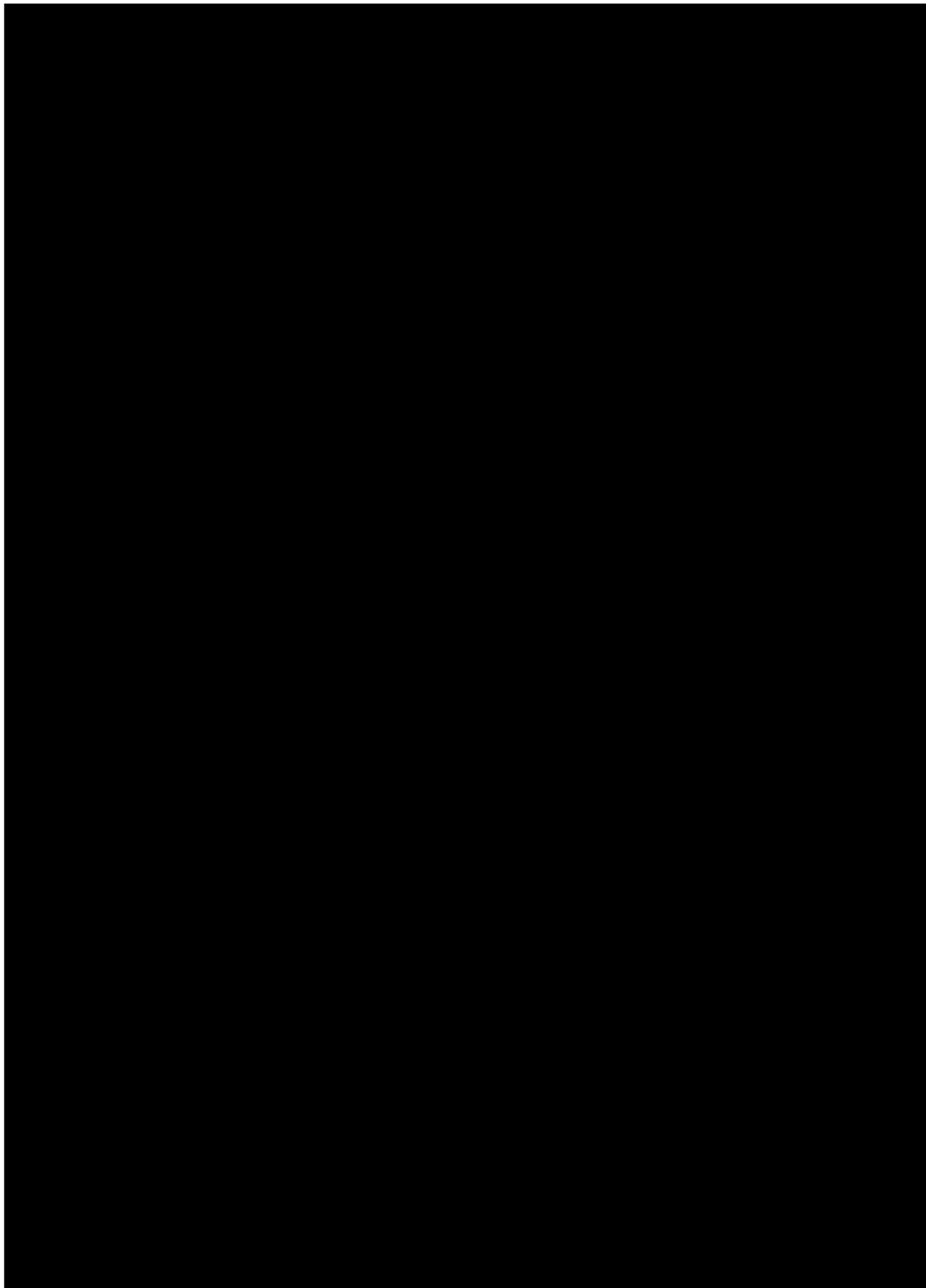
SURVEILLANCE

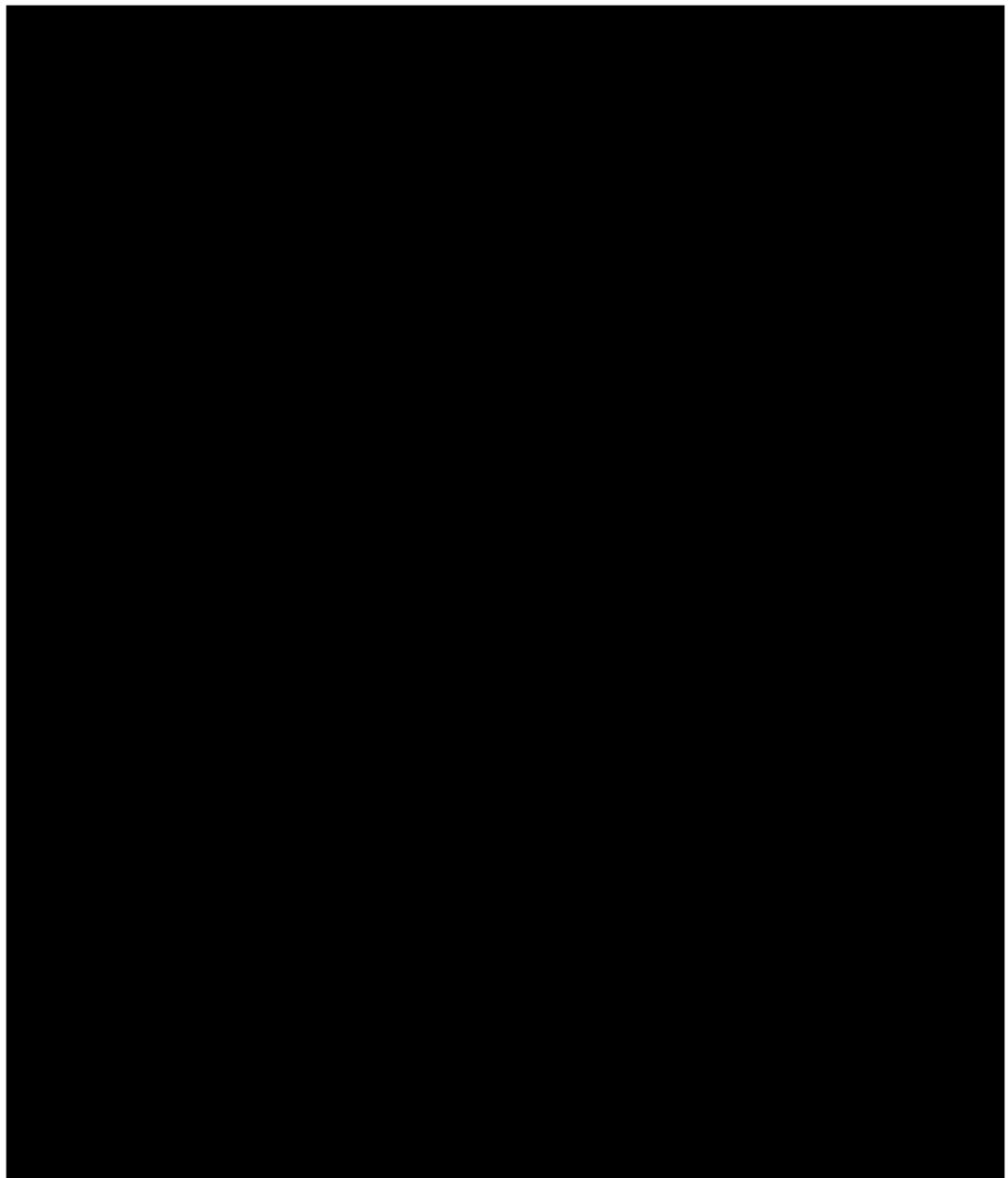
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1010822



20100525





1011037  
785115-10-0004

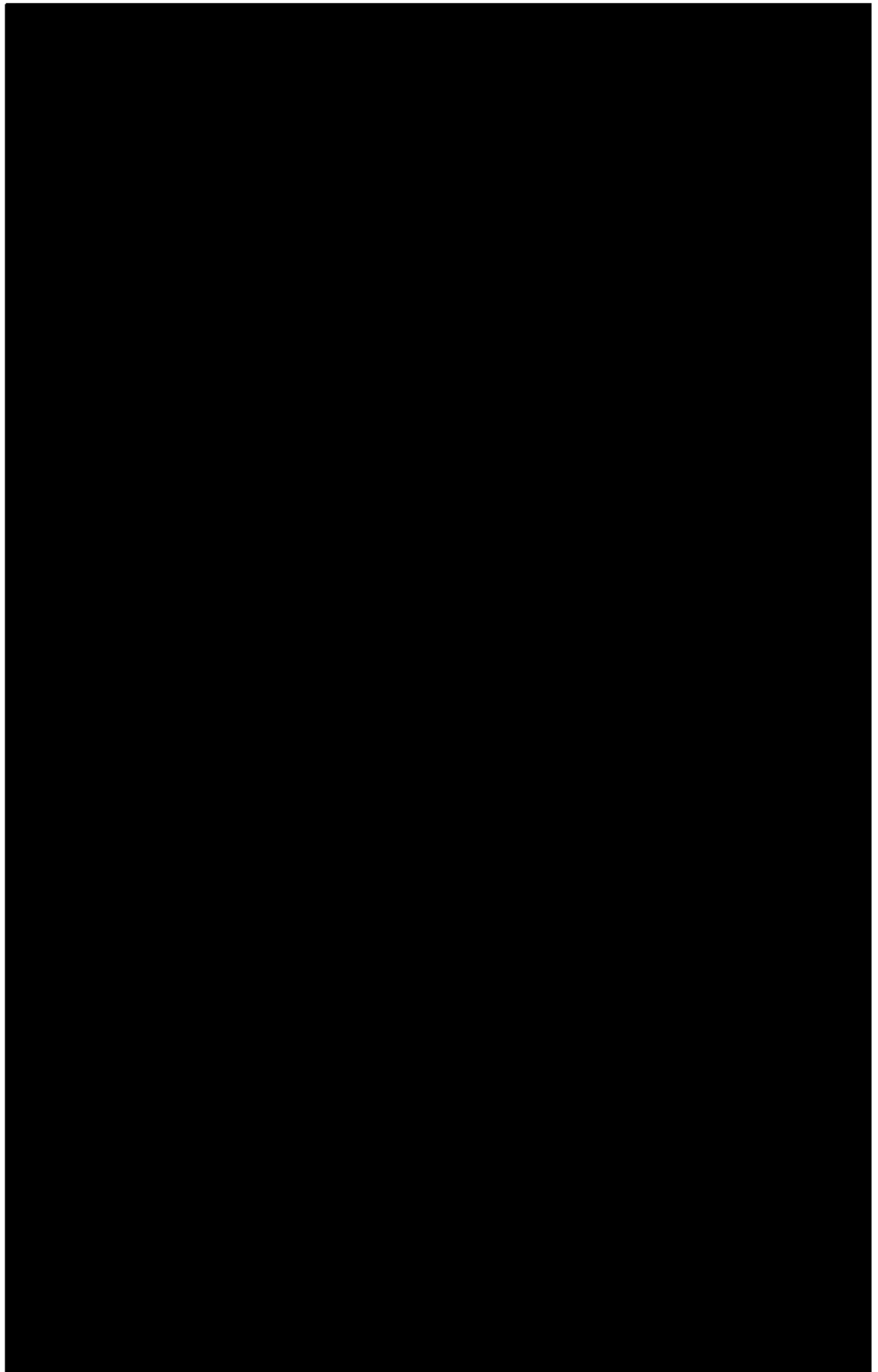


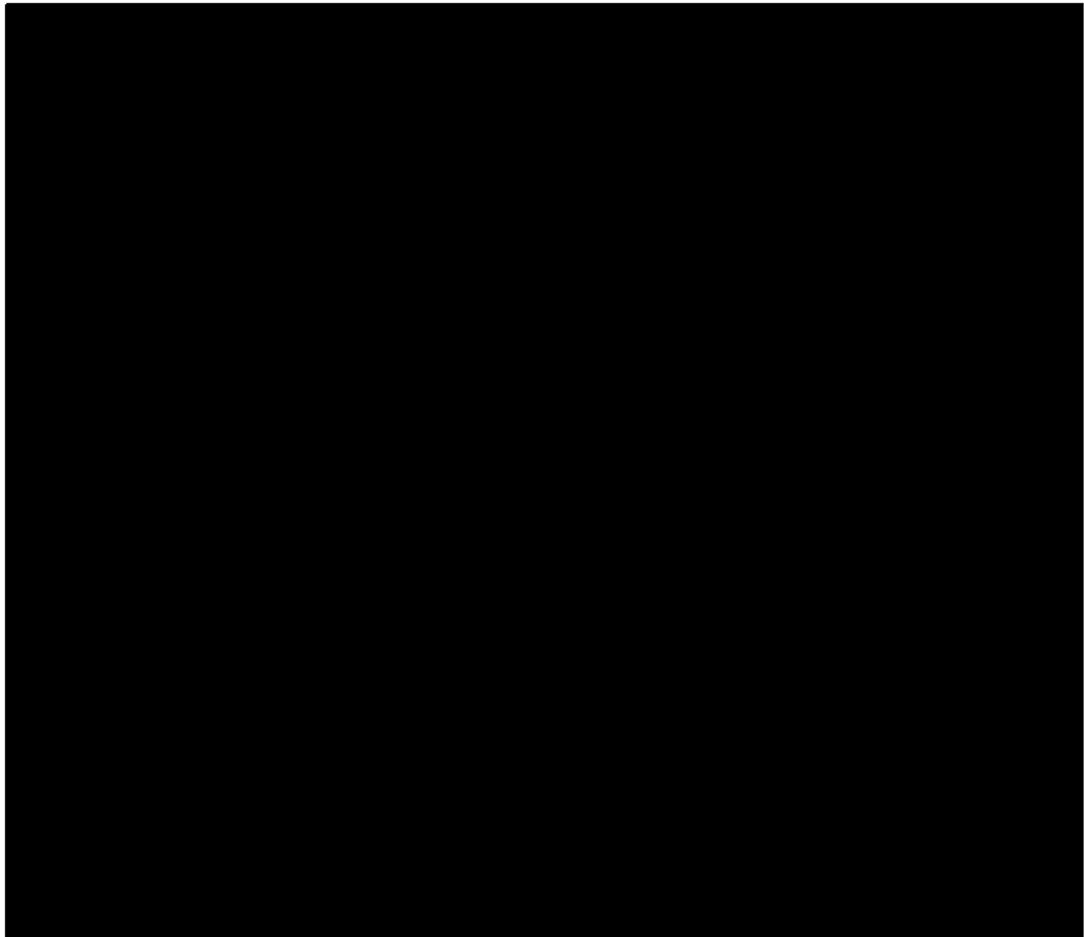
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Open  
SURVEILLANCE  
I

1011037



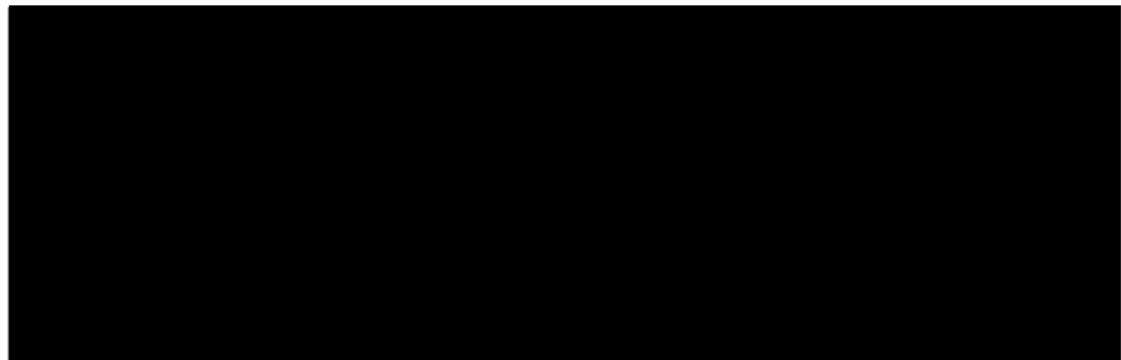
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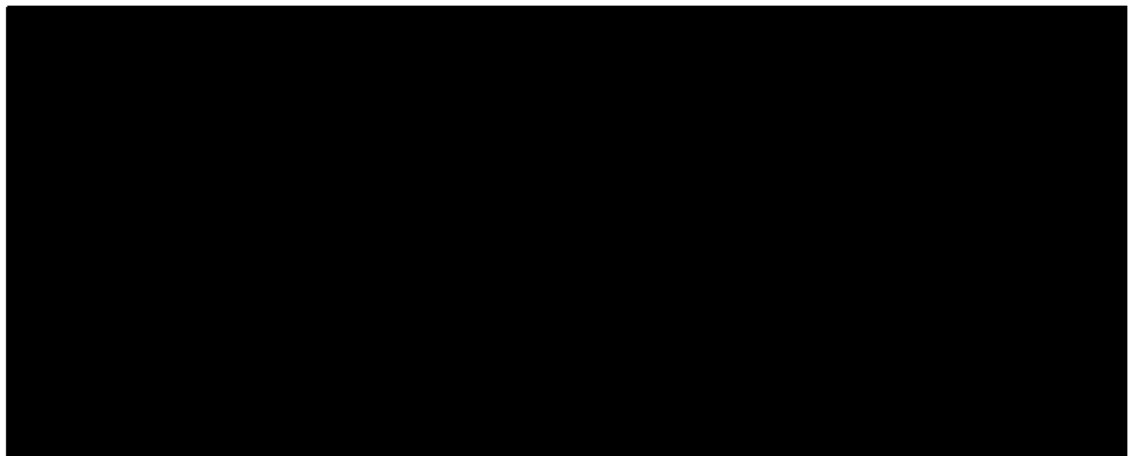




1011482  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
I

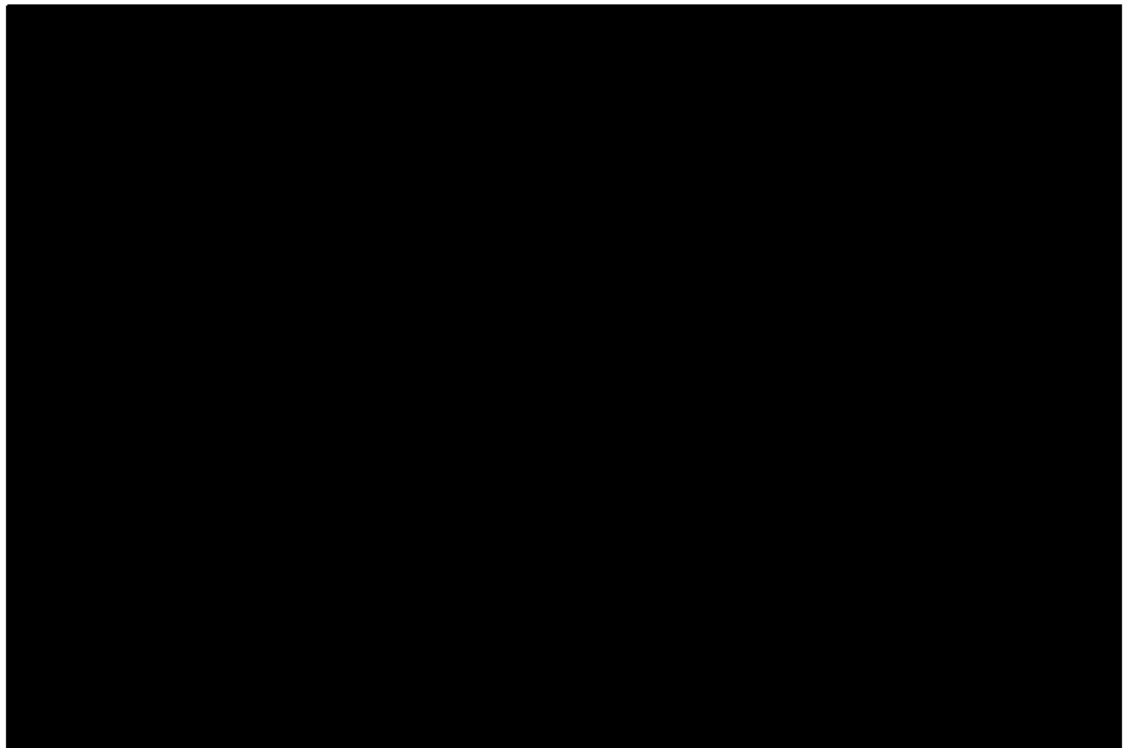
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20100527





1011636  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
I

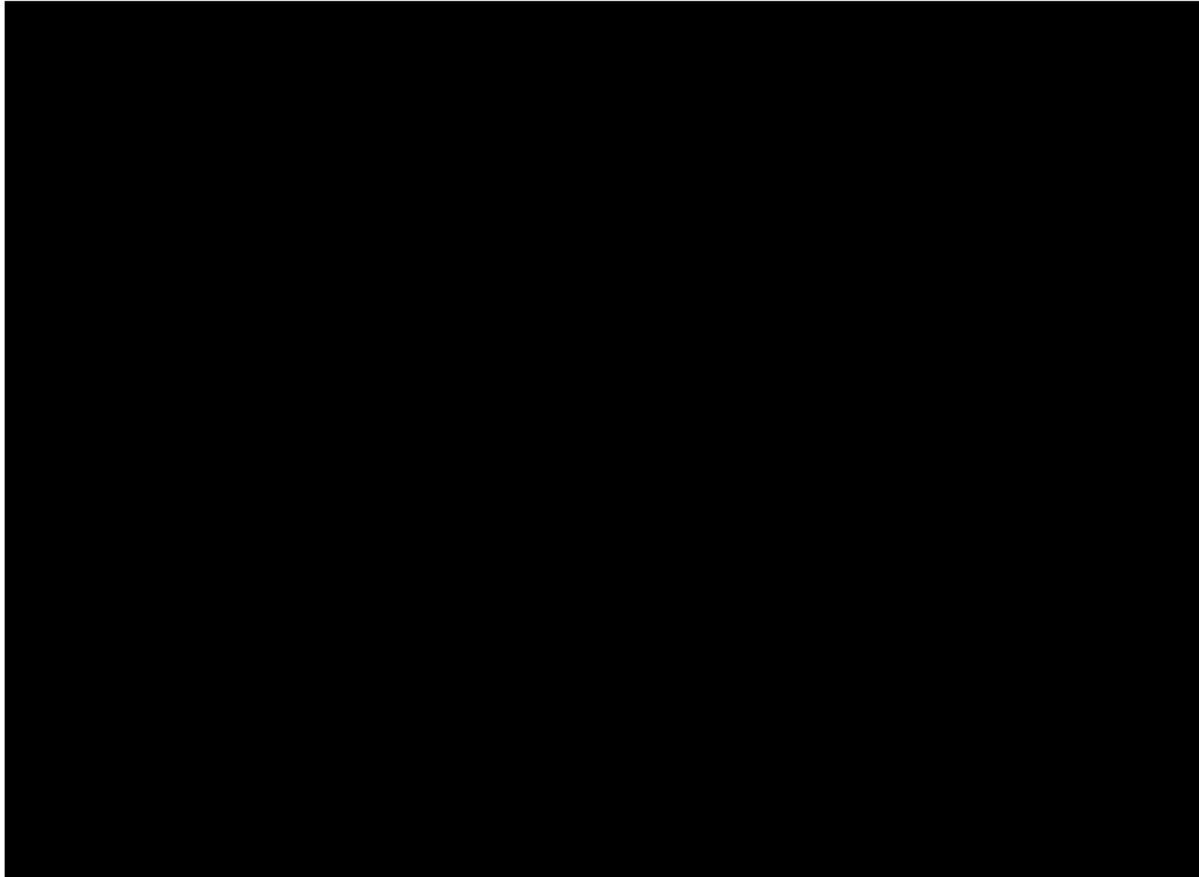
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1011782  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
I

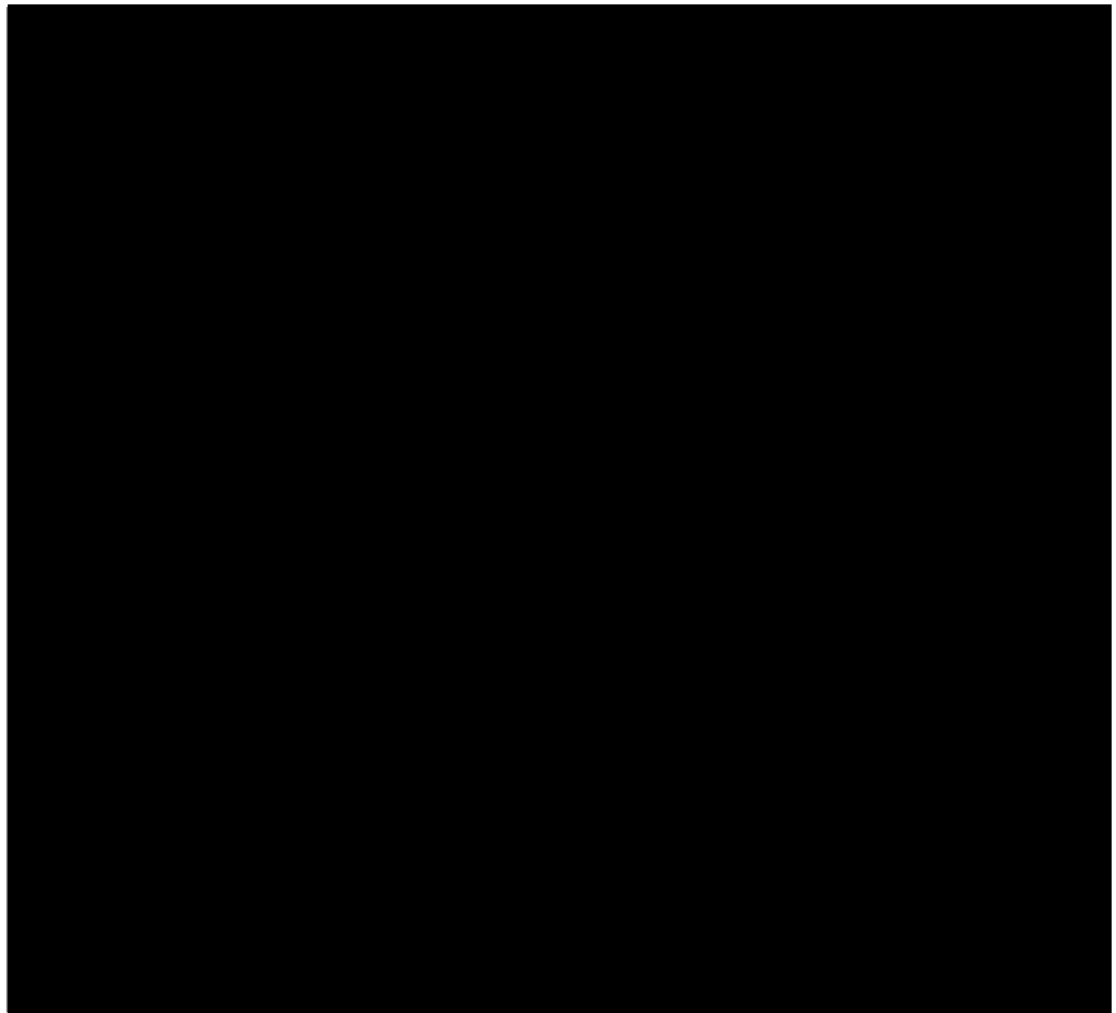
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20100526



1013086  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1013086  
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20100602



1013104

785115-10-0004



20100602

Open

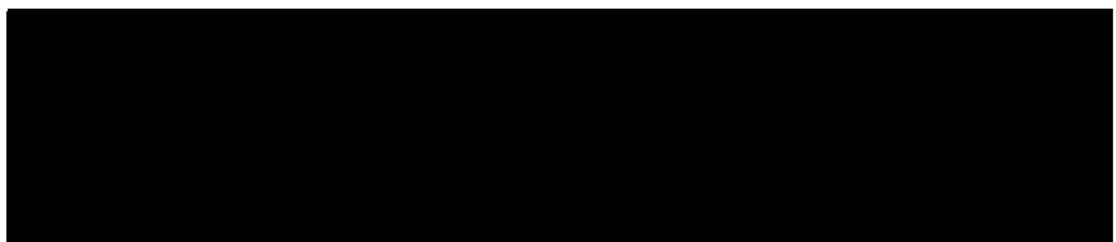
OTHER (NON-EXPLOSIVE/FIRE)

I

1013104



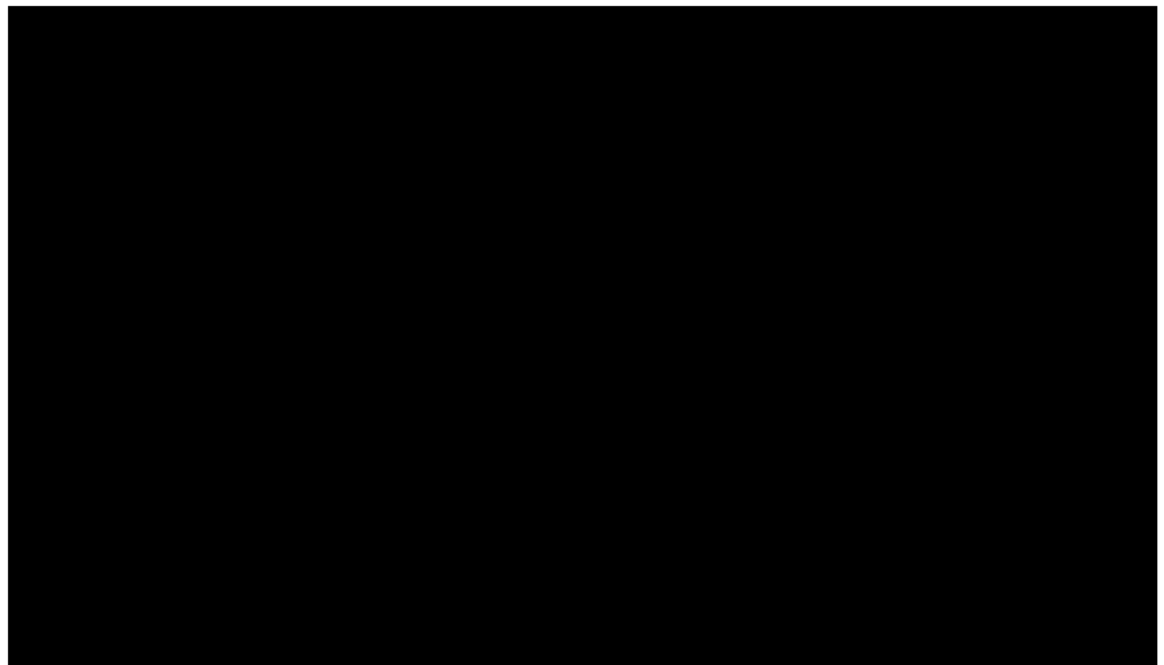
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1013111  
785115-10-0004  
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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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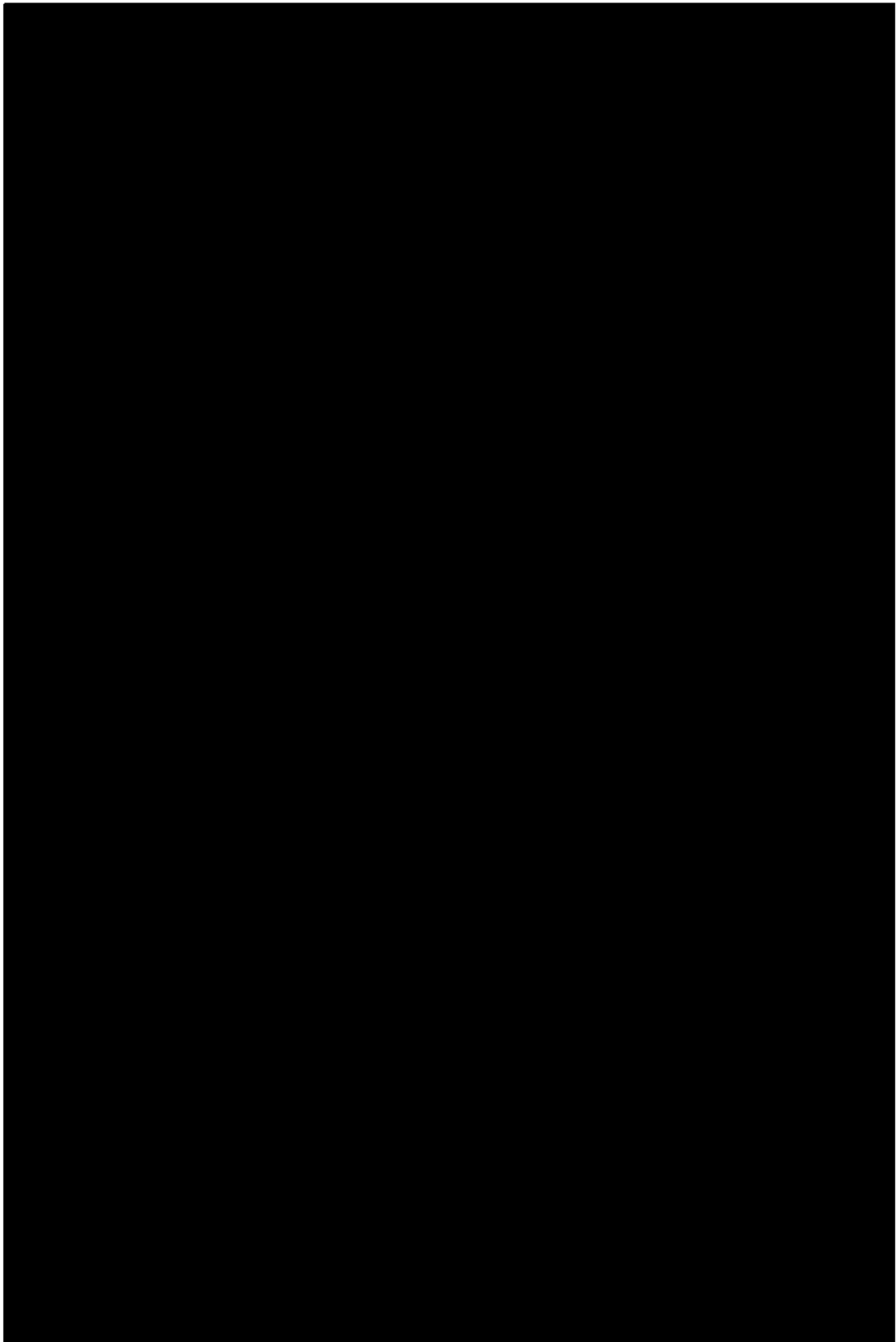
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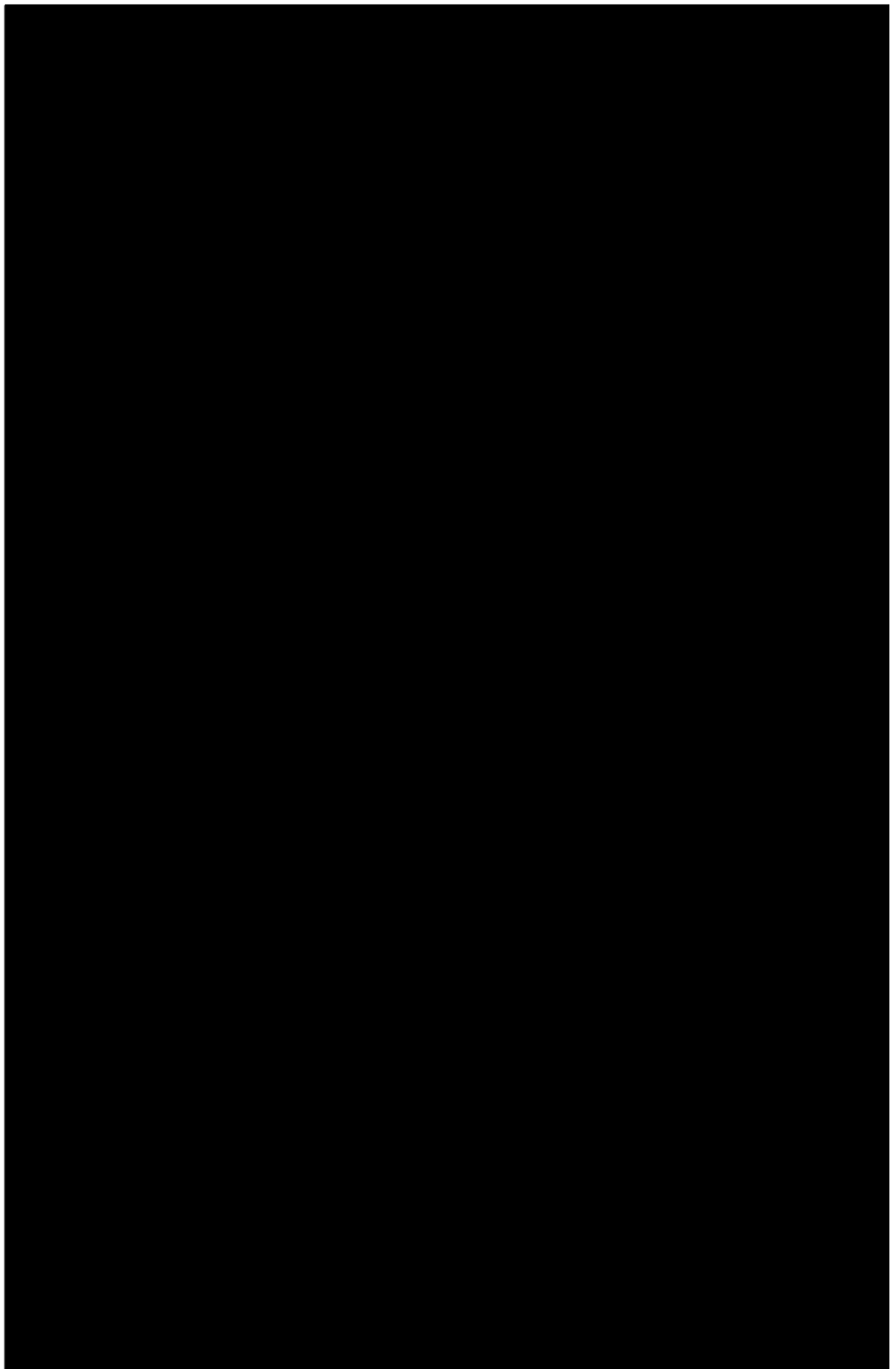


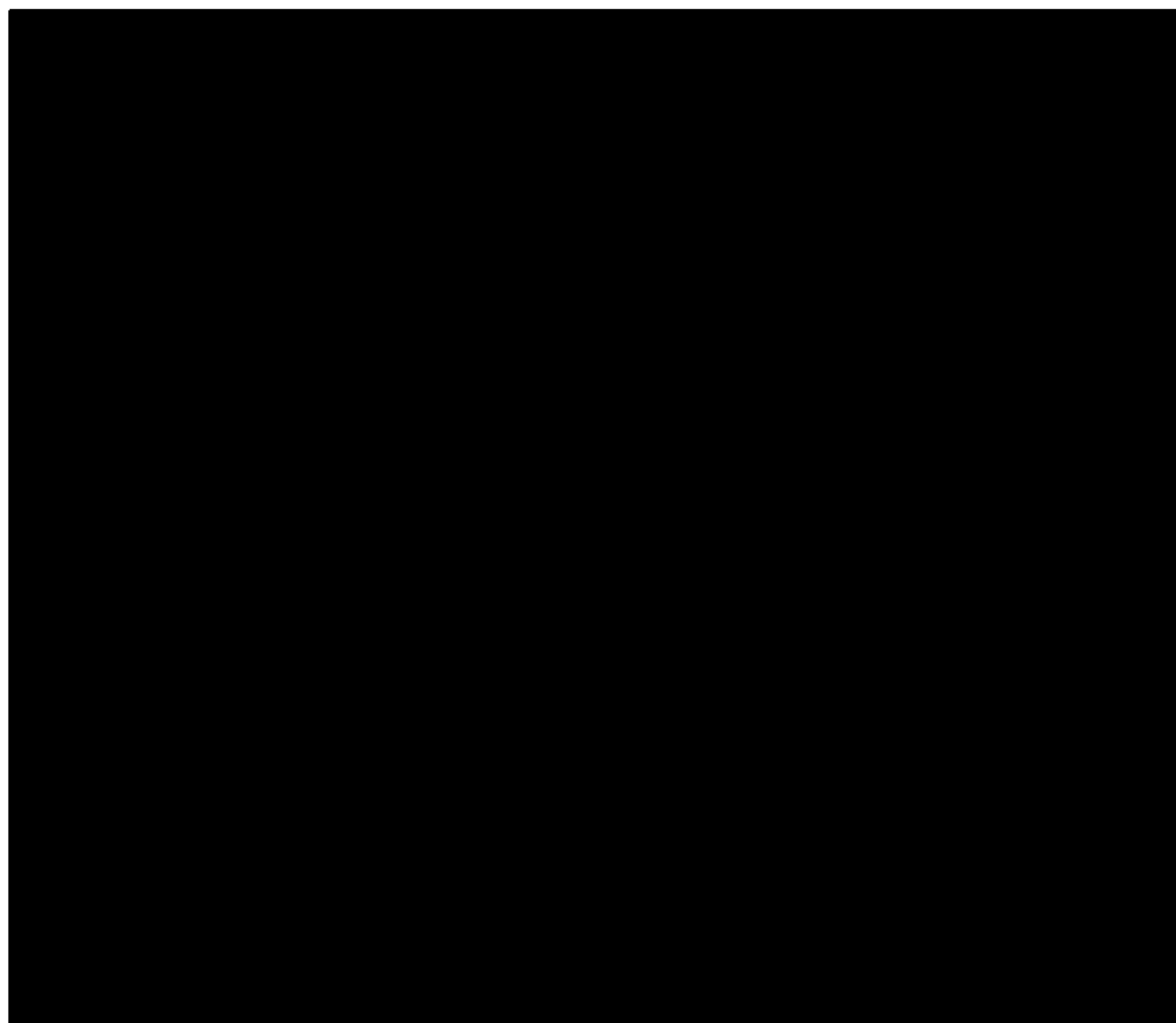
1013112  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
I

1013112

20100601

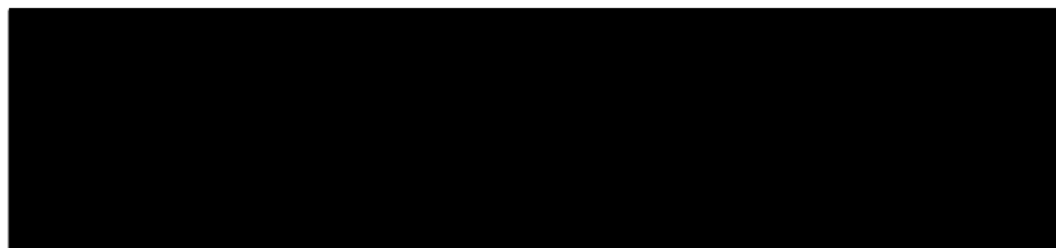


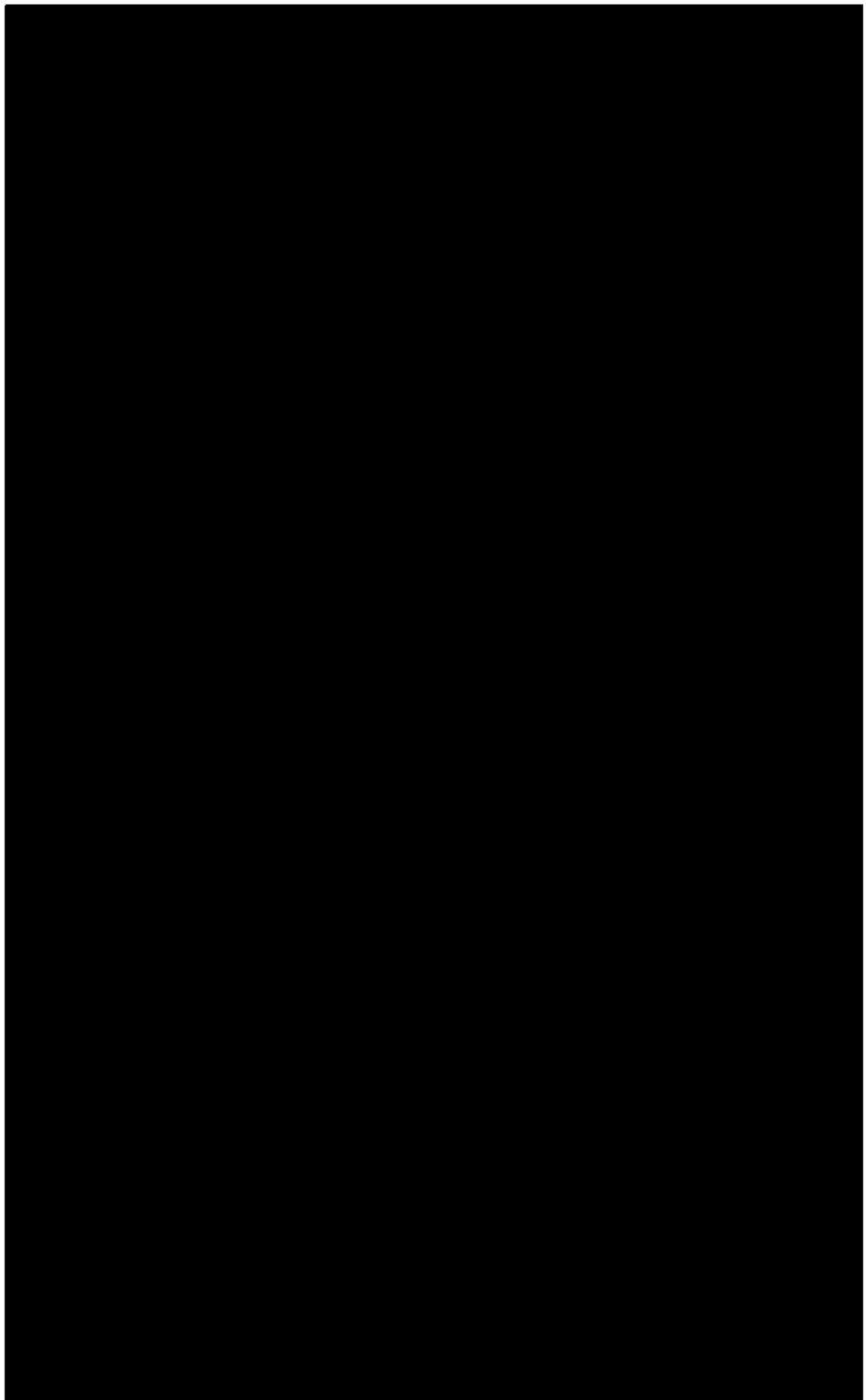


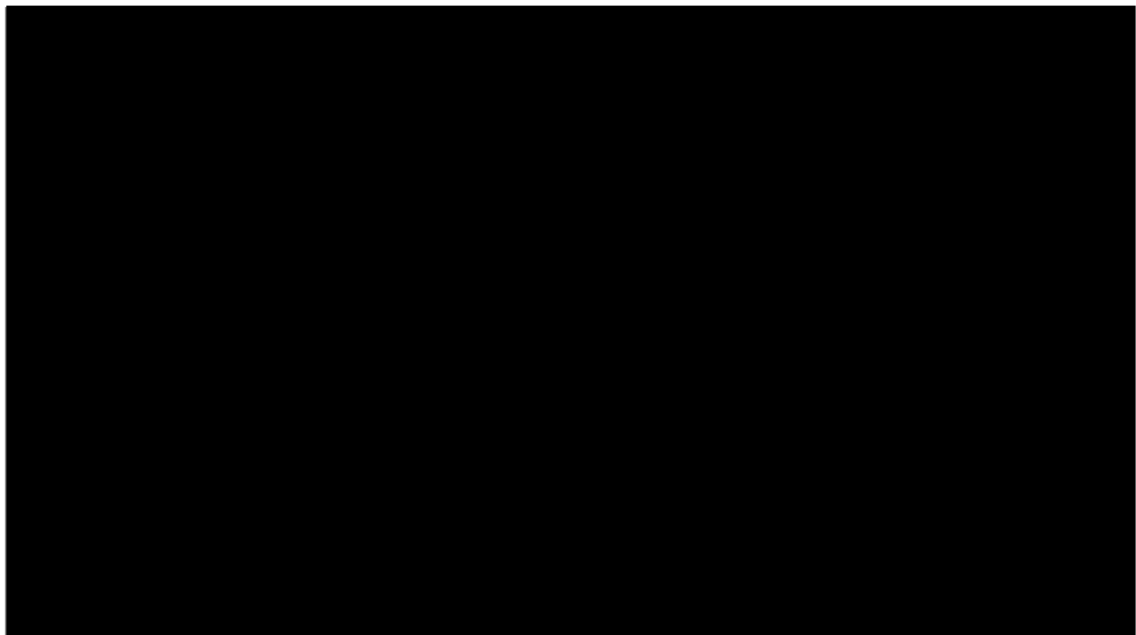


1013380  
785115-10-0004  
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20100526  
Open  
SURVEILLANCE  
1

1013380  
[Redacted]  
20100526

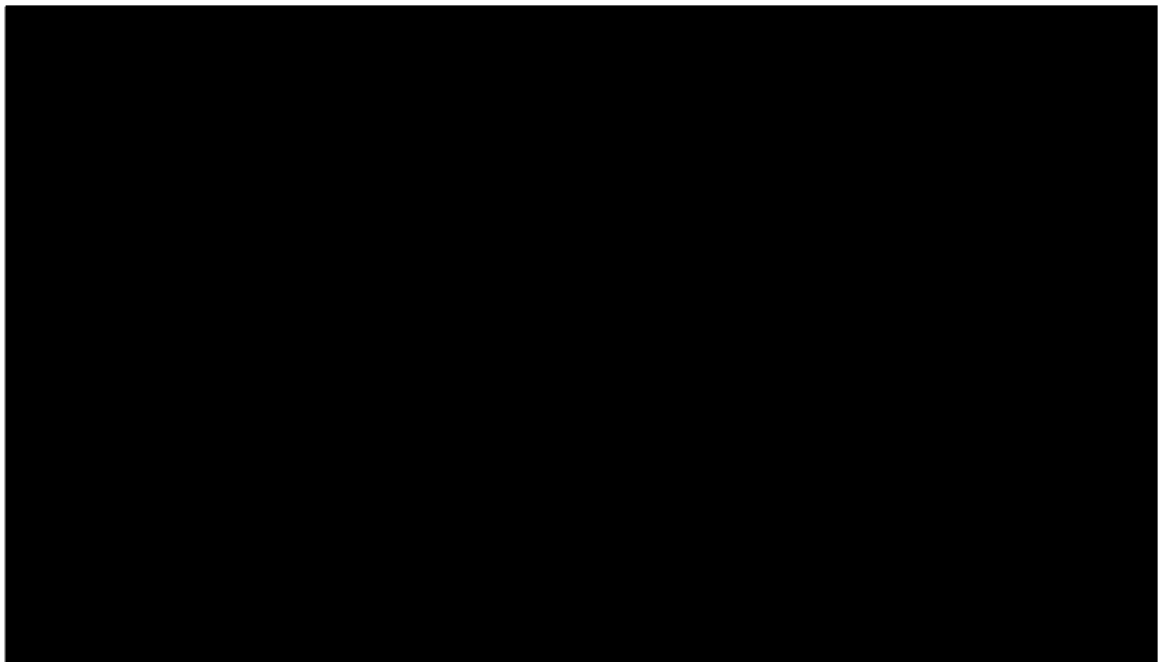




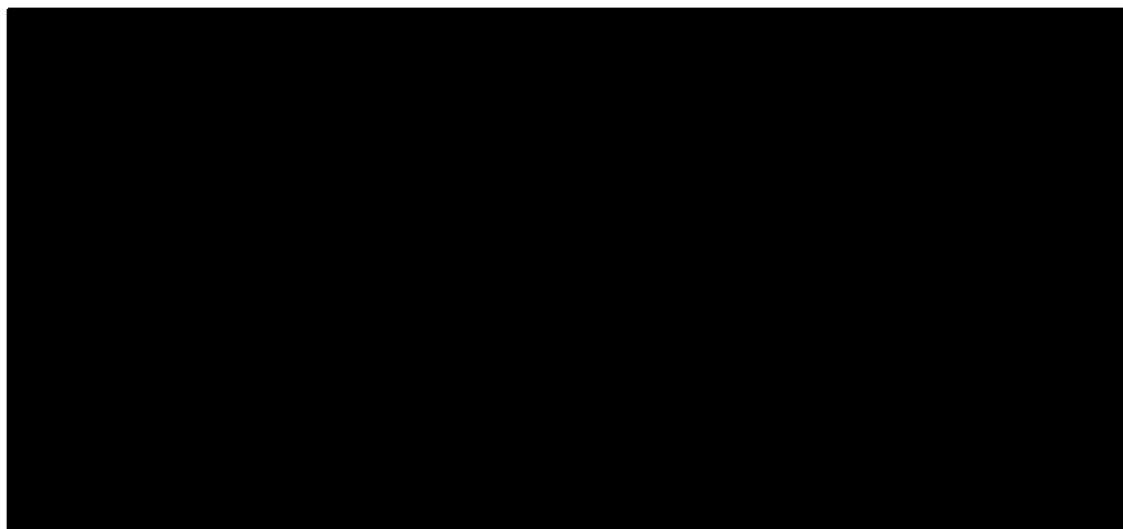


1013395  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1013395  
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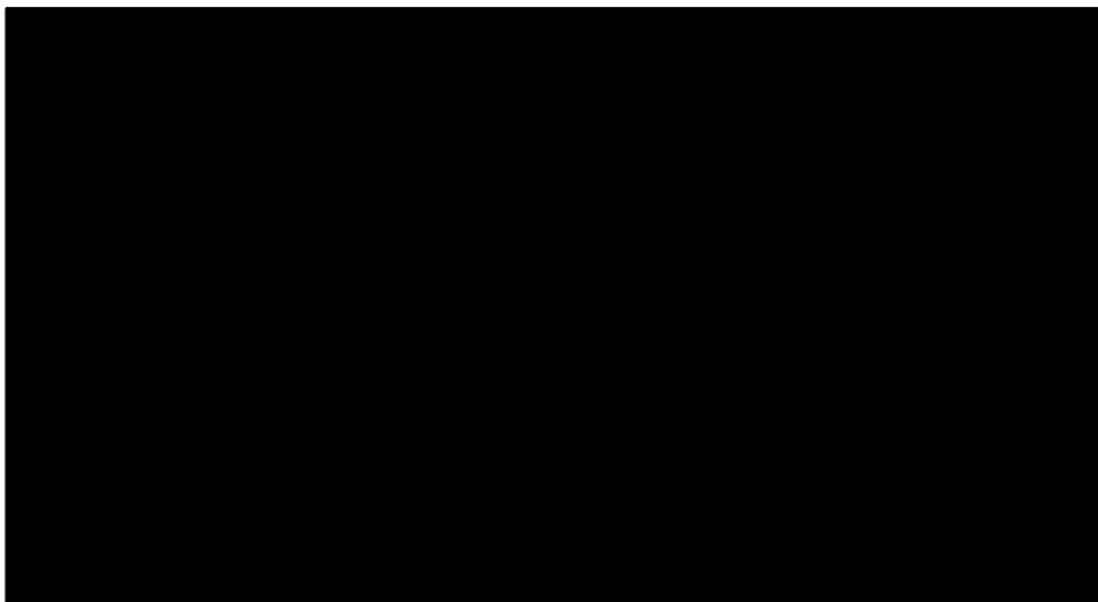






1013493  
785115-10-0004  
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20100602  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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1013493  
[Redacted]  
20100602



1013494

785115-10-0004

[REDACTED]

20100602

Open

OTHER (NON-EXPLOSIVE/FIRE)

1

1013494

[REDACTED]

20100602

[REDACTED]

1013877

785115-10-0004

[REDACTED]

20100604

Open

OTHER (NON-EXPLOSIVE/FIRE)

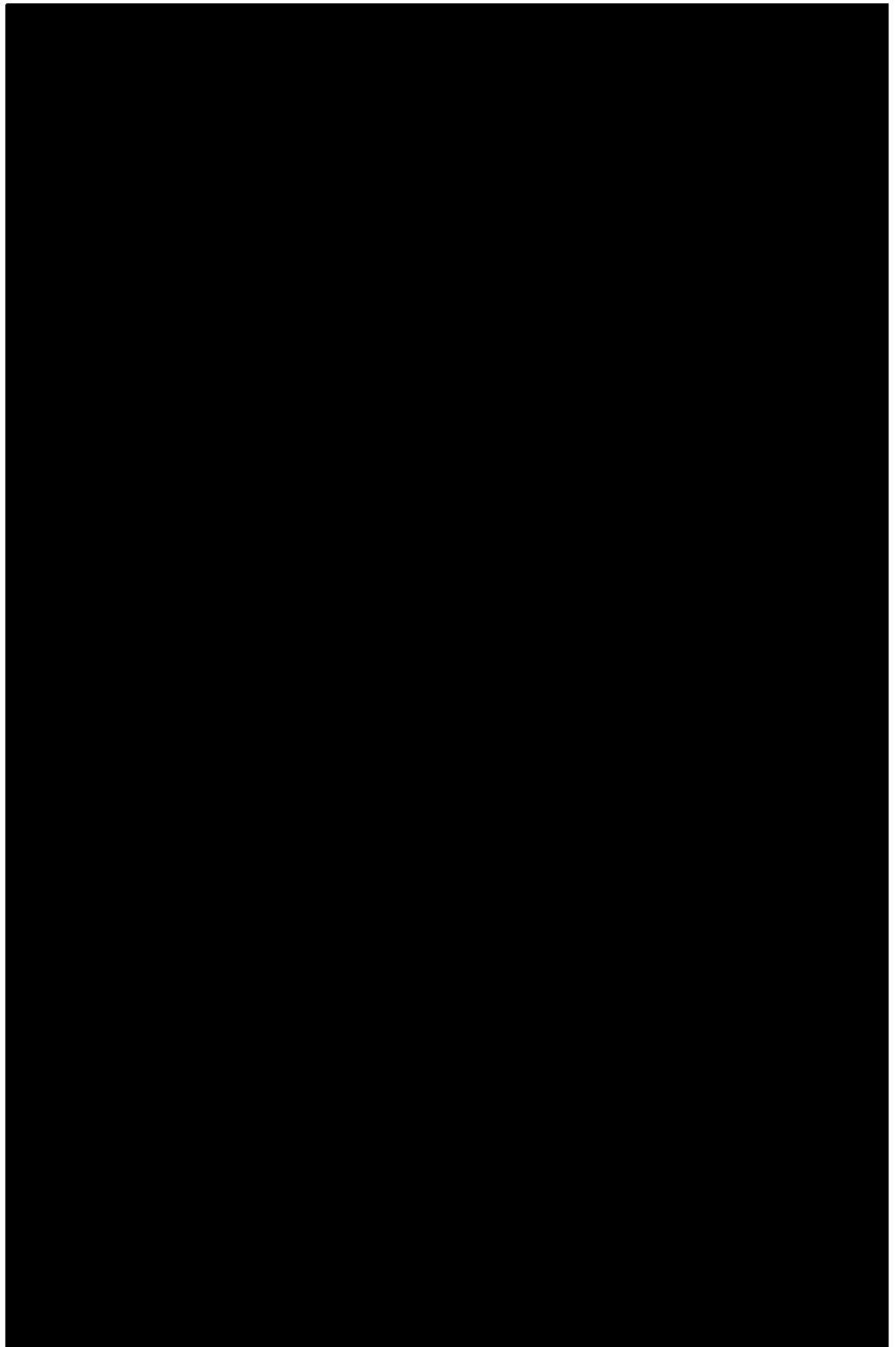
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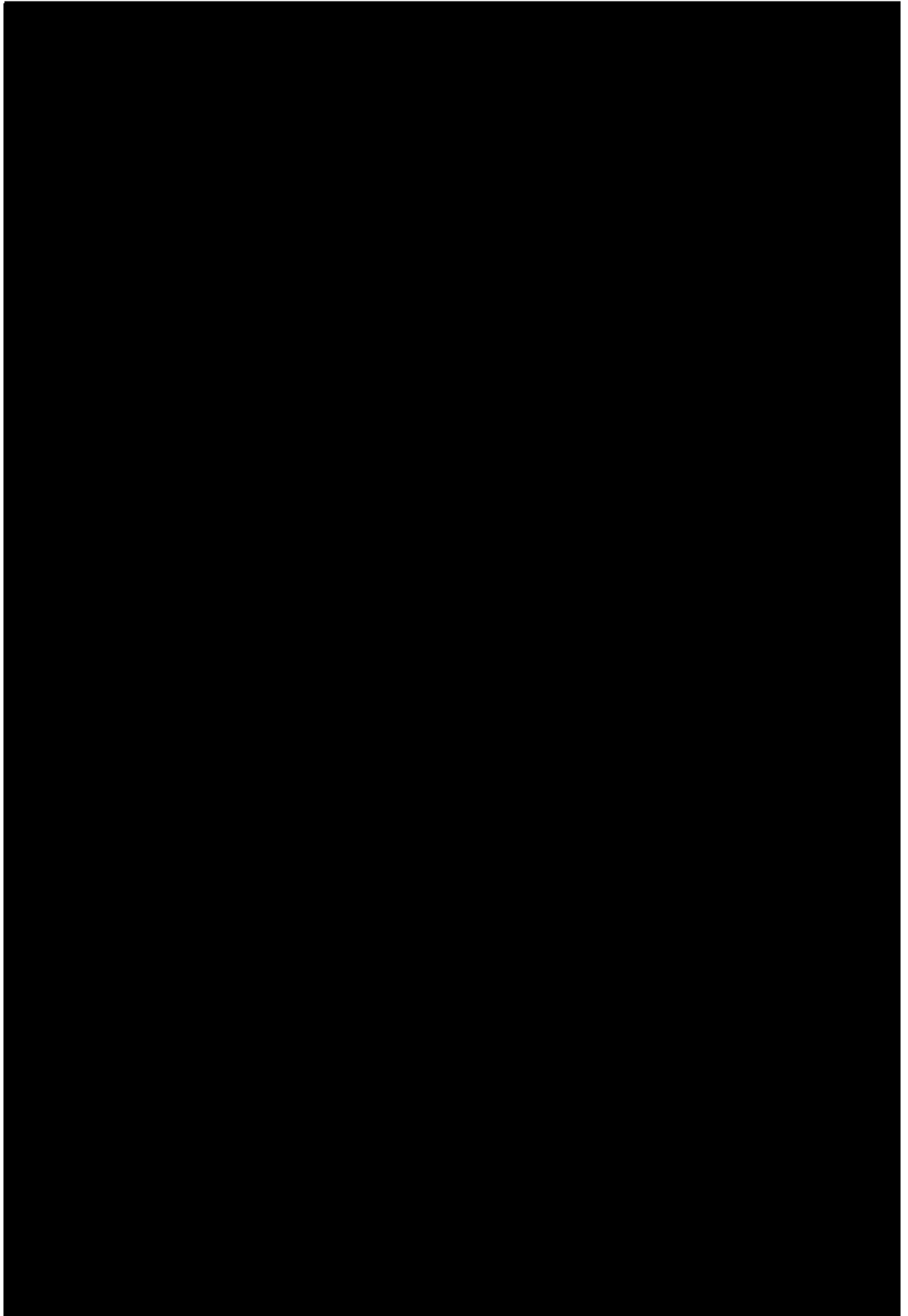
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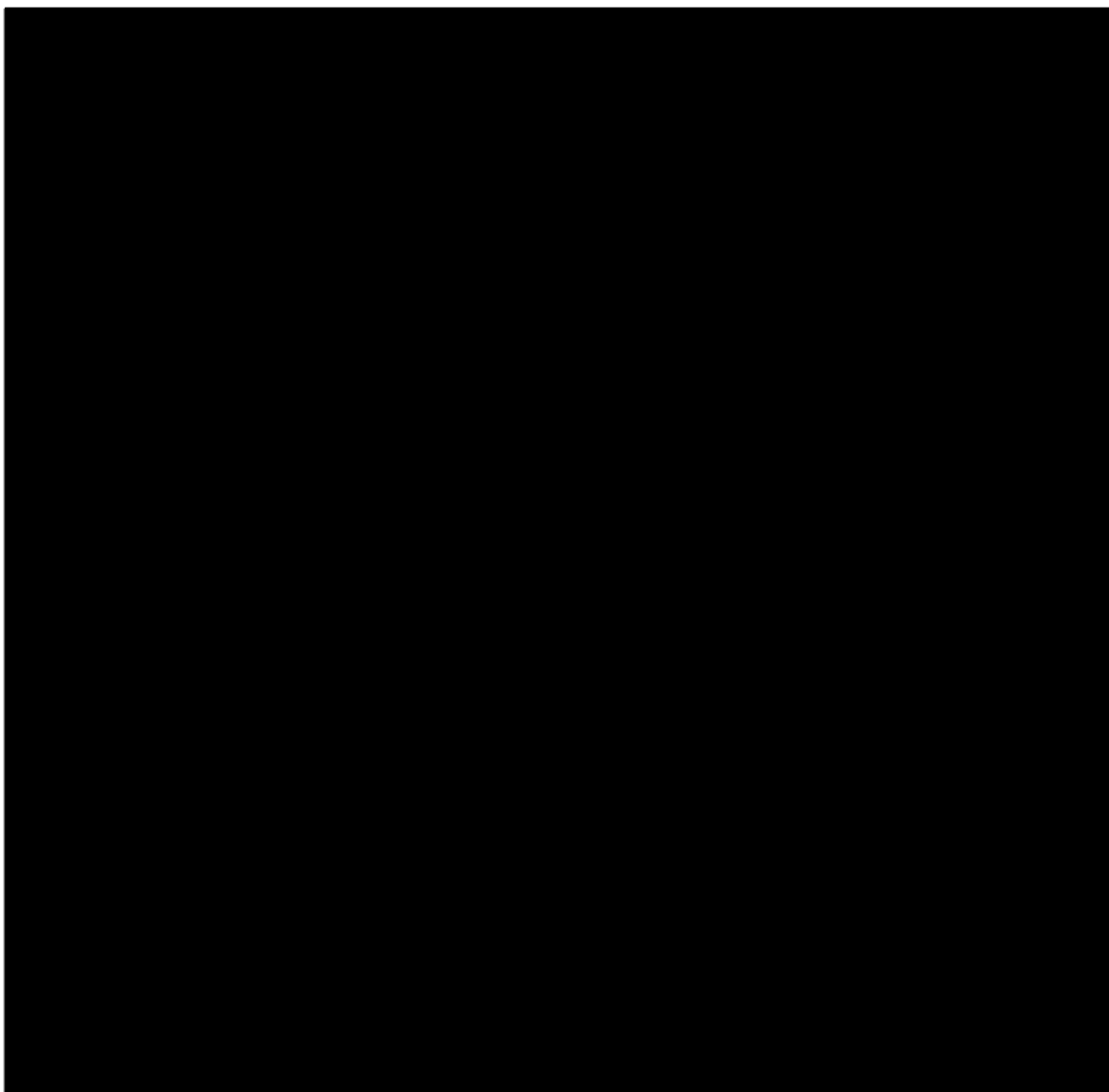
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20100604

[REDACTED]

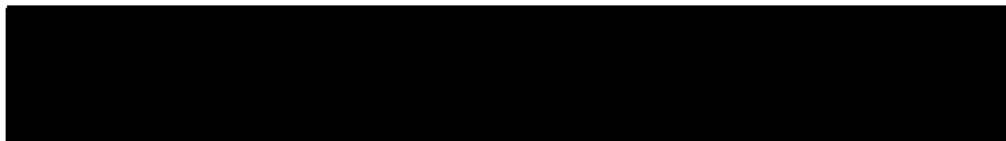


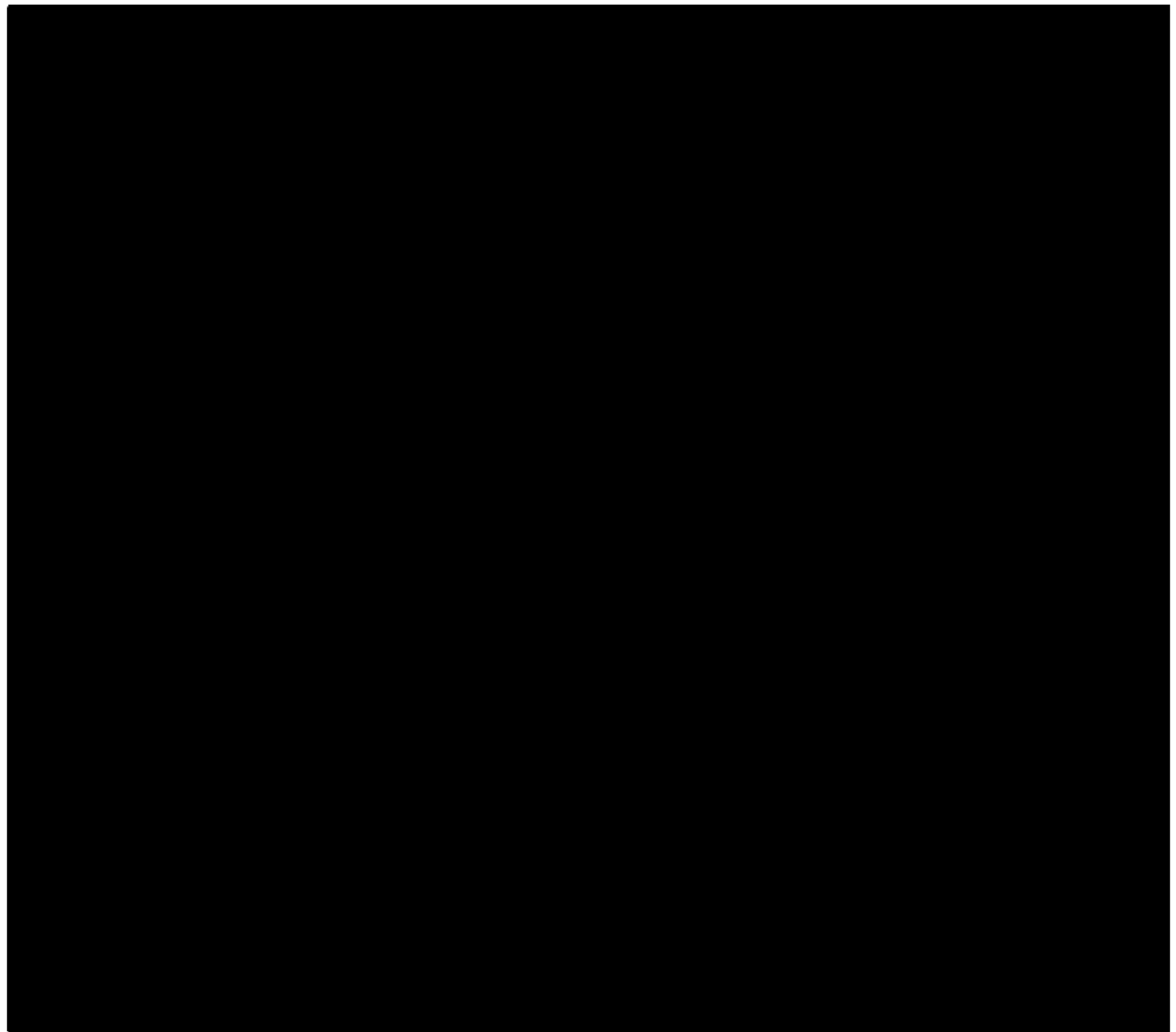




1014329  
785115-10-0004  
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20100607  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
1

1014329  
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20100607





1014331  
785115-10-0004



20100607

Open

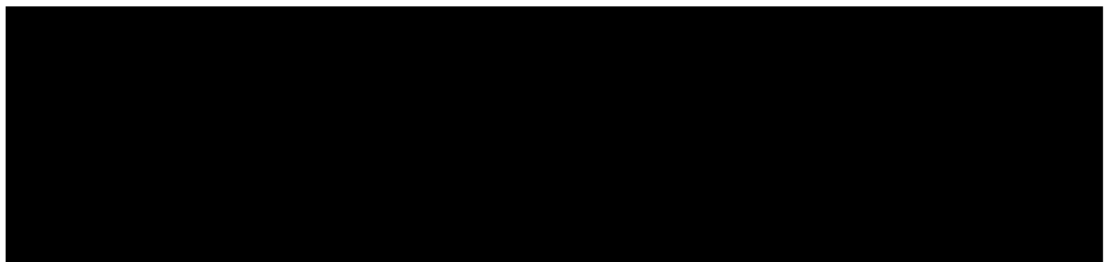
ARREST

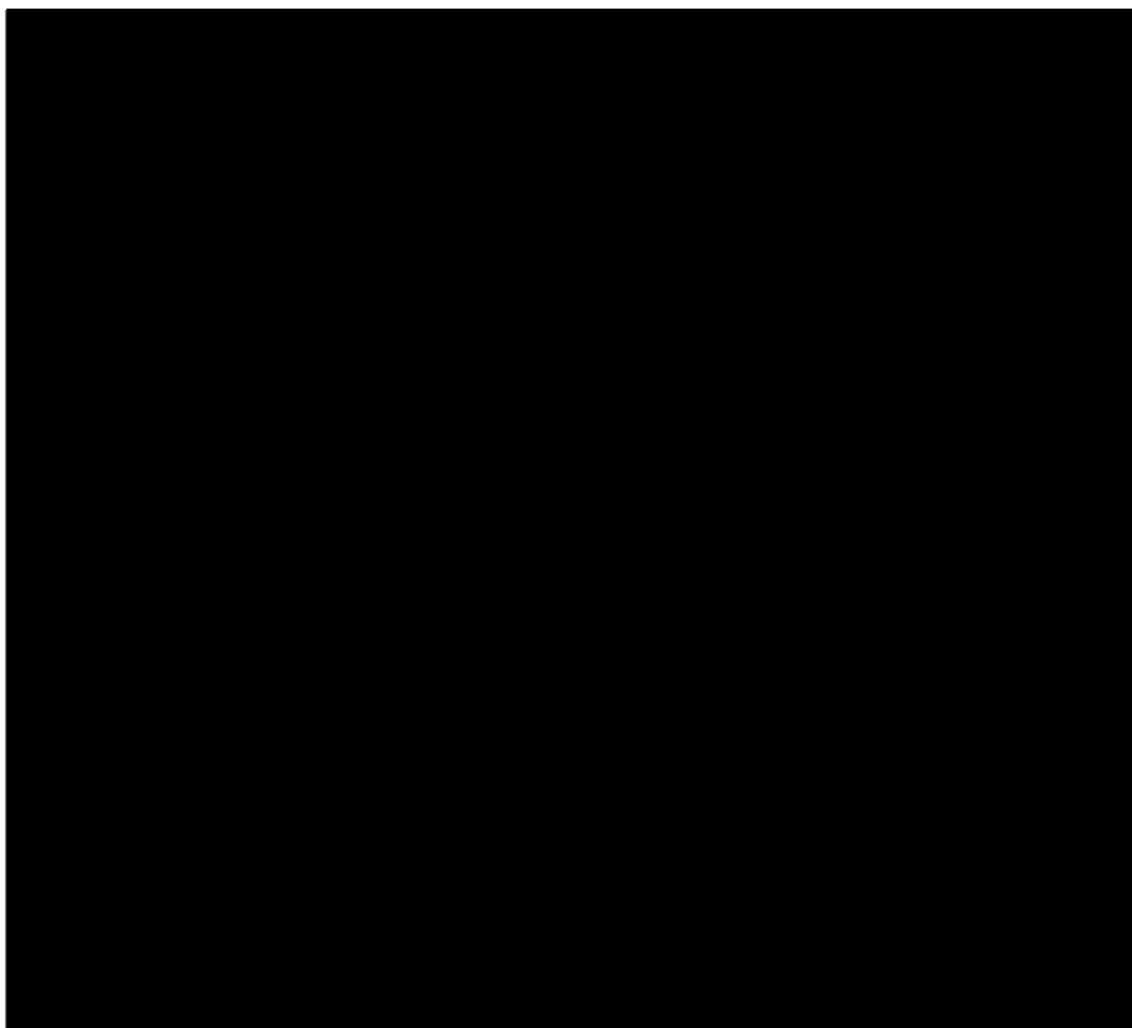
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1014331



20100607





1014338

785115-10-0004



20100607

Open

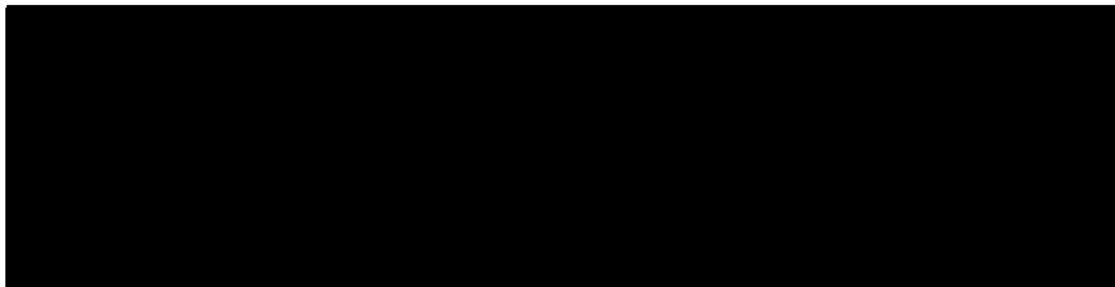
OTHER (NON-EXPLOSIVE/FIRE)

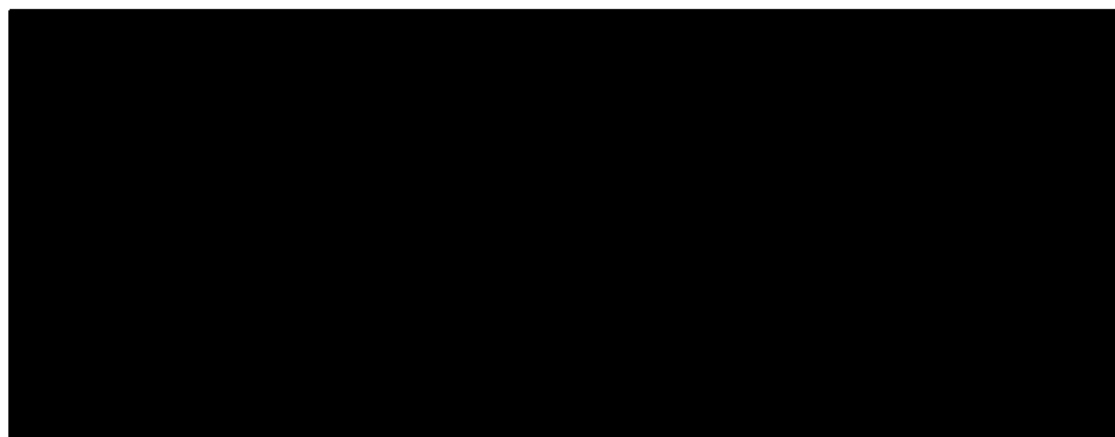
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1014338



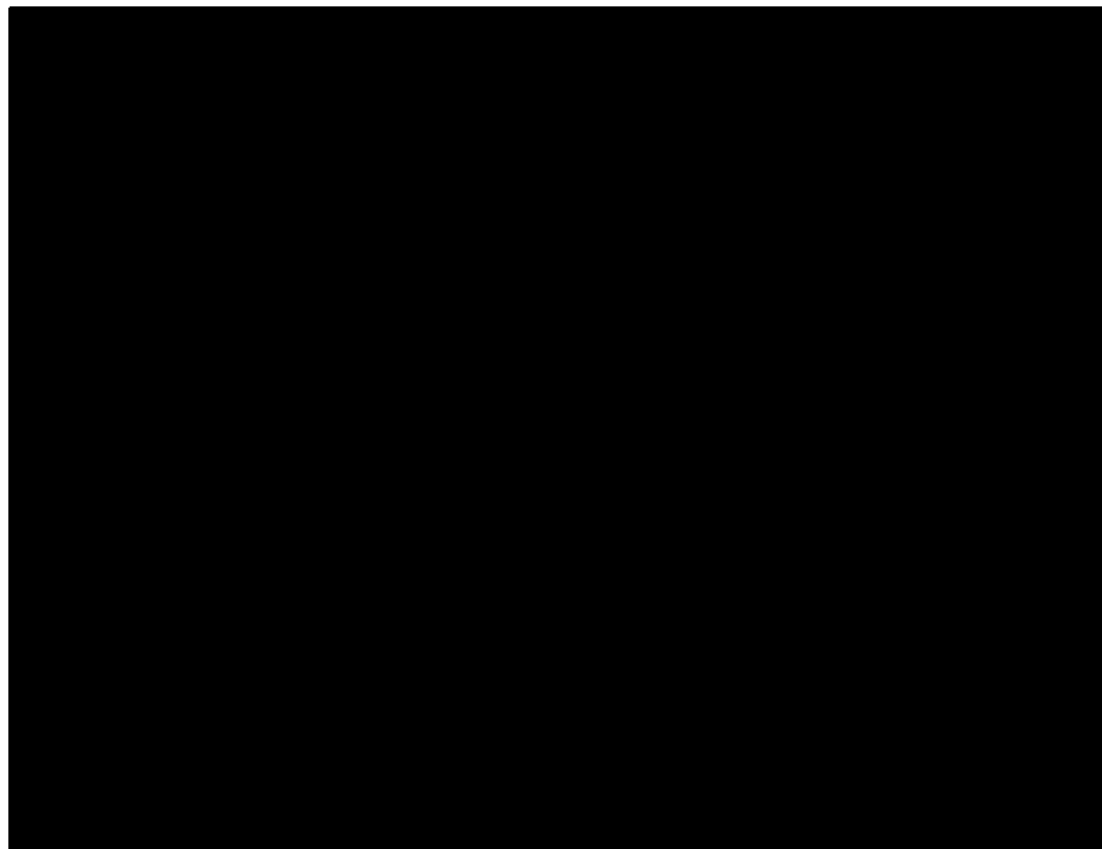
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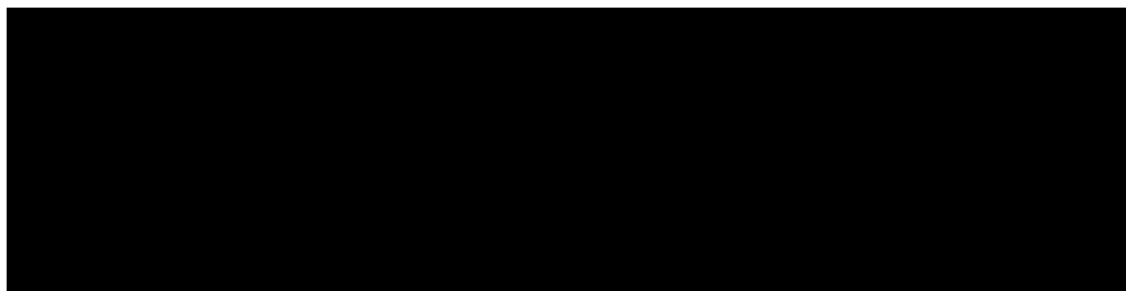


1014341  
785115-10-0004  
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20100607  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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1014341  
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20100607







1014342

785115-10-0004



20100607

Open

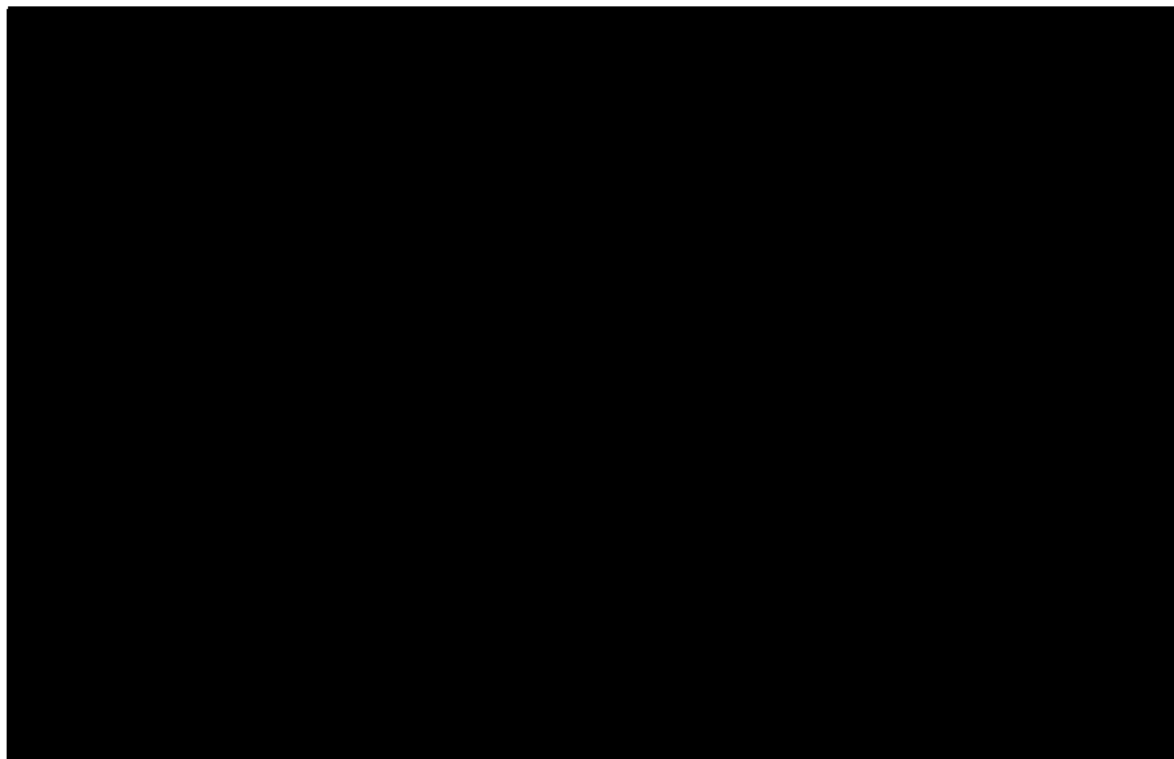
OTHER (NON-EXPLOSIVE/FIRE)

i

1014342



20100607



1014583

785115-10-0004



20100608

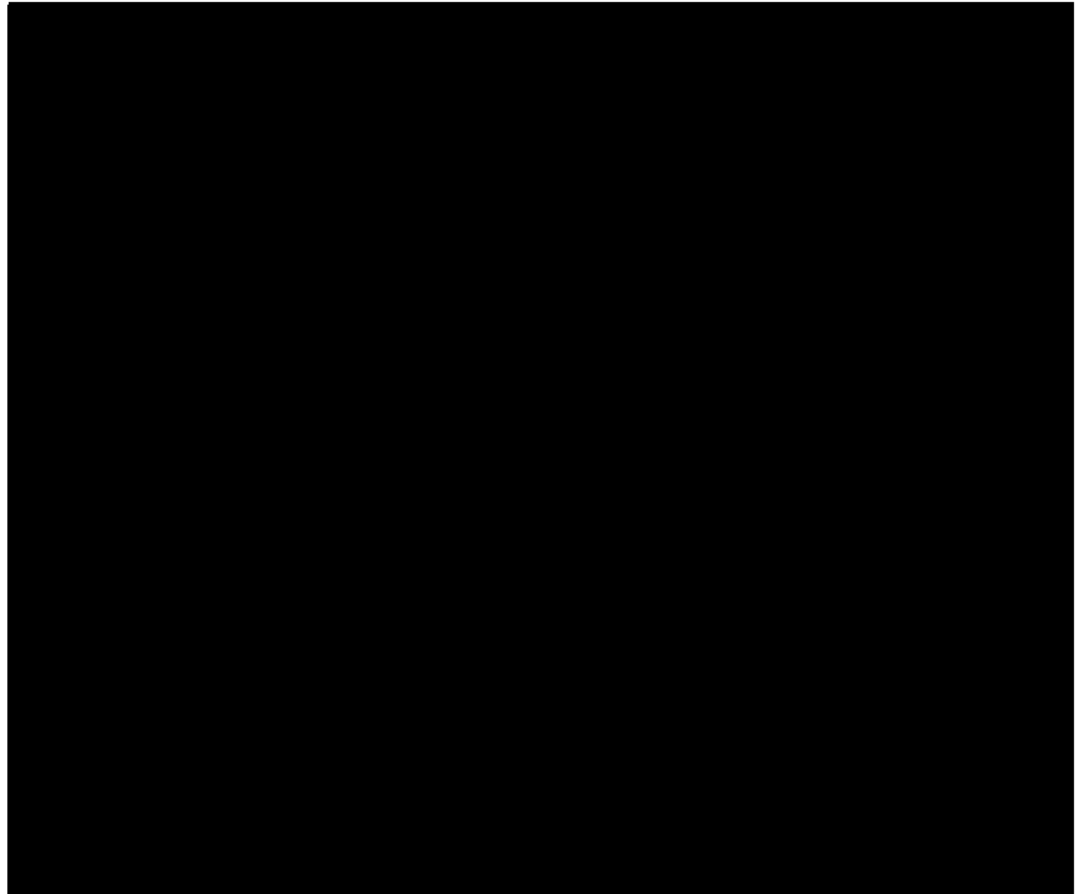
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OTHER (NON-EXPLOSIVE/FIRE)

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1014583

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20100608



1014724

785115-10-0004

[REDACTED]  
20100608

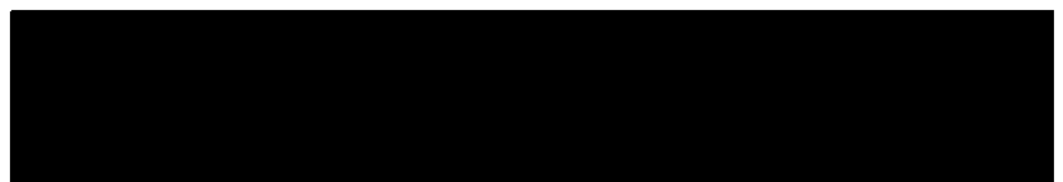
Open

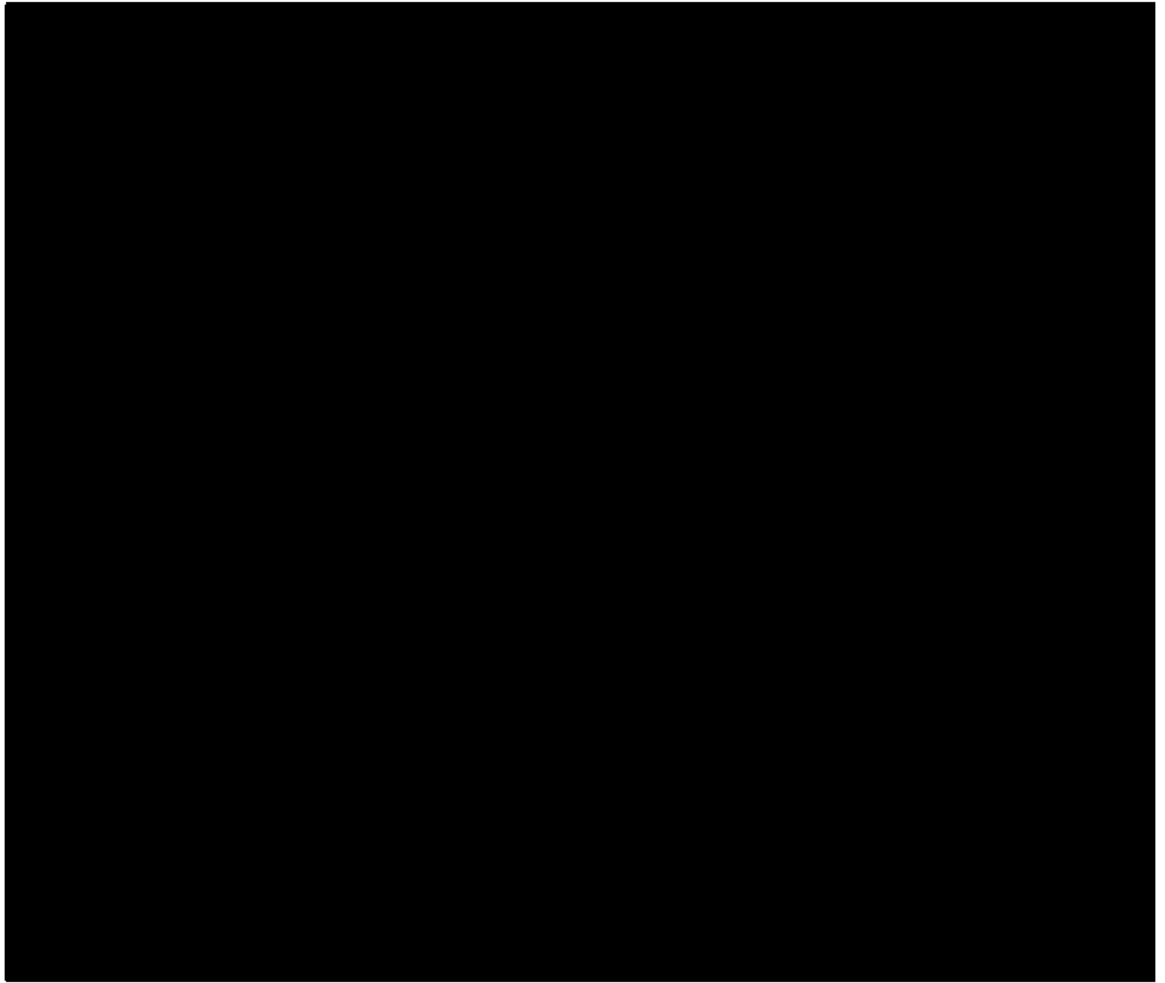
OTHER (NON-EXPLOSIVE/FIRE)

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1014724

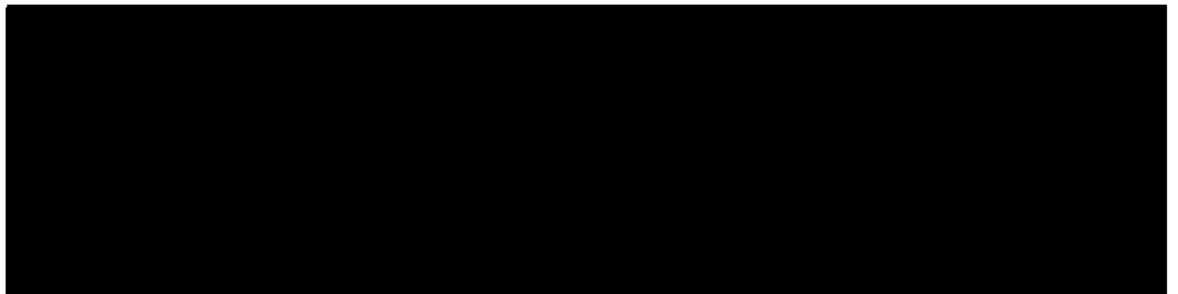
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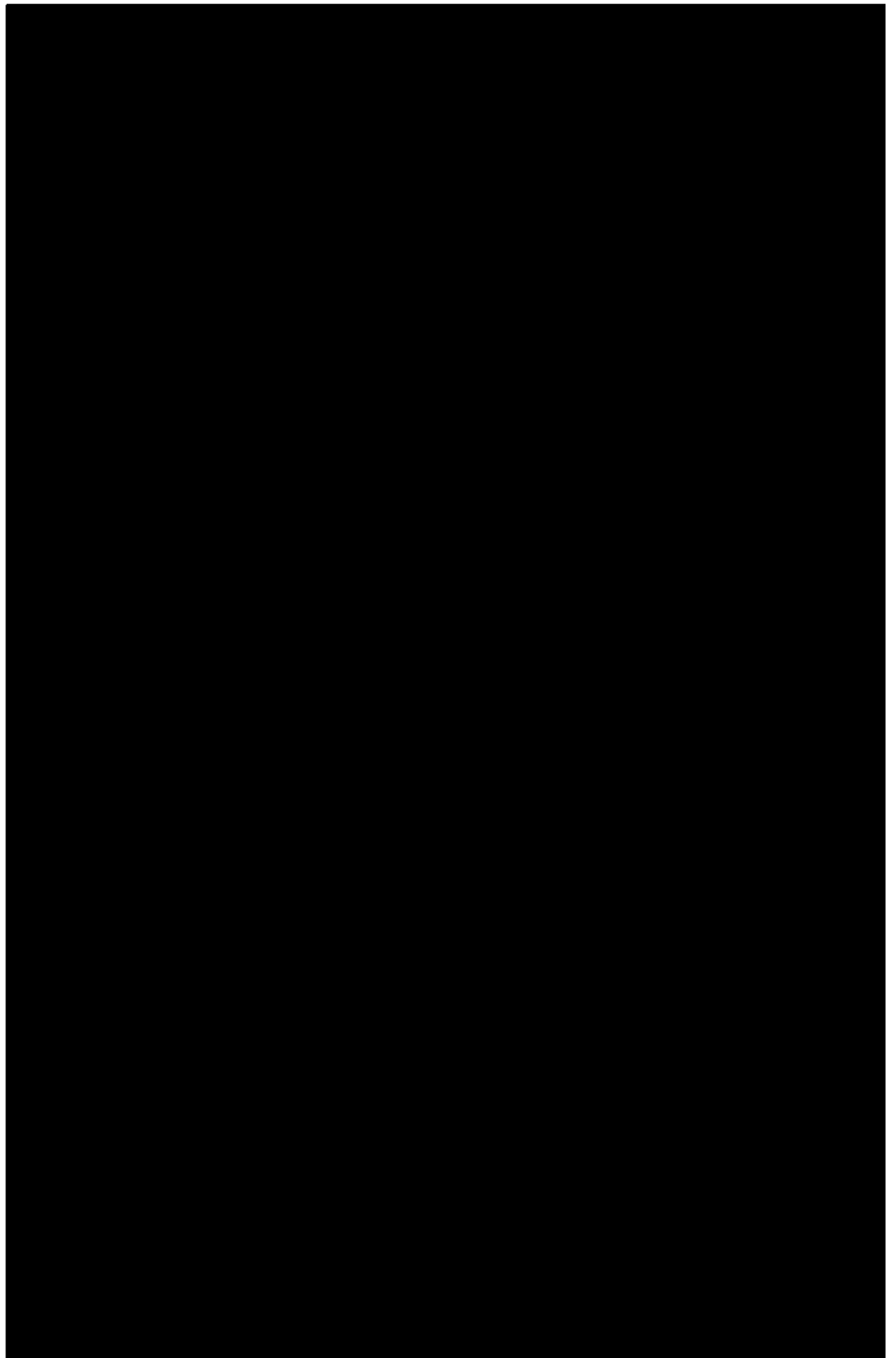


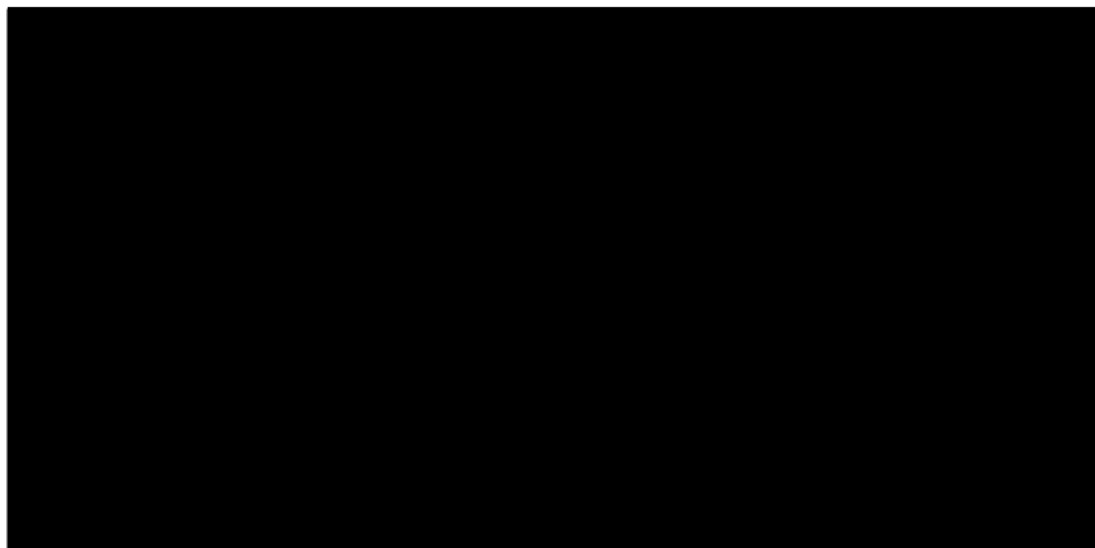


1014881  
785115-10-0004  
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20100602  
Open  
SURVEILLANCE  
1

1014881  
[Redacted]  
20100602

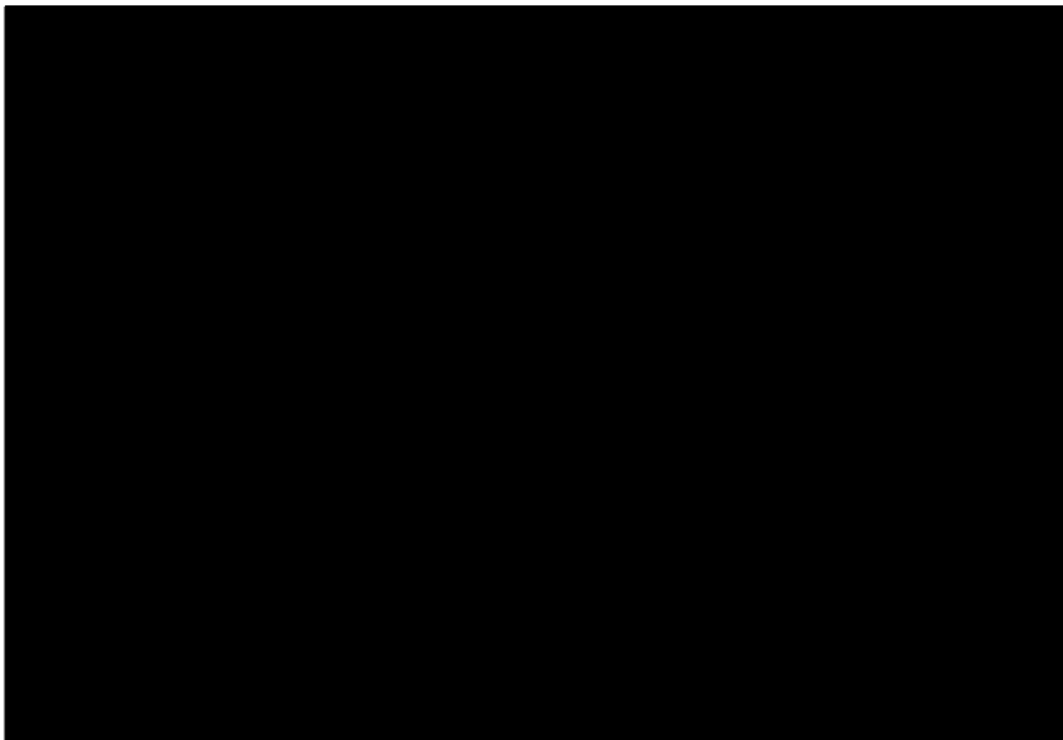






1014923  
785115-10-0004  
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20100609  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1014923  
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20100609

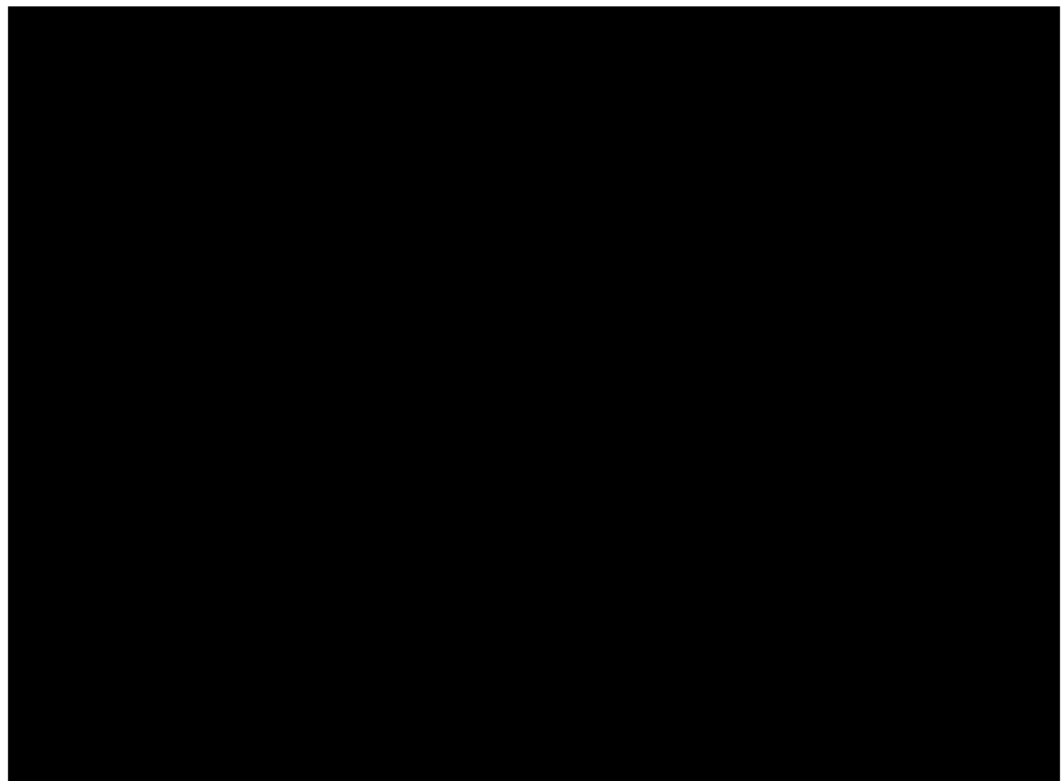


1016121  
785115-10-0004

[REDACTED]  
20100614  
Open  
PURCHASE  
I

1016121

[REDACTED]  
20100614

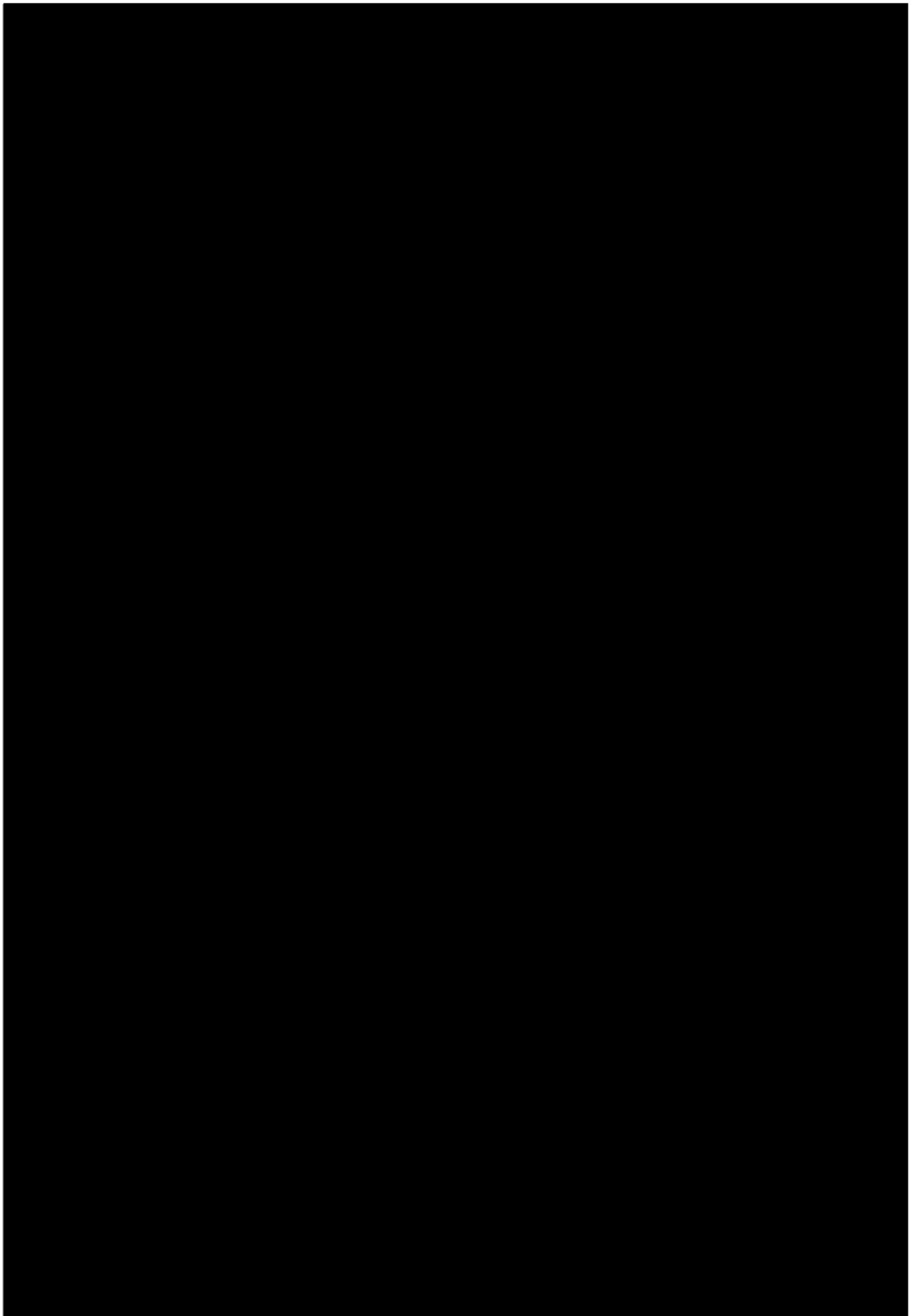


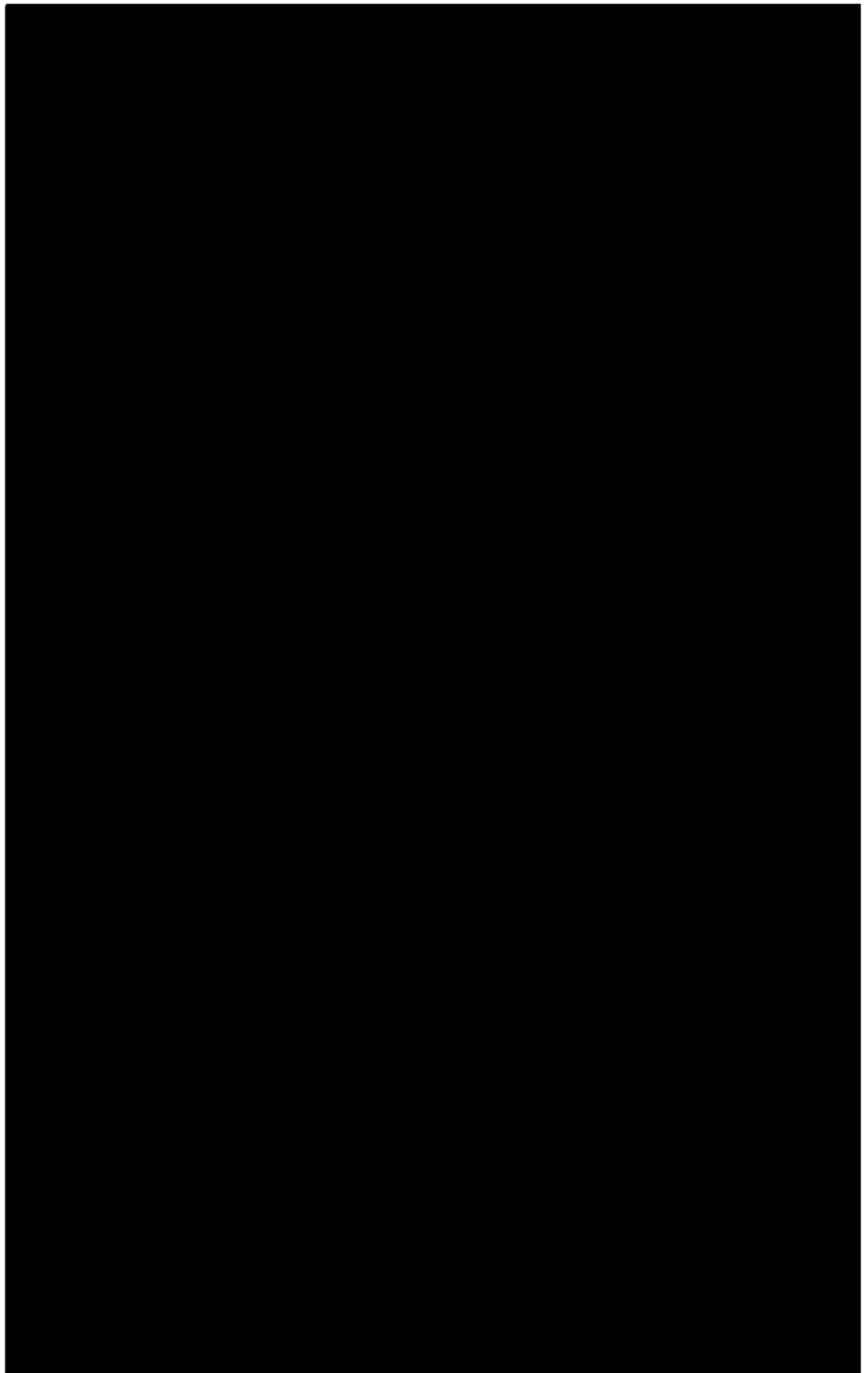
1016165  
785115-10-0004

[REDACTED]  
20100614  
Open  
CONTACT INTERVIEW  
I

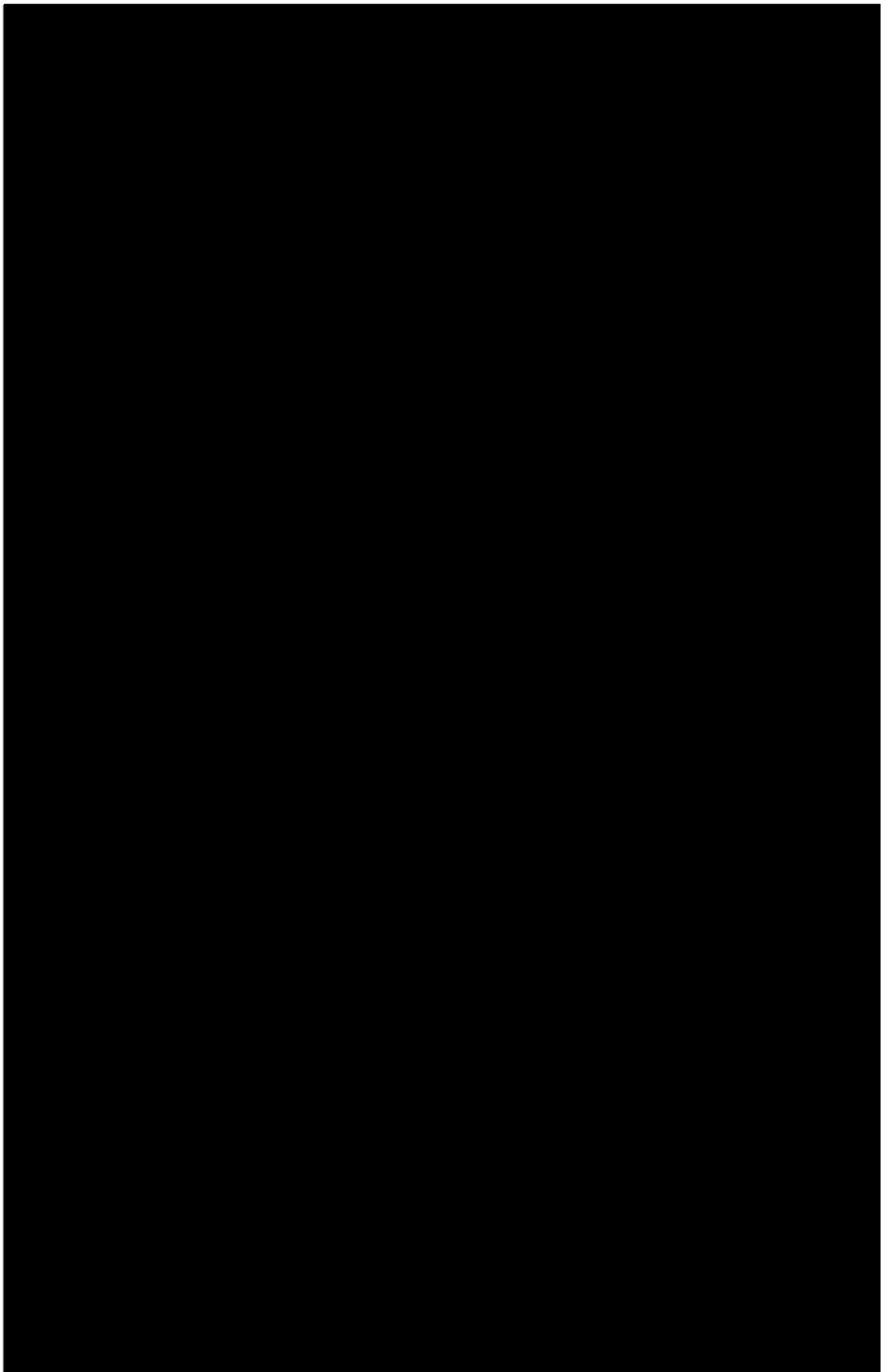
1016165

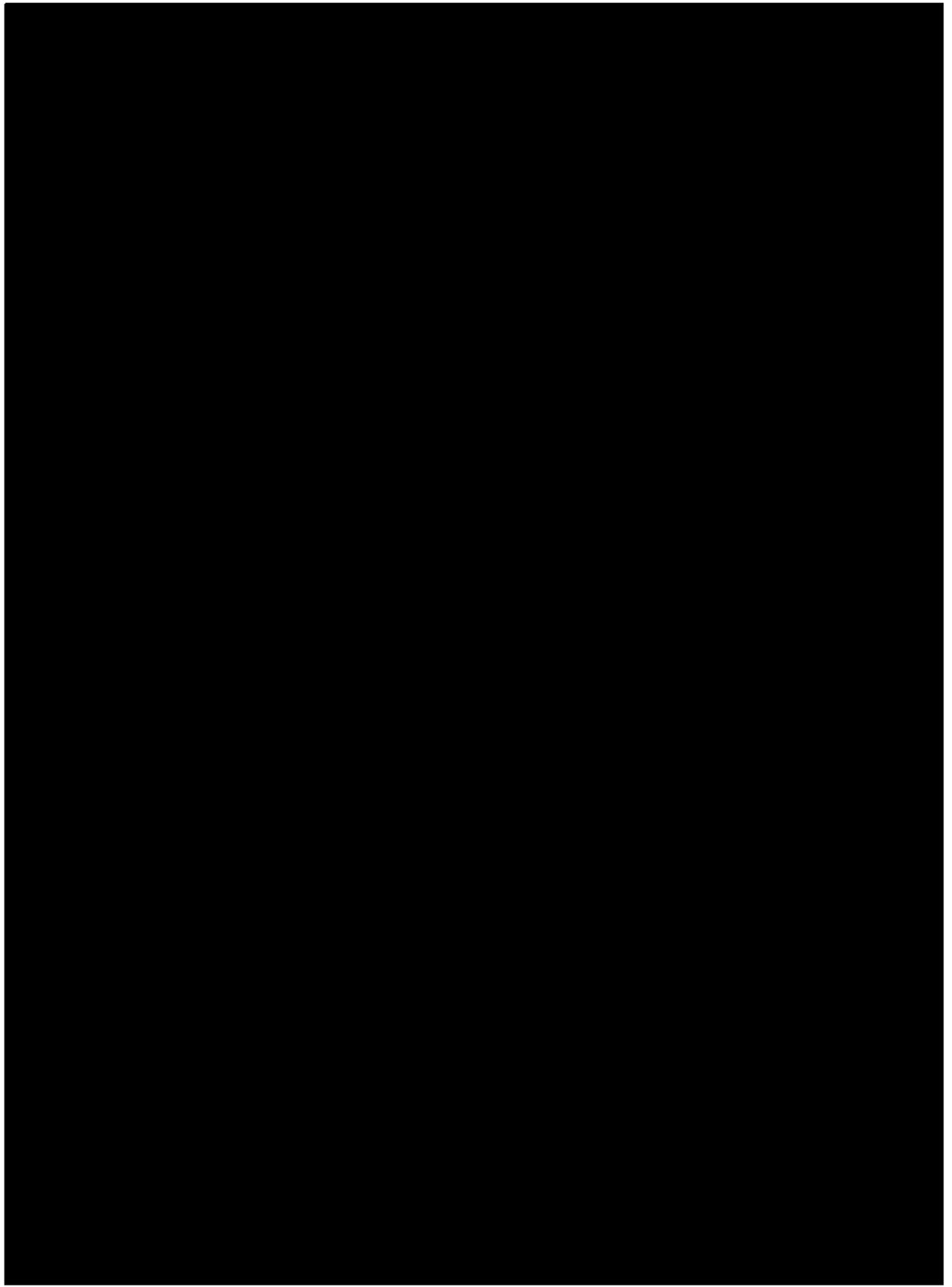
[REDACTED]  
20100614











1016520

785115-10-0004

[REDACTED]

20100615

Open

OTHER (NON-EXPLOSIVE/FIRE)

I

1016520

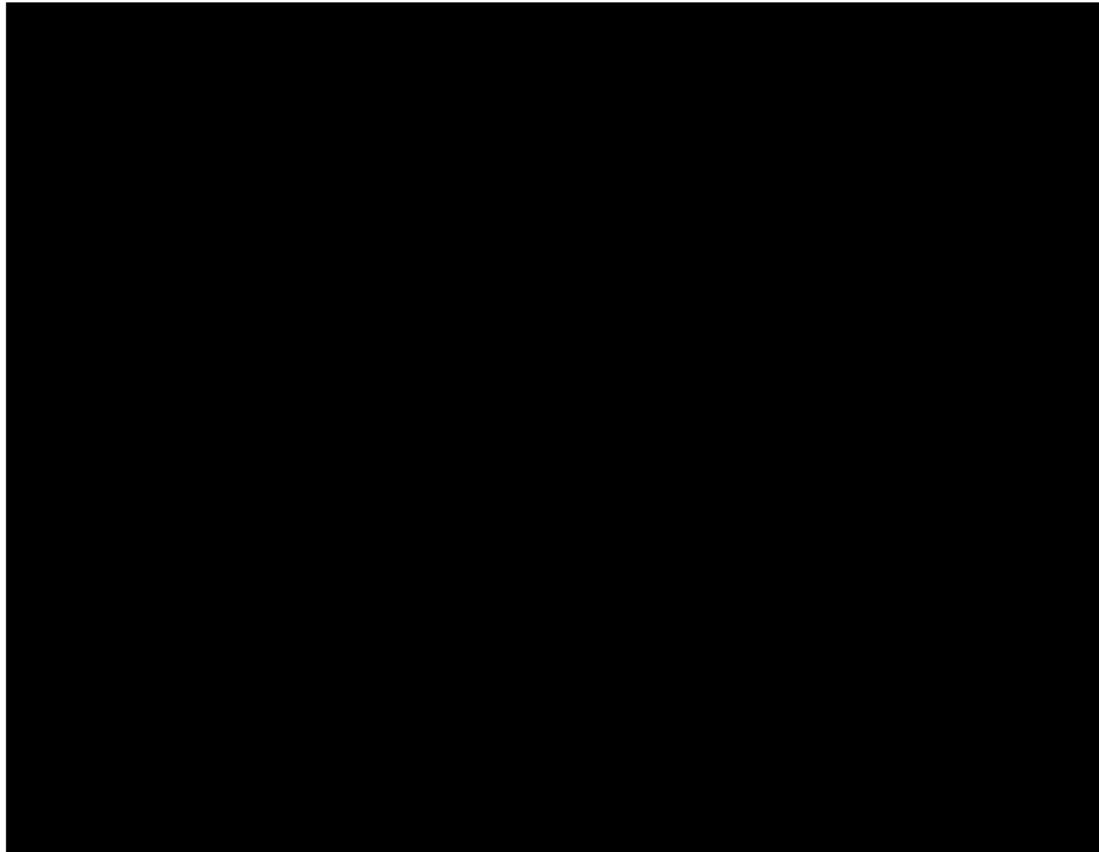
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20100615

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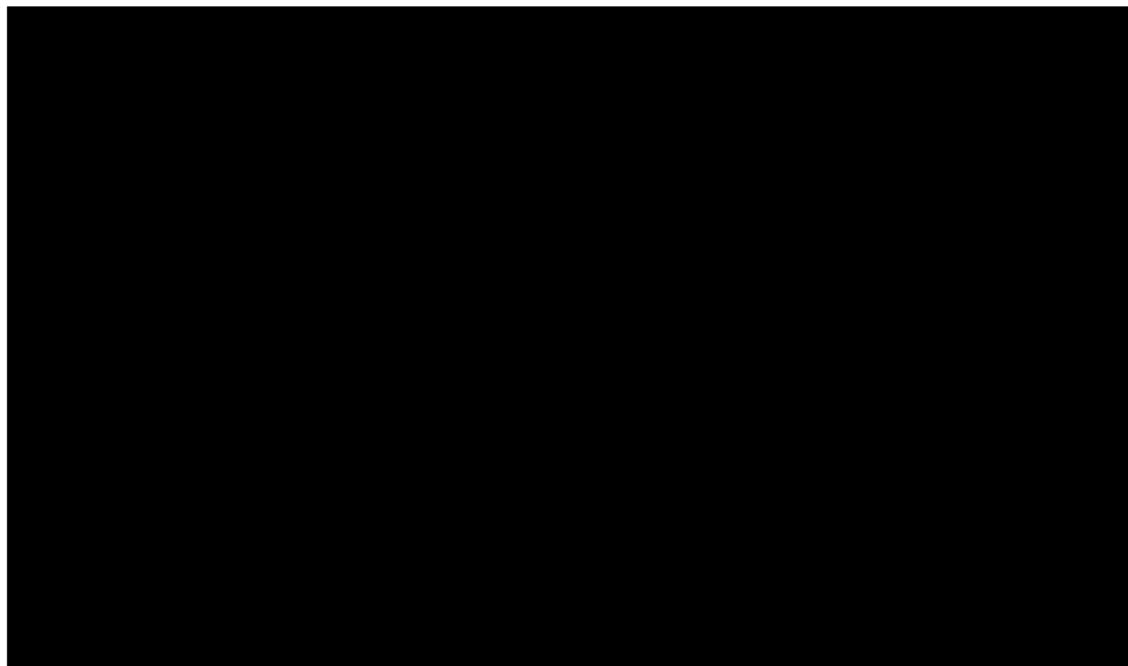
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785115-10-0004  
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20100608  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1016535  
[REDACTED]  
20100608



1016539  
785115-10-0004  
[REDACTED]  
20100615  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1016539  
[REDACTED]  
20100615



1016540

785115-10-0004



20100615

Open

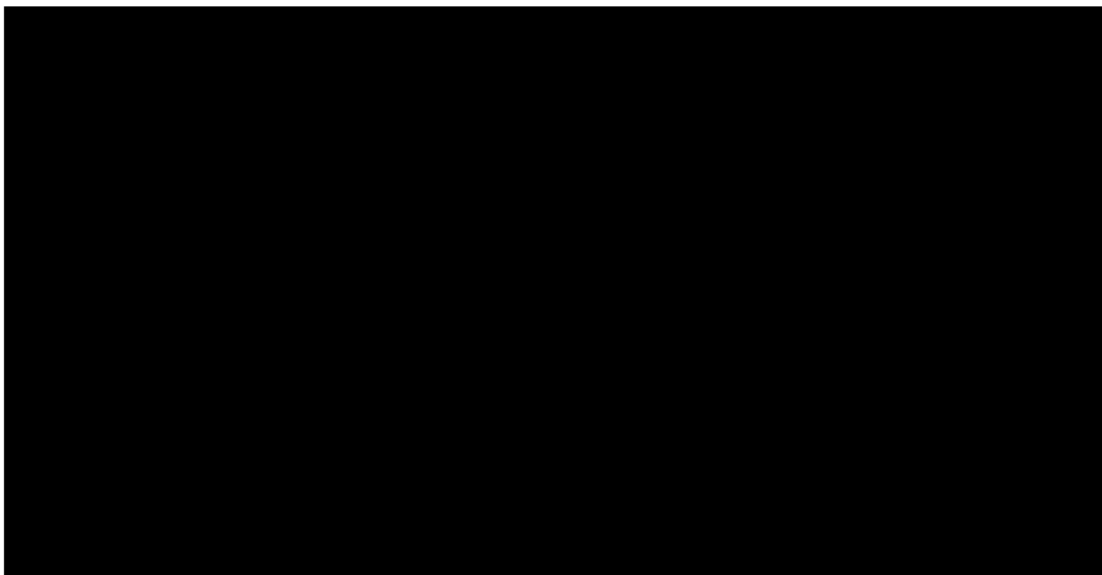
OTHER (NON-EXPLOSIVE/FIRE)

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1016540



20100615





1016569  
785115-10-0004

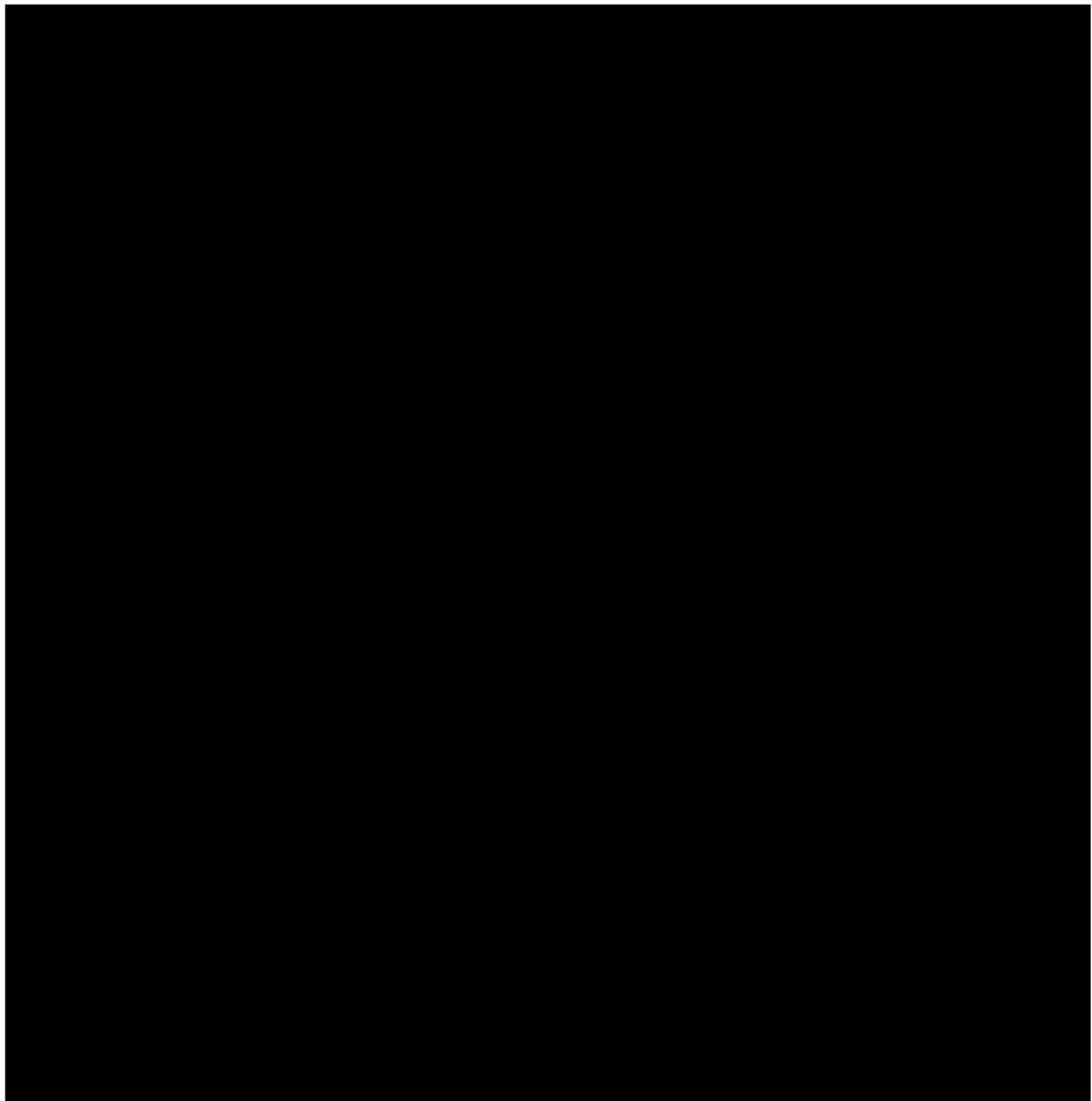


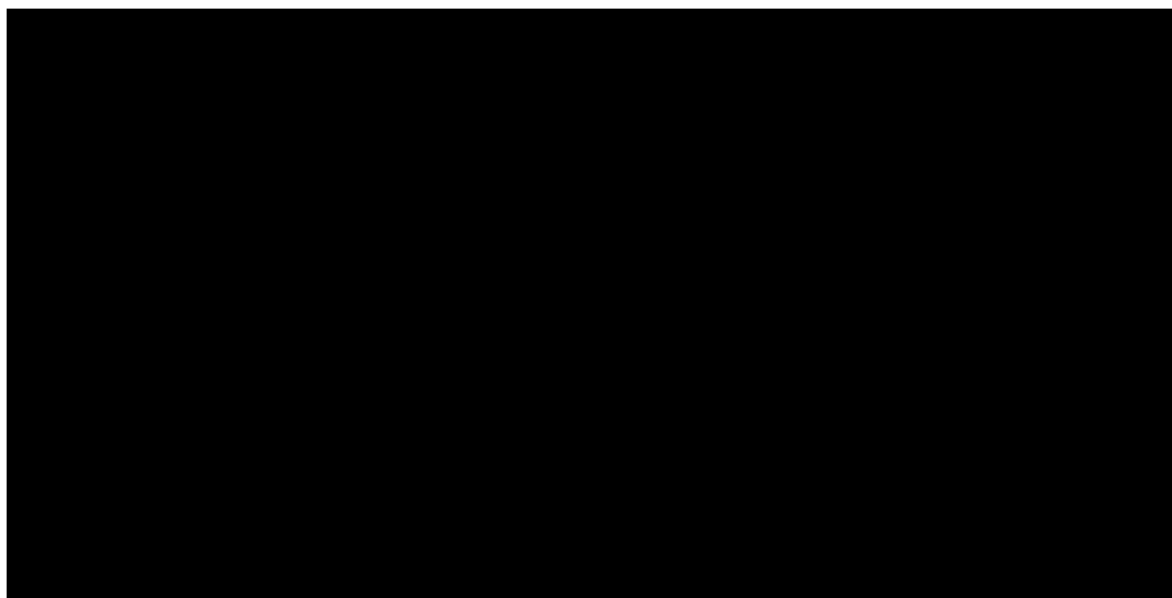
20100521  
Open  
SURVEILLANCE  
I

1016569



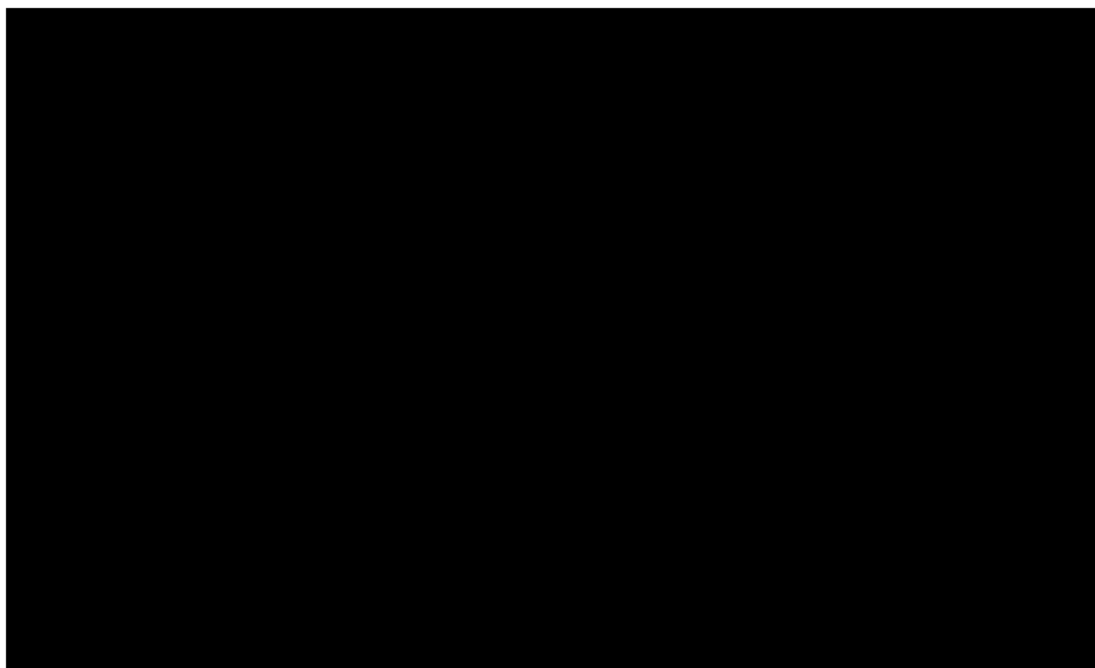
20100521





1016857  
785115-10-0004  
[Redacted]  
20100616  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1016857  
[Redacted]  
20100616



1017220

785115-10-0004



20100617

Open

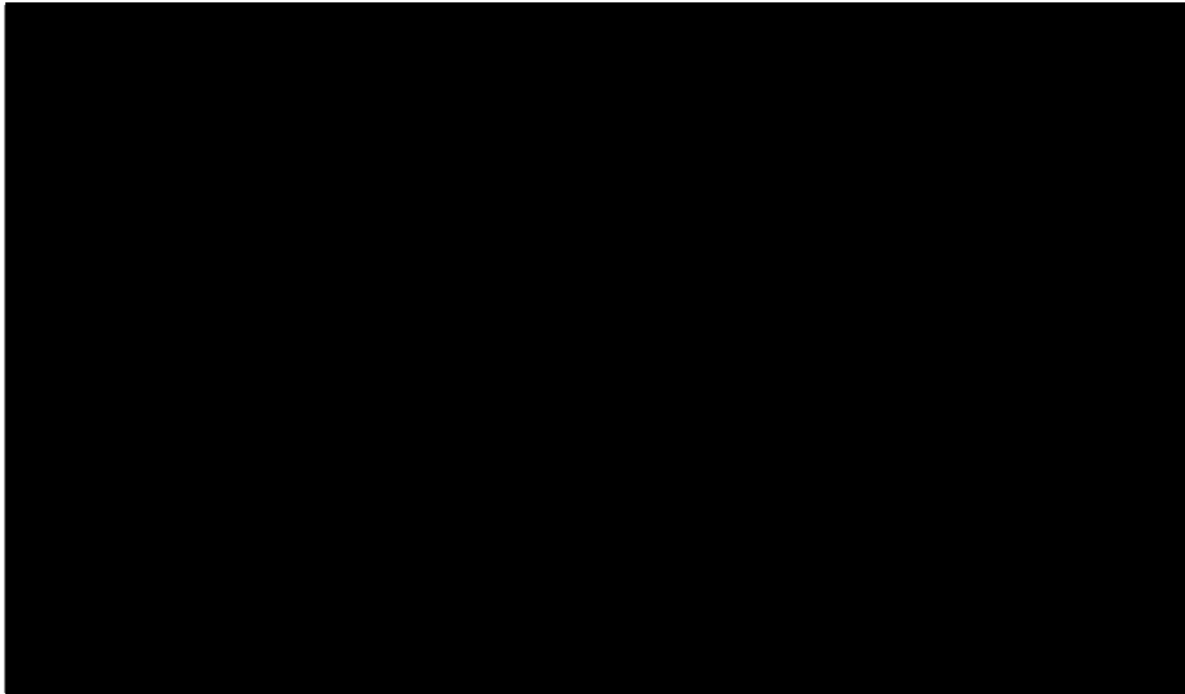
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1017220



20100617



1017296

785115-10-0004



20100617

Open

SURVEILLANCE

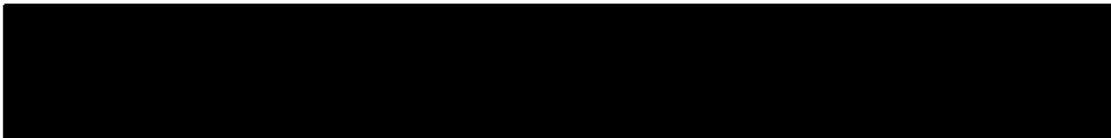
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1017296



6/7/2010

20100617

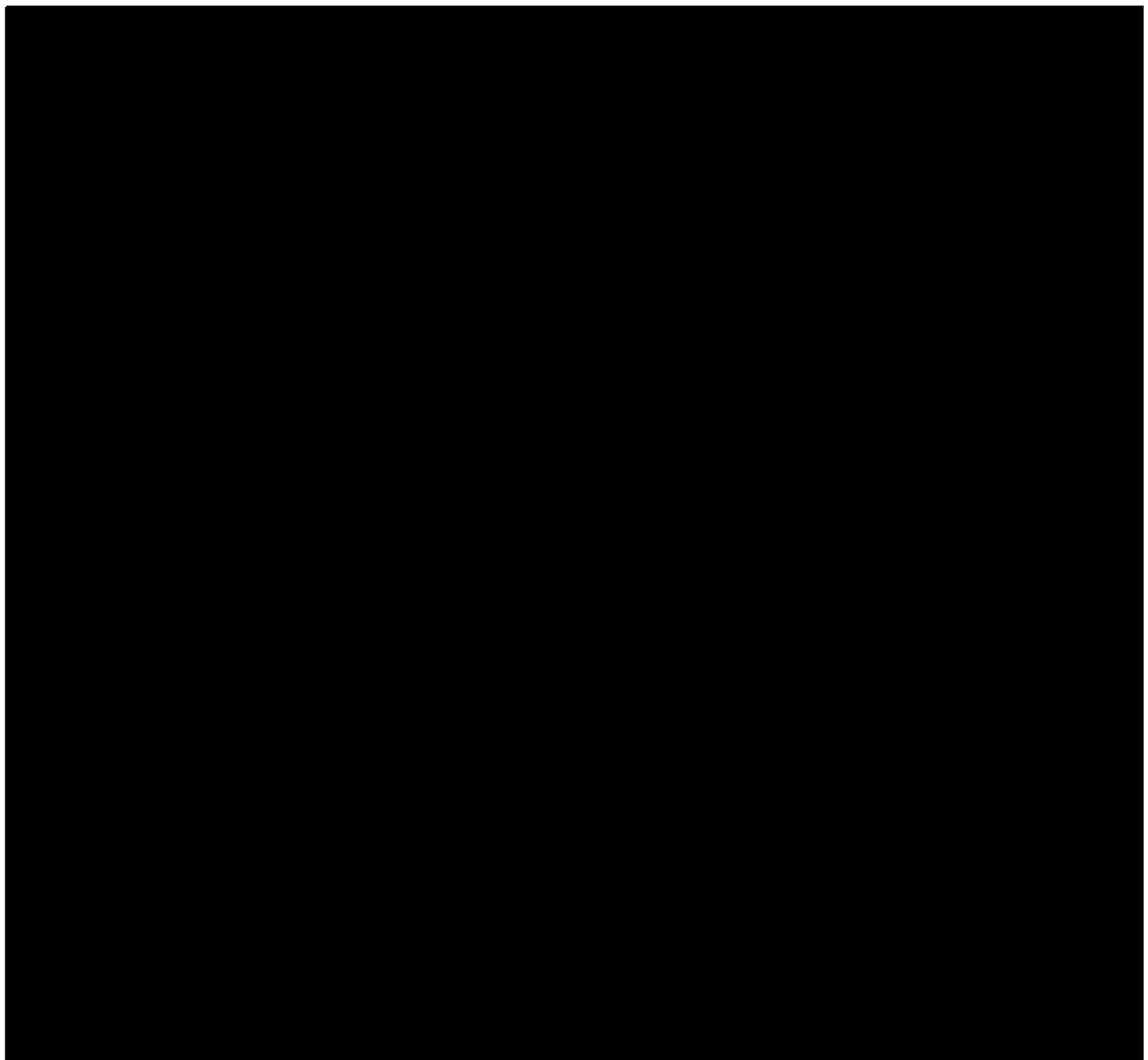






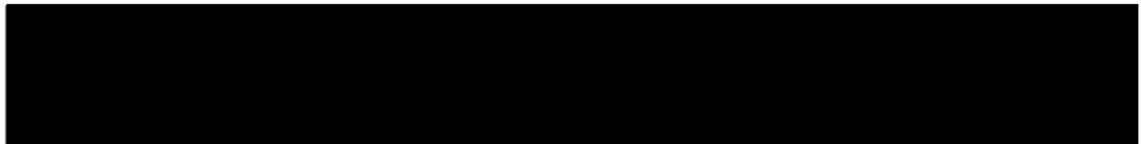
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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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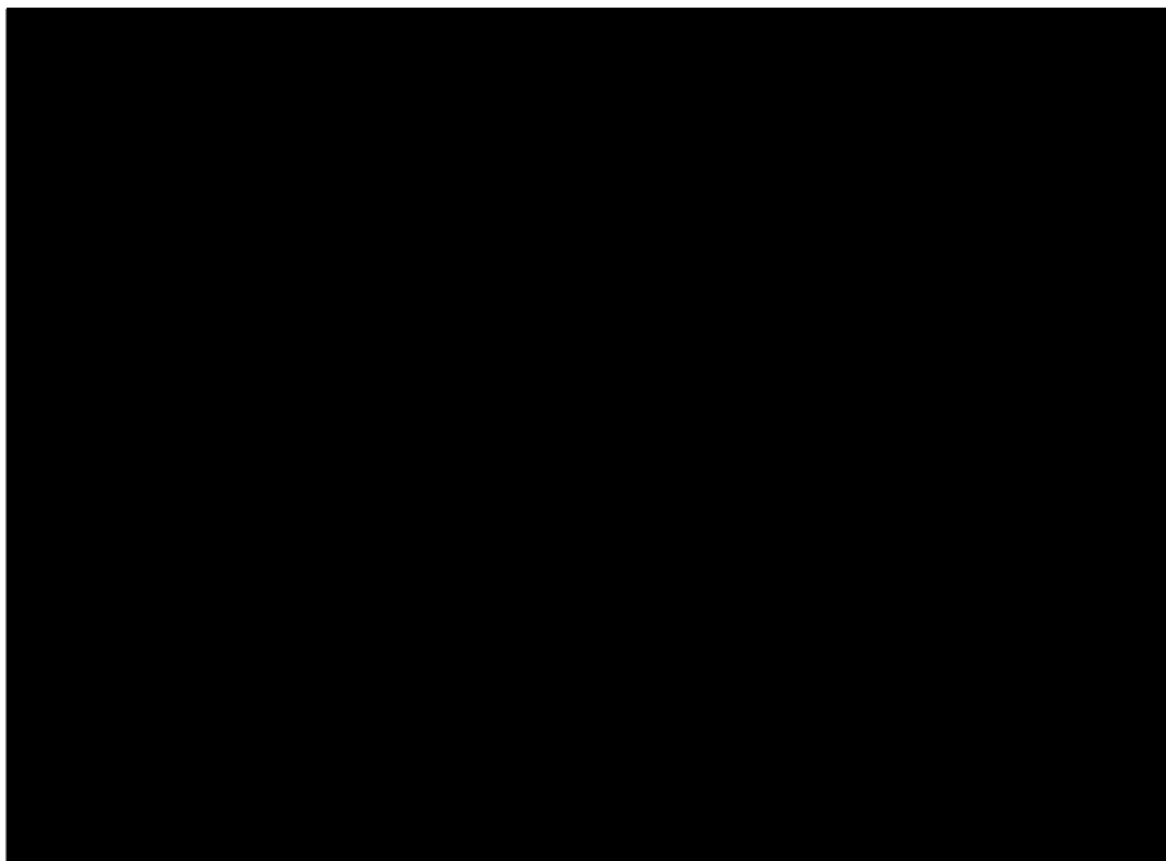
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20100617



1017657  
785115-10-0004  
[Redacted]  
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OTHER (NON-EXPLOSIVE/FIRE)  
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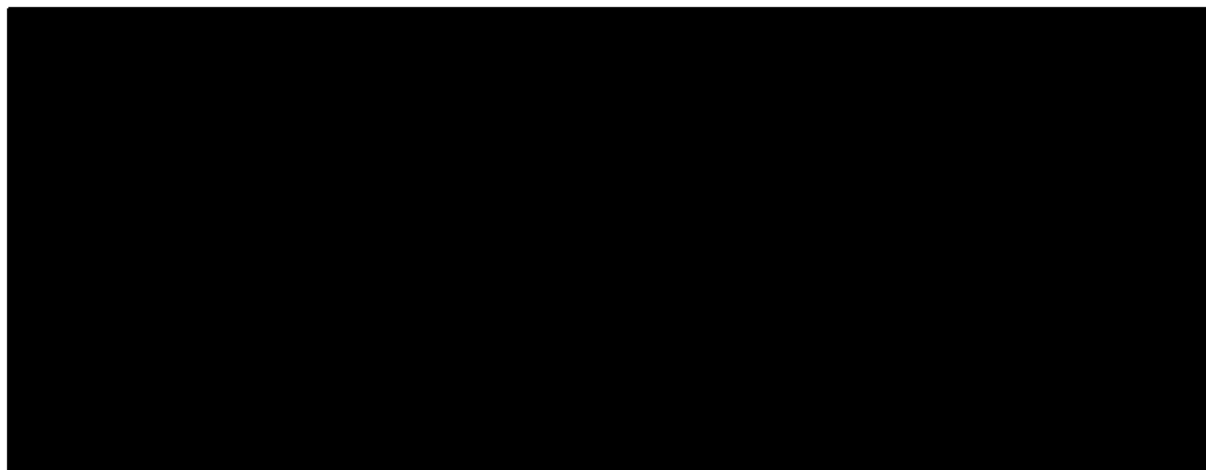
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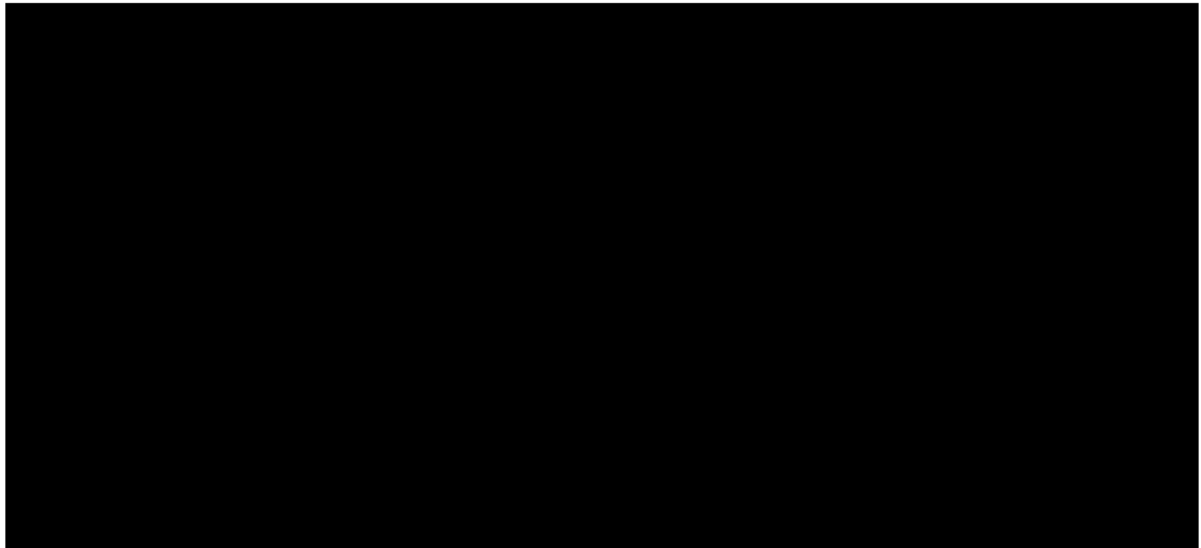




1017862  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1017862  
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20100618





1017914  
785115-10-0004

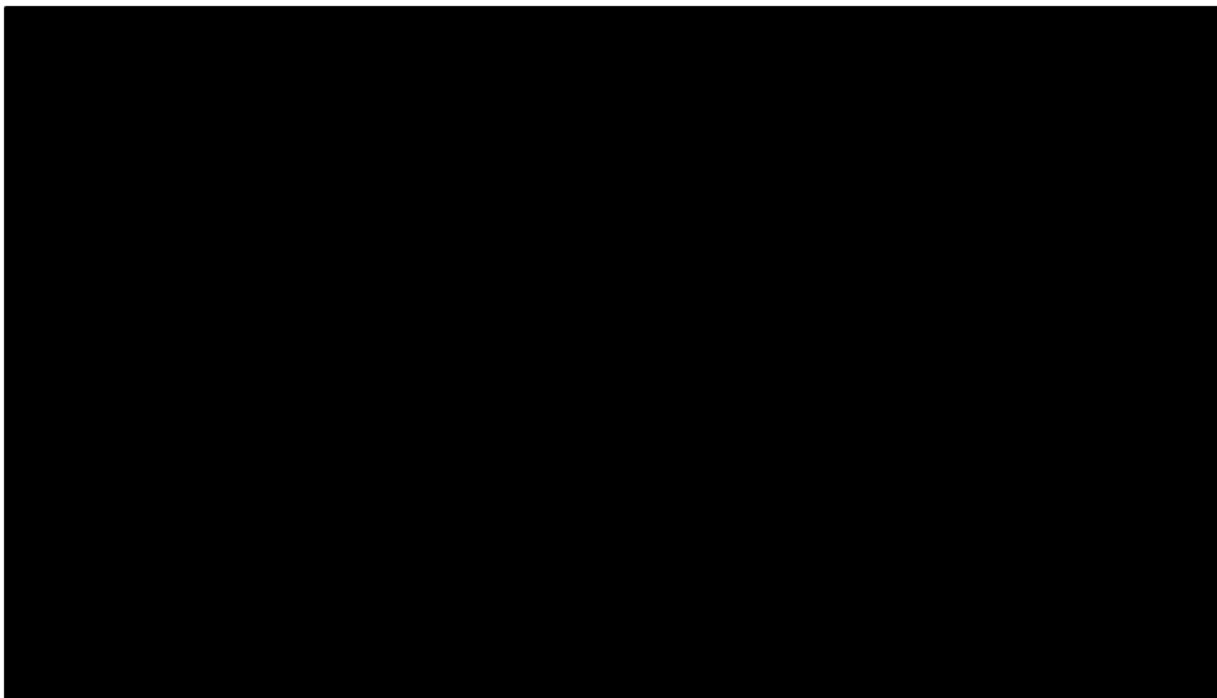


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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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1017914



20100618





1017966  
785115-10-0004

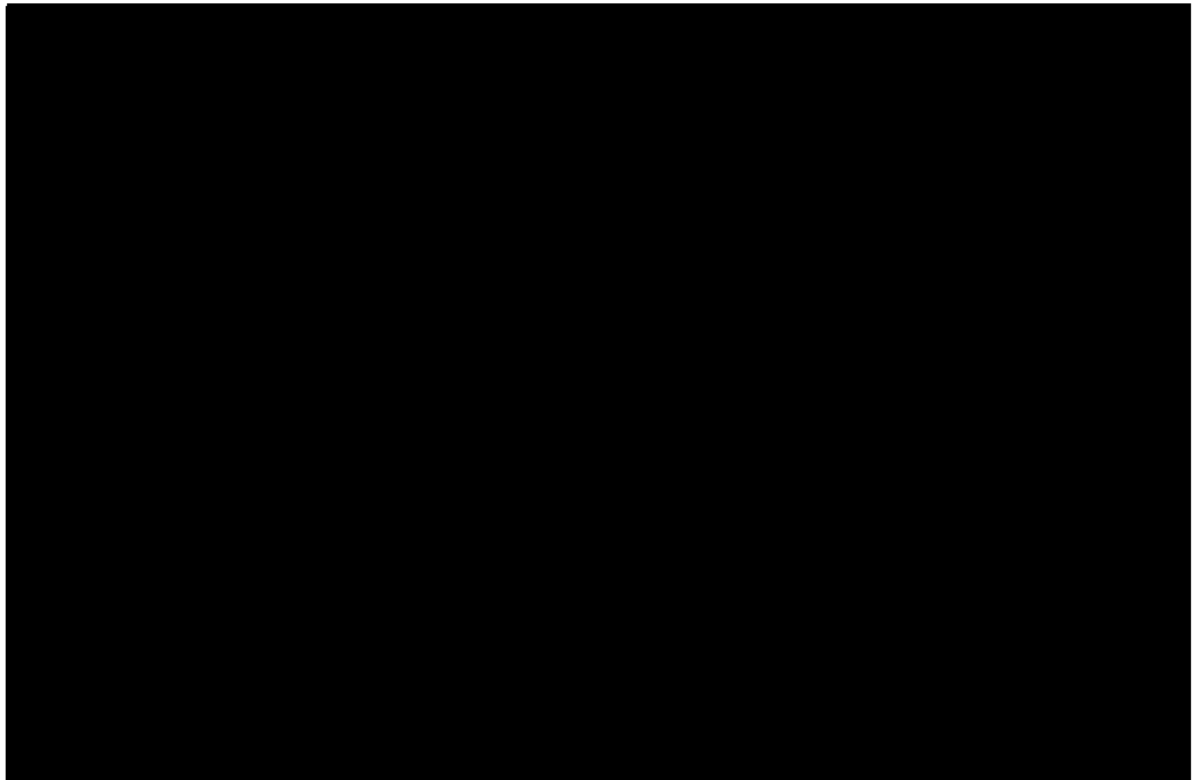


20100618  
Open  
CONTACT INTERVIEW  
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1017966



20100618



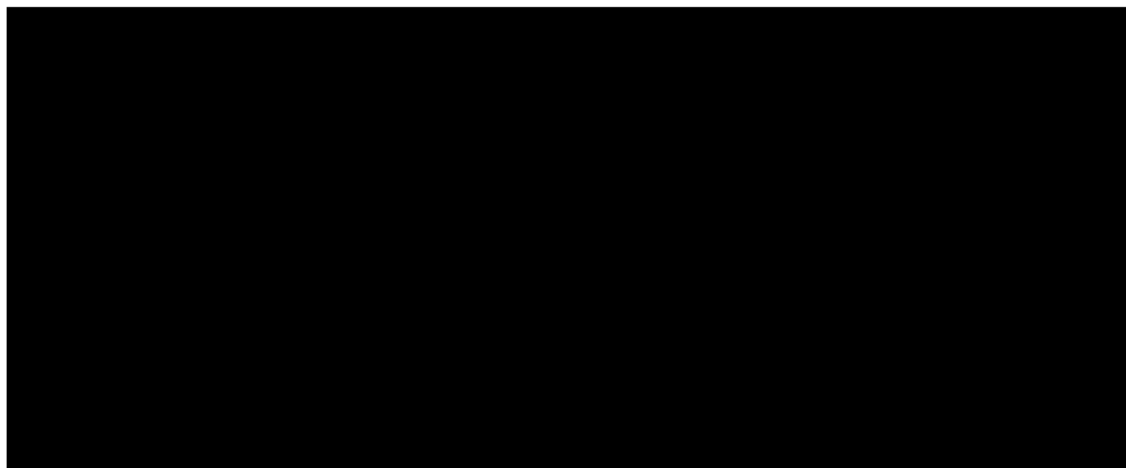
1018166  
785115-10-0004




20100621  
Open  
SEARCH WARRANT  
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1018166

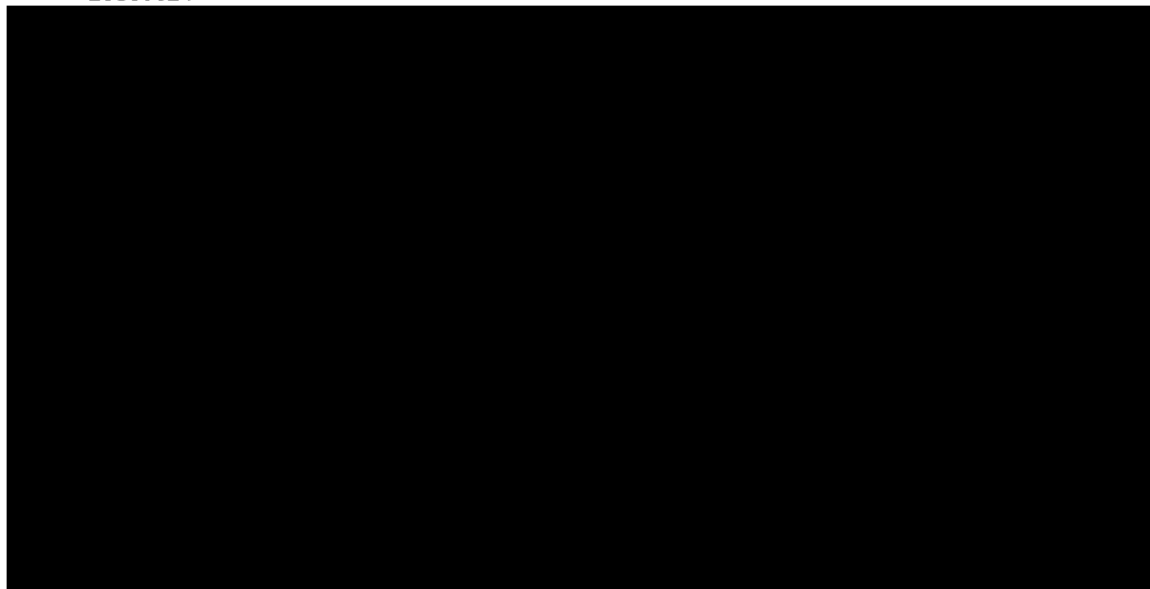
  
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1019164  
785115-10-0004  
  
20100624  
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OTHER (NON-EXPLOSIVE/FIRE)  
I

1019164

  
20100624





1019352

785115-10-0004



20100624

Open

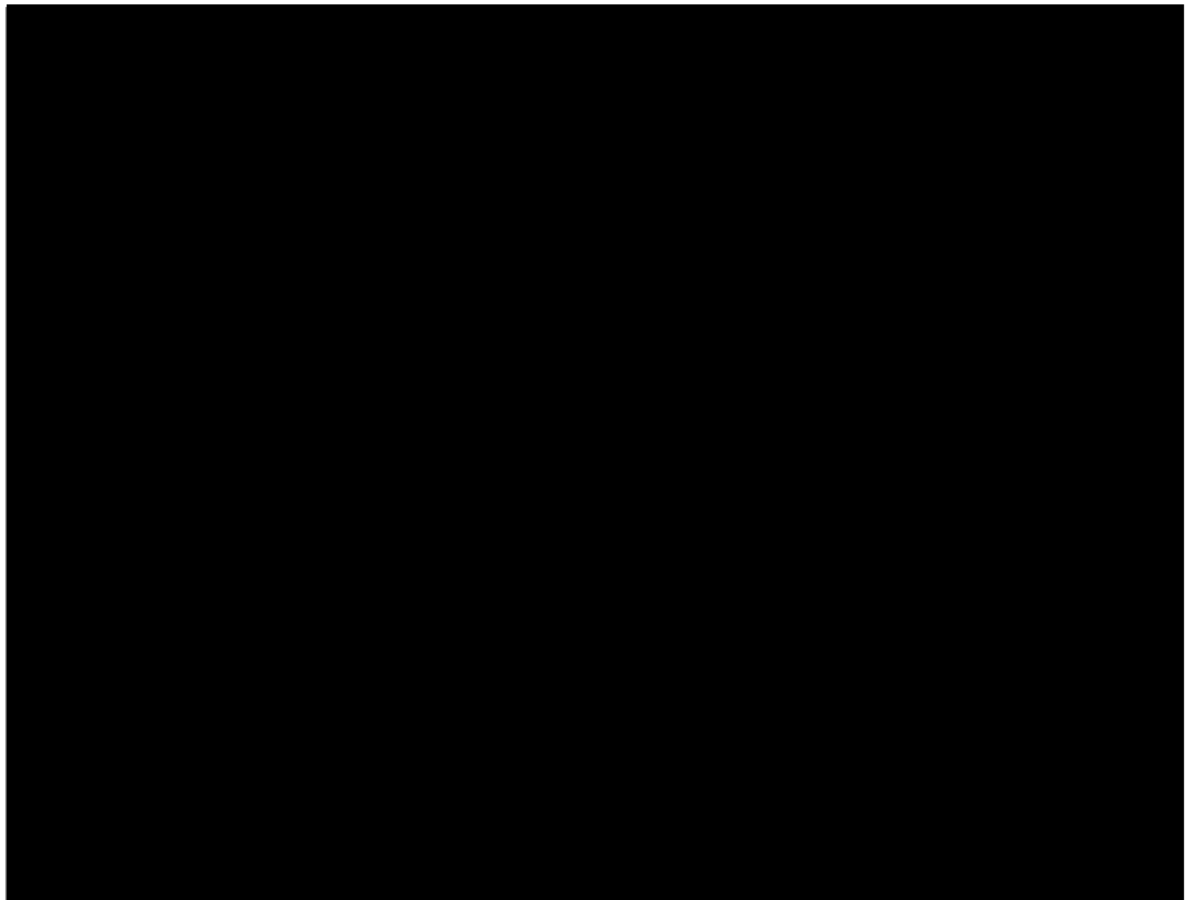
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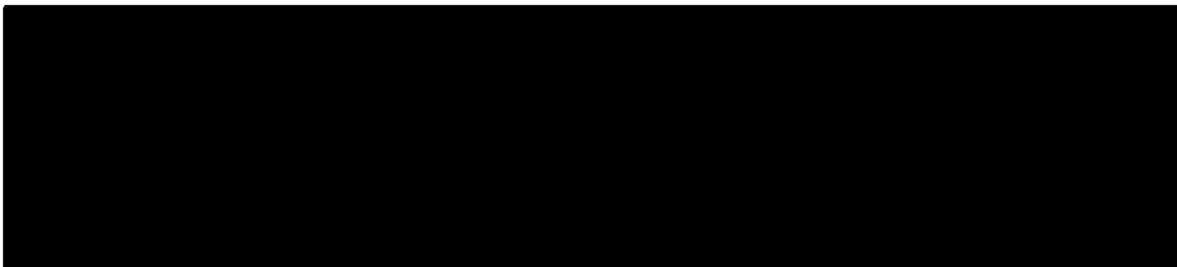
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1019352



20100624





1019404

785115-10-0004



20100624

Open

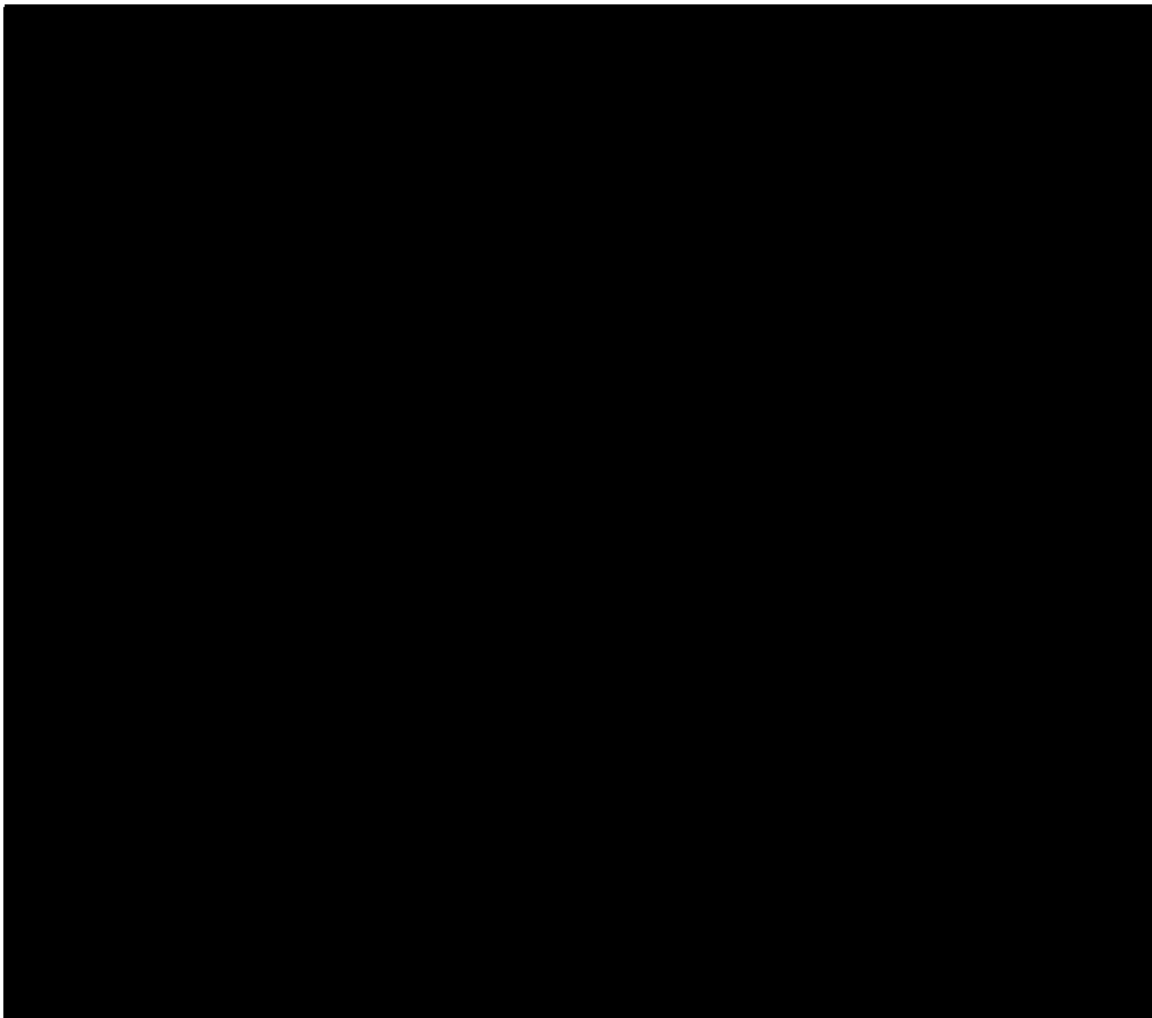
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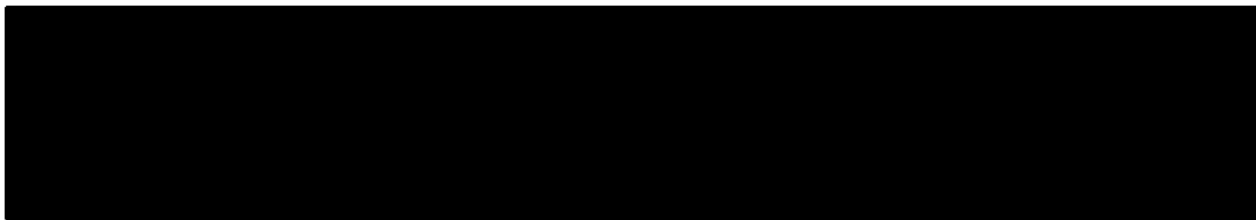
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20100624







1019562

785115-10-0004



20100625

Open

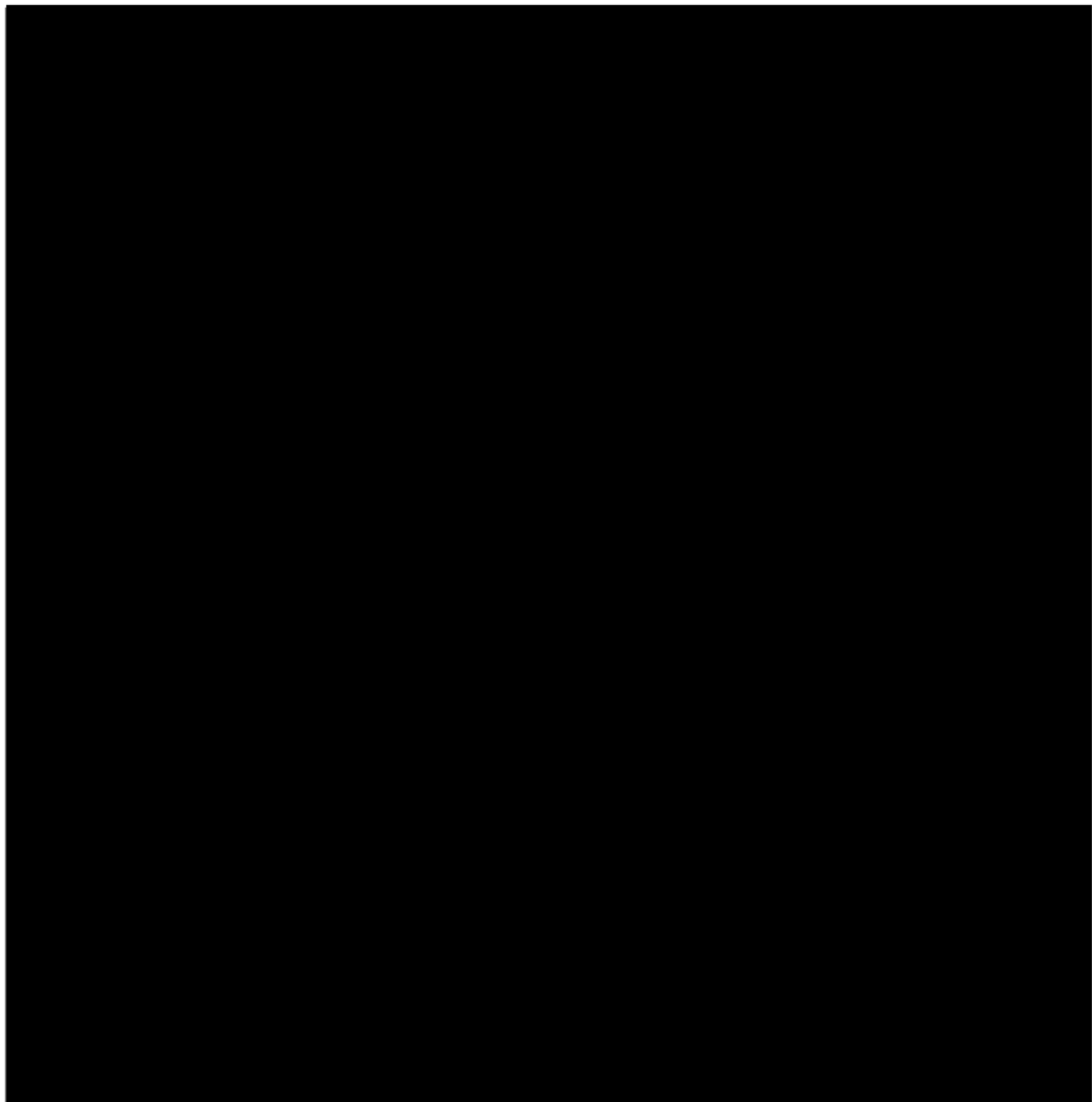
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1019562



20100625

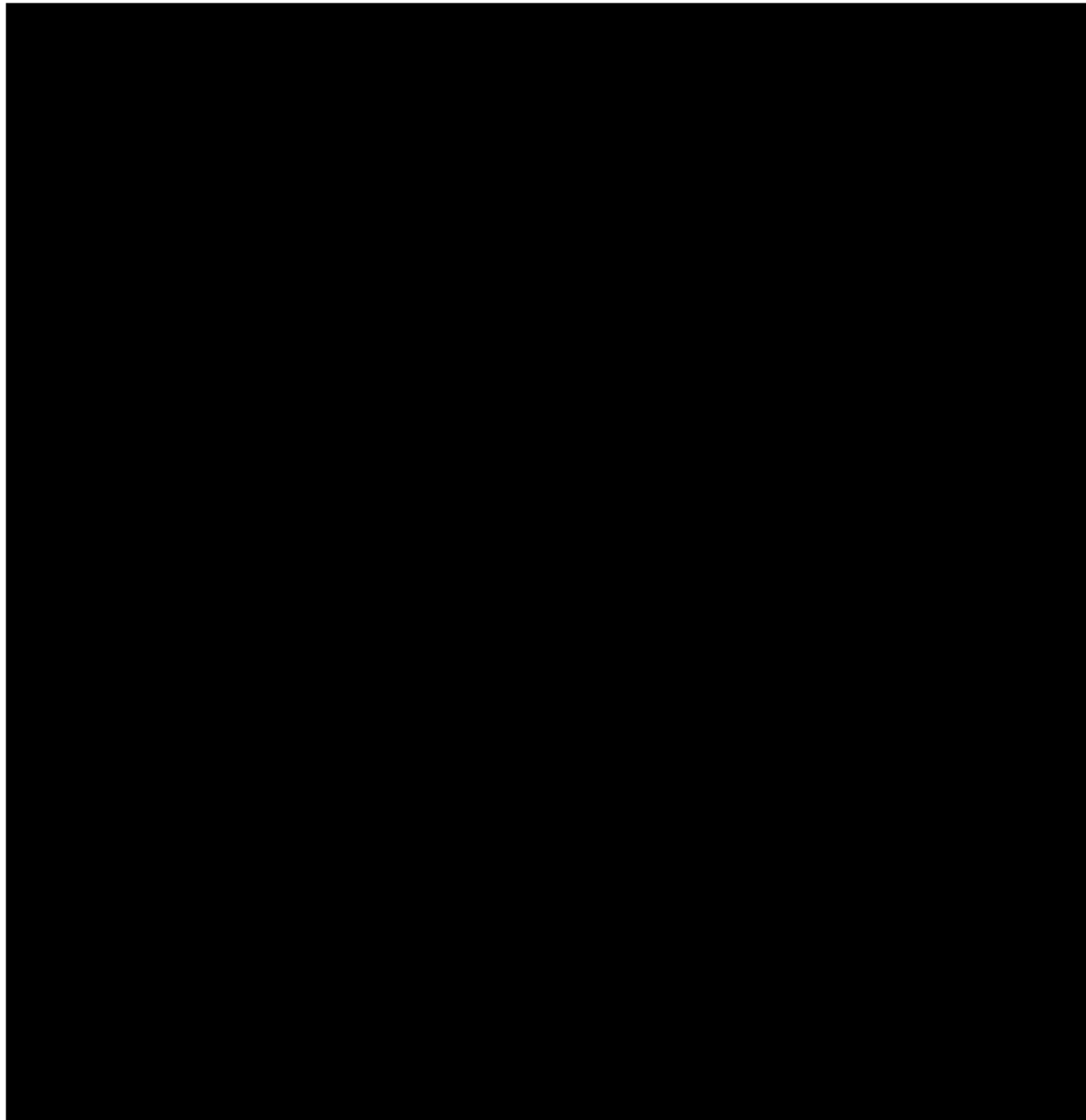


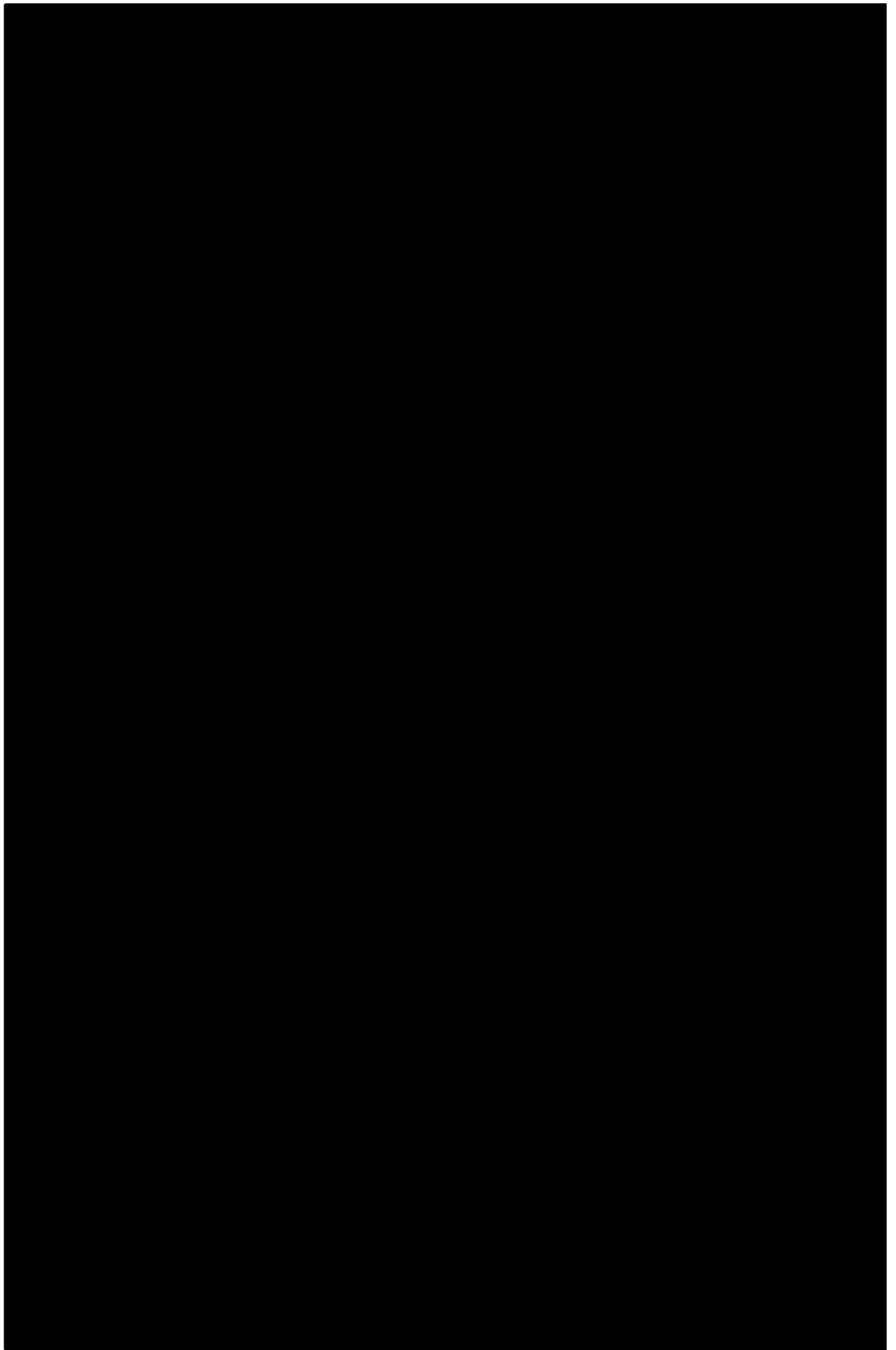
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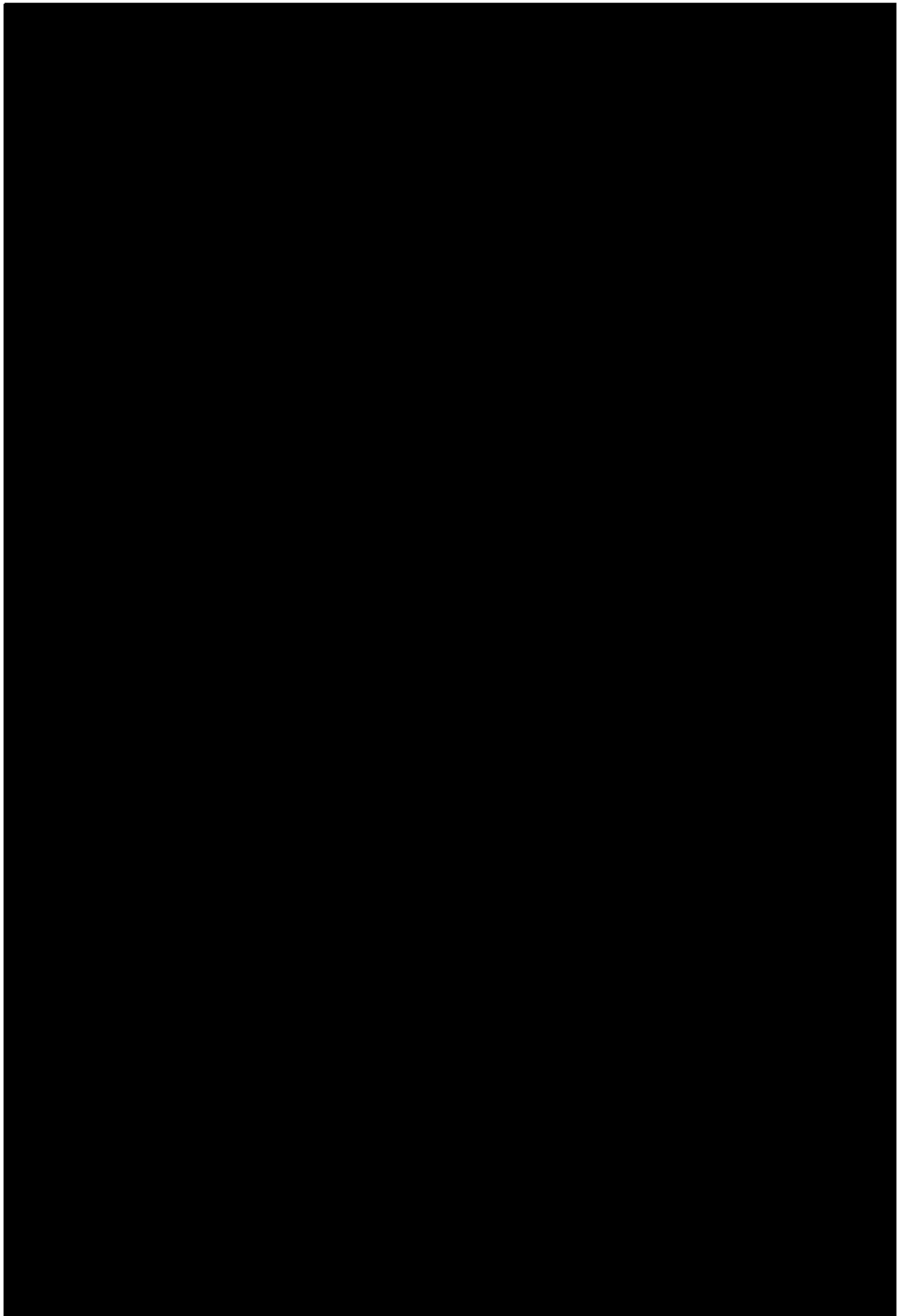
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785115-10-0004

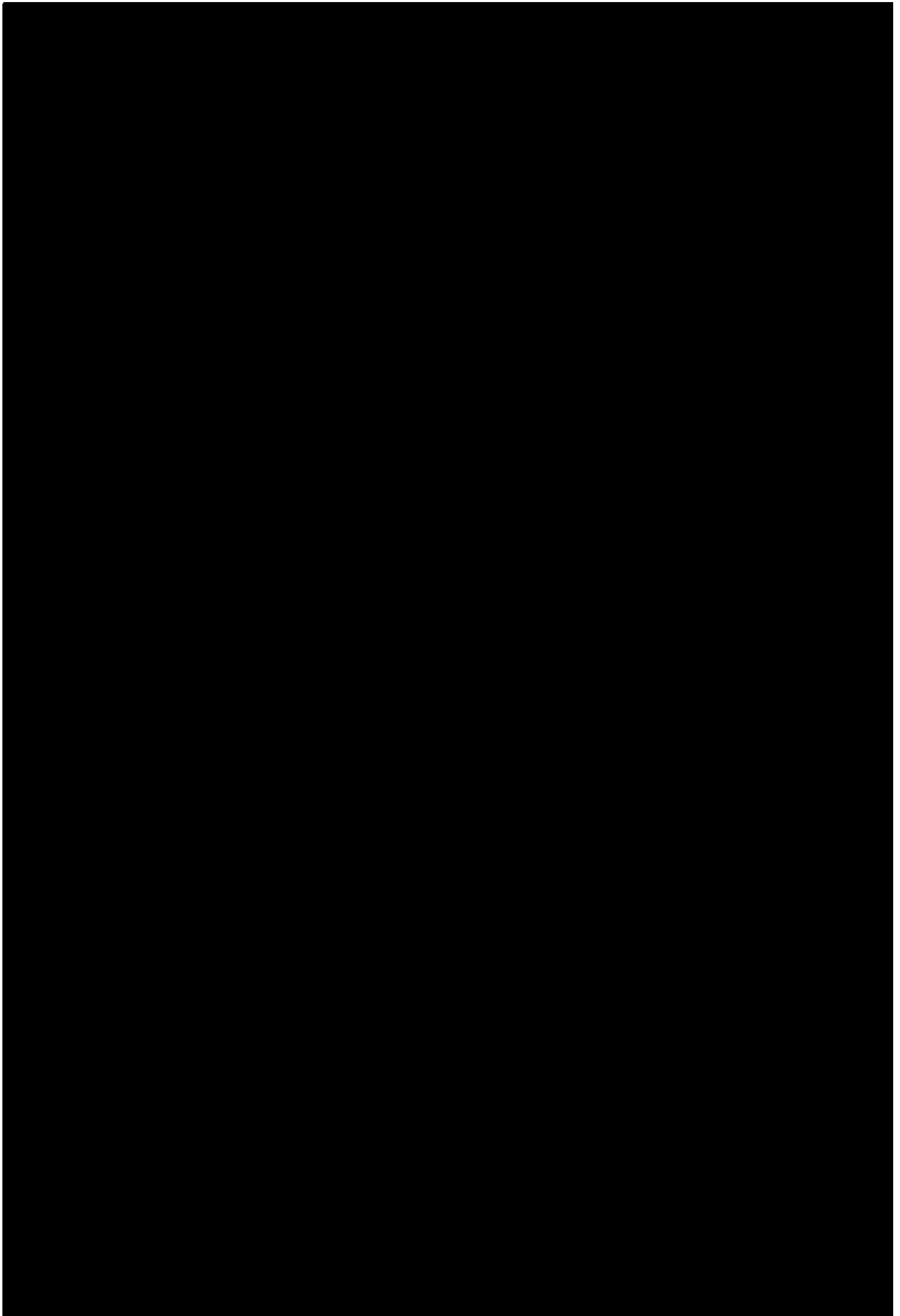
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20100528  
Open  
SURVEILLANCE  
I

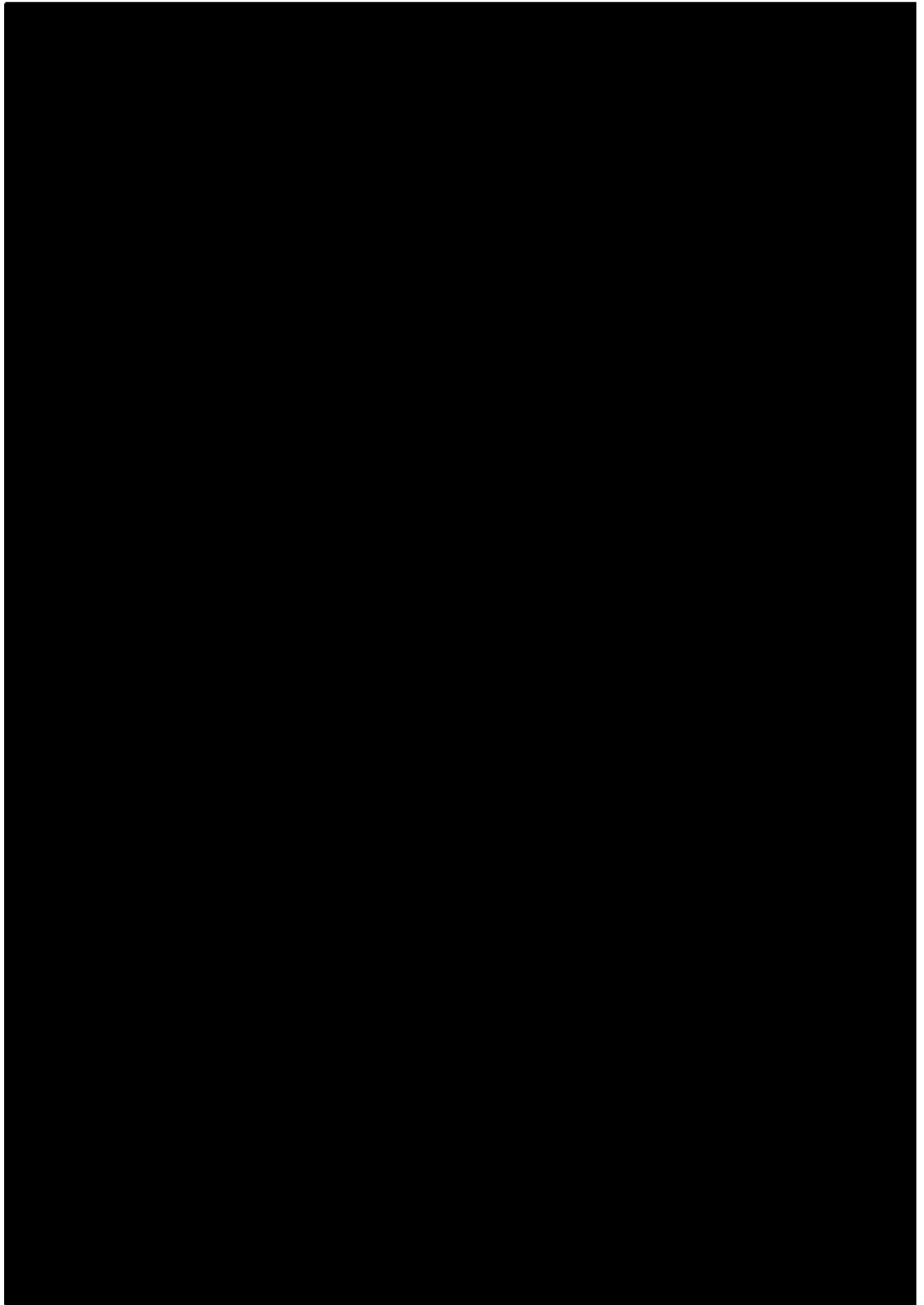
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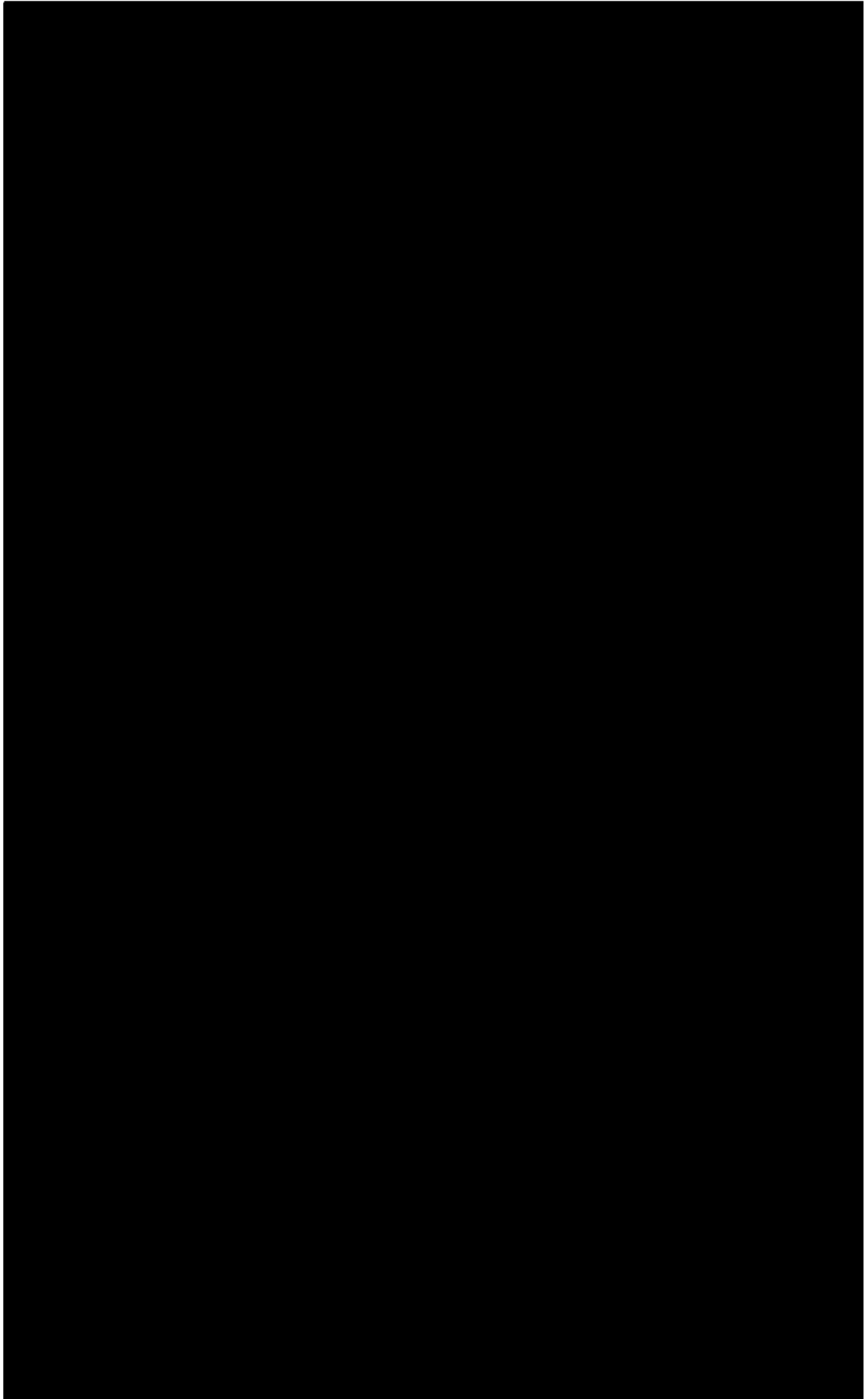








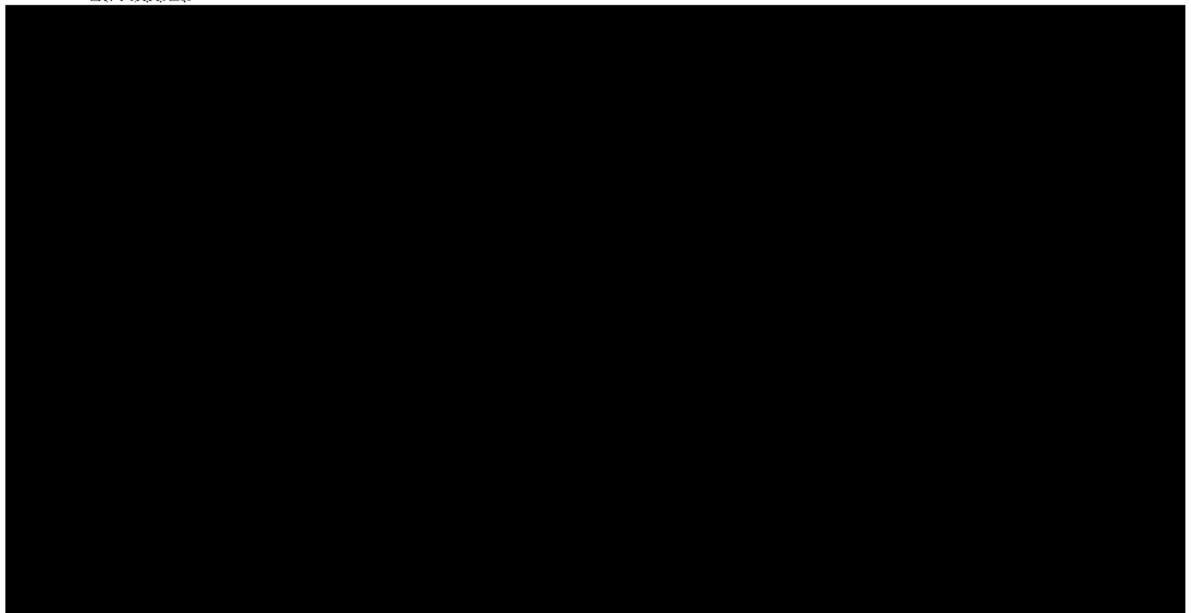






1019627  
785115-10-0004  
[Redacted]  
20100625  
Open  
UNDERCOVER CONTACT  
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1019627  
[Redacted]  
20100625



1019639  
785115-10-0004



[REDACTED]

20100625

Open

OTHER (NON-EXPLOSIVE/FIRE)

I

1019639

[REDACTED]

20100625

[REDACTED]

1019745

785115-10-0004

[REDACTED]

20100625

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OTHER (NON-EXPLOSIVE/FIRE)

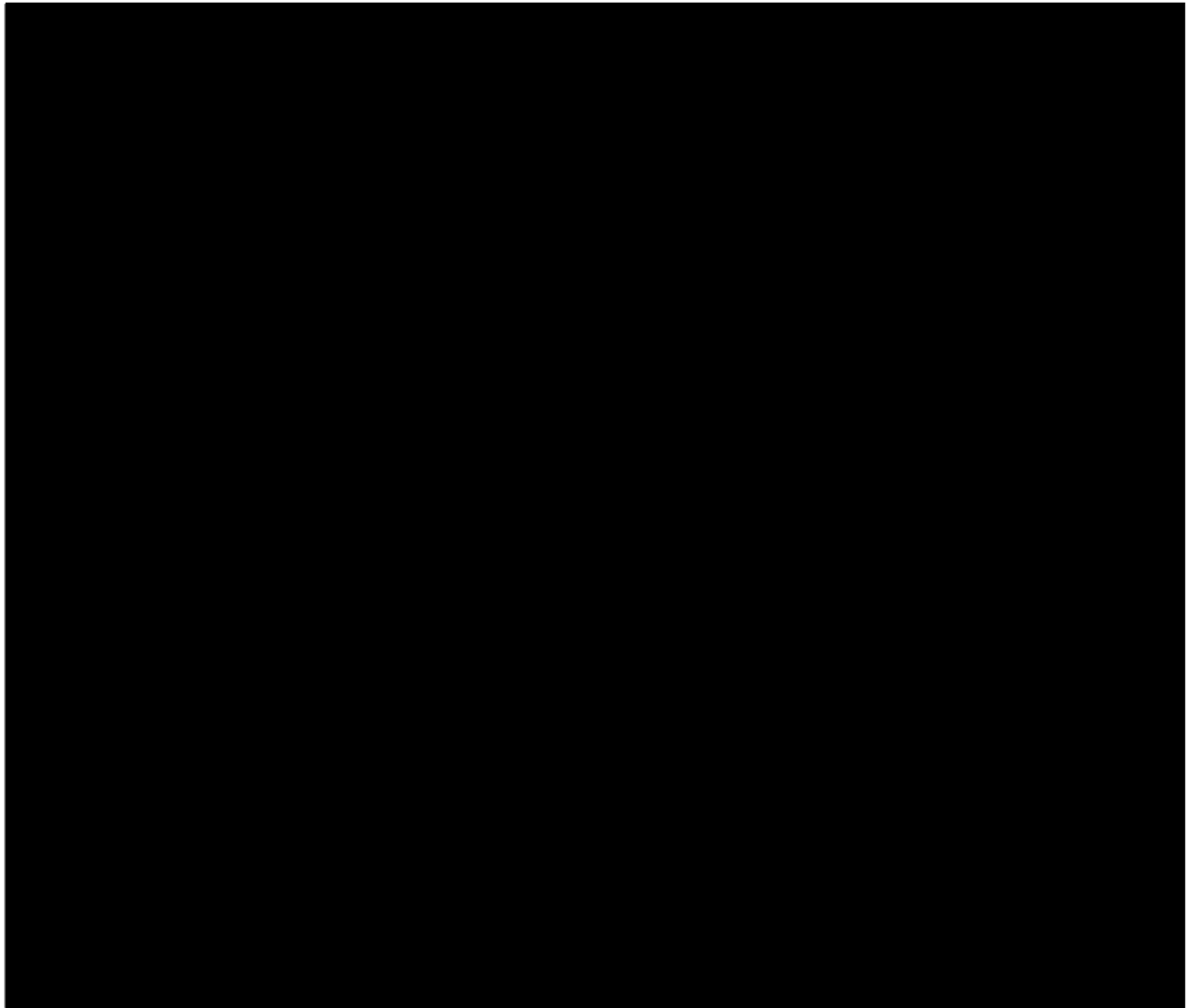
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1019745

[REDACTED]

20100625

[REDACTED]



1020026

785115-10-0004



20100628

Open

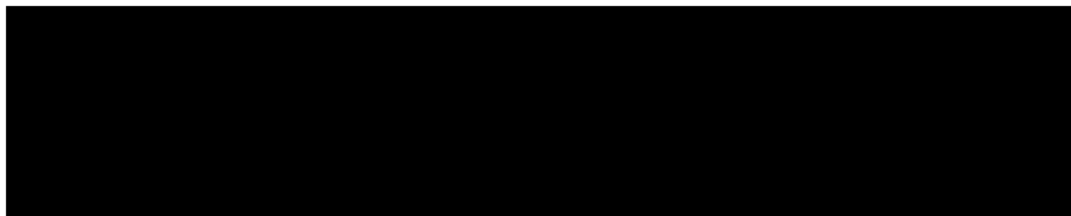
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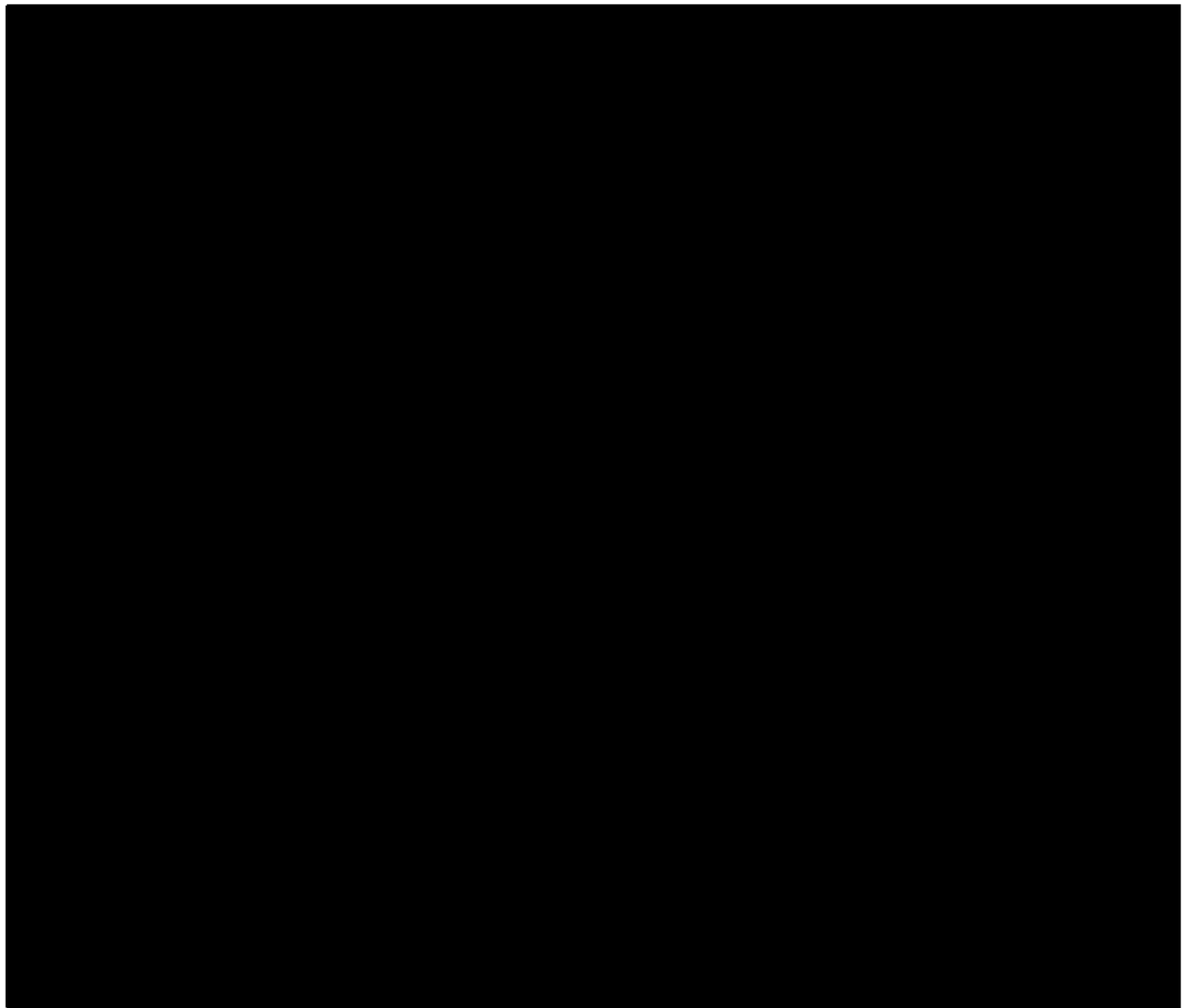
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1020026



20100628





1020051

785115-10-0004



20100623

Open

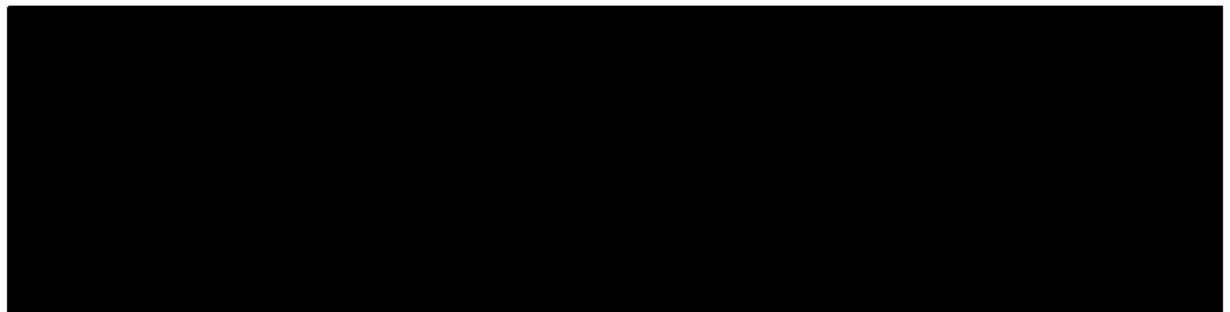
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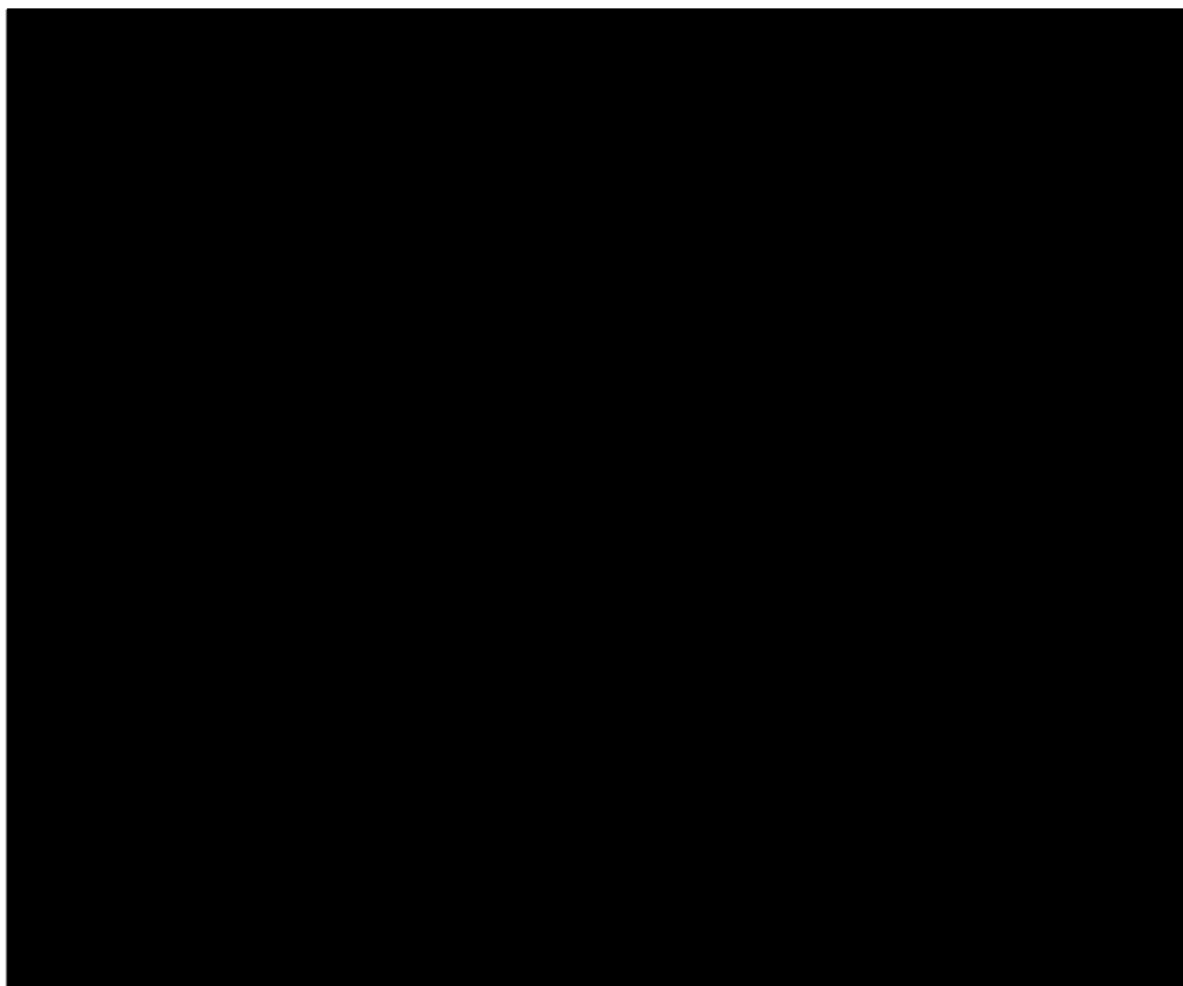
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1020051



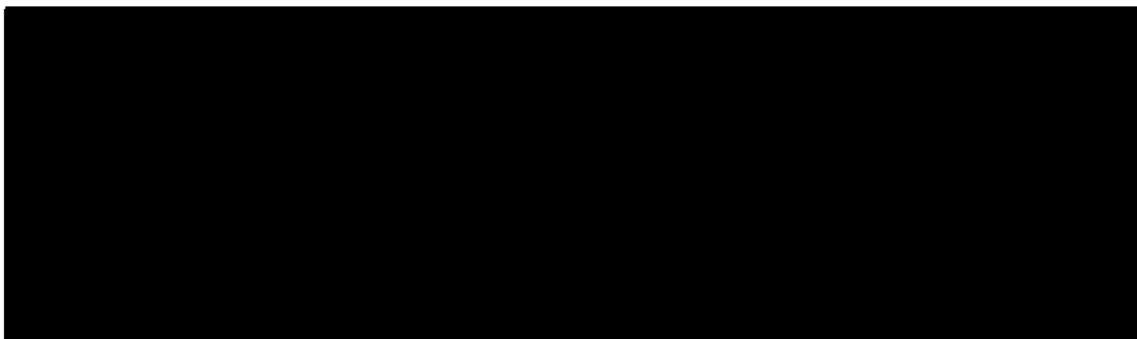
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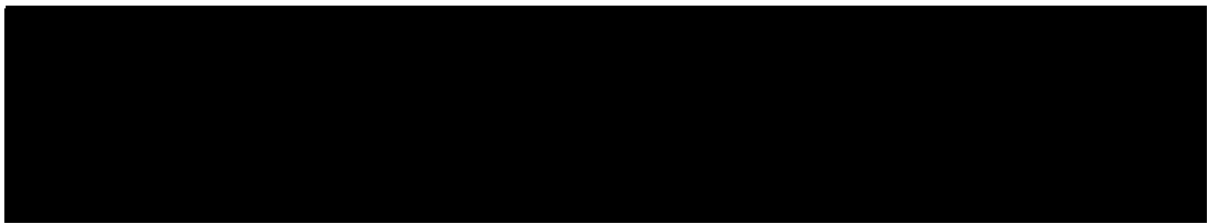




1020052  
785115-10-0004  
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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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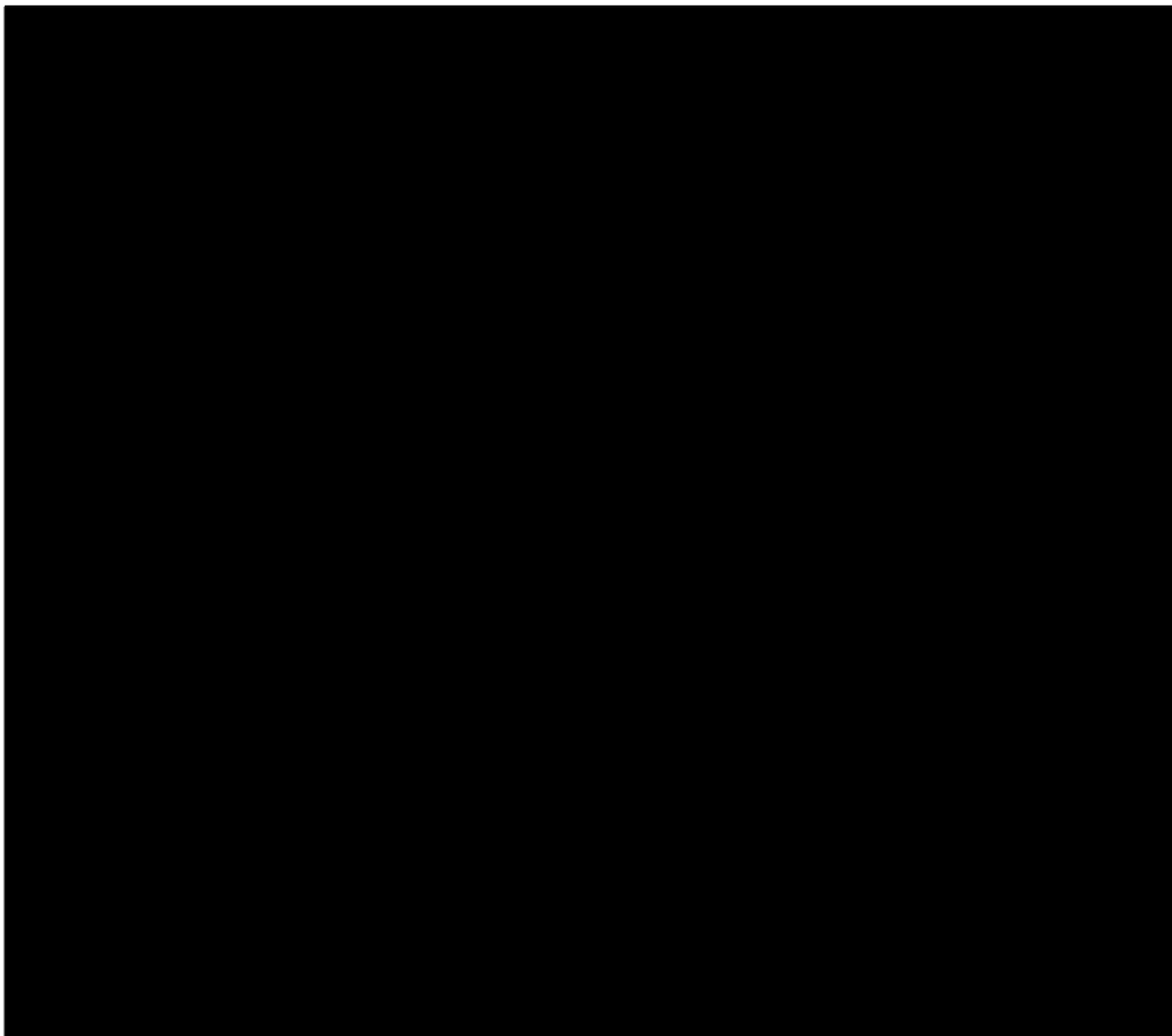
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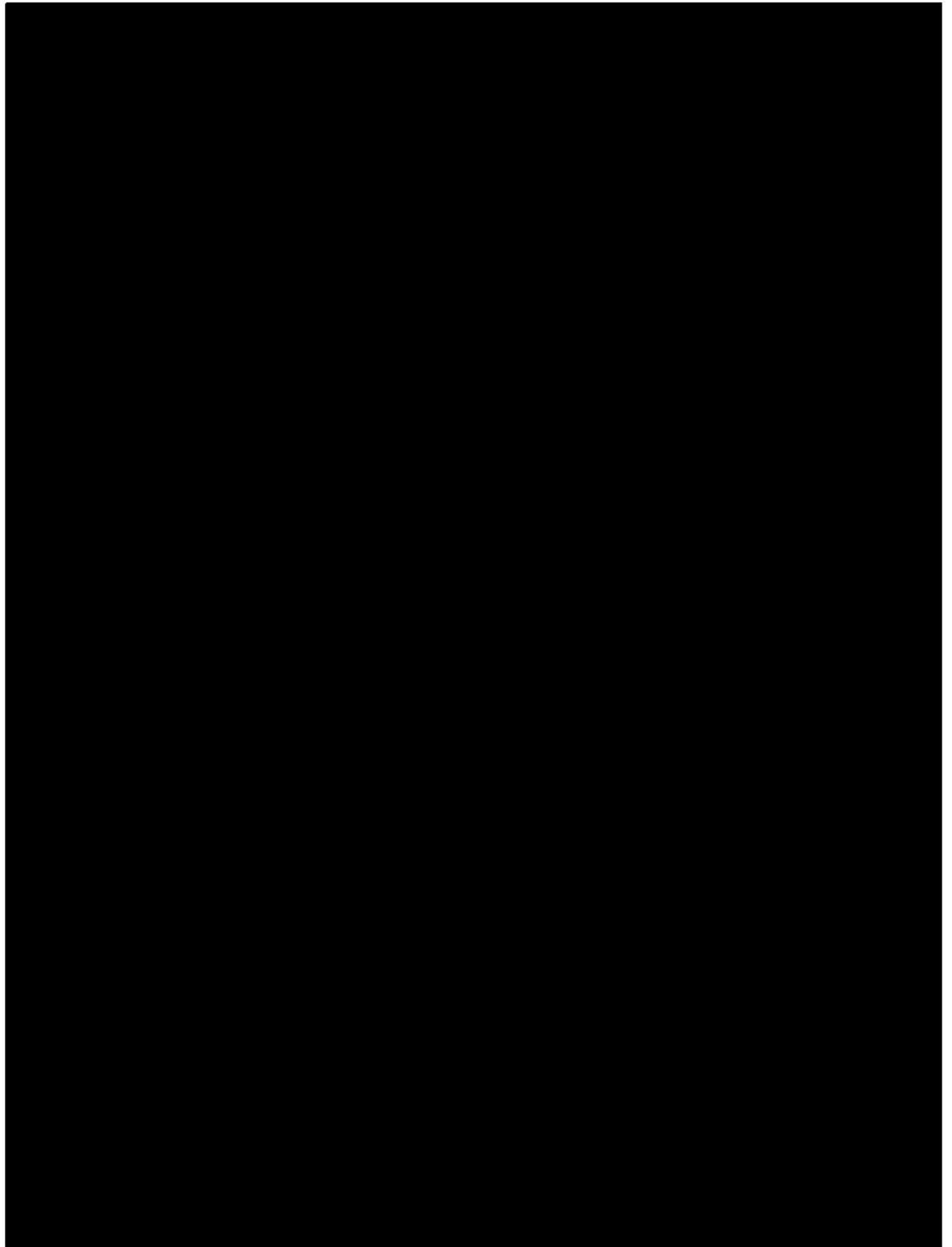




1020193  
785115-10-0004  
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20100618  
Open  
SURVEILLANCE  
i

1020193  
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20100618





1020217  
785115-10-0004

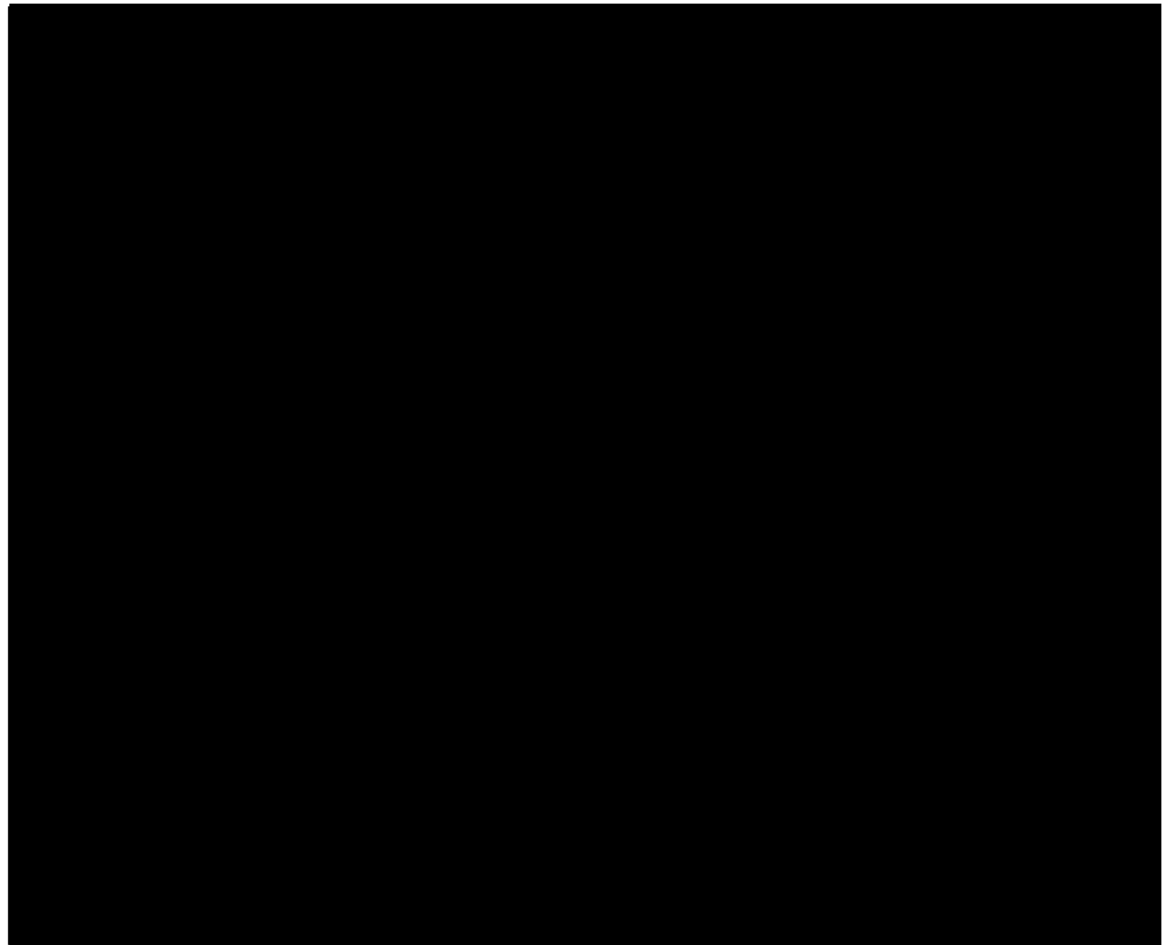
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OTHER (NON-EXPLOSIVE/FIRE)

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1020217

20100625



1020243

785115-10-0004

20100628

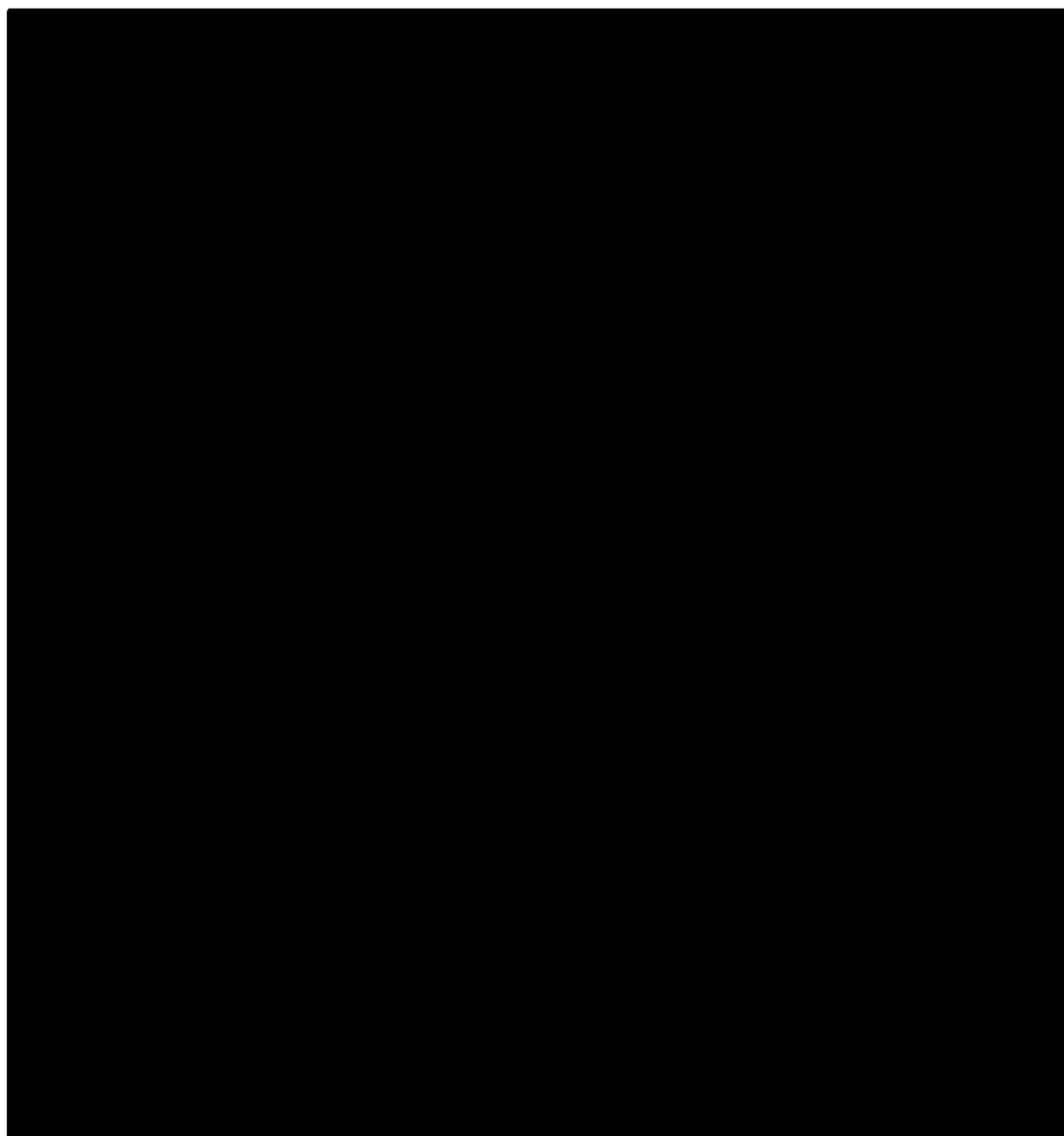
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OTHER (NON-EXPLOSIVE/FIRE)

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1020243

20100628



1020257

785115-10-0004



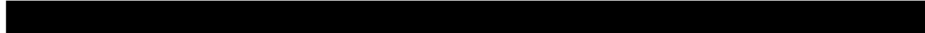
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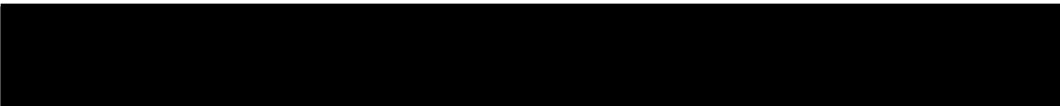
OTHER (NON-EXPLOSIVE/FIRE)

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1020257



20100628





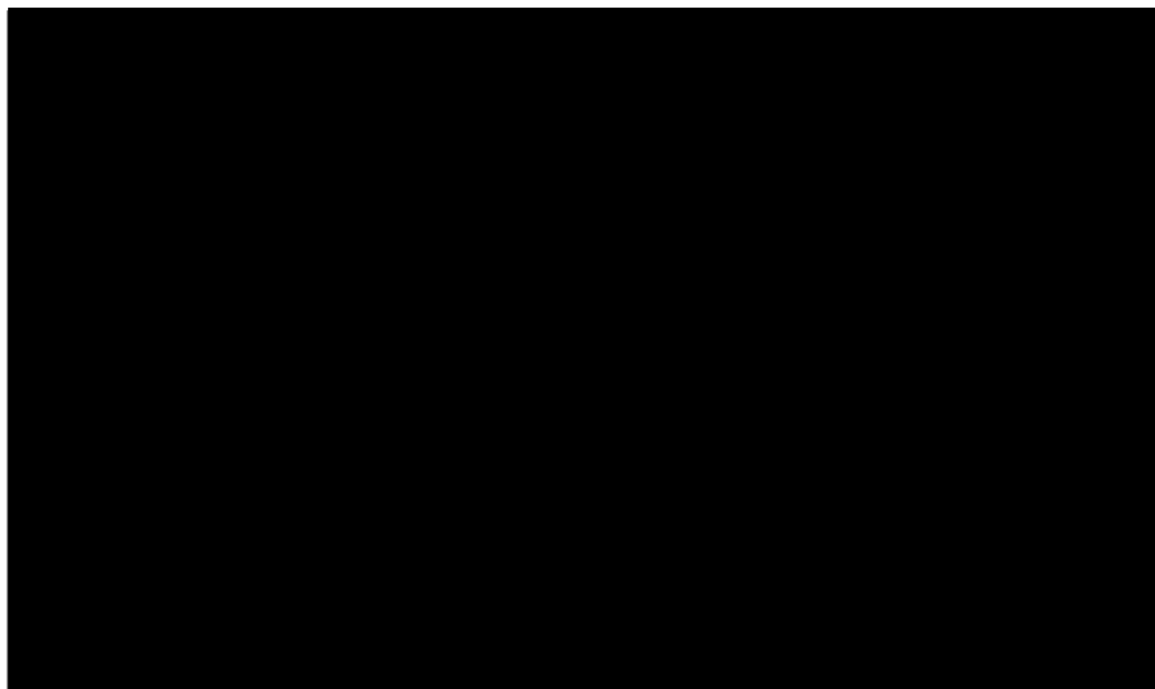


1020258  
785115-10-0004  
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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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1020258  
[REDACTED]

20100628





1020590  
785115-10-0004

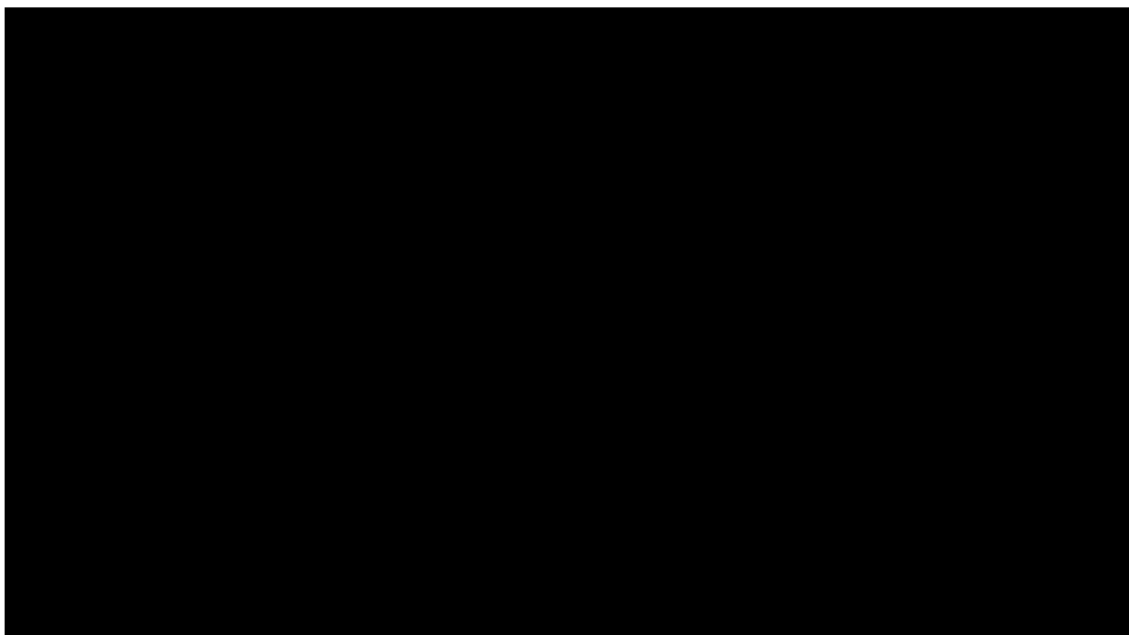


20100628  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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1020590



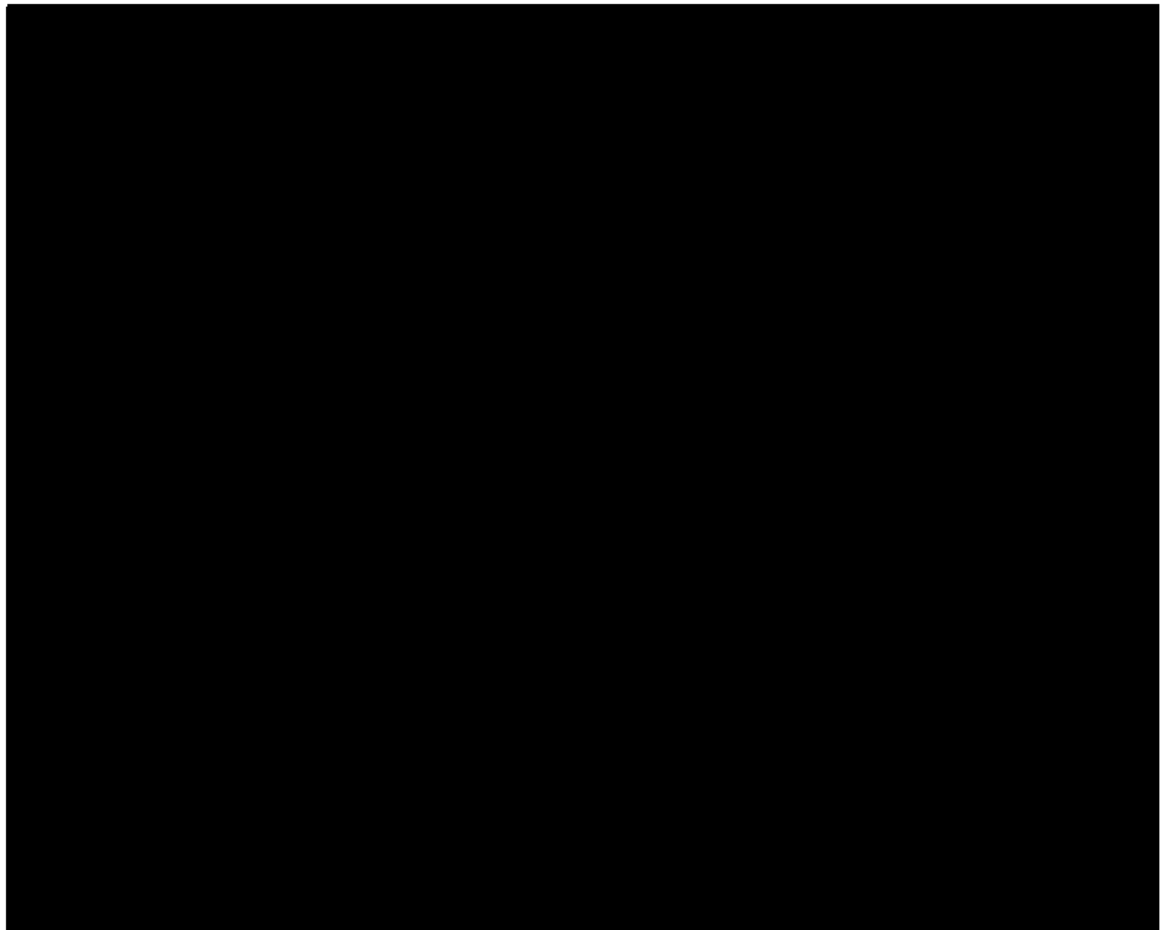
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1020605  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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[Redacted]  
20100629



1

1020860  
785115-10-0004



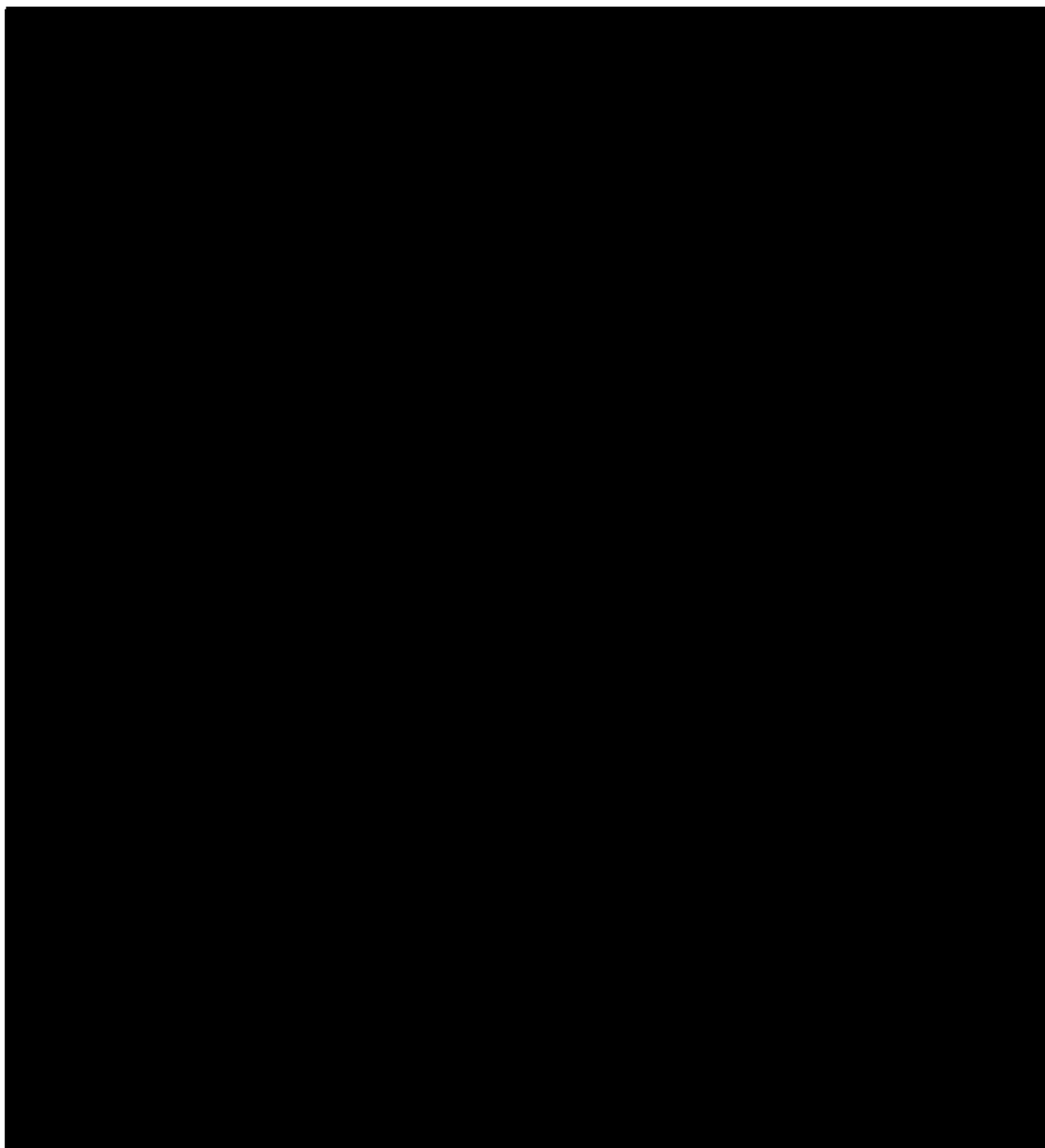
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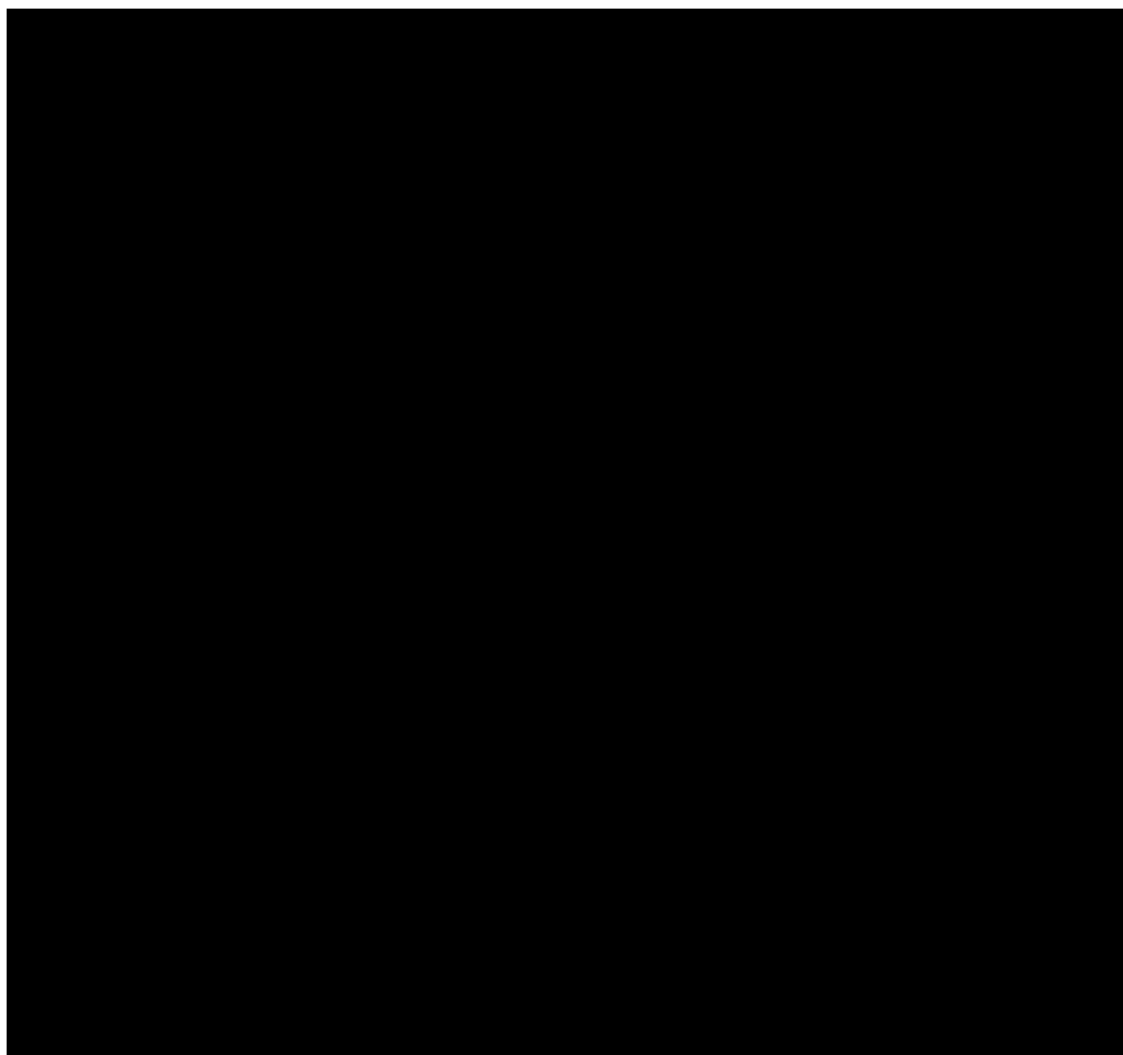
Open  
SURVEILLANCE  
I

1020860



20100622

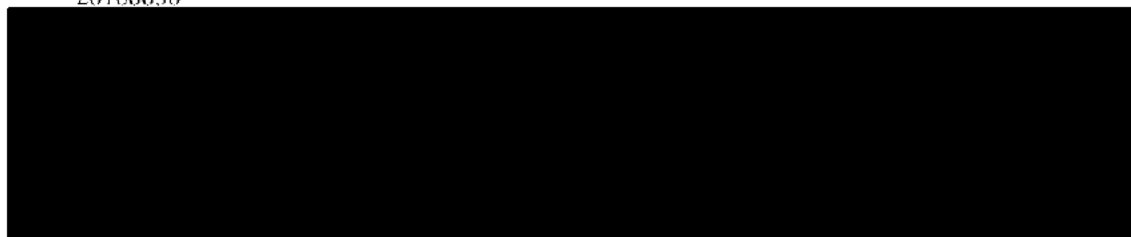


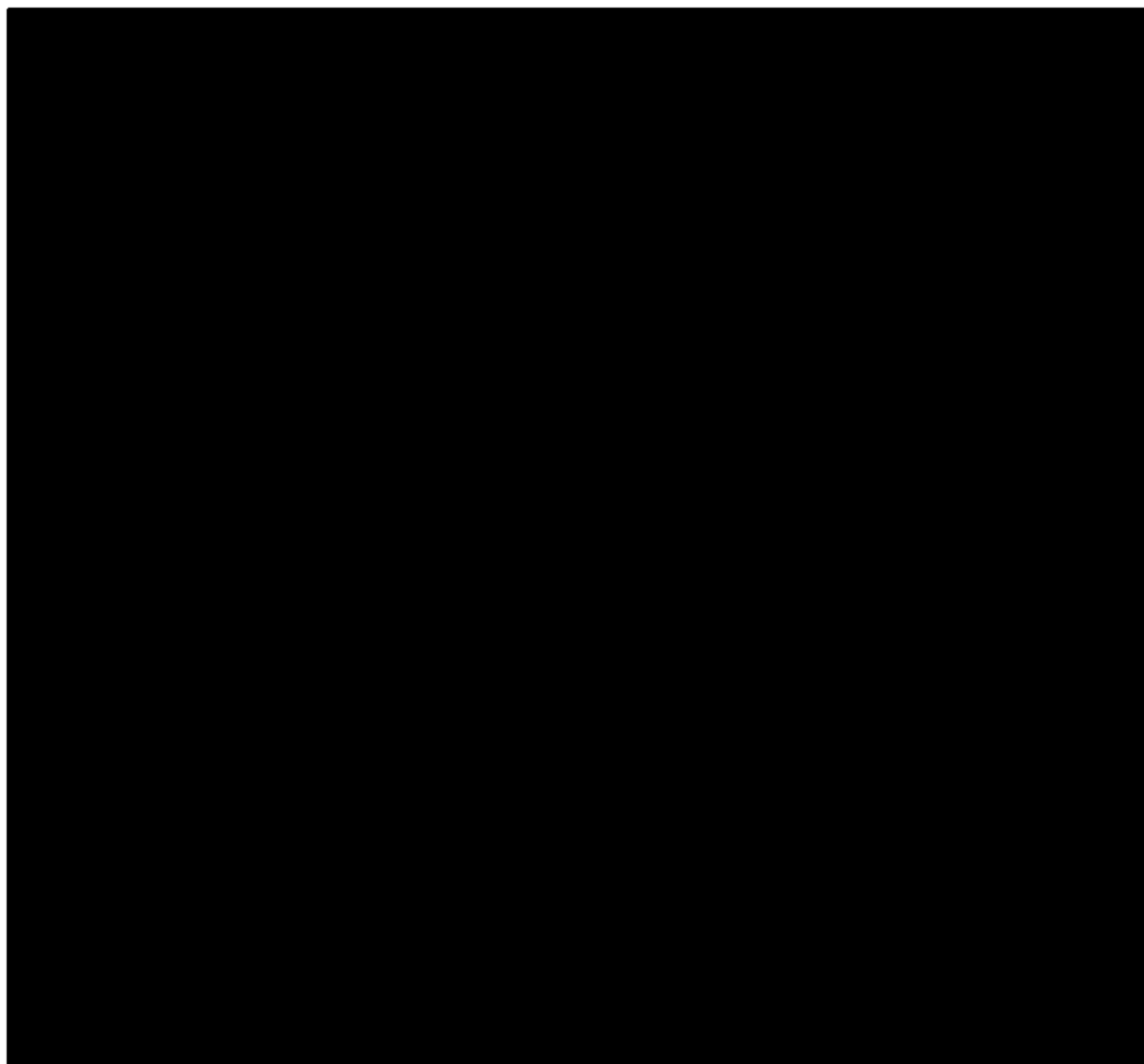


1021152  
785115-10-0004  
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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1021152

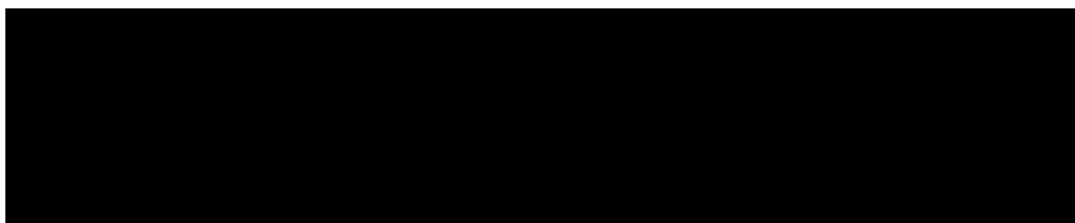
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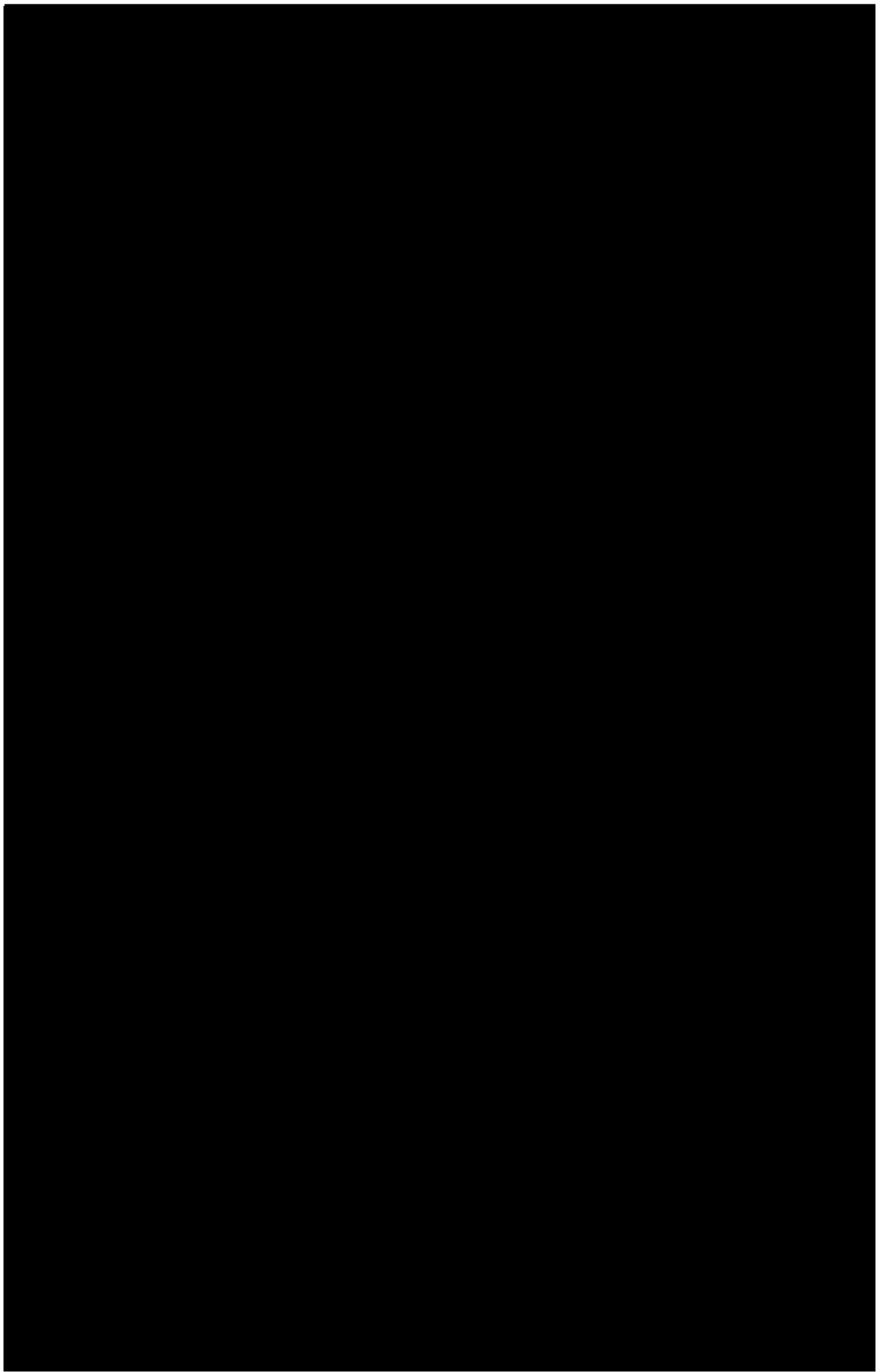


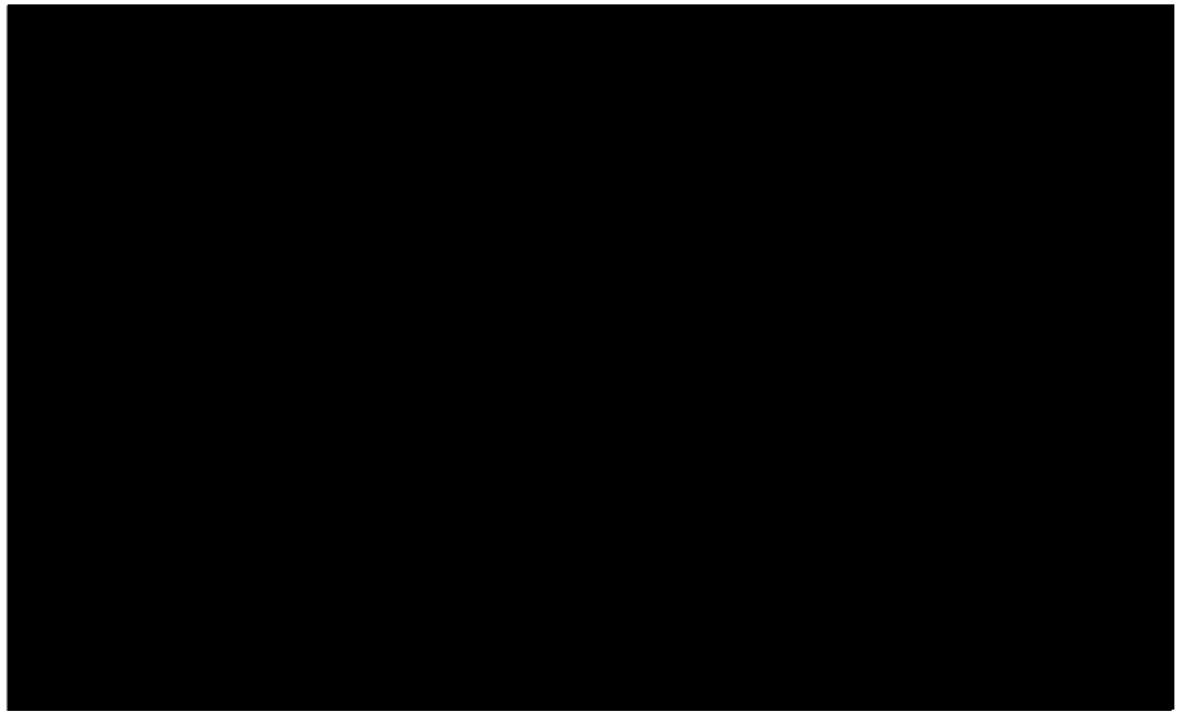


1021759  
785115-10-0004  
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20100623  
Open  
SURVEILLANCE  
I

1021759  
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20100623

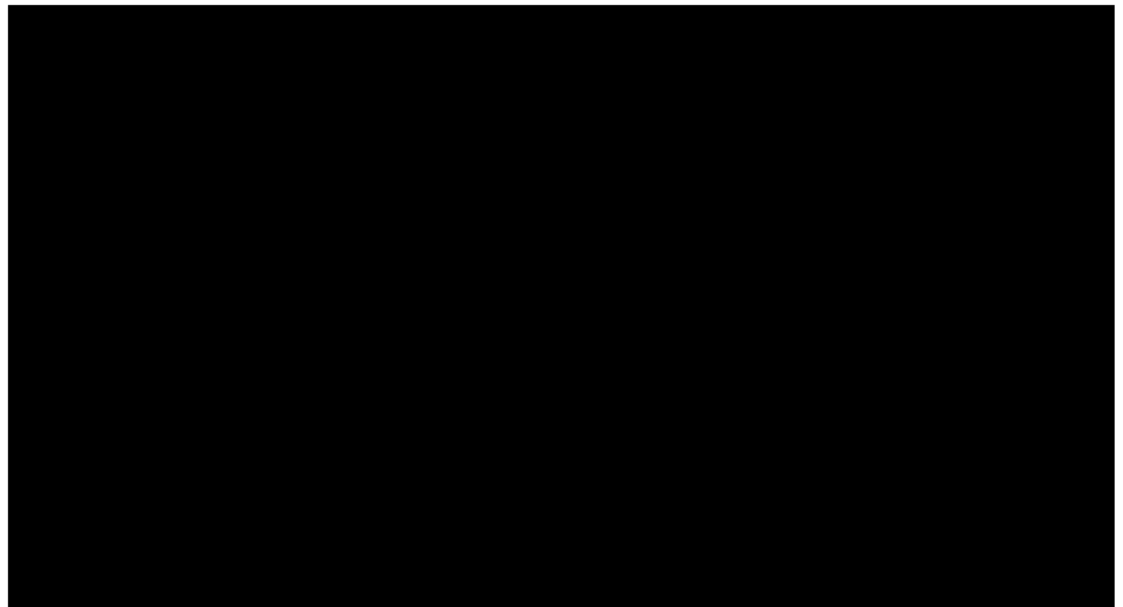




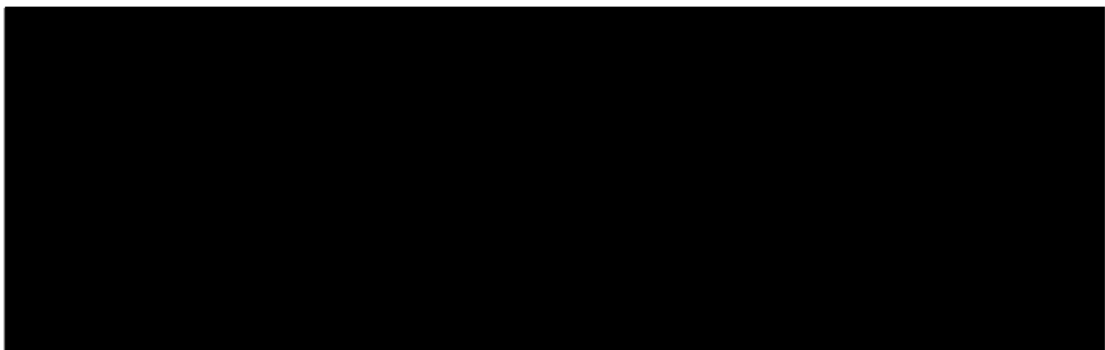


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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1022312  
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20100706







1022800

785115-10-0004



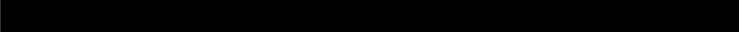
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Open

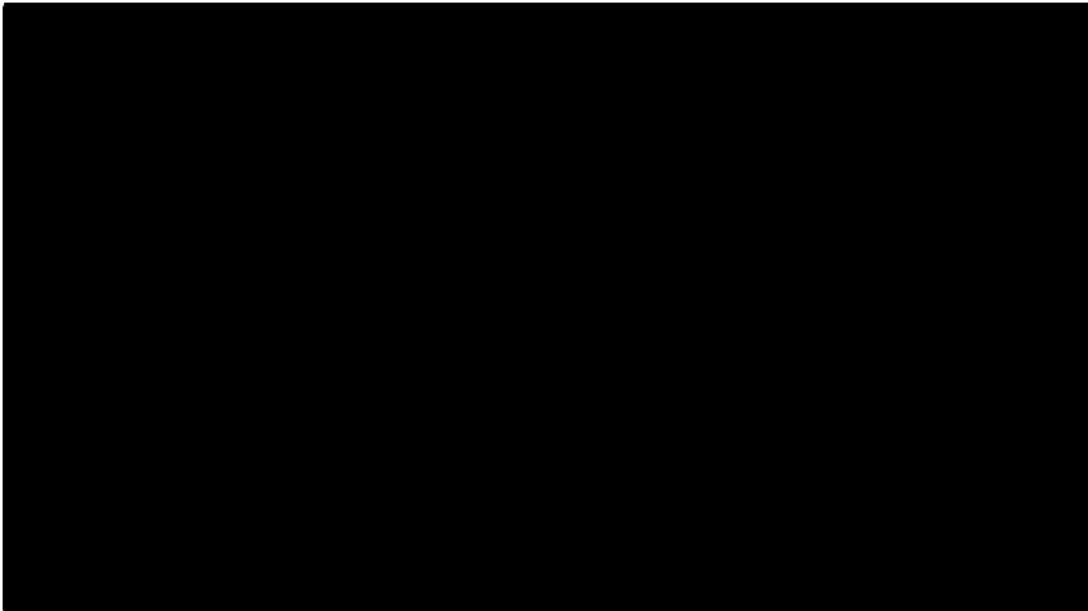
OTHER (NON-EXPLOSIVE/FIRE)

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1022800



20100630



1022834

785115-10-0004



20100630

Open

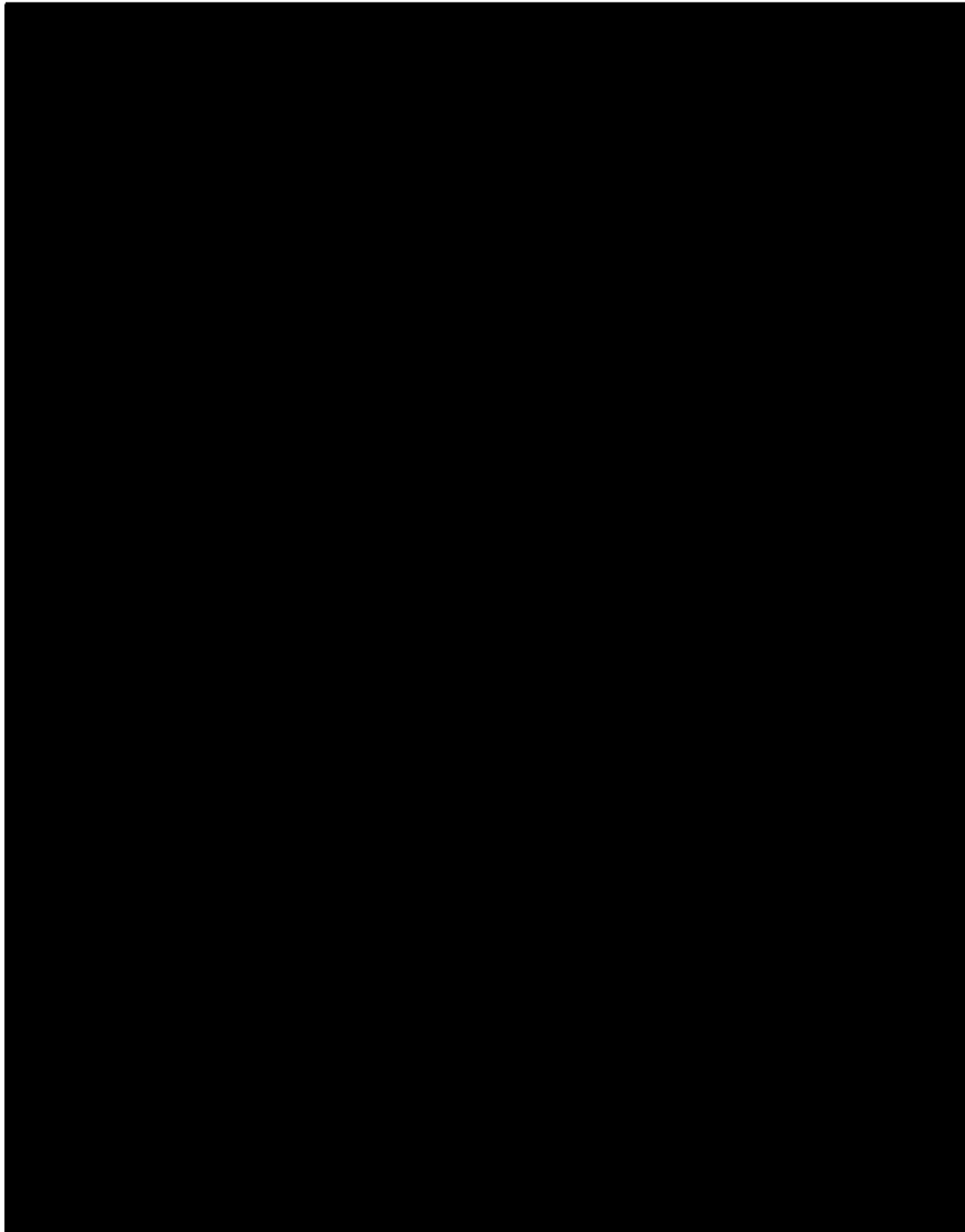
SURVEILLANCE

1

1022834



20100630



1023167  
785115-10-0004

[REDACTED]

20100708

Open

OTHER (NON-EXPLOSIVE/FIRE)

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1023167

[REDACTED]

20100708

[REDACTED]

1023187

785115-10-0004

[REDACTED]

20100706

Open

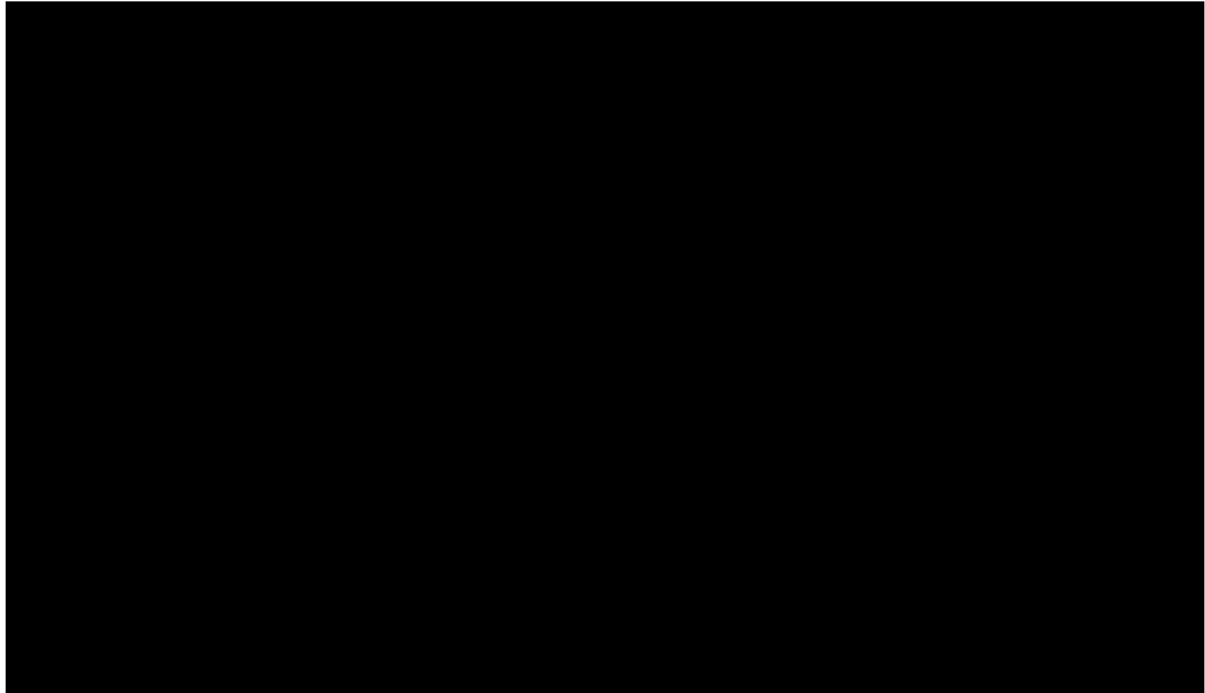
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1023187

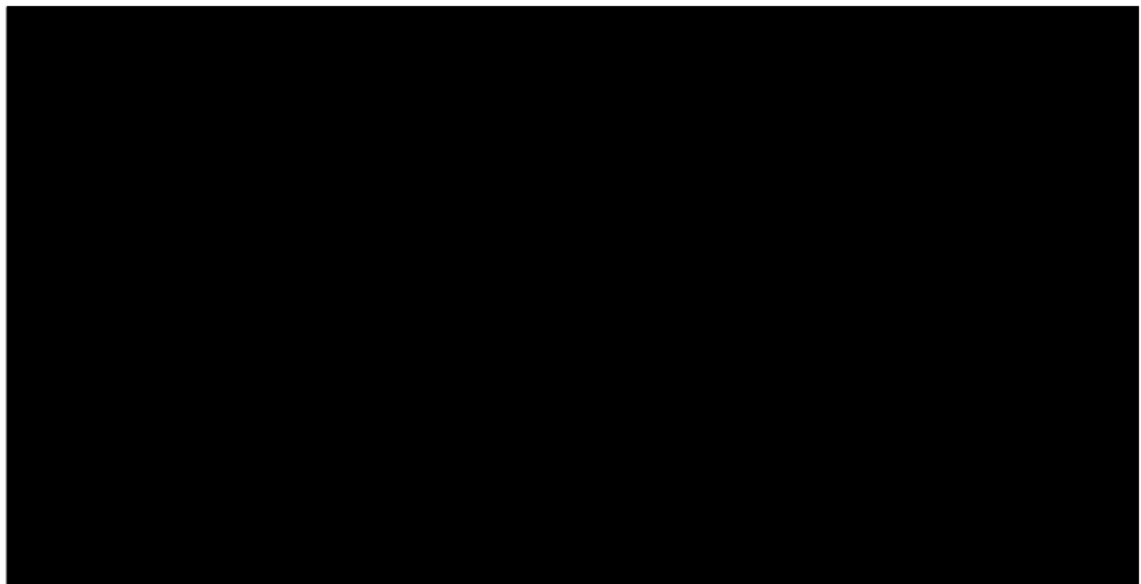
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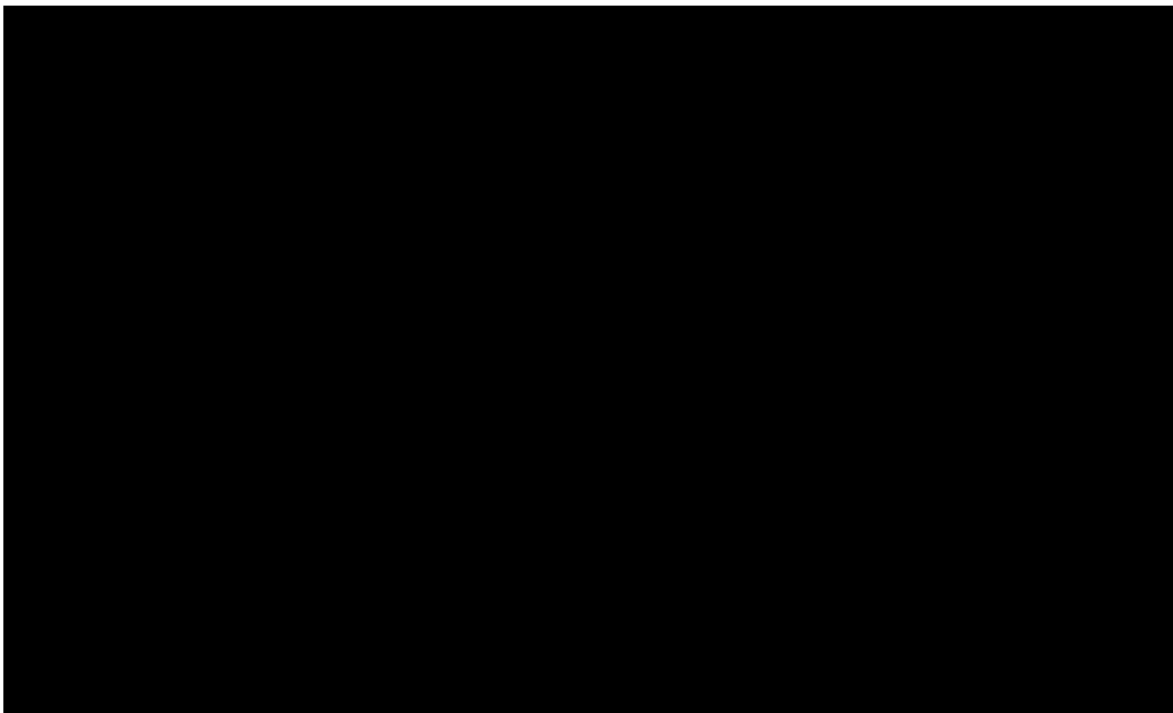
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1023340  
785115-10-0004  
[REDACTED]  
20100708  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

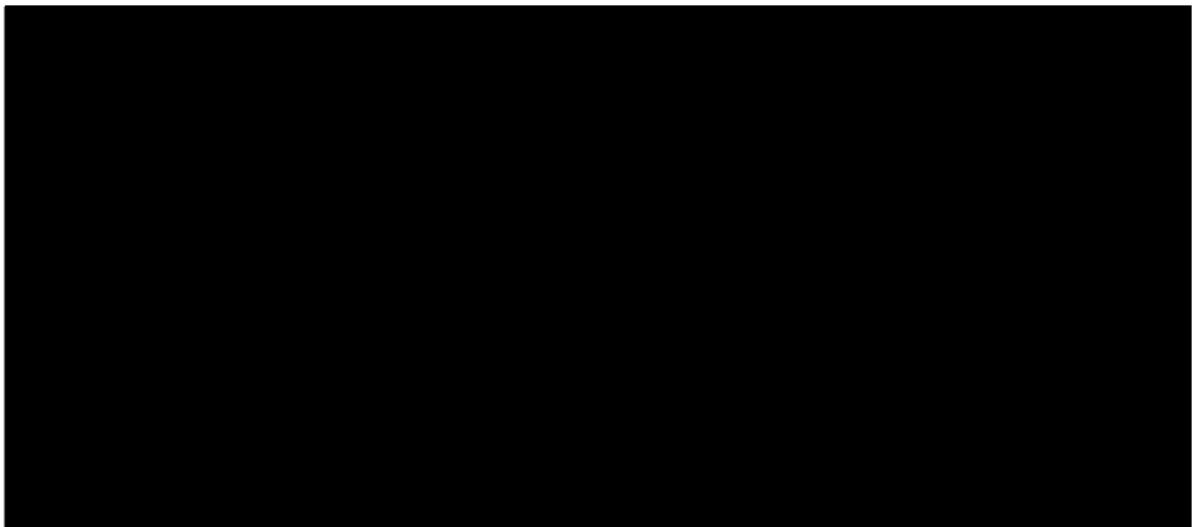
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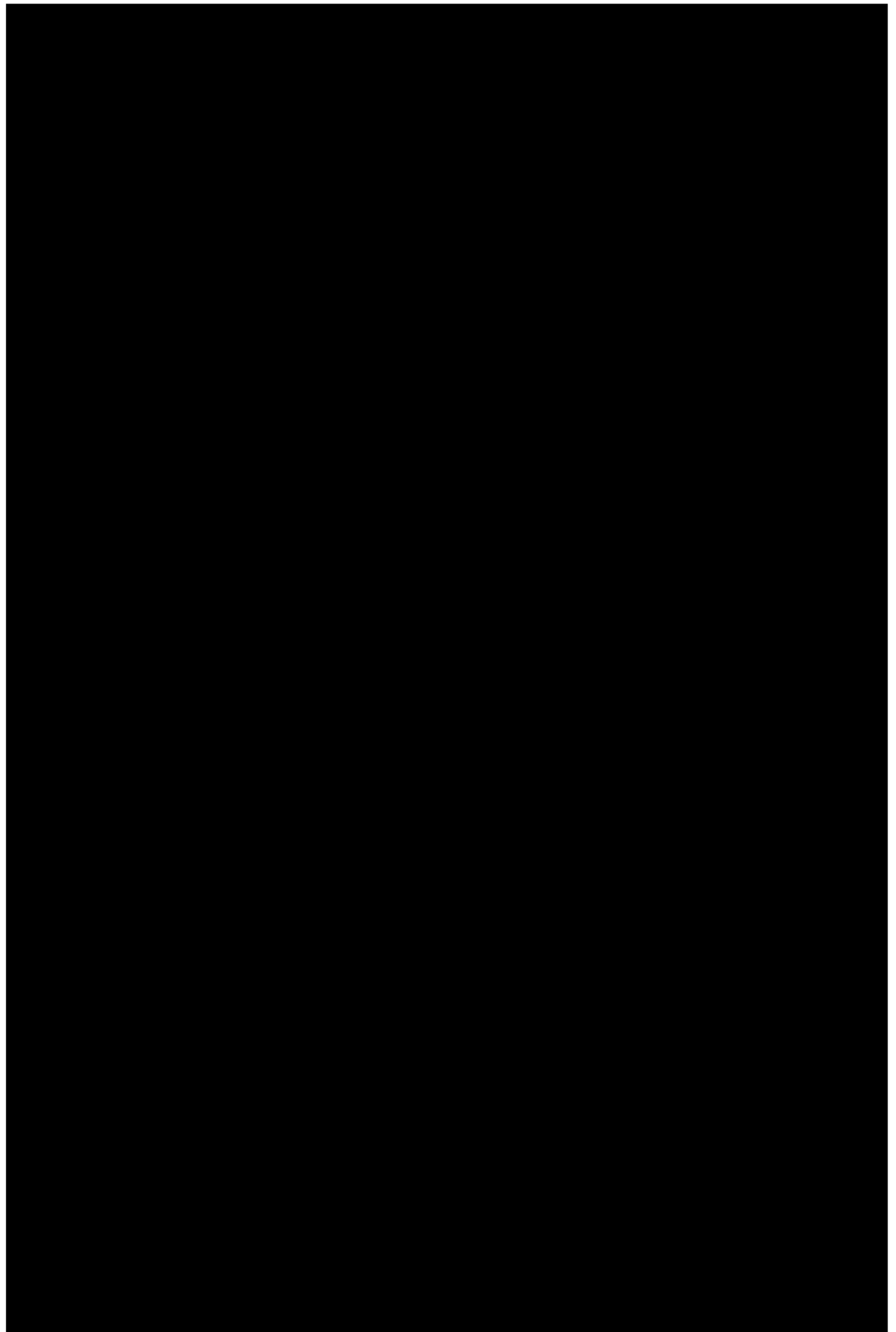


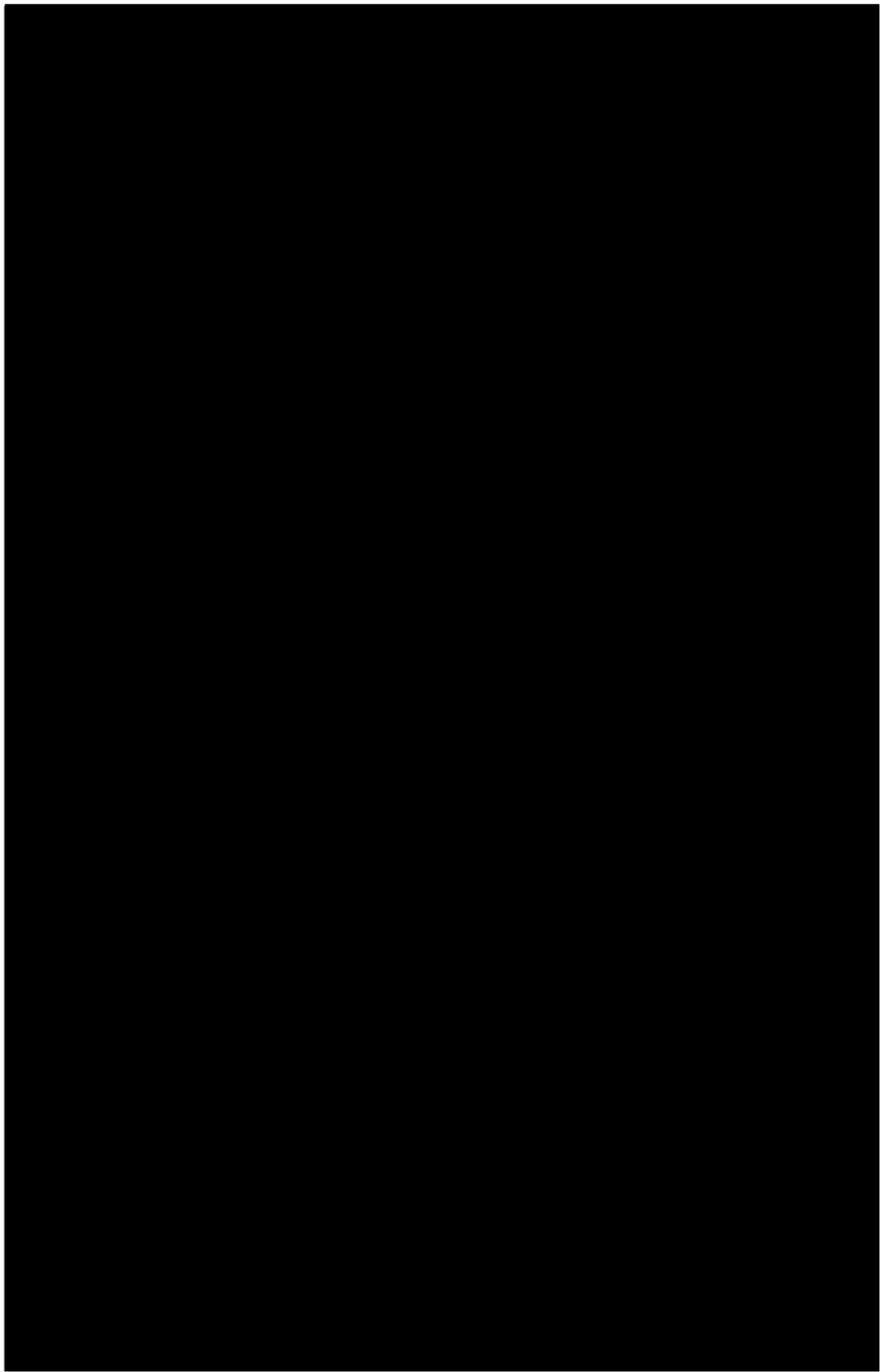


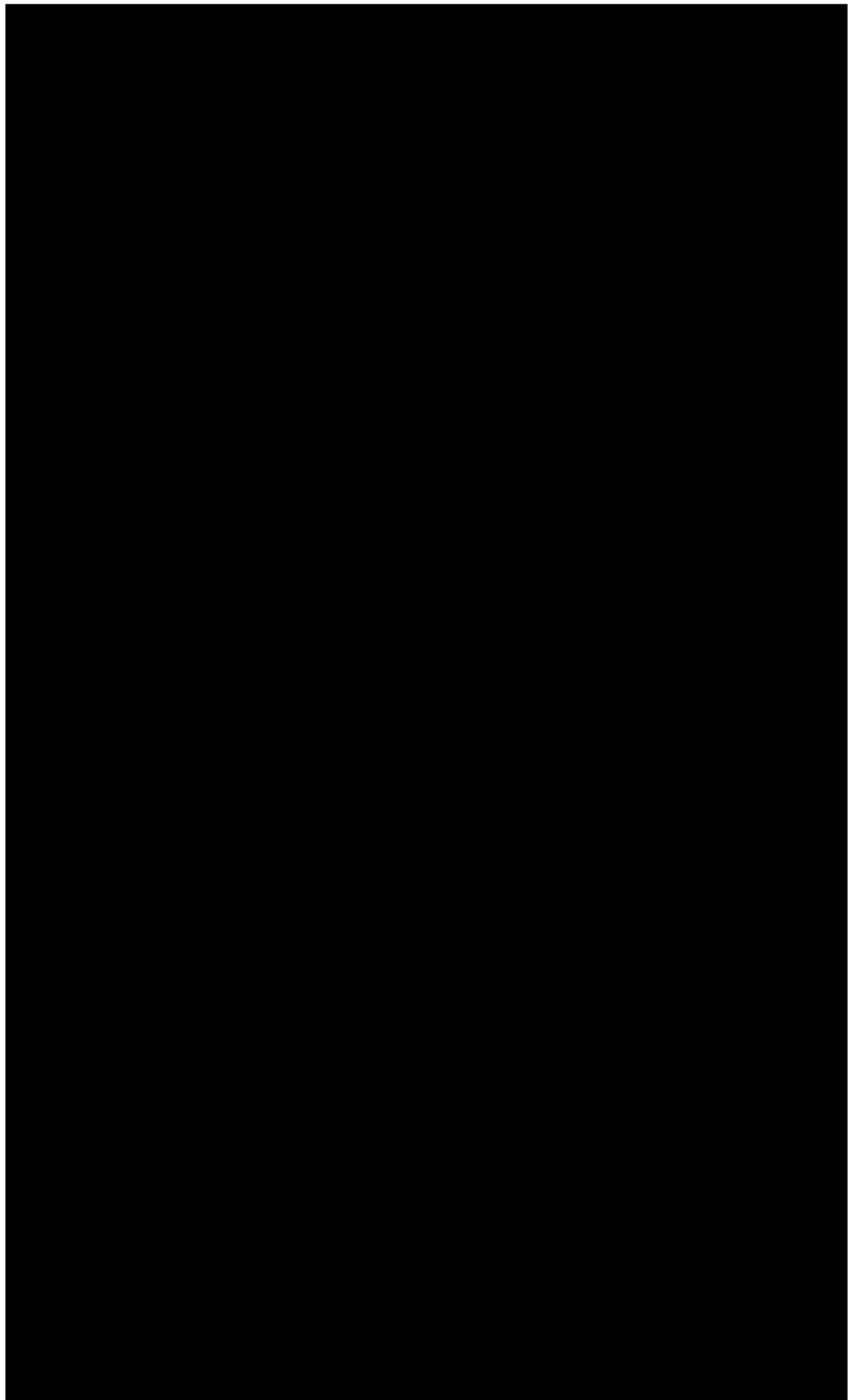
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785115-10-0004  
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20100709  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1023744  
[Redacted]  
20100709

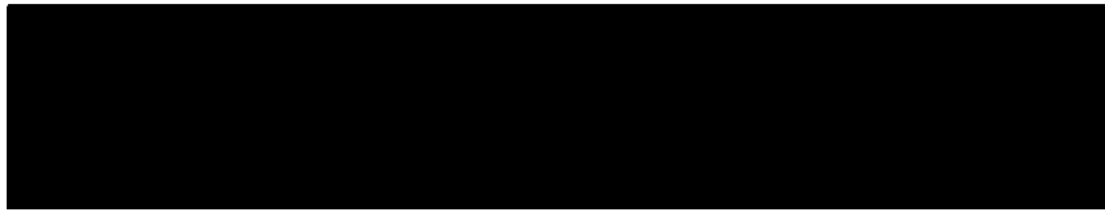












1023809  
785115-10-0004



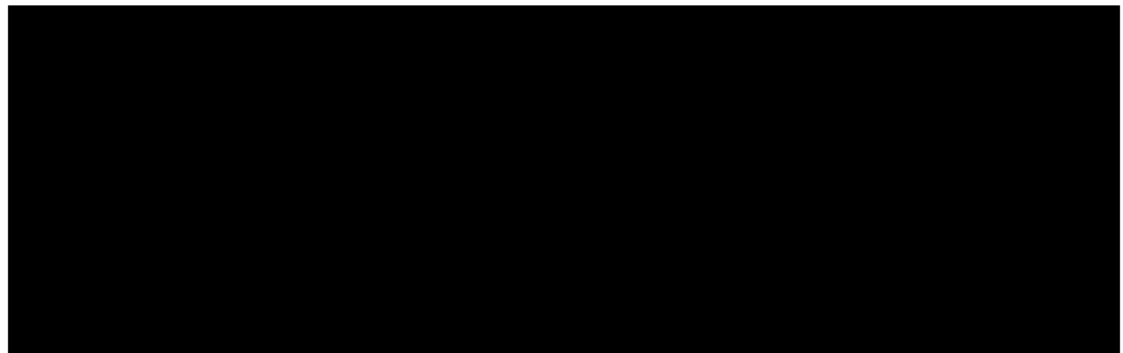
20100707

Open  
UNDERCOVER CONTACT  
I

1023809



20100707



1023867  
785115-10-0004



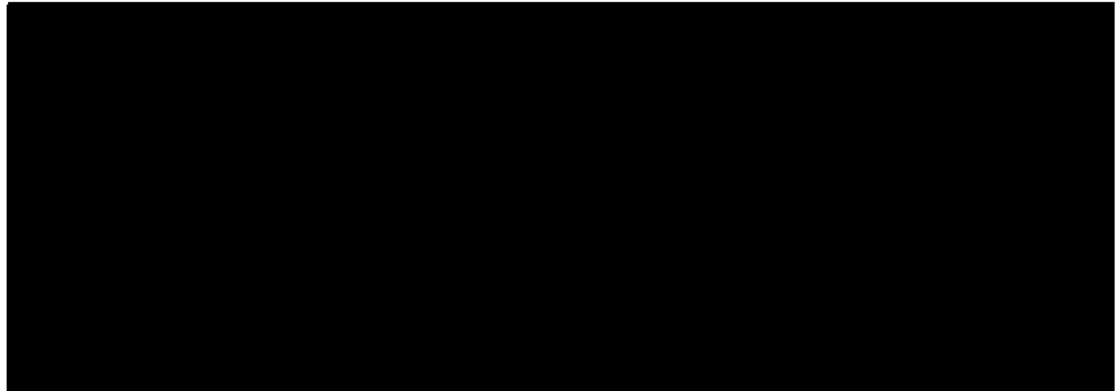
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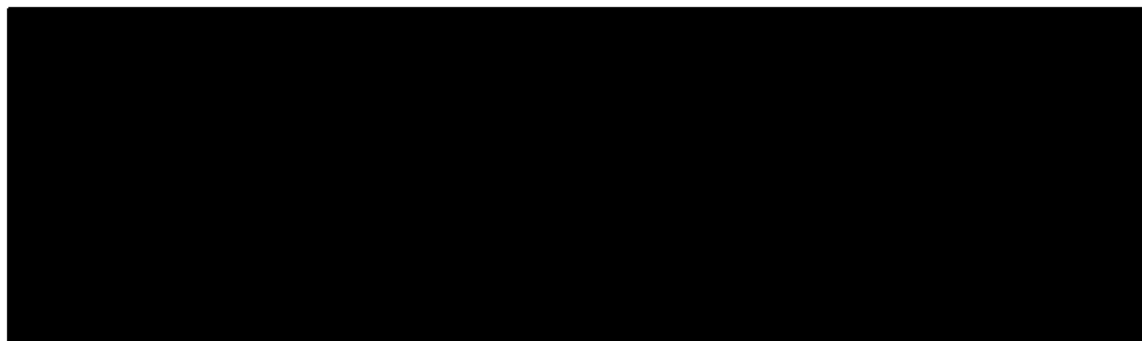
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OTHER (NON-EXPLOSIVE/FIRE)  
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1023867



20100712

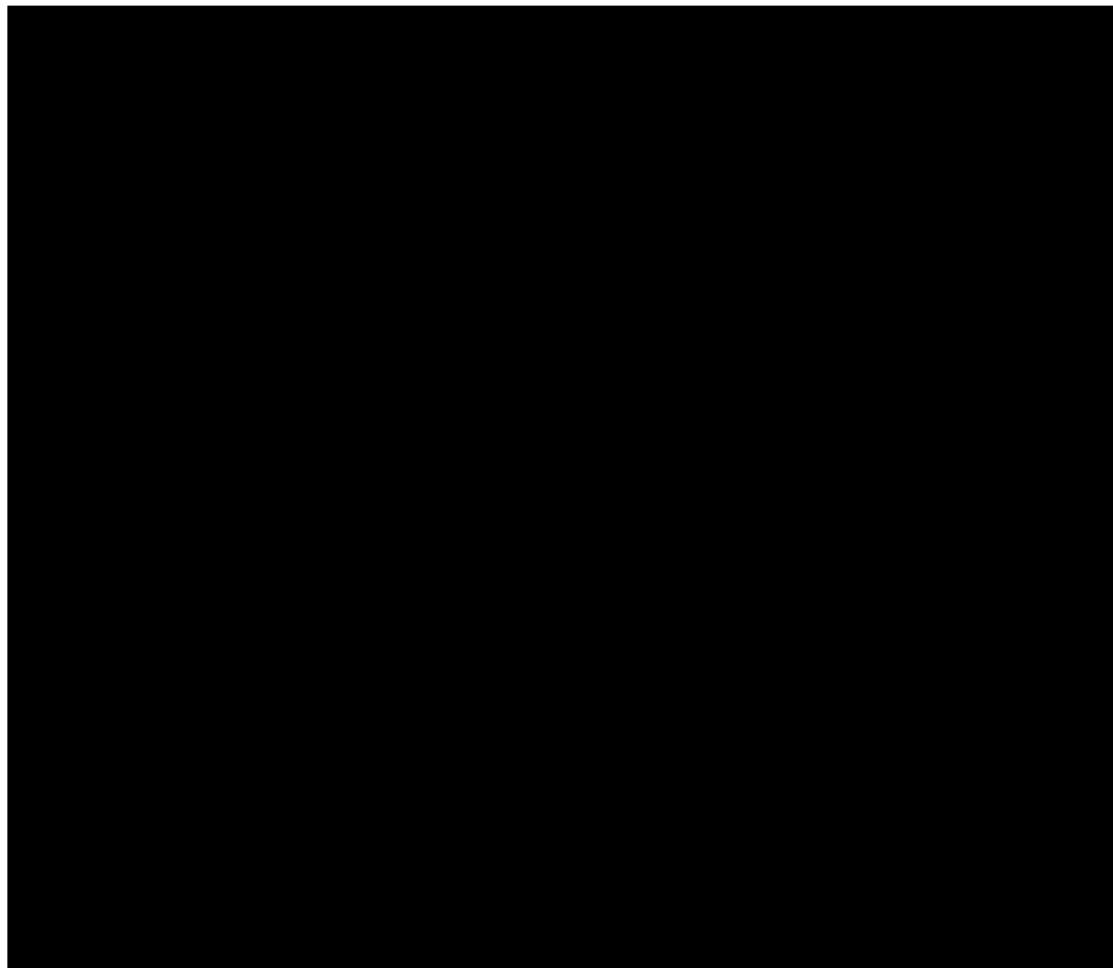




1024199  
785115-10-0004  
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20100712  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1024199

[Redacted]  
20100712





1024213

785115-10-0004



20100712

Open

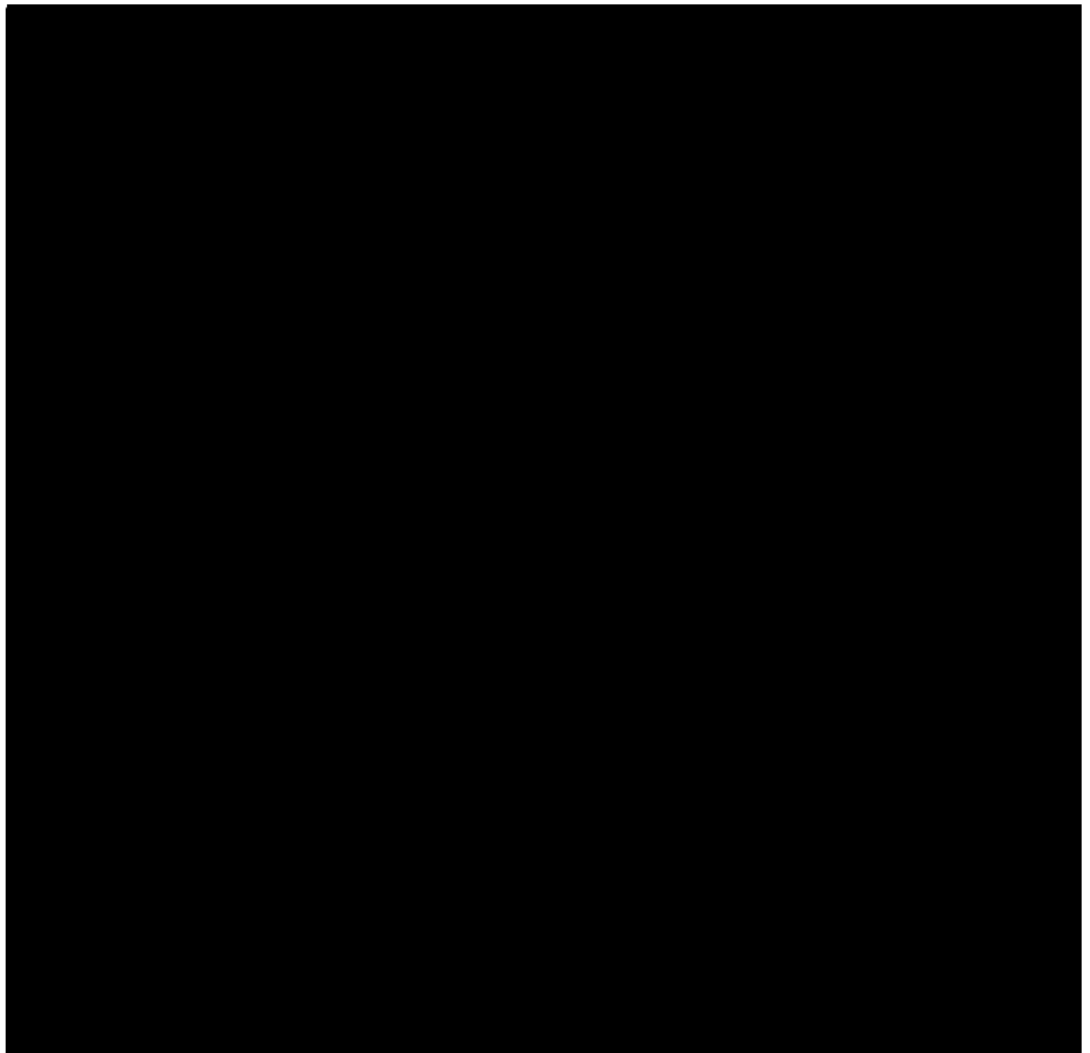
OTHER (NON-EXPLOSIVE/FIRE)

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1024213



20100712



1024507

785115-10-0004

[REDACTED]

20100708

Open

SURVEILLANCE

I

1024507

[REDACTED]

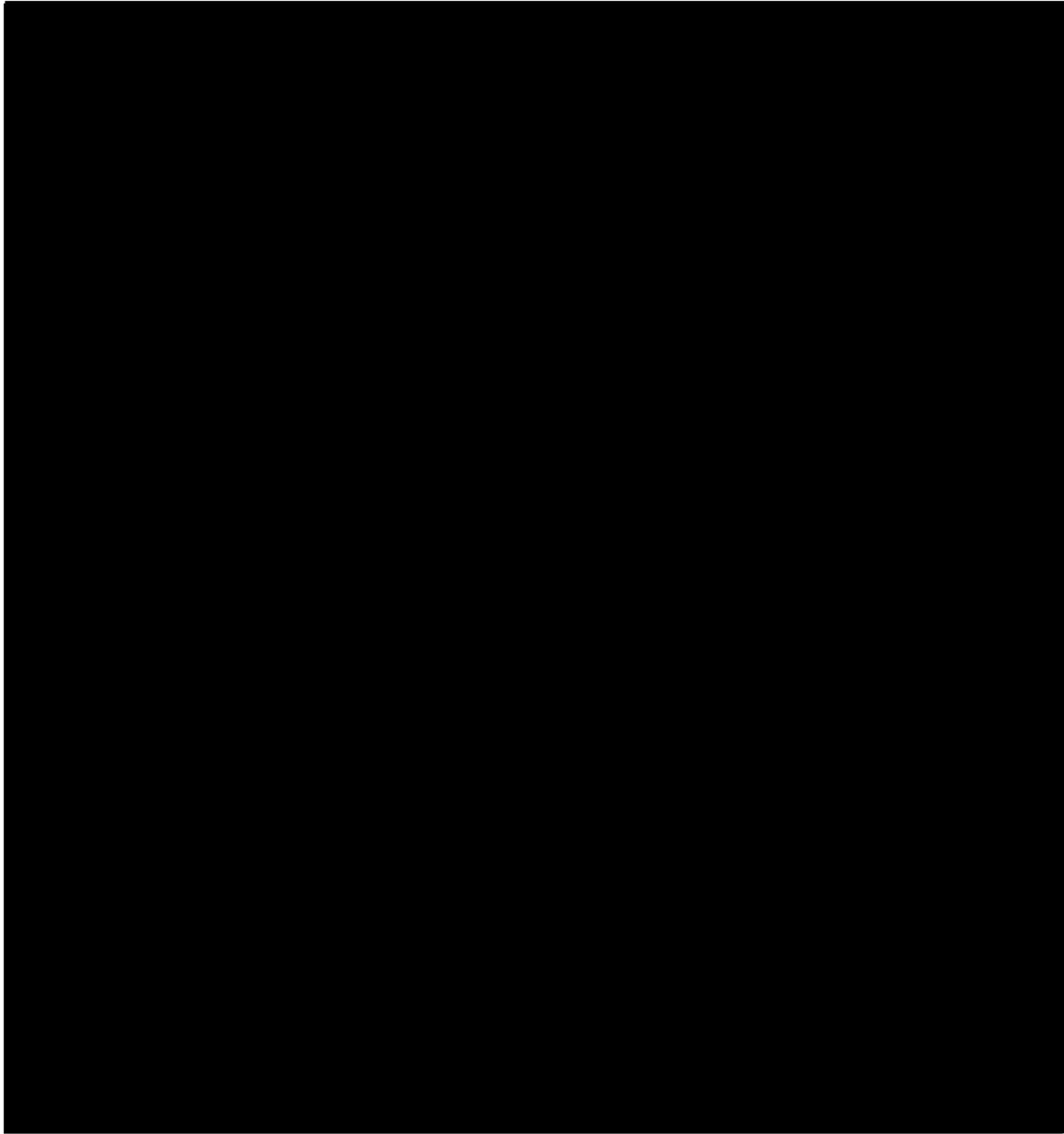
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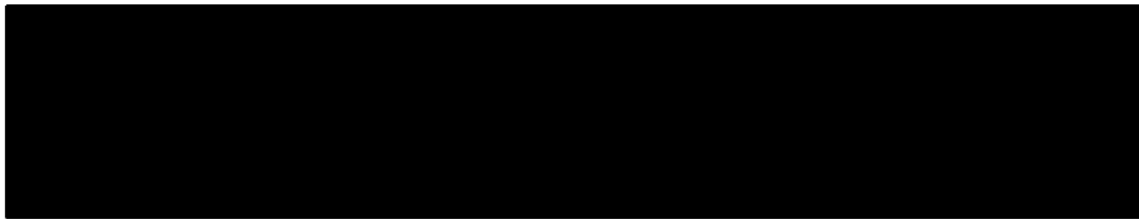
[REDACTED]

[REDACTED] (AKB3707)  
while in the parking lot of the restaurant. The investigation is ongoing and will continue.  
I

1024523  
785115-10-0004  
[REDACTED]  
20100713  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1024523  
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20100713





1024772

785115-10-0004



20100714

Open

SURVEILLANCE

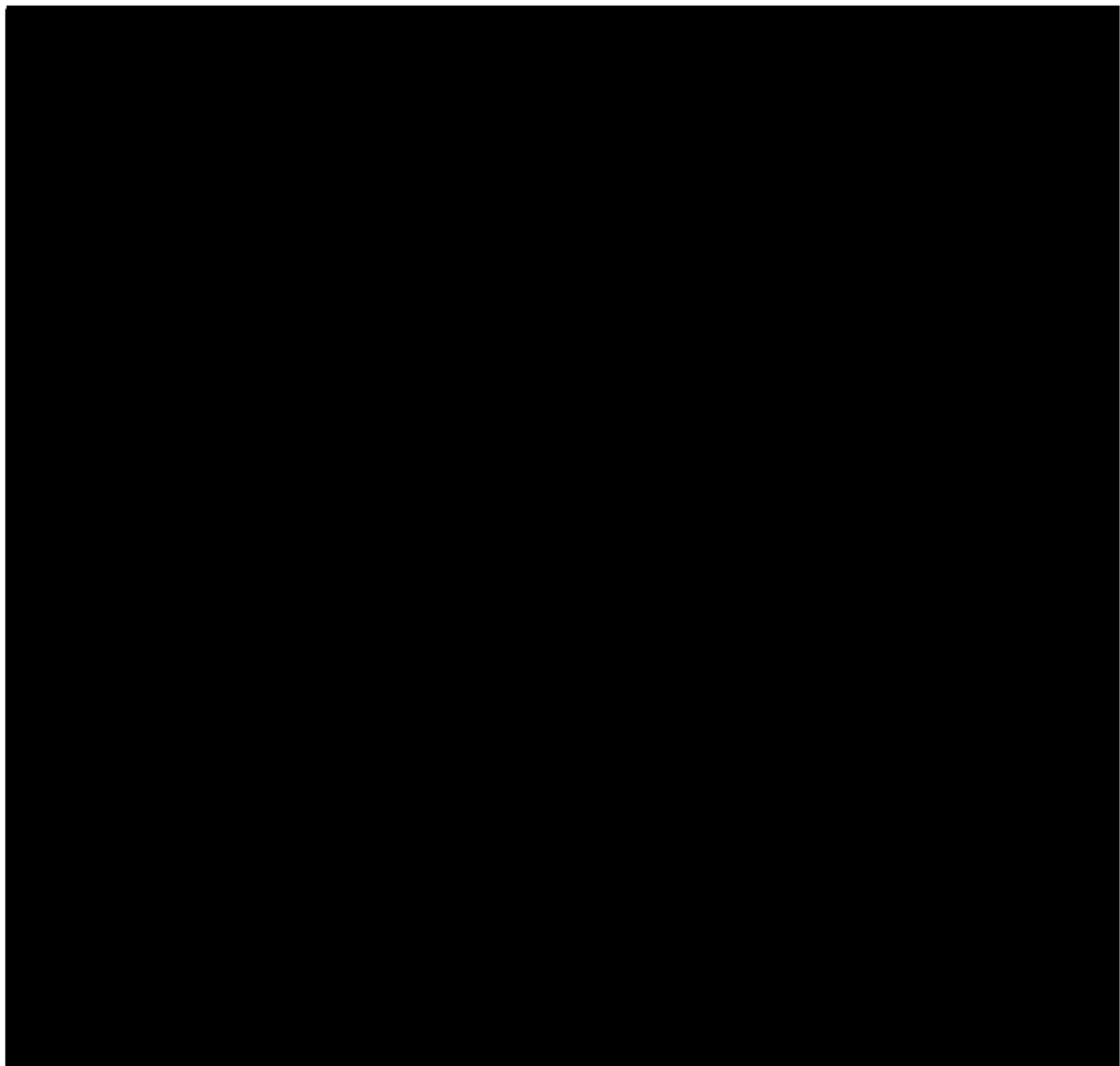
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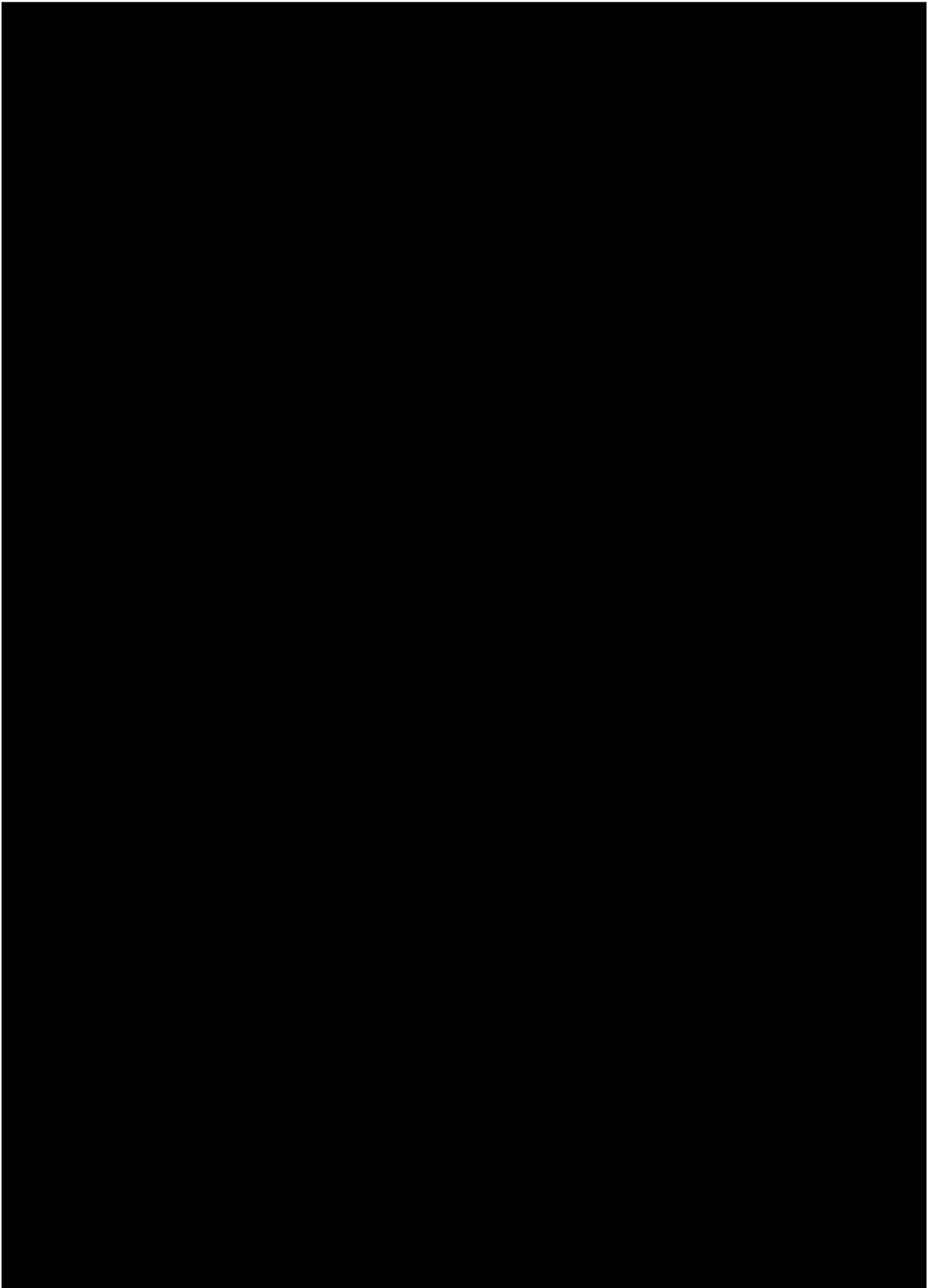
1024772



7/6/2010

20100714





1024912

785115-10-0004

[REDACTED]

20100714

Open

SURVEILLANCE

1

1024912

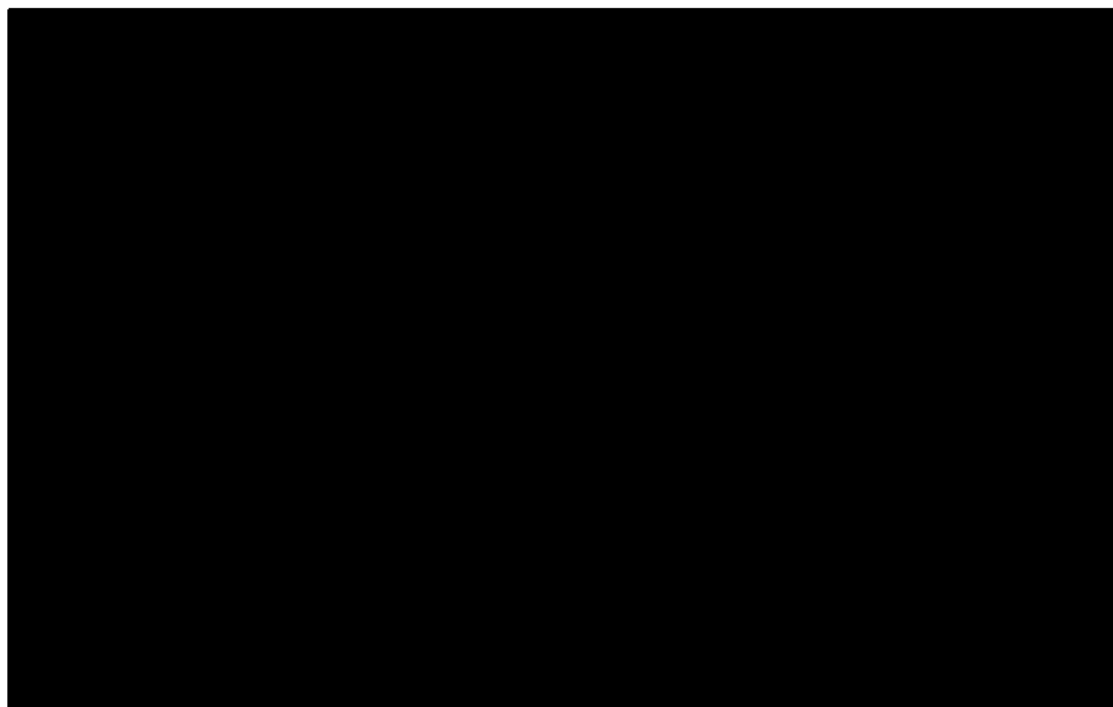
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PONCE,7/8/10

20100714

[REDACTED]





1025031

785115-10-0004



20100714

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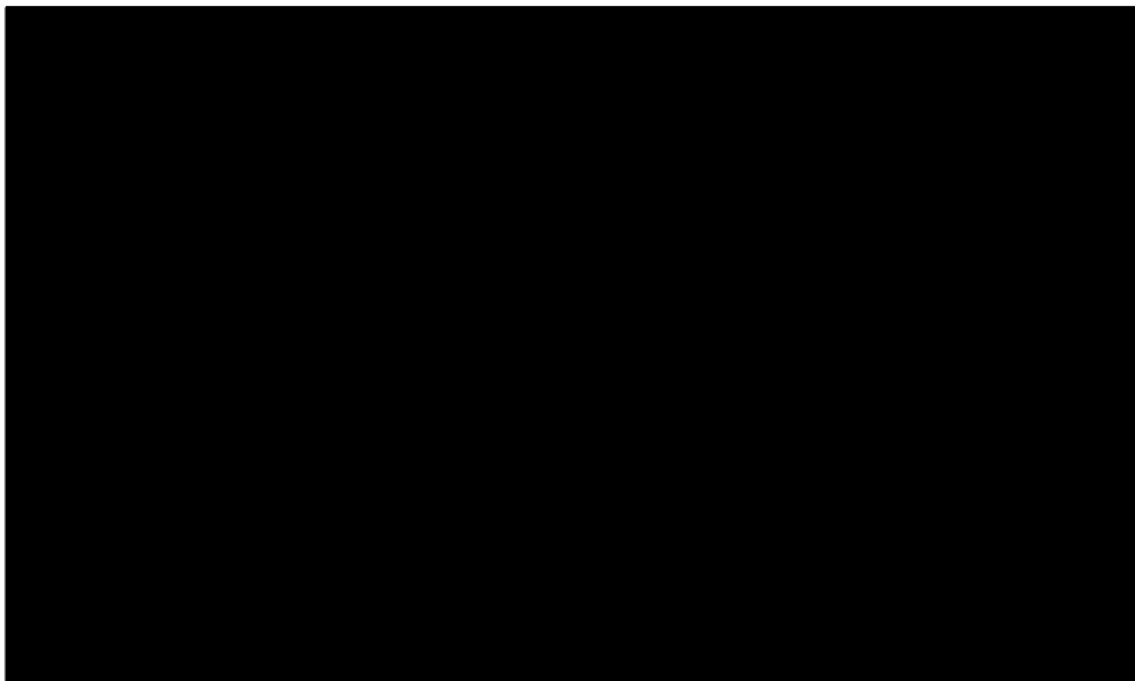
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1025031



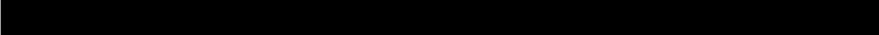
20100714





1025903

785115-10-0004



20100719

Open

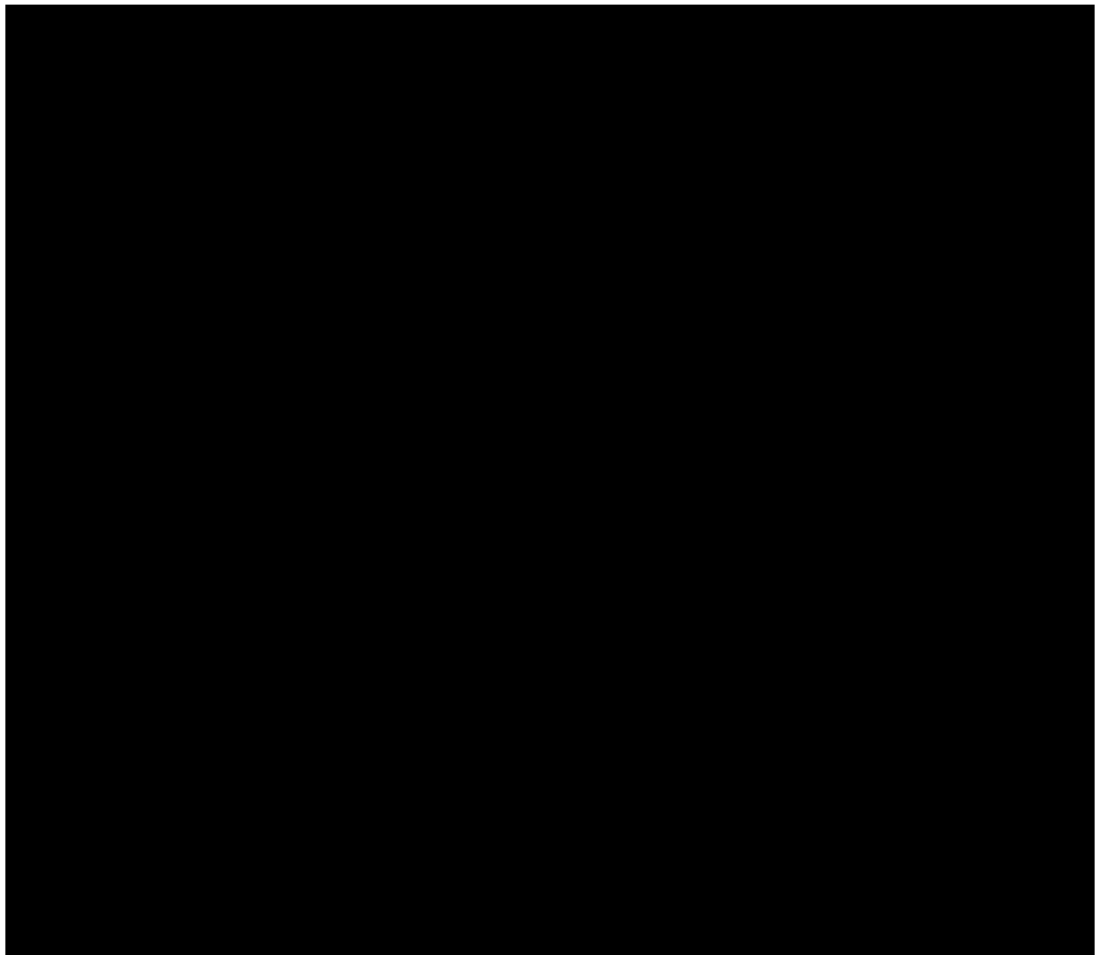
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I

1025903



20100719



1026216

785115-10-0004

[REDACTED]

20100718

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OTHER (NON-EXPLOSIVE/FIRE)

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1026216

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20100718

[REDACTED]

1026891

785115-10-0004

[REDACTED]

20100721

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OTHER (NON-EXPLOSIVE/FIRE)

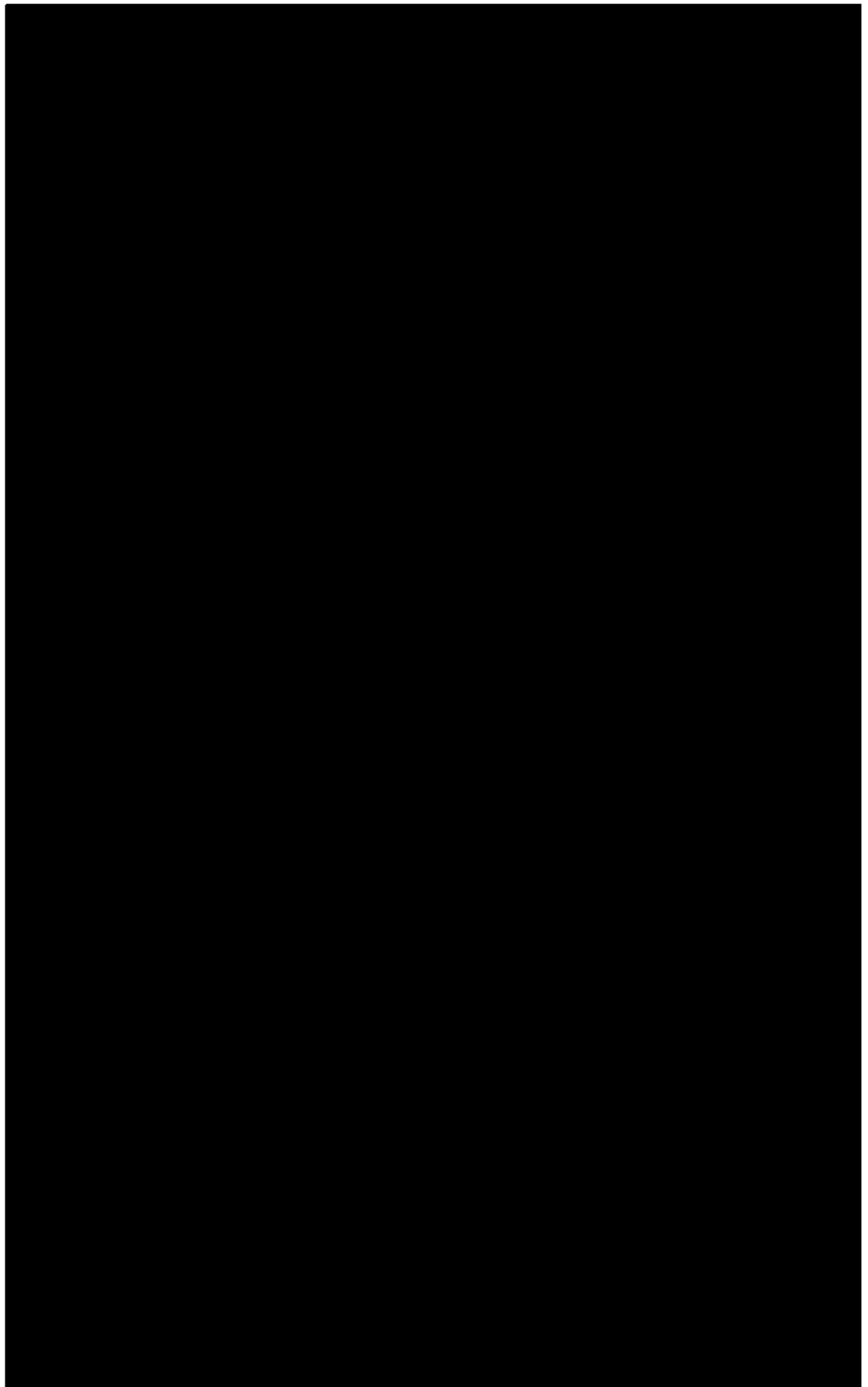
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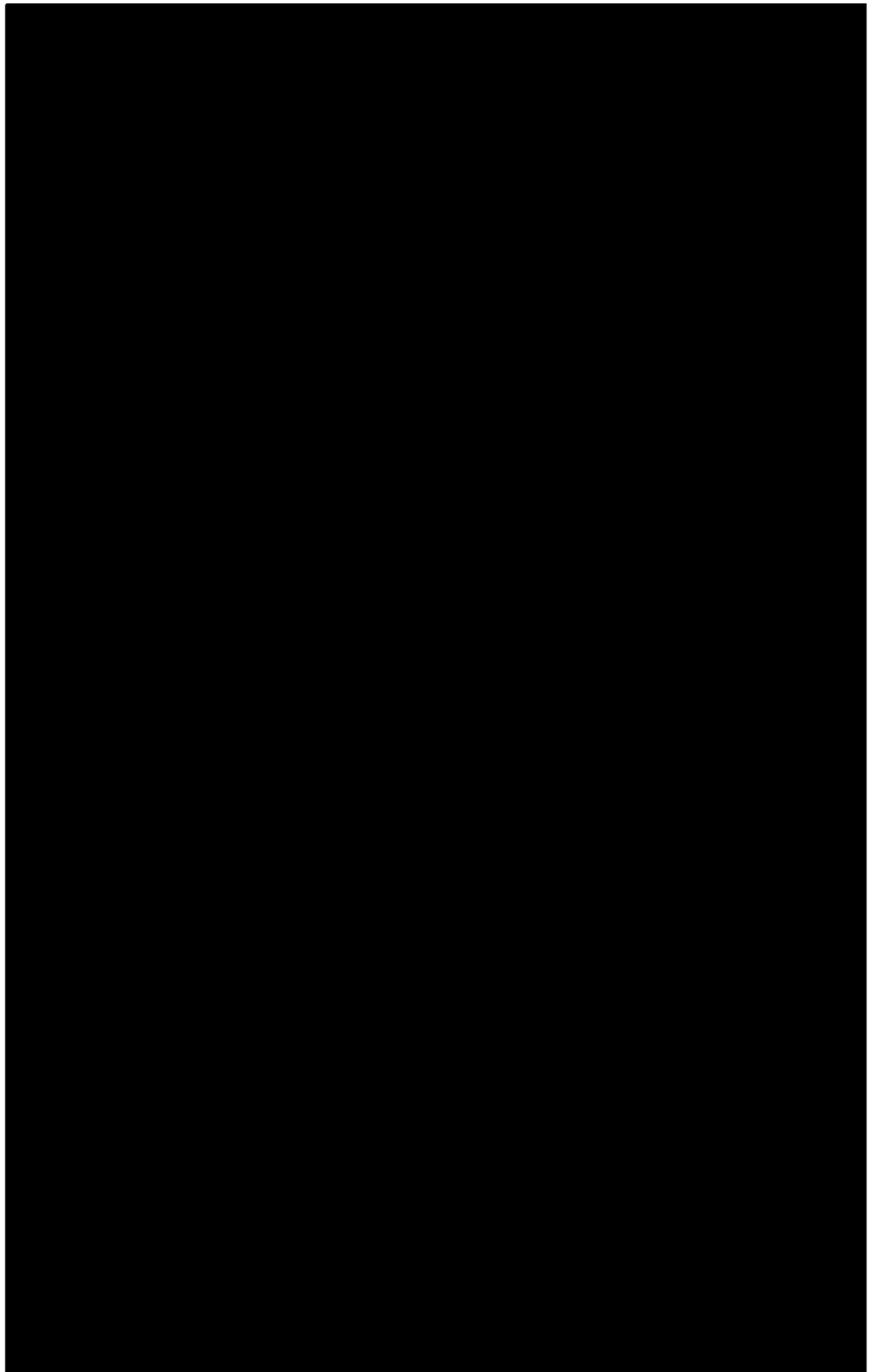
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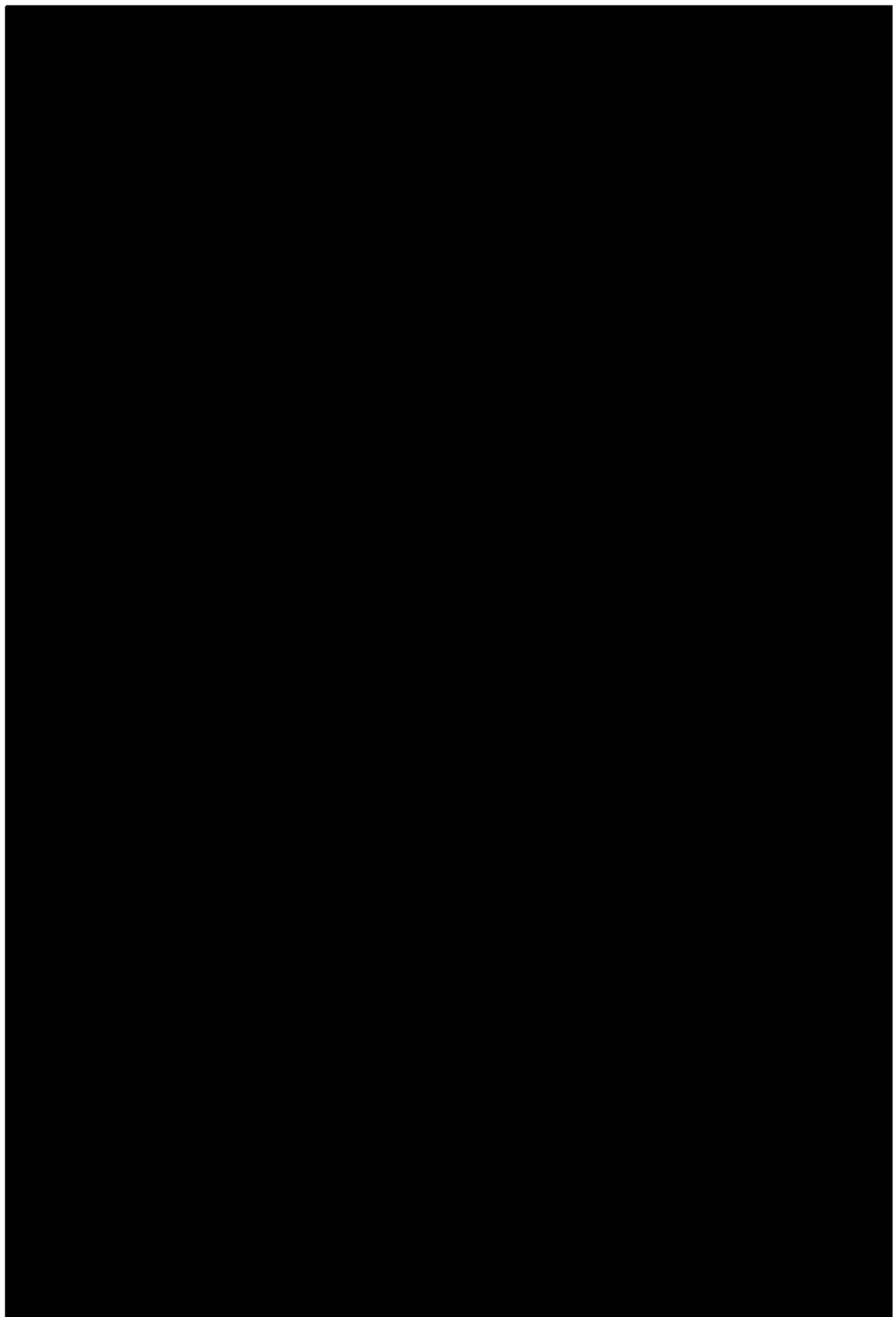
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20100721

[REDACTED]

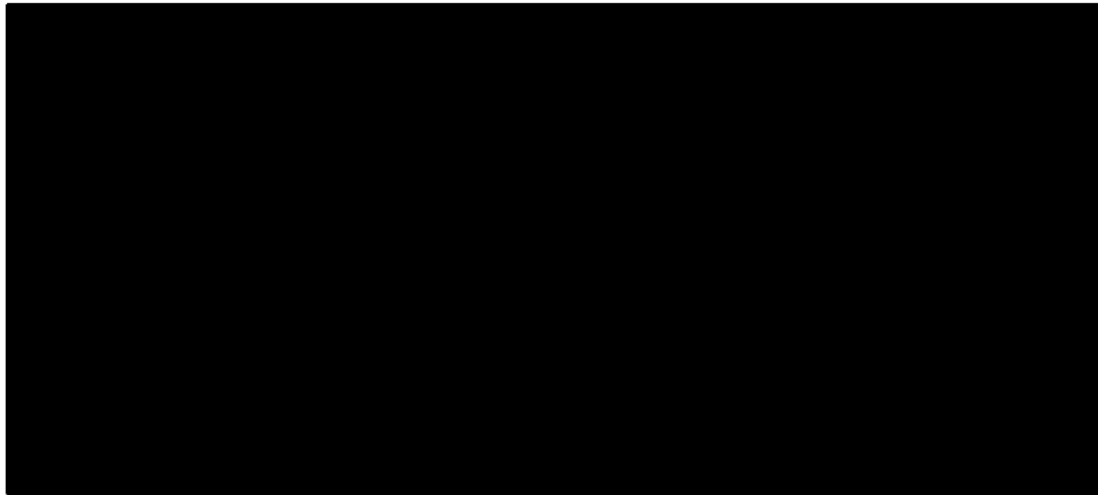






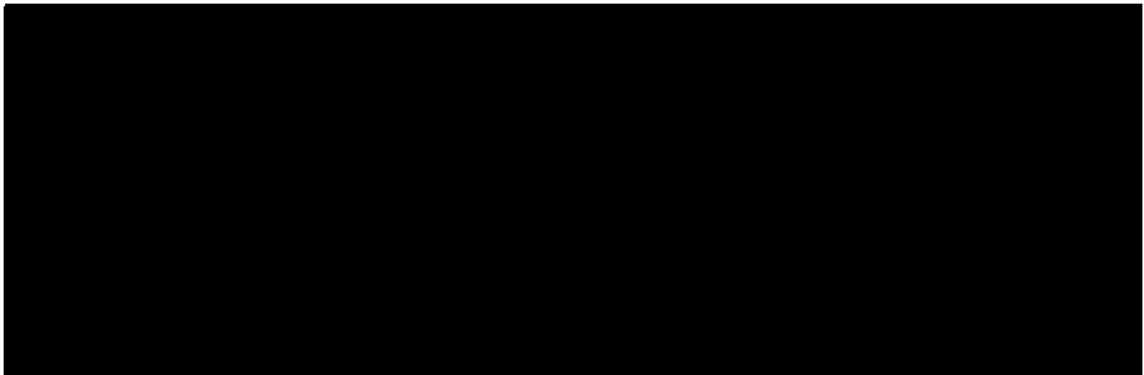
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785115-10-0004  
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UNDERCOVER CONTACT  
1

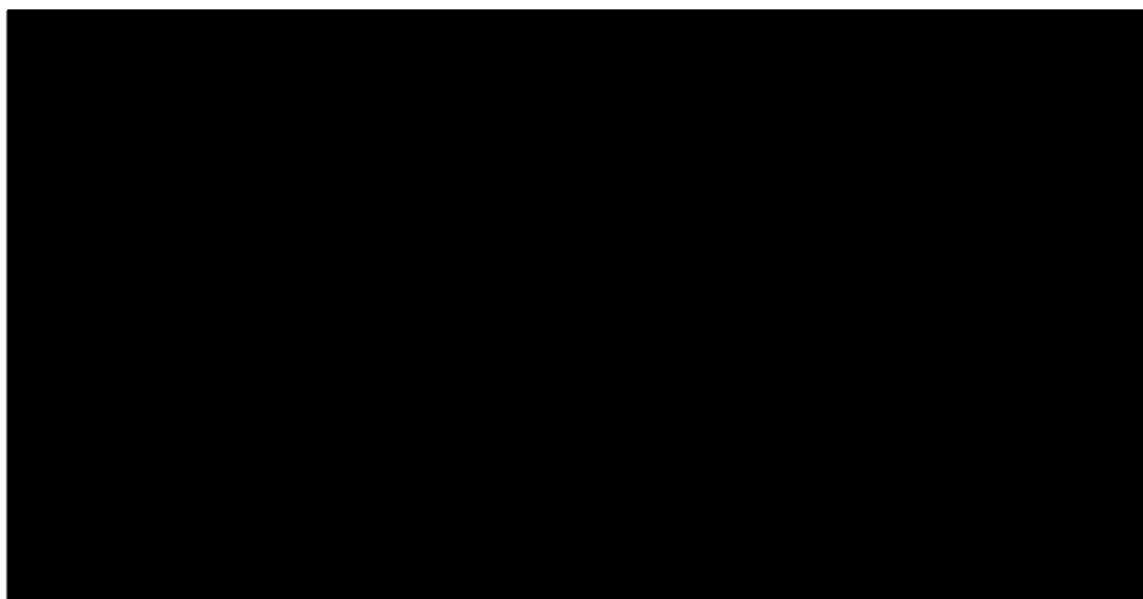
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20100721



1026974  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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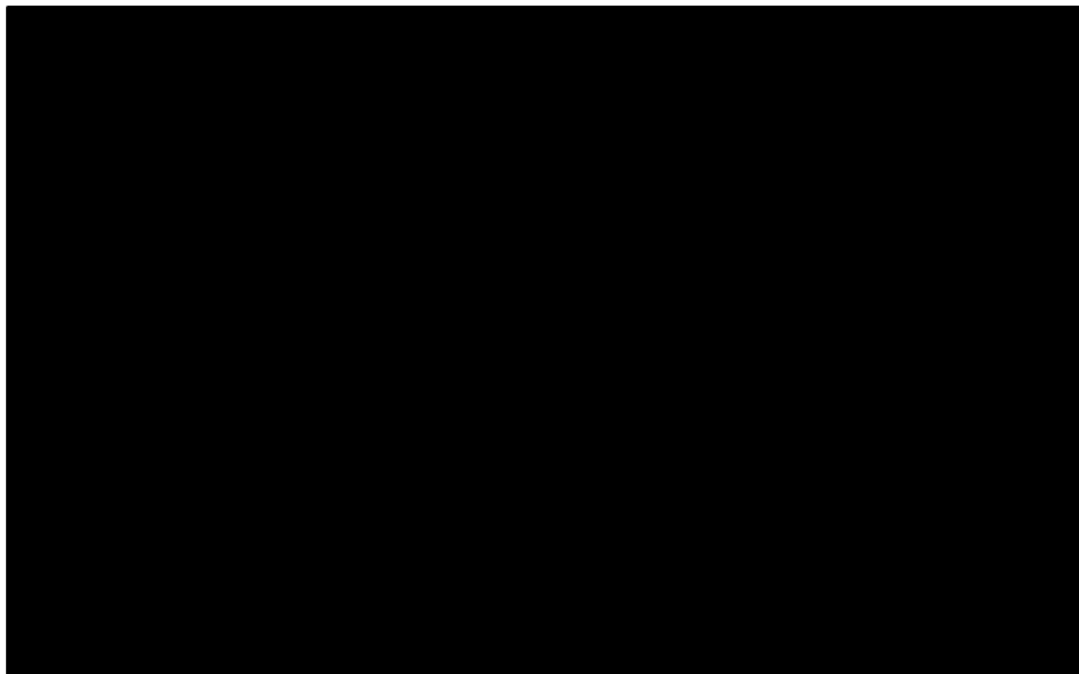
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1027362  
785115-10-0004  
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UNDERCOVER CONTACT  
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1027362  
[REDACTED]  
20100722





1027365

785115-10-0004

[REDACTED]

20100722

Open

OTHER (NON-EXPLOSIVE/FIRE)

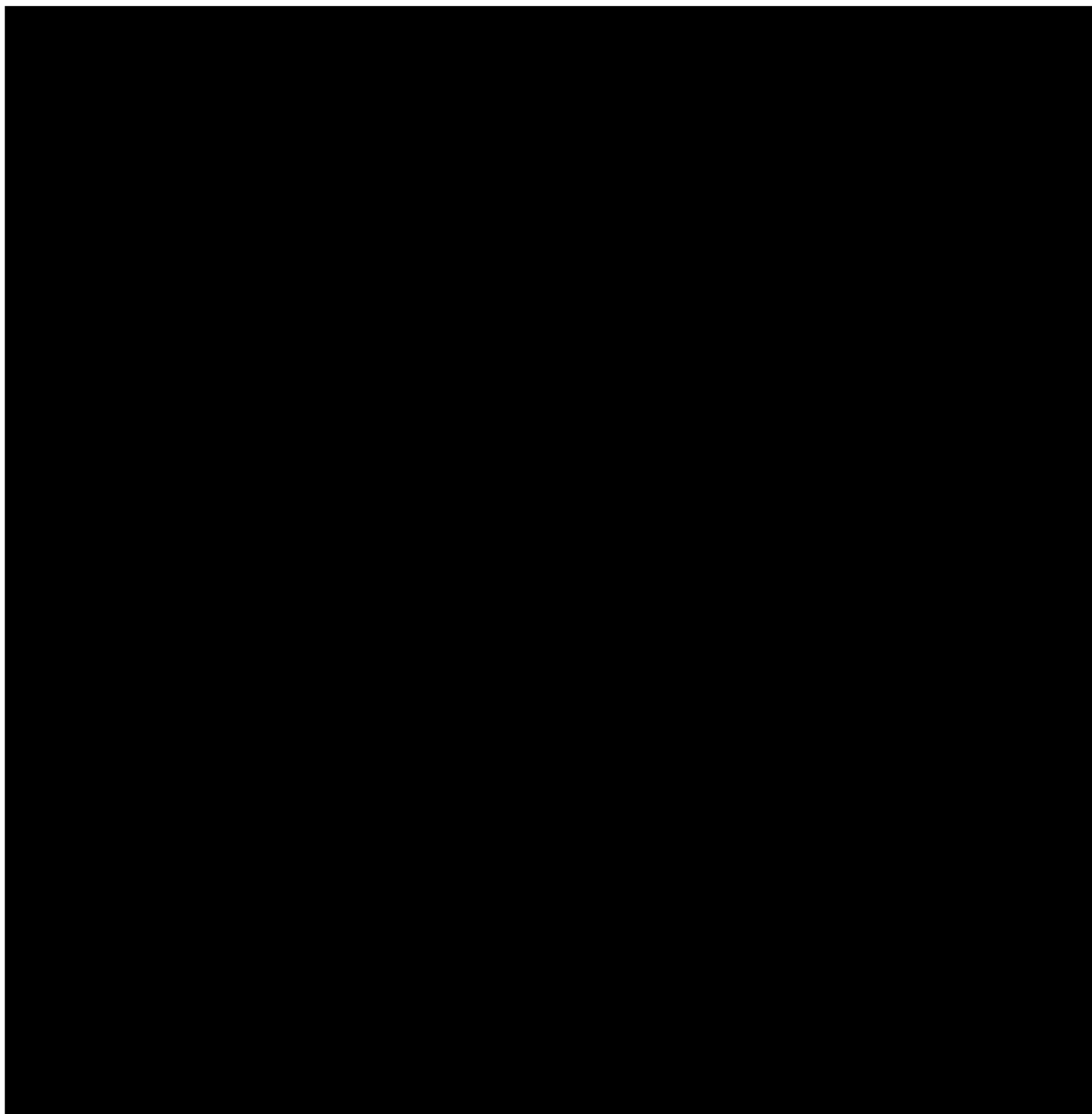
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20100722

[REDACTED]



1028885

785115-10-0004



20100726

Open

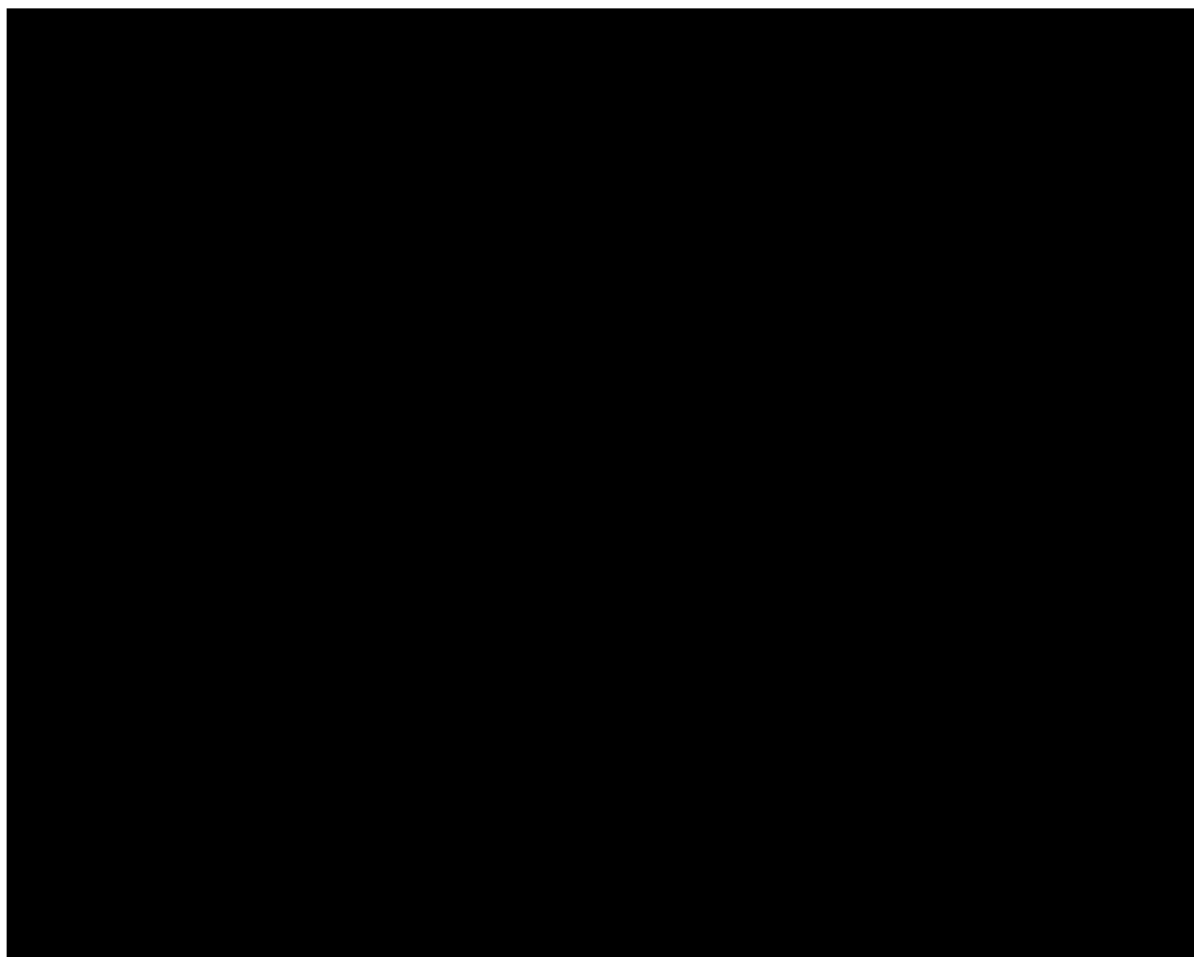
UNDERCOVER CONTACT

I

1028885

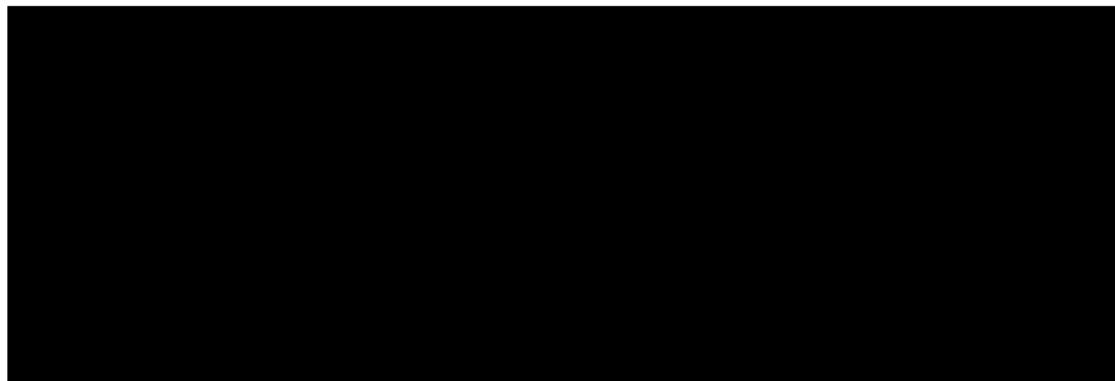


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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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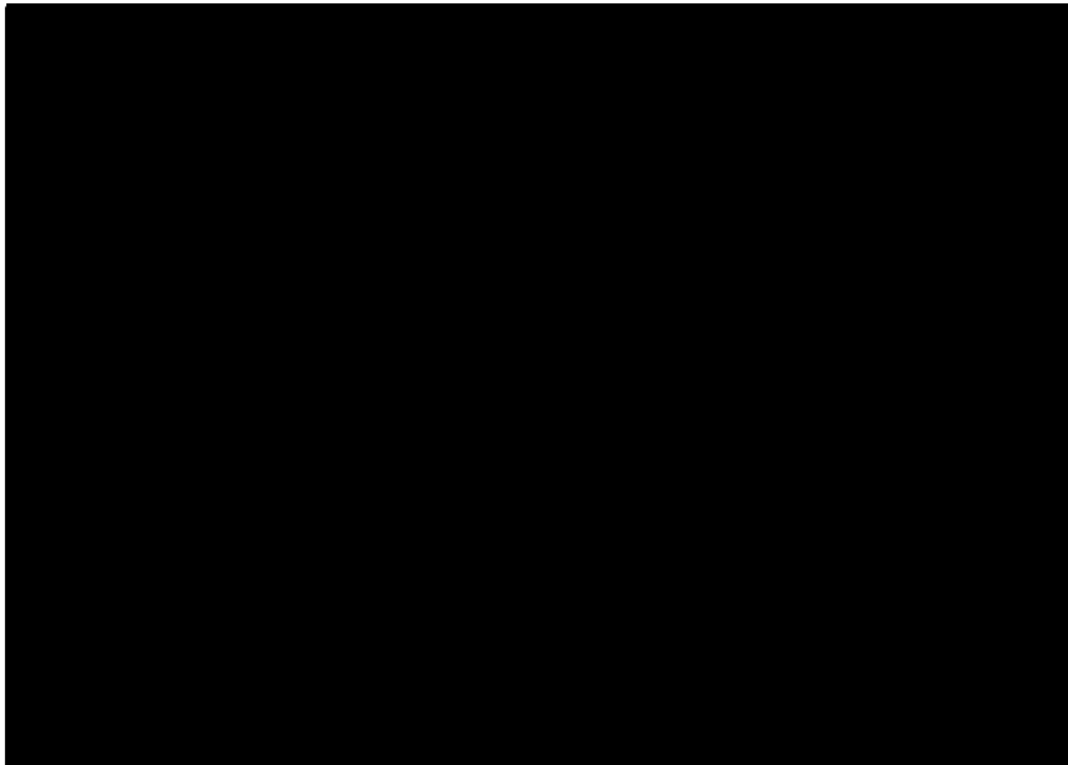




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785115-10-0004  
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1029447

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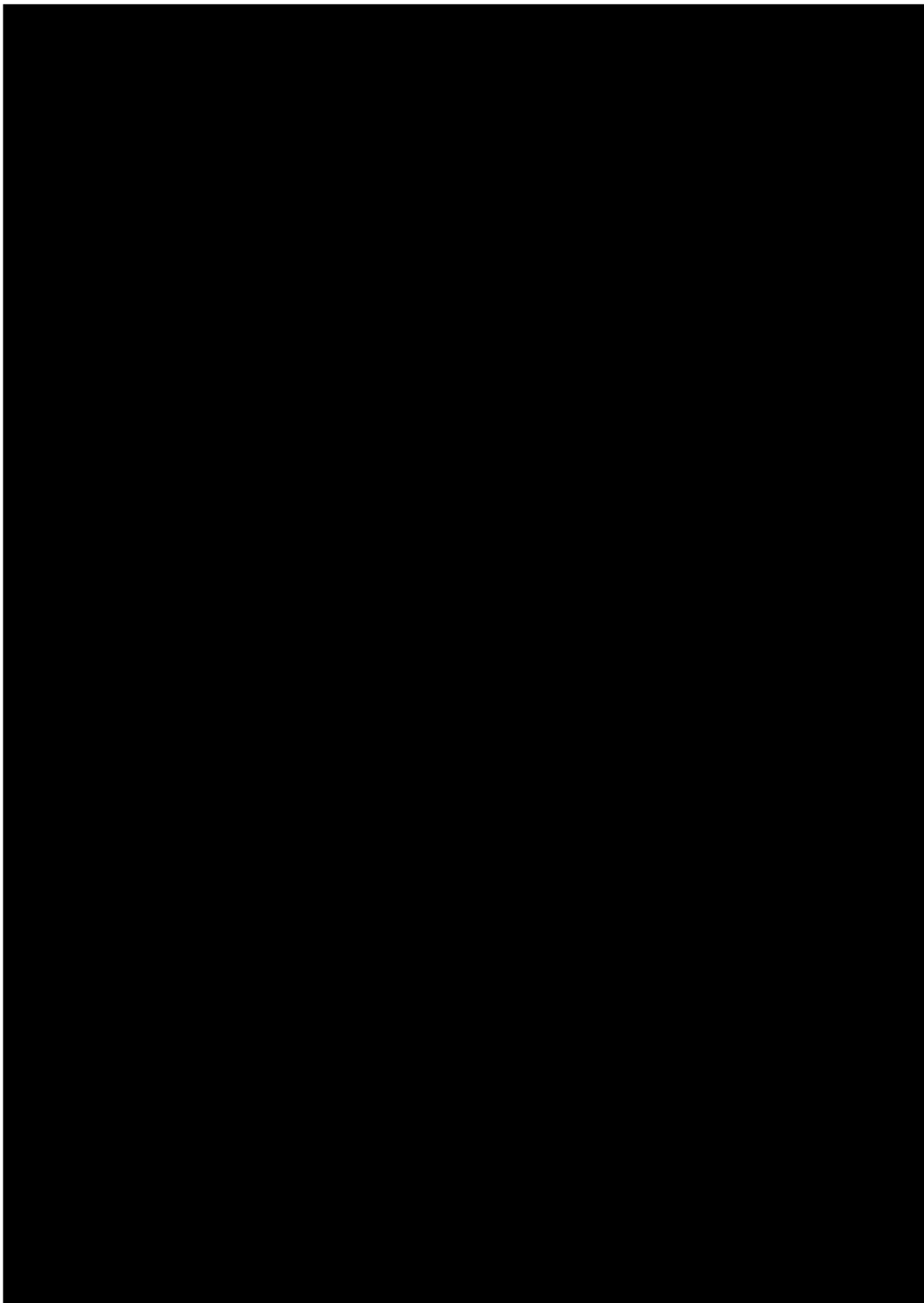


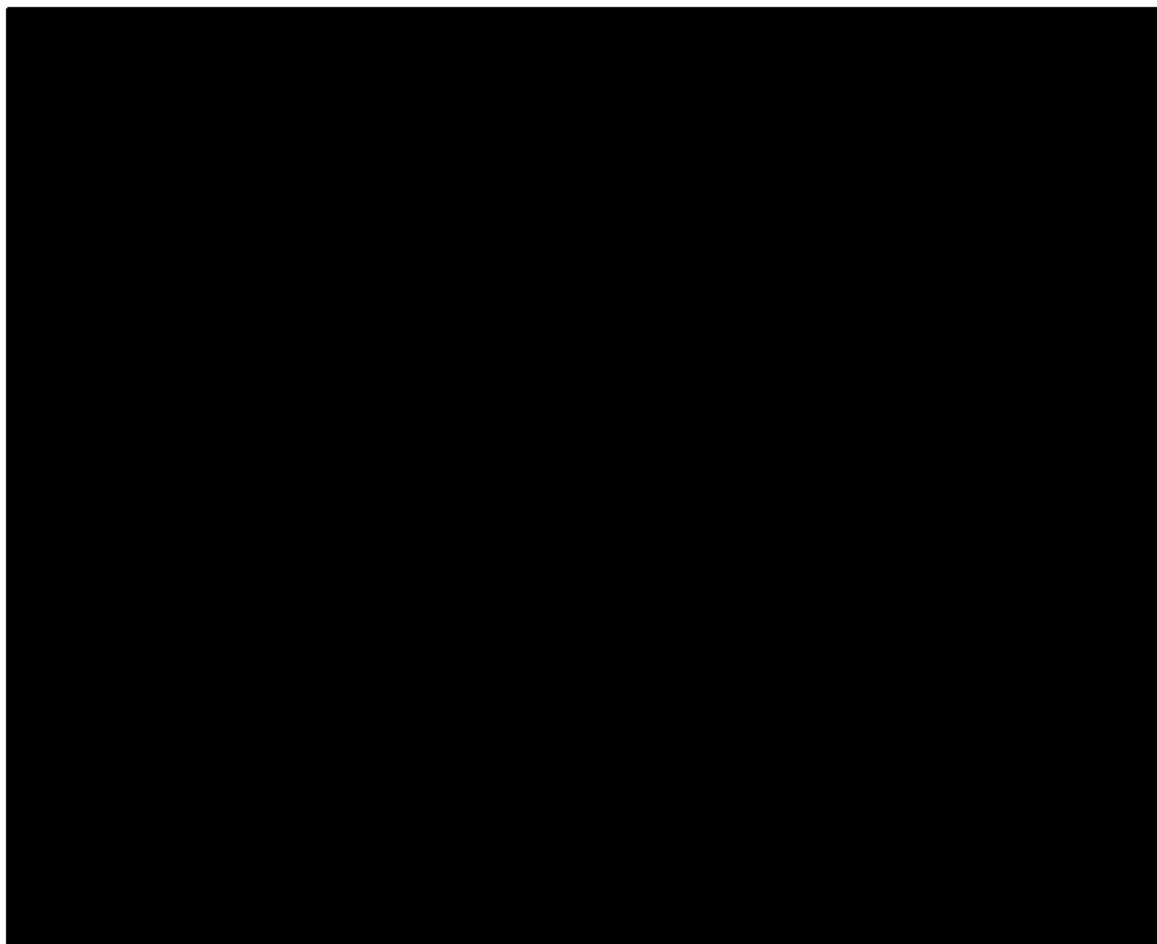
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785115-10-0004  
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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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1029457

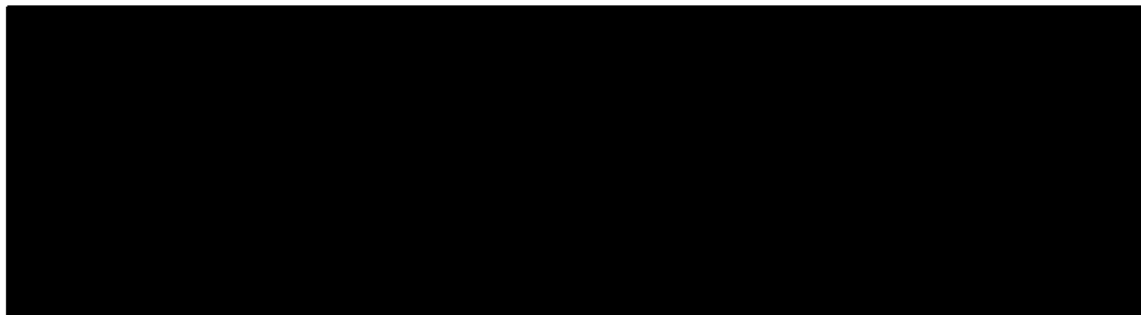
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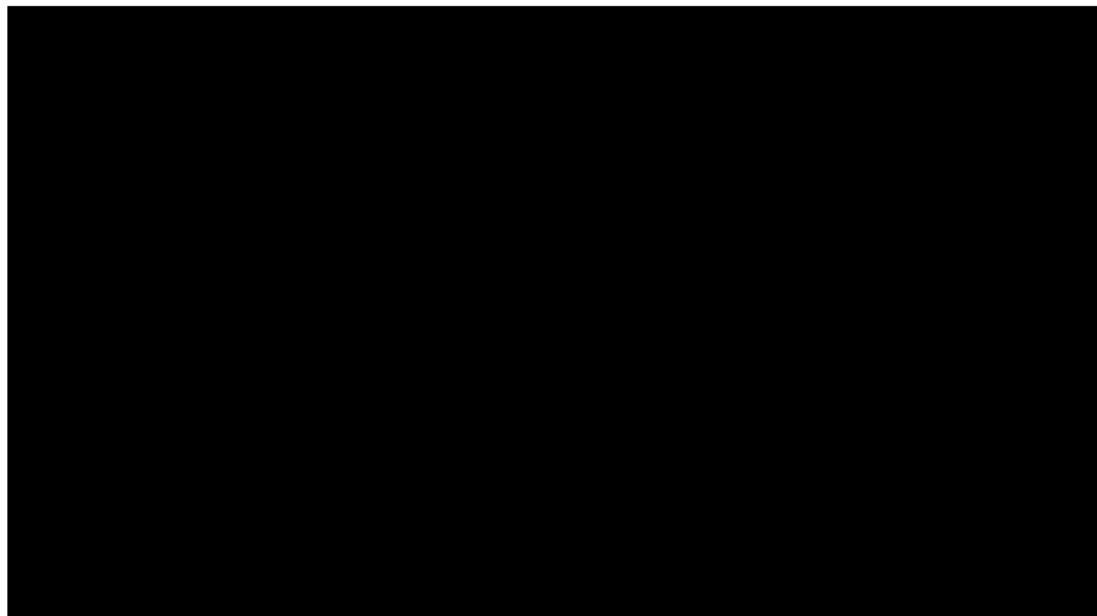




1029766  
785115-10-0004  
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20100730  
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OTHER (NON-EXPLOSIVE/FIRE)  
I

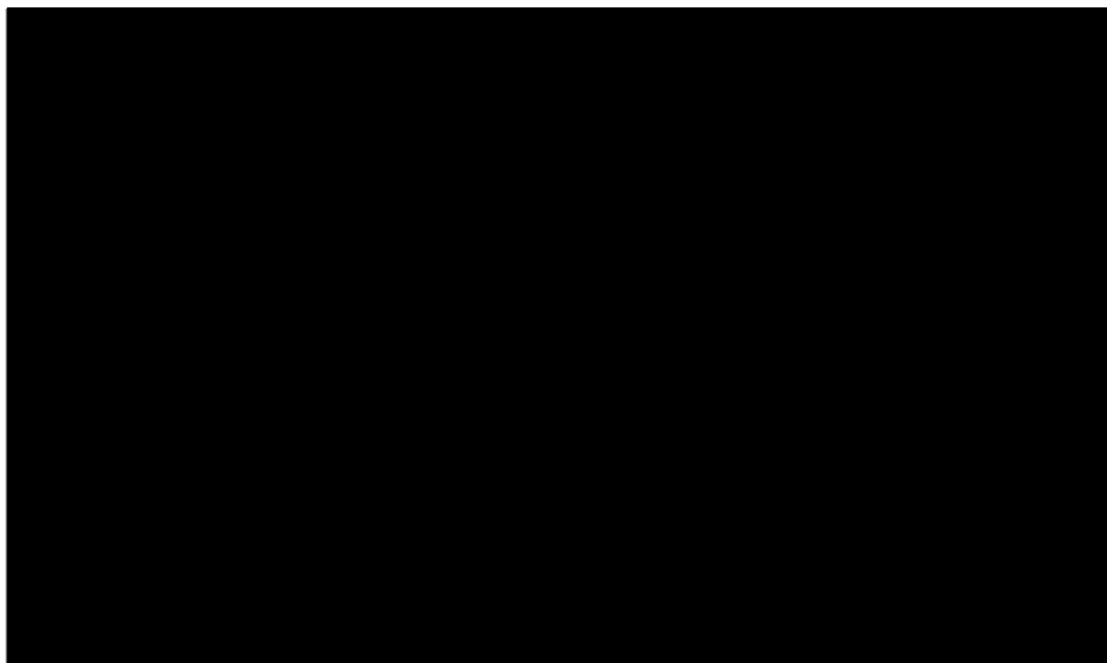
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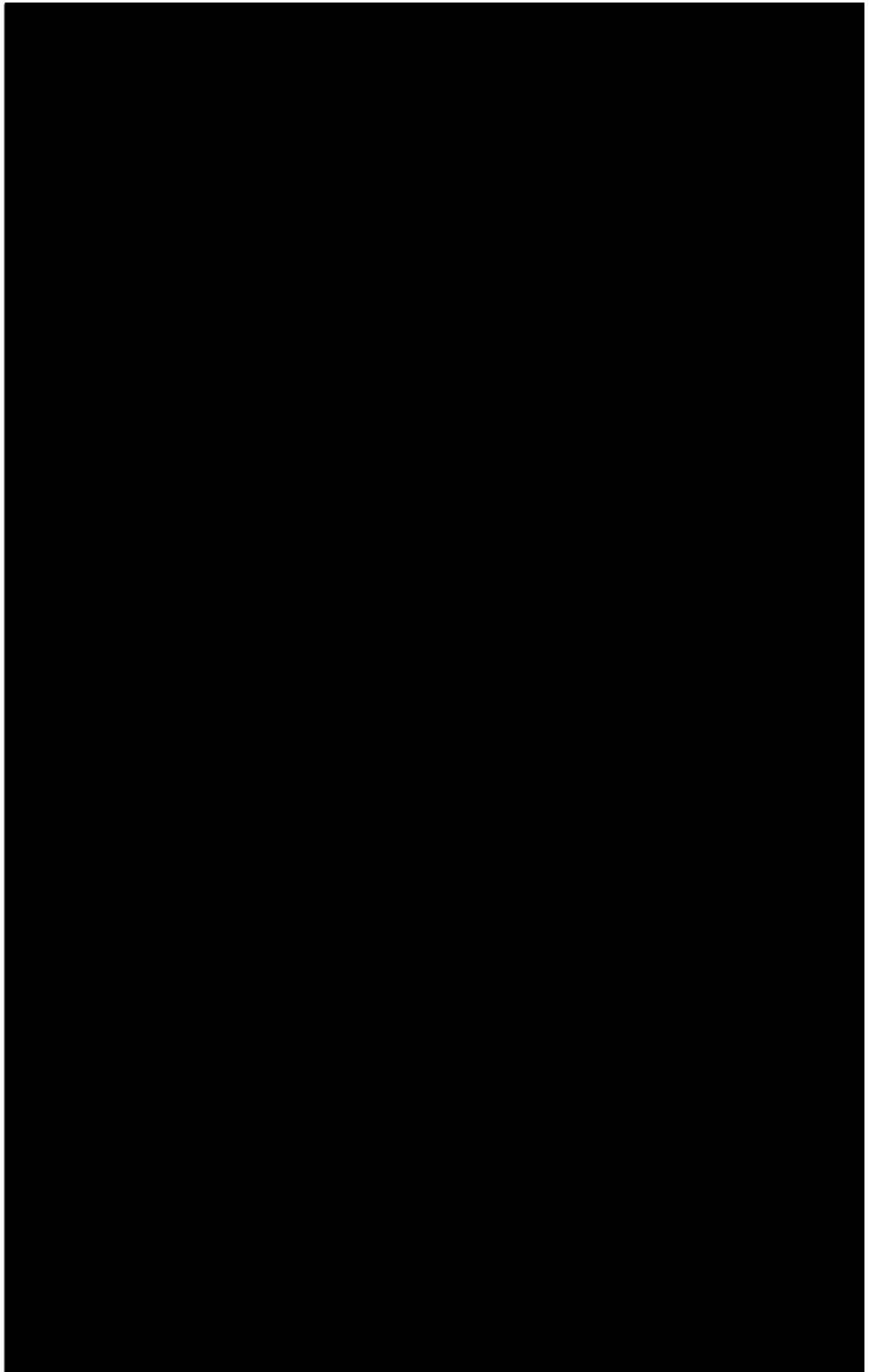




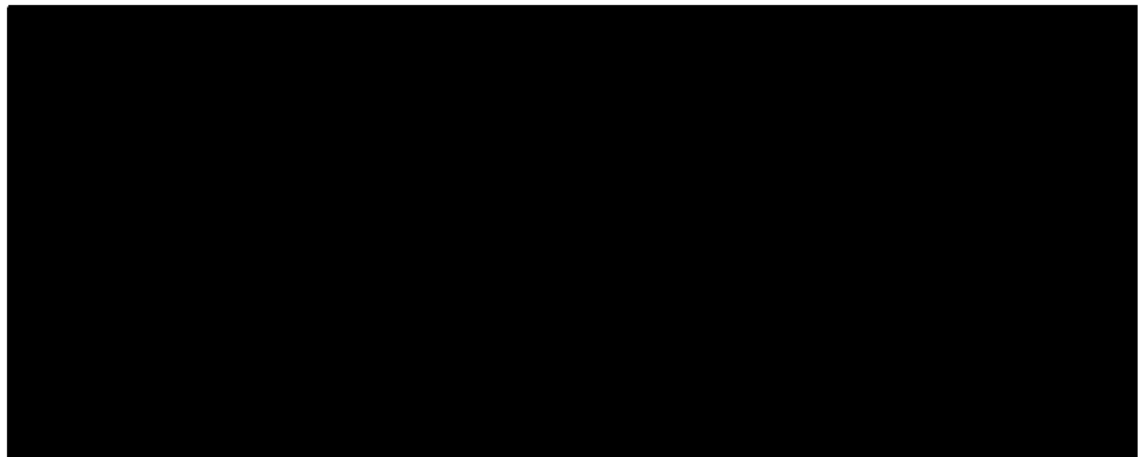
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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1029823  
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20100730









1030826

785115-10-0004



20100803

Open

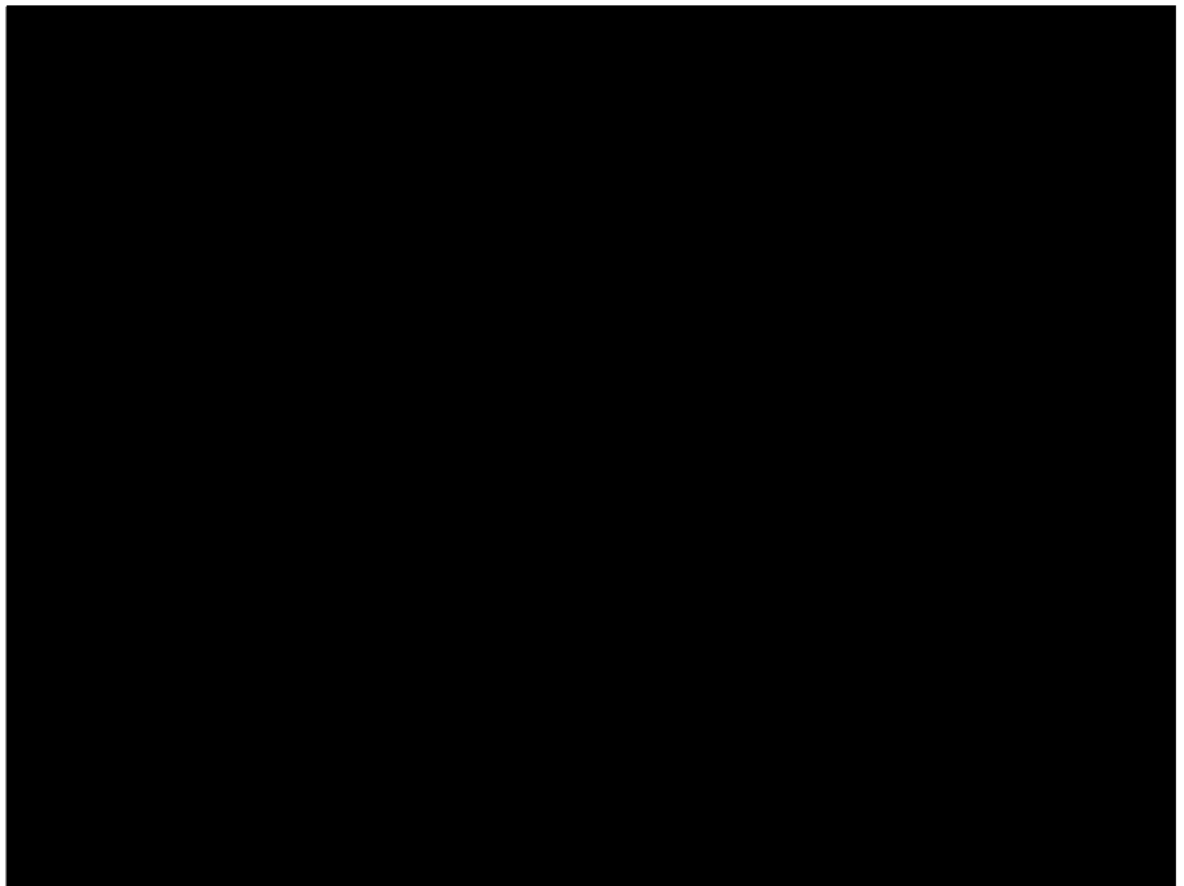
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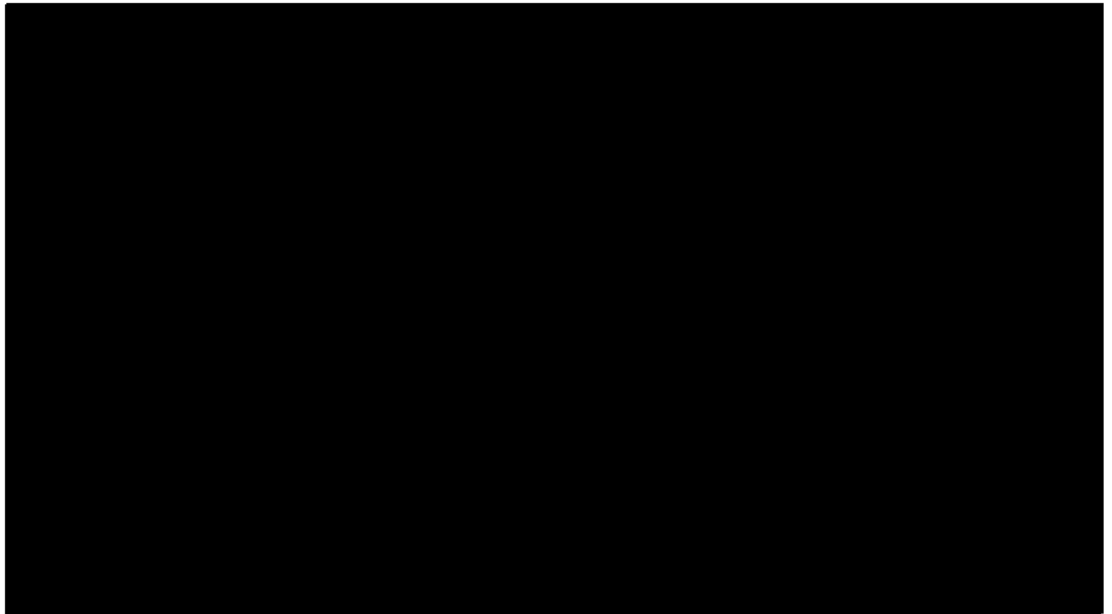
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1030826



20100803

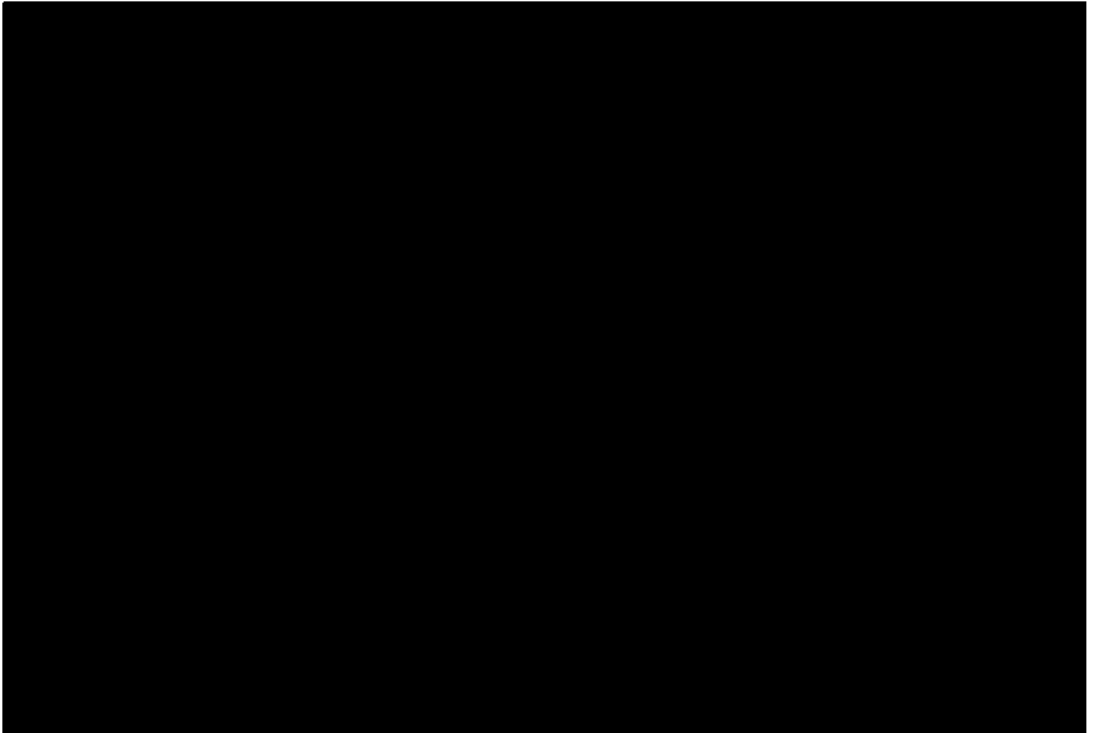




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785115-10-0004  
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1031525

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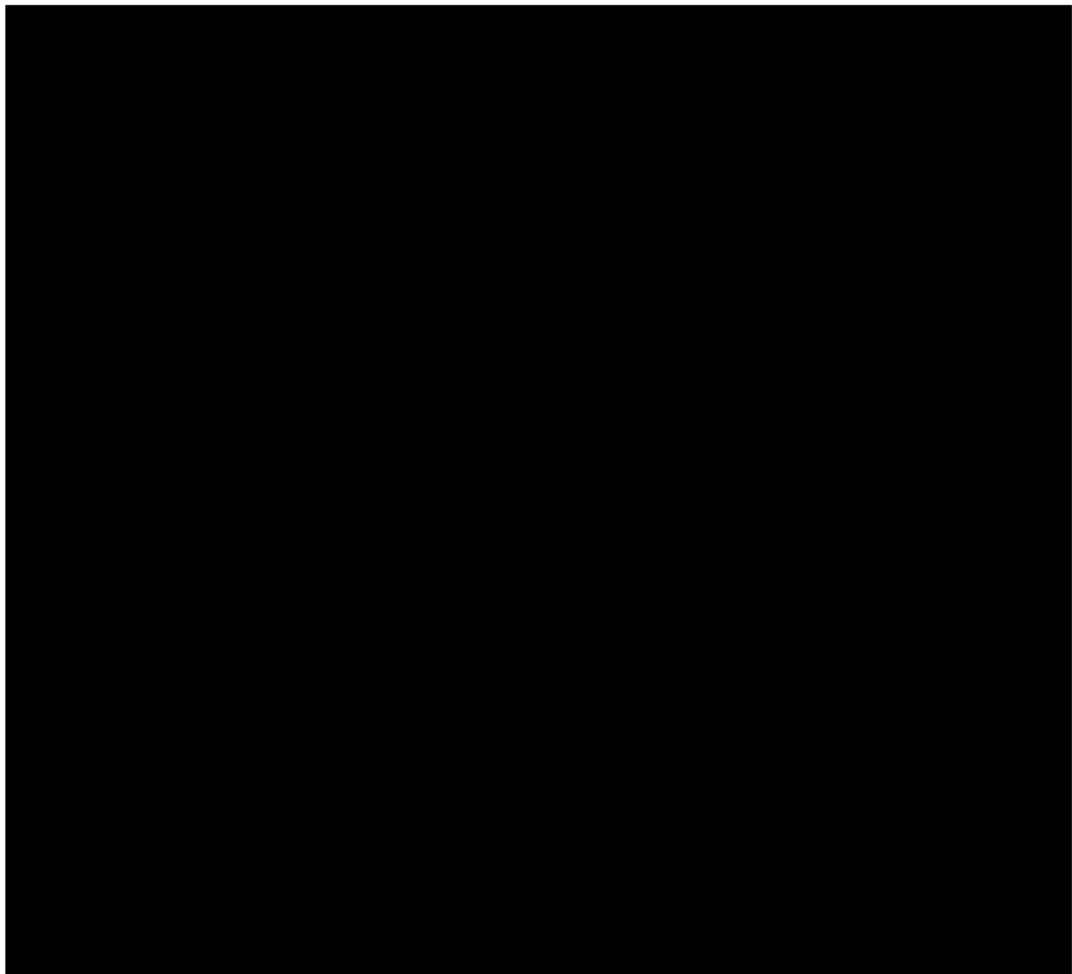




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OTHER (NON-EXPLOSIVE/FIRE)  
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1031532

[Redacted]  
20100805



1031536  
785115-10-0004

[REDACTED]

20100805  
Open  
SURVEILLANCE  
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1031536

[REDACTED]

20100805

[REDACTED]

1031893  
785115-10-0004

[REDACTED]

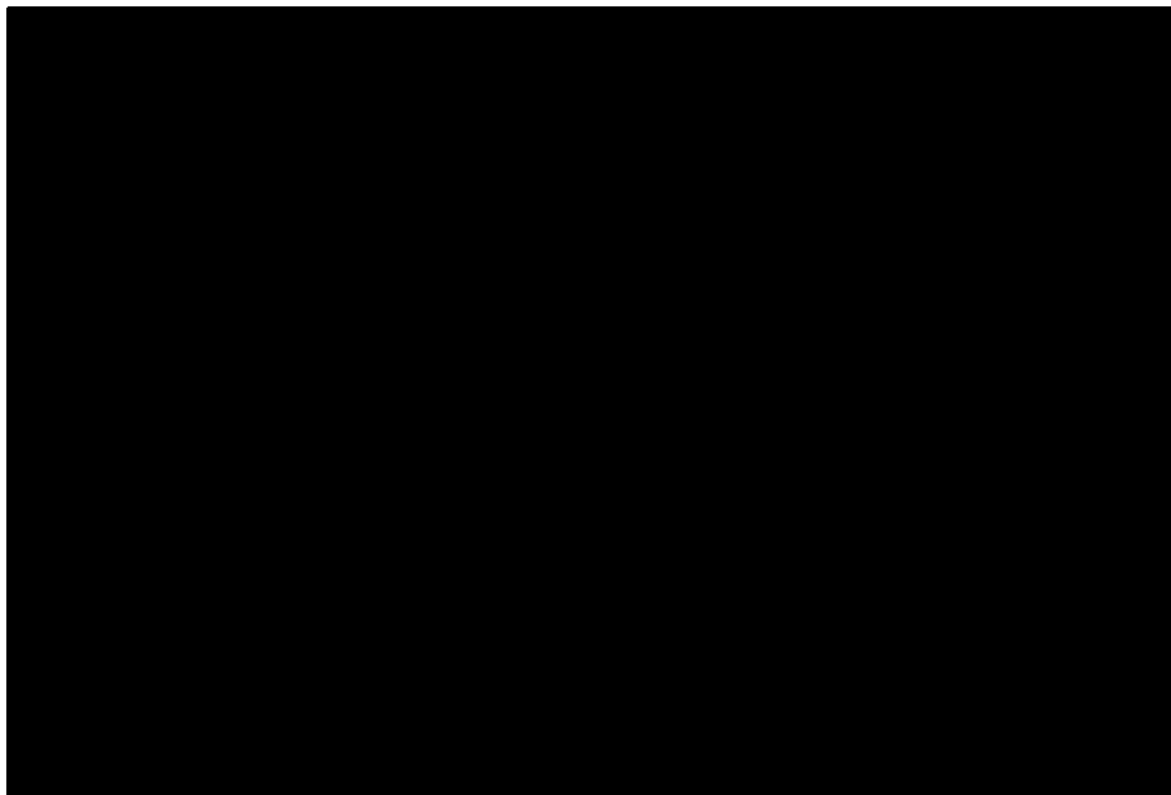
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1031893

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20100806

[REDACTED]



1032488

785115-10-0004



20100809

Open

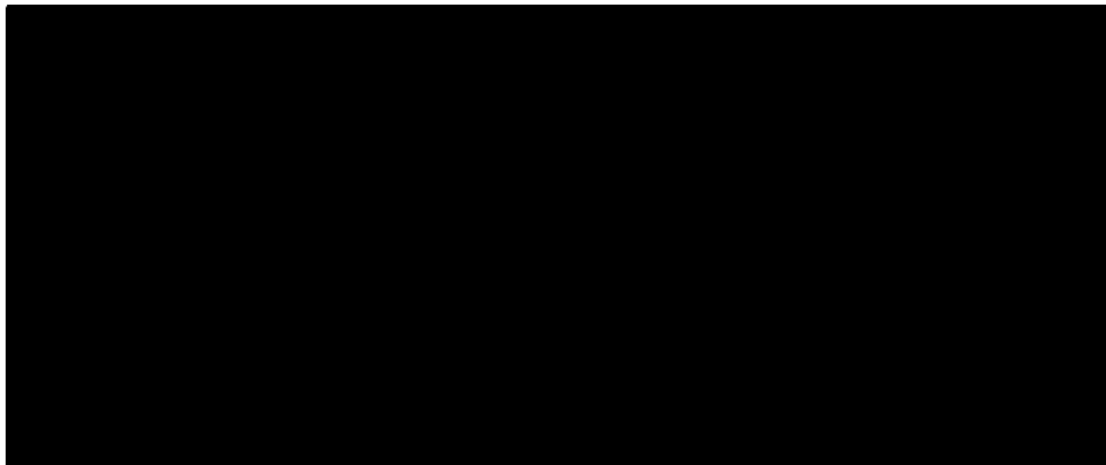
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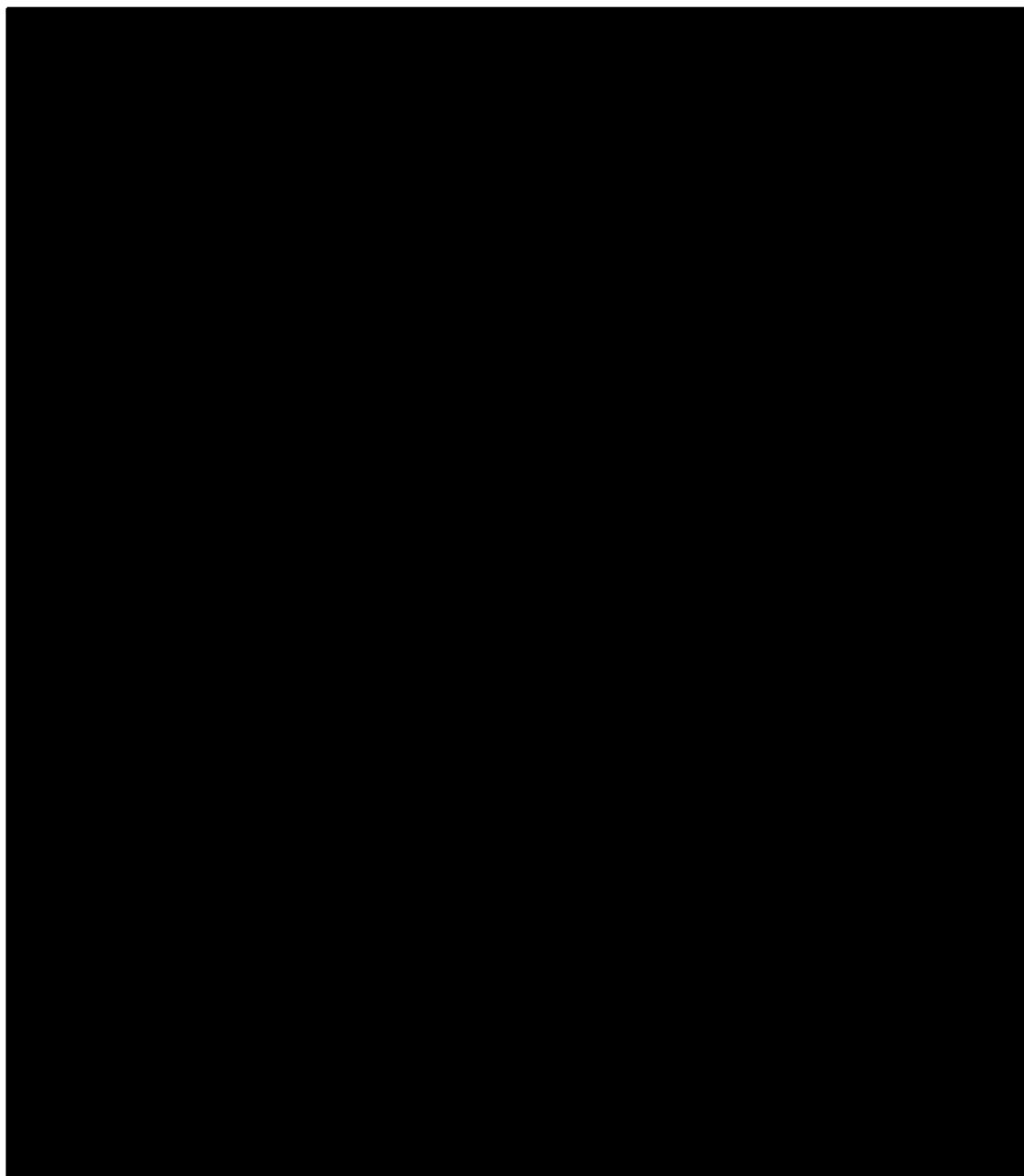
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1032488



20100809





1032549

785115-10-0004



20100809

Open

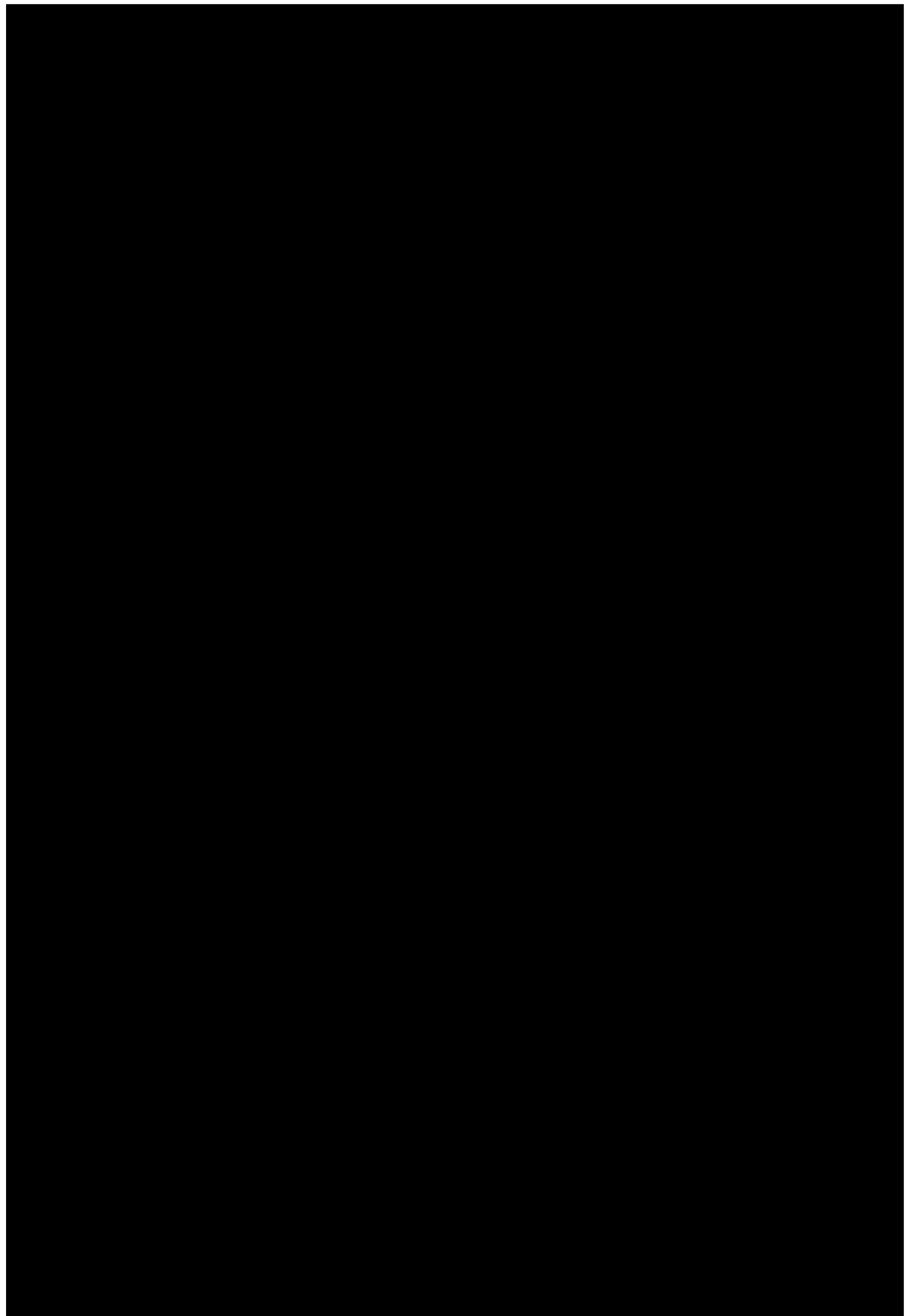
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20100809

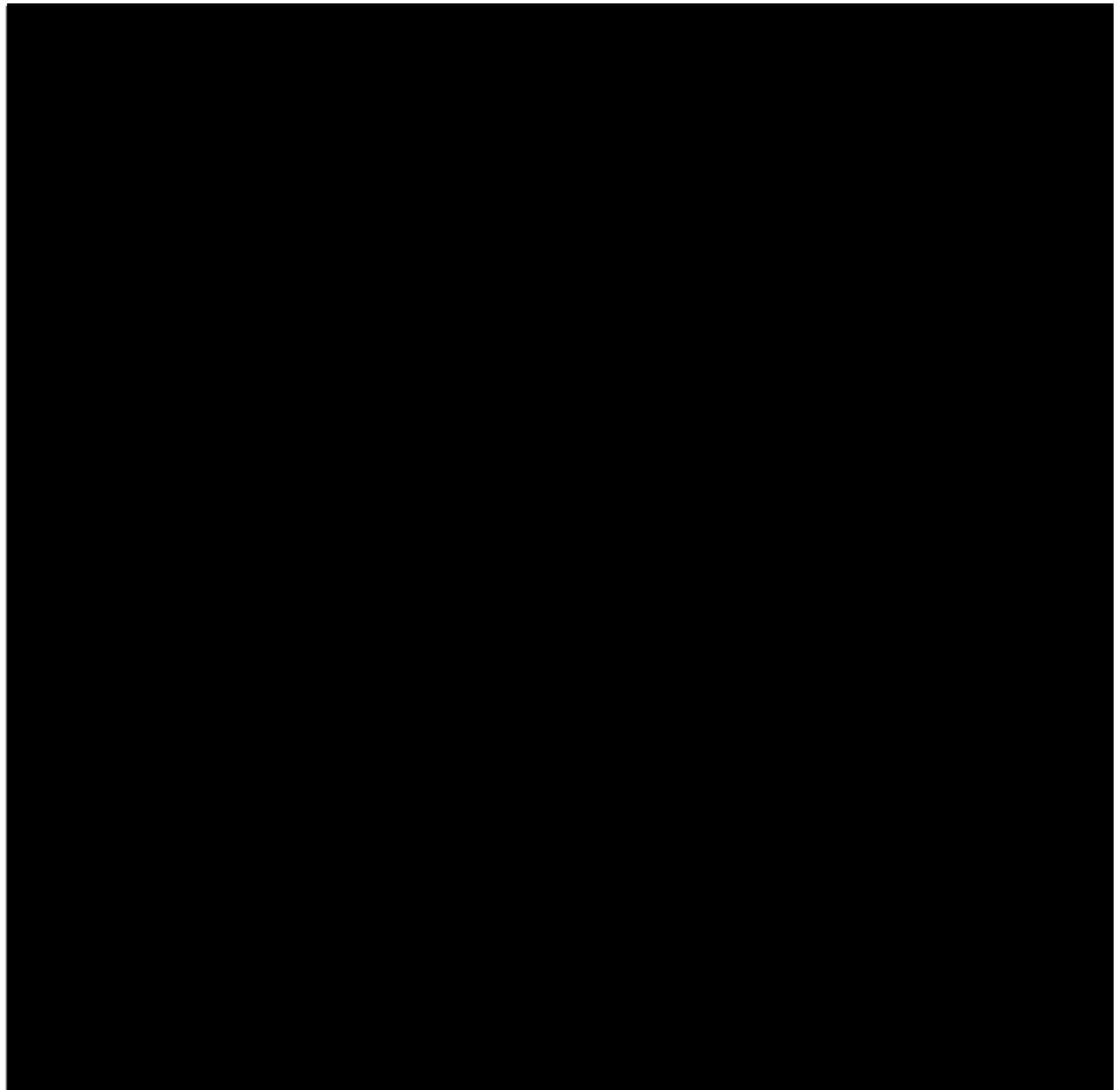




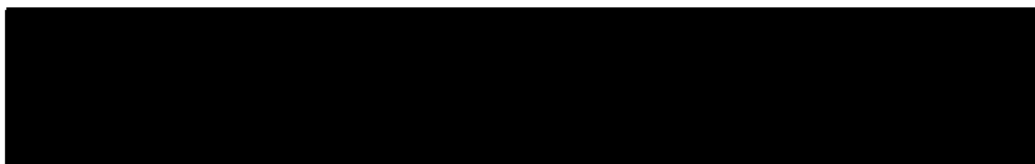
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785115-10-0004  
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Open  
CONTACT INTERVIEW  
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1032569

[Redacted]  
20100809







1032584

785115-10-0004



20100809

Open

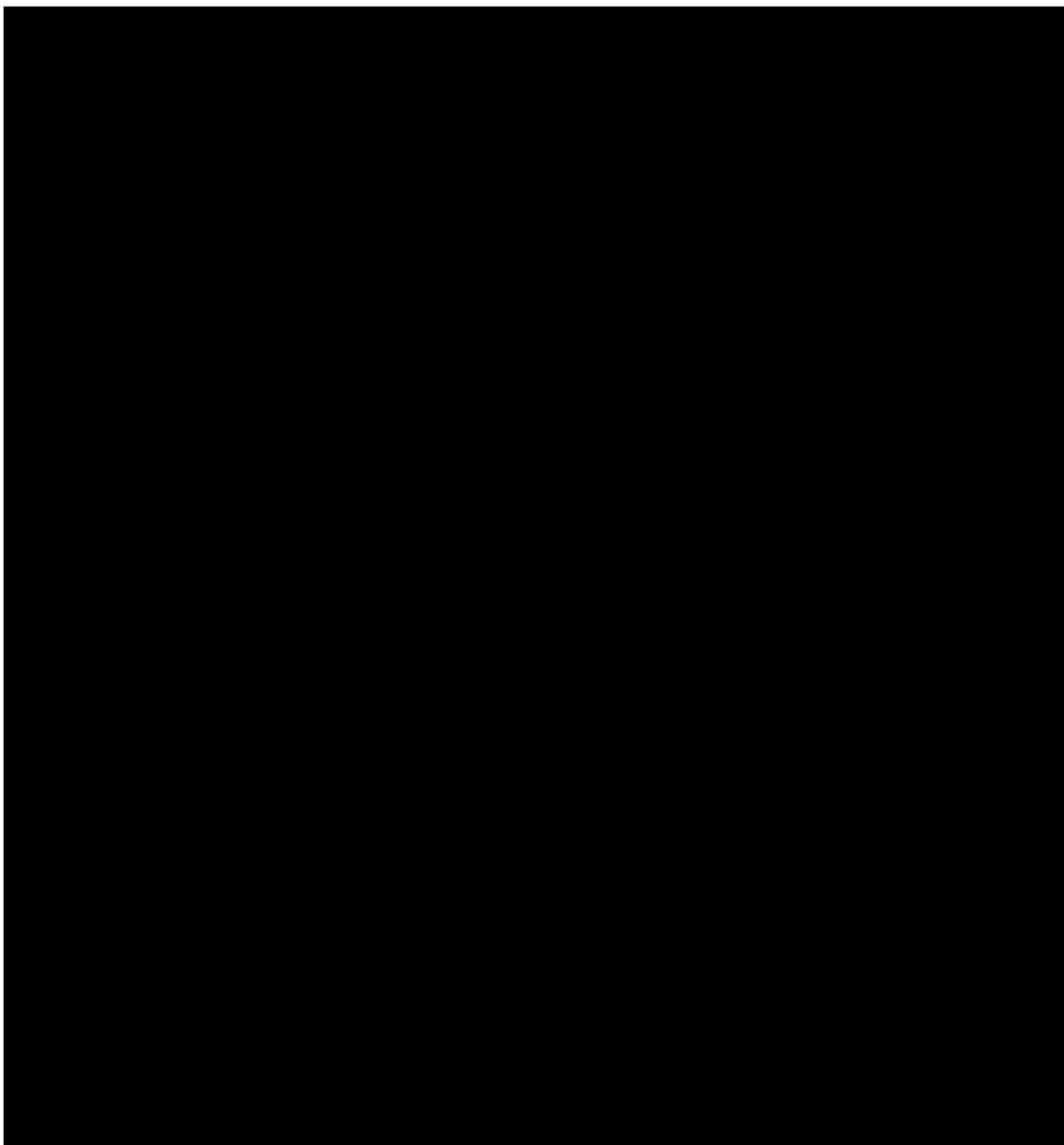
OTHER (NON-EXPLOSIVE/FIRE)

I

1032584



20100809





1032587

785115-10-0004



20100809

Open

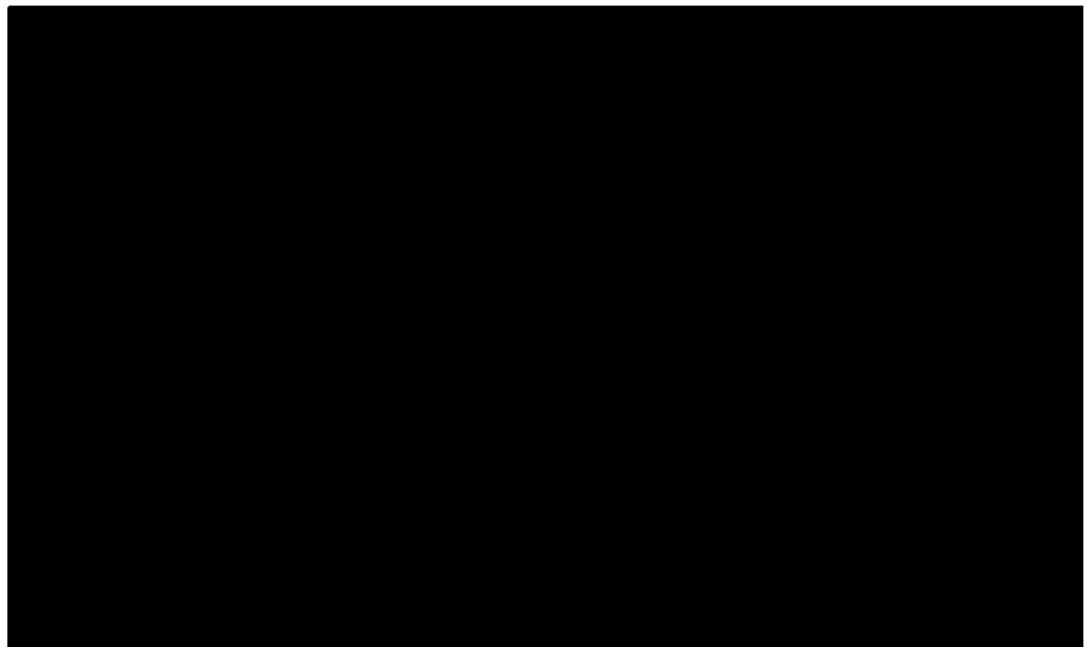
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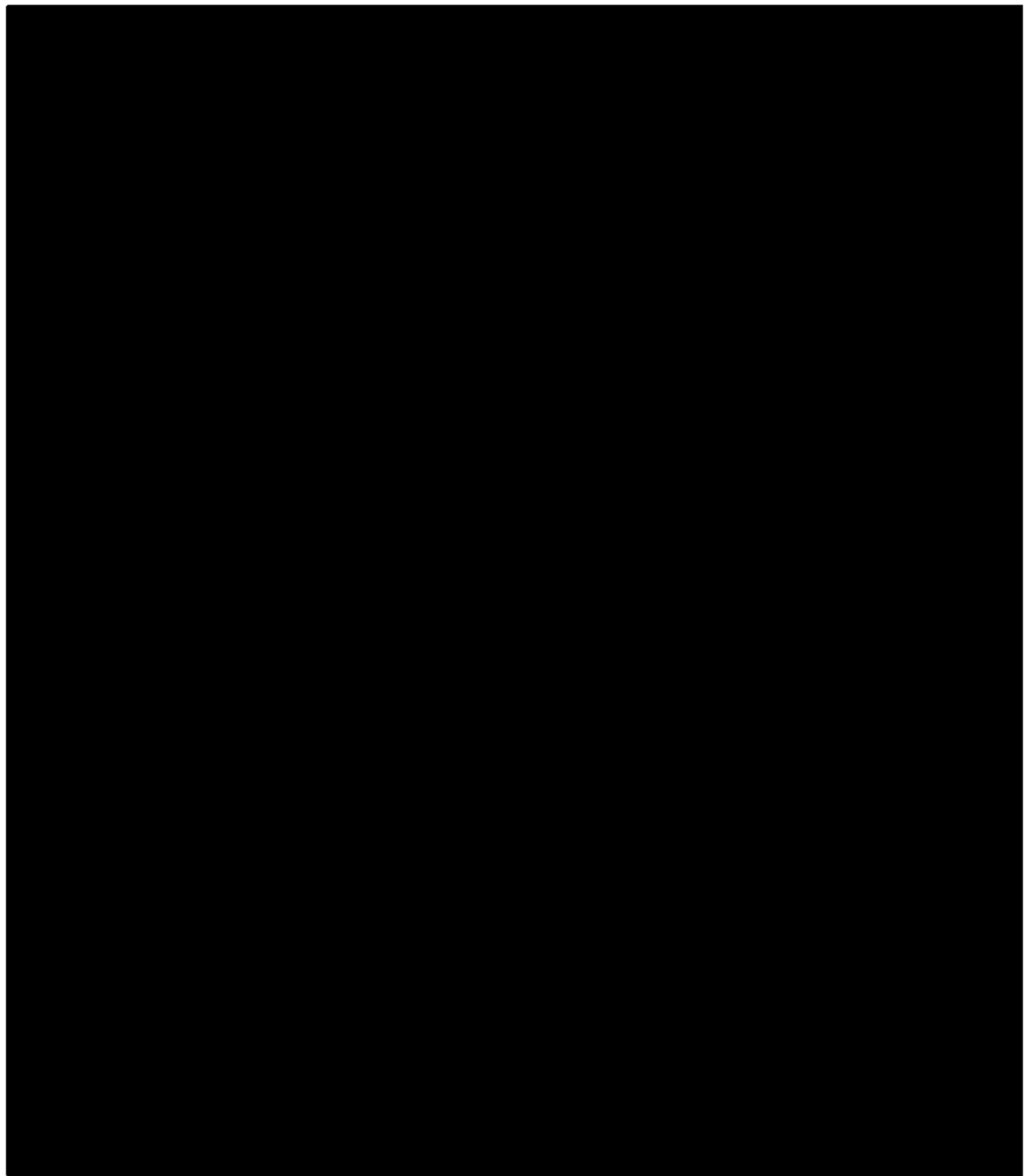
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1032587



20100809

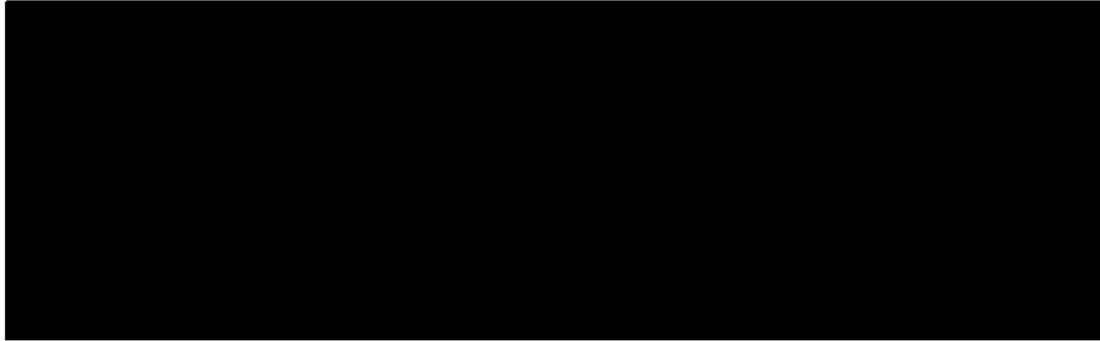




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785115-10-0004  
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Open  
OTHER (NON-EXPLOSIVE/FIRE)  
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1032674  
[REDACTED]

20100810



1032675

785115-10-0004



20100810

Open

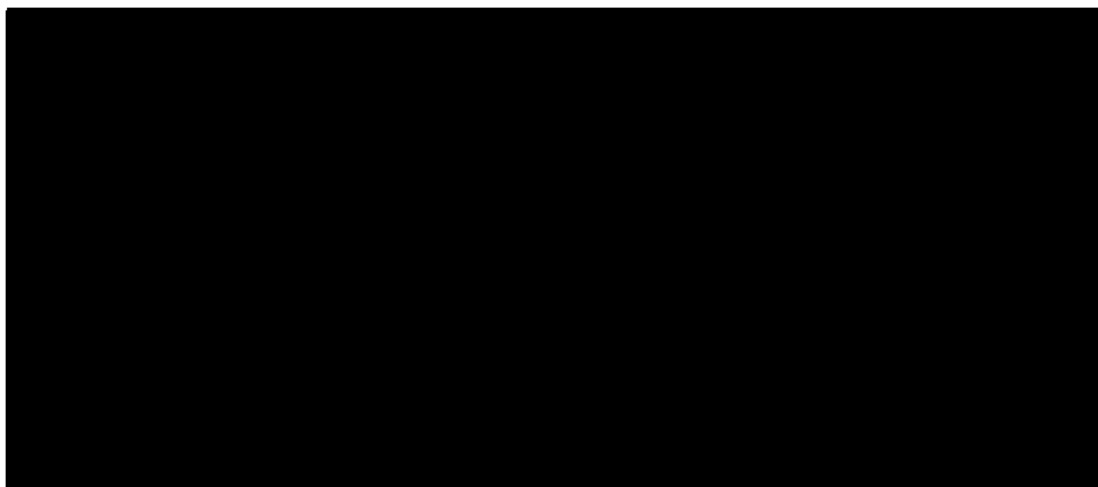
OTHER (NON-EXPLOSIVE/FIRE)

I

1032675



20100810



1032677

785115-10-0004



20100810

Open

OTHER (NON-EXPLOSIVE/FIRE)

I

1032677

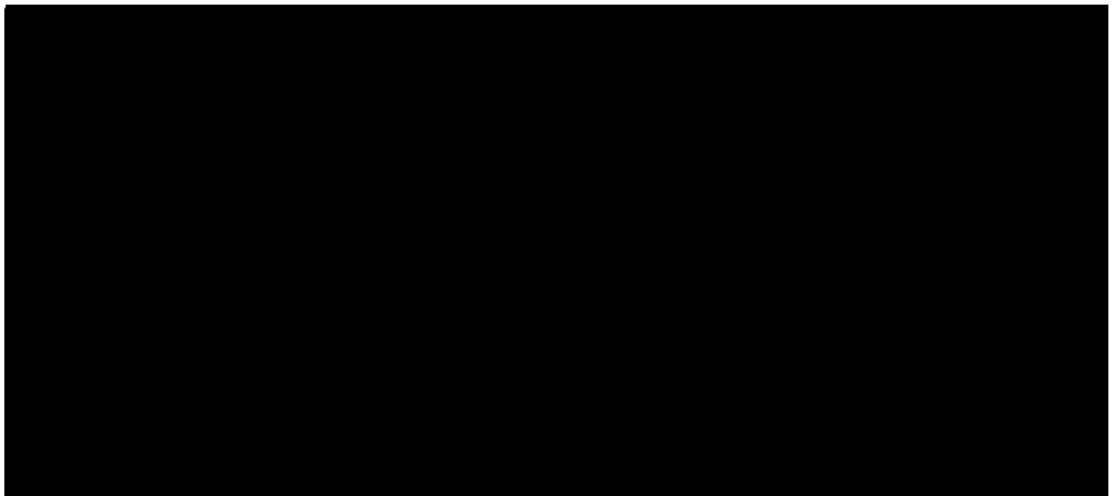
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20100810



1033028  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1033028

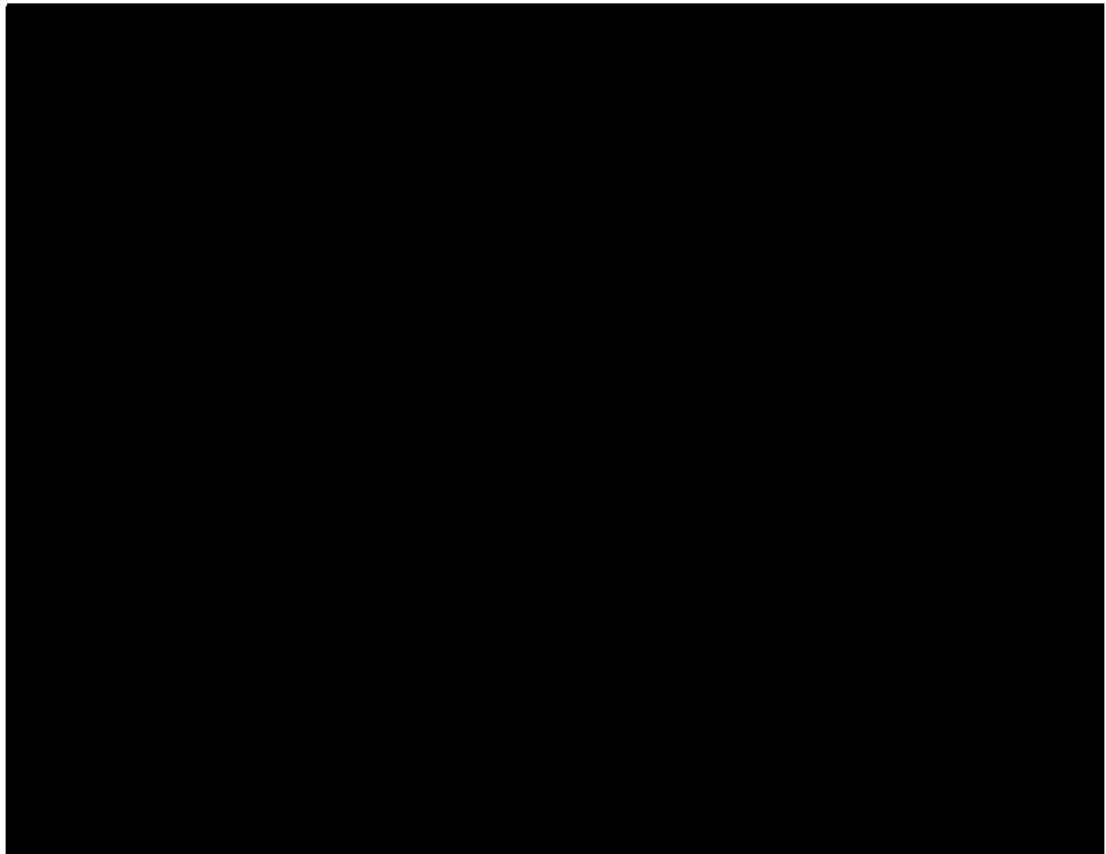
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1039893  
785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1039893

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1040098

785115-10-0004

[REDACTED]  
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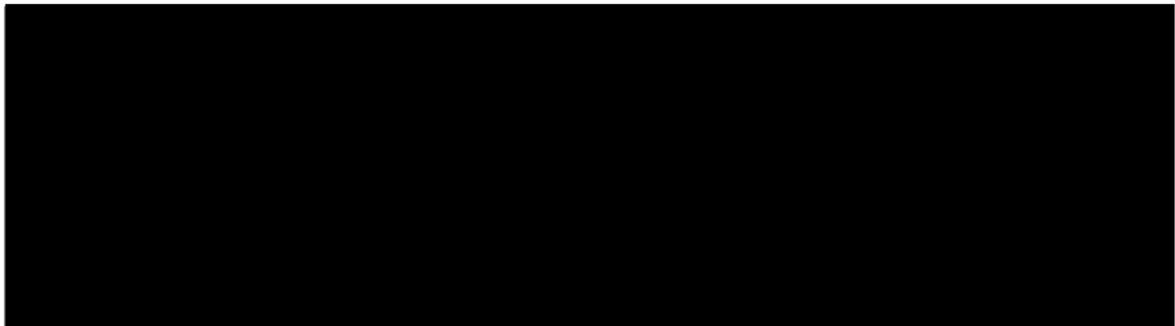
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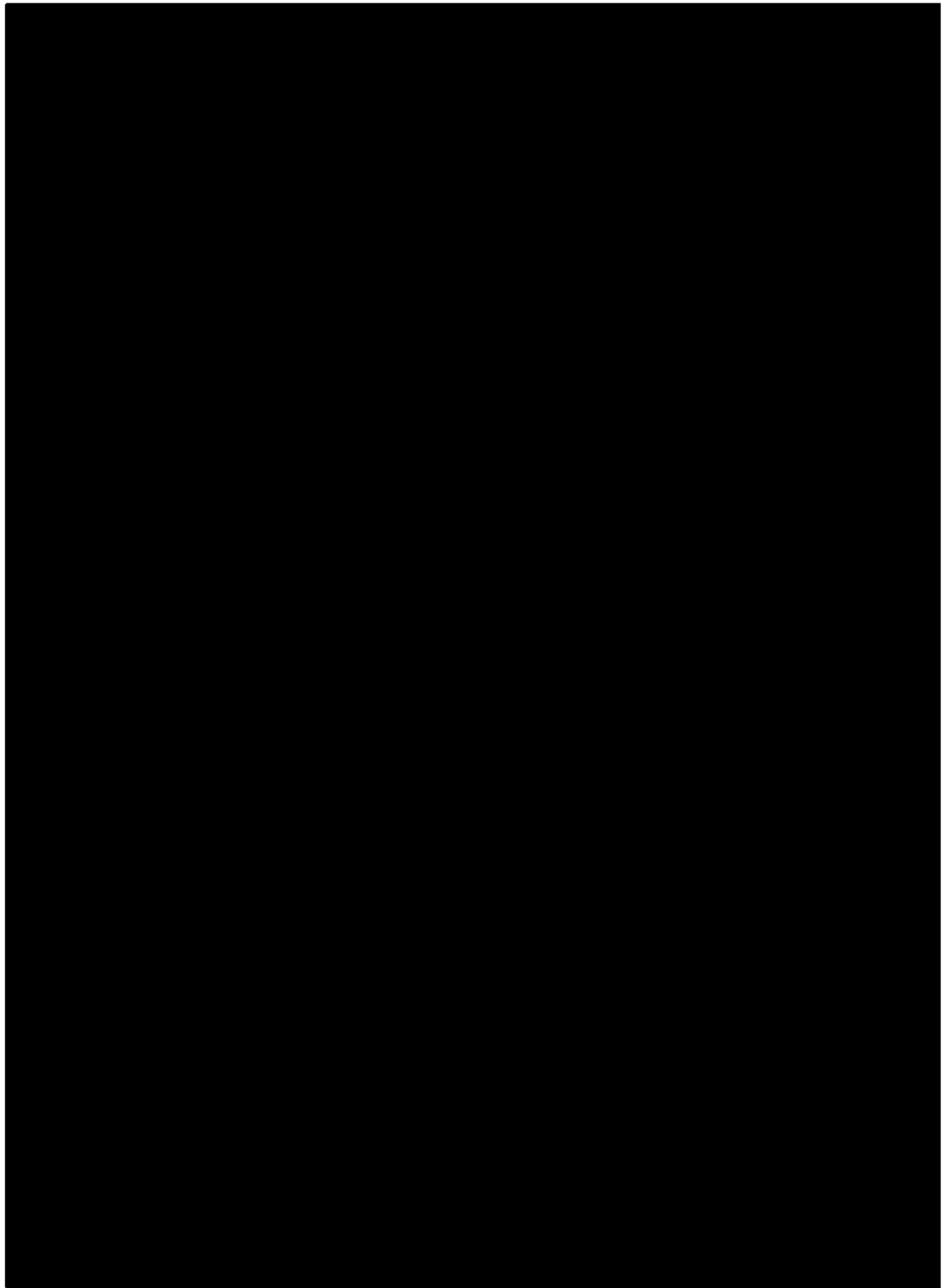
OTHER (NON-EXPLOSIVE/FIRE)

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1040098

[REDACTED]  
20100903





1040433  
785115-10-0004

[REDACTED]

20100907

Open

SURVEILLANCE

I

1040433

[REDACTED]

20100907

[REDACTED]

1040445

785115-10-0004

[REDACTED]

20100907

Open

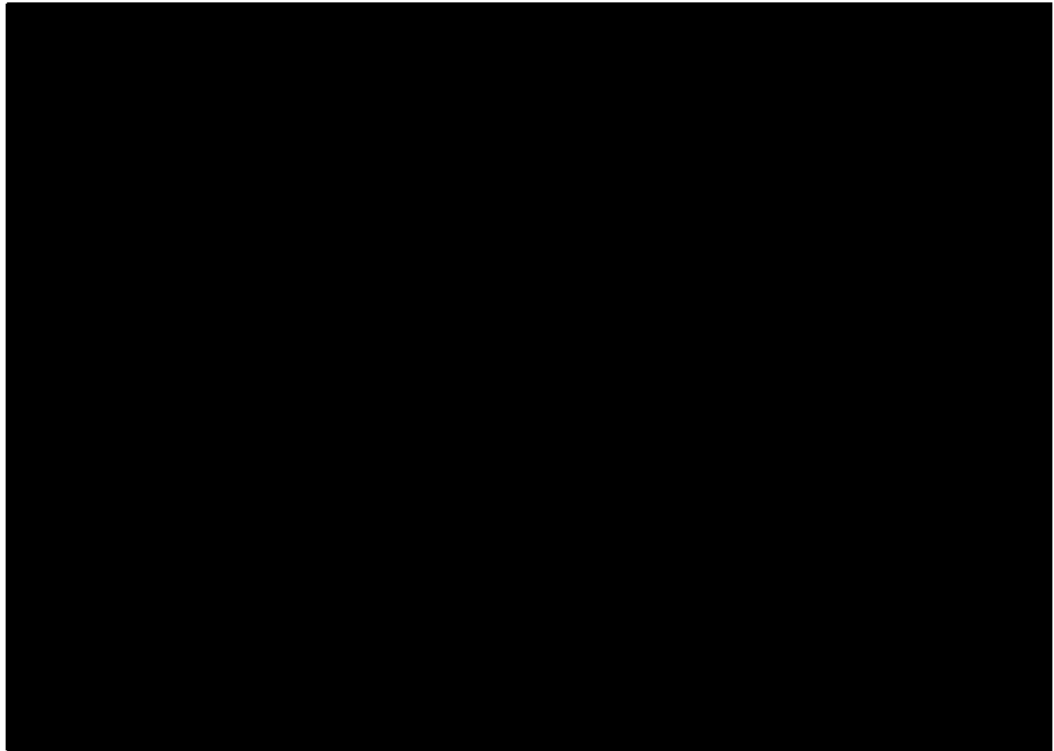


SURVEILLANCE

I

1040445

20100907



1041164

785115-10-0004

20100908

Open

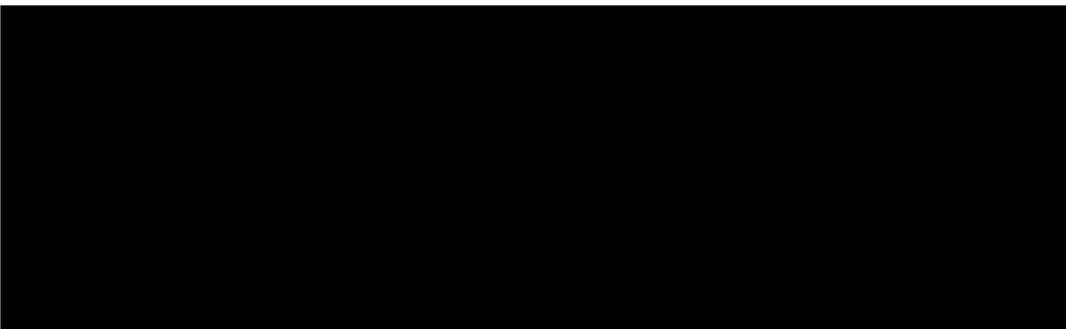
SURVEILLANCE

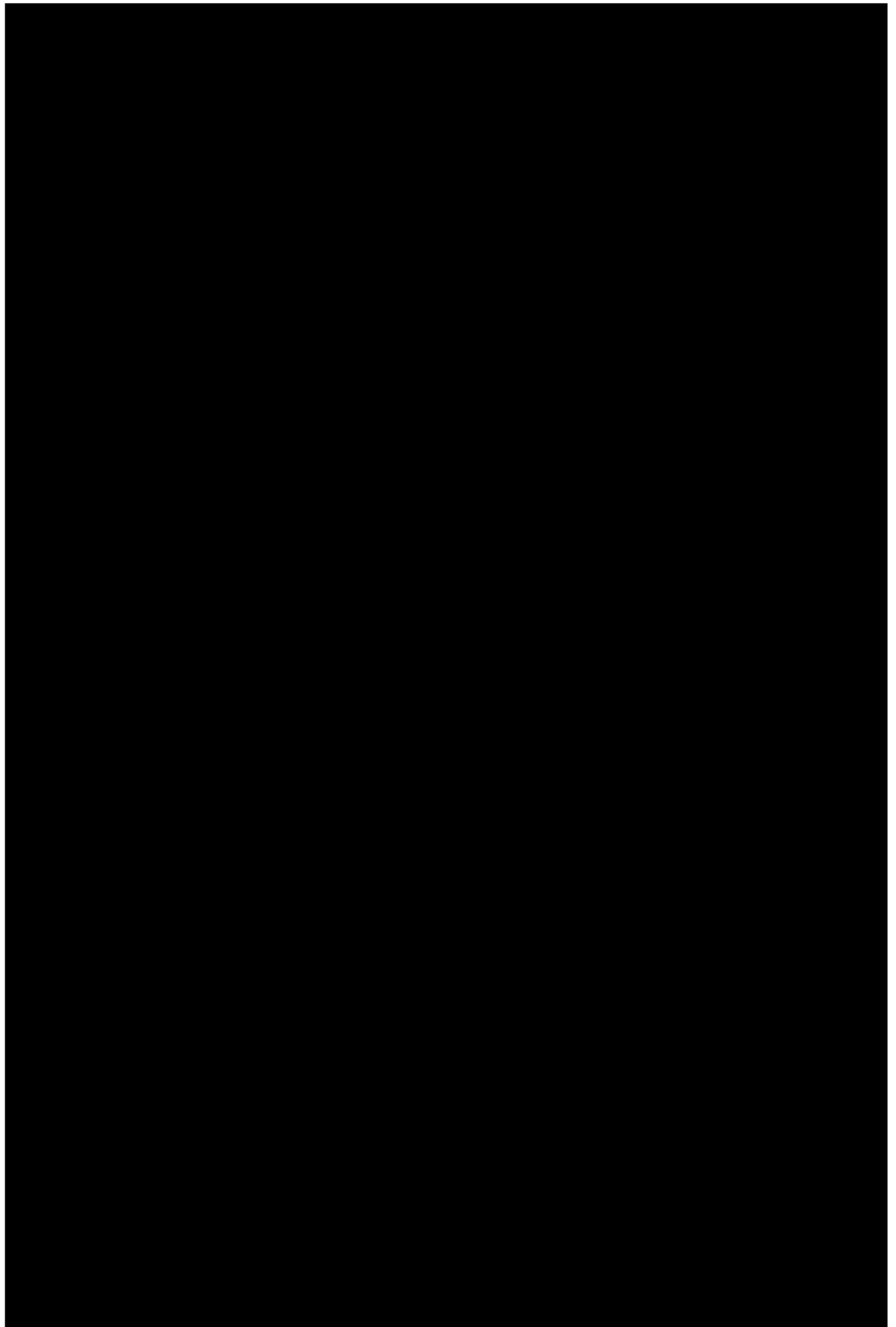
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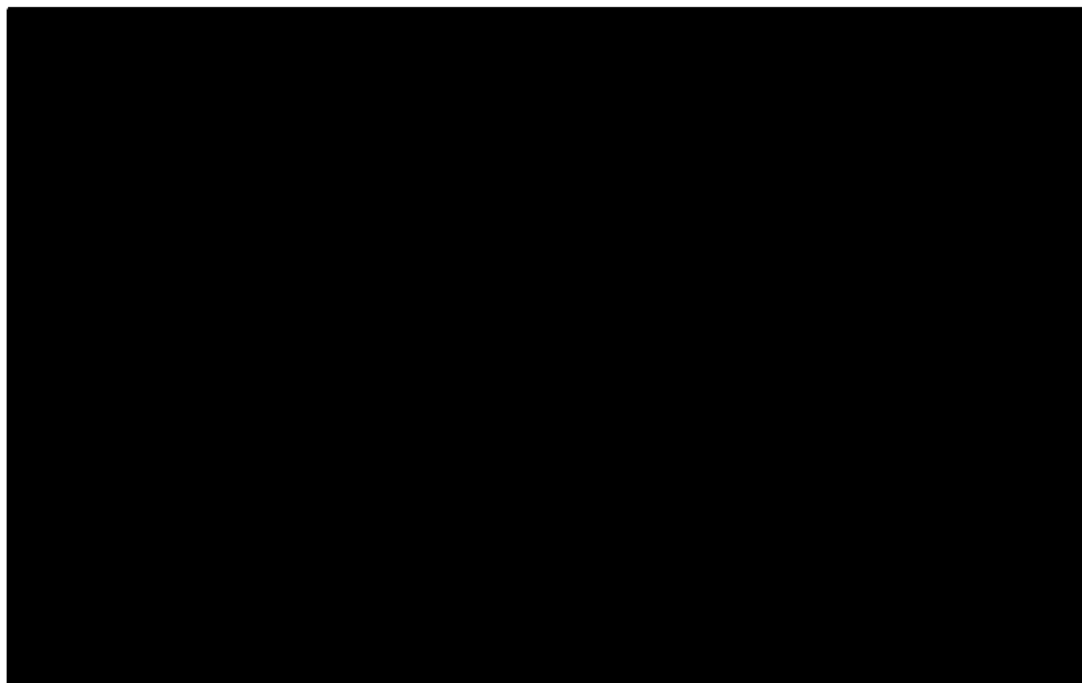
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20100908

08/19/2010

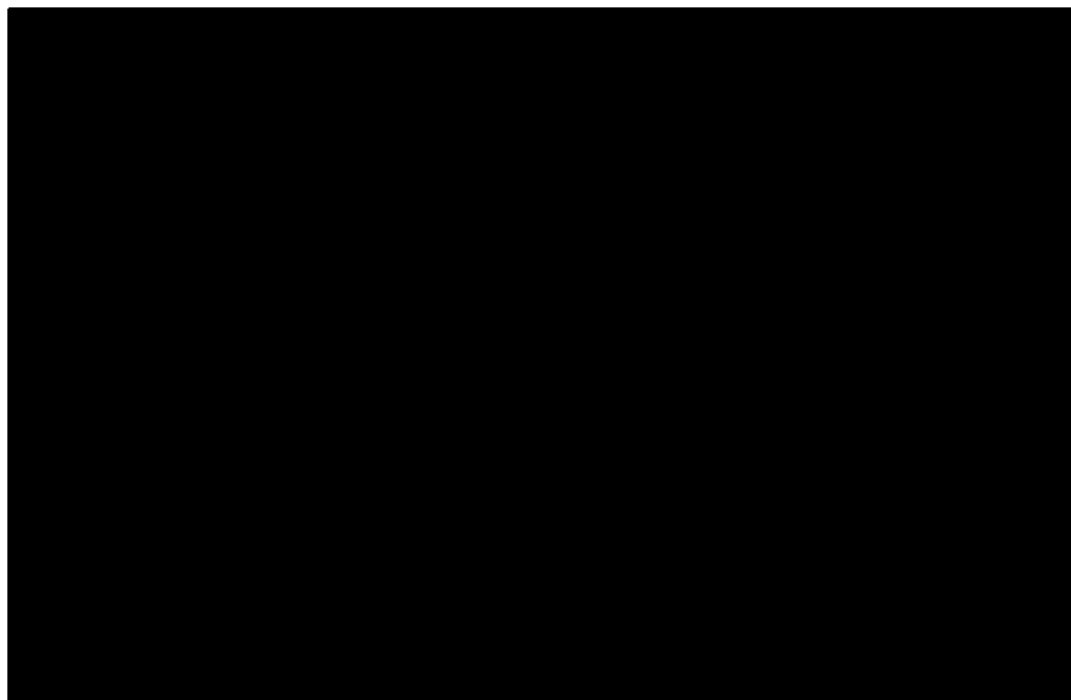


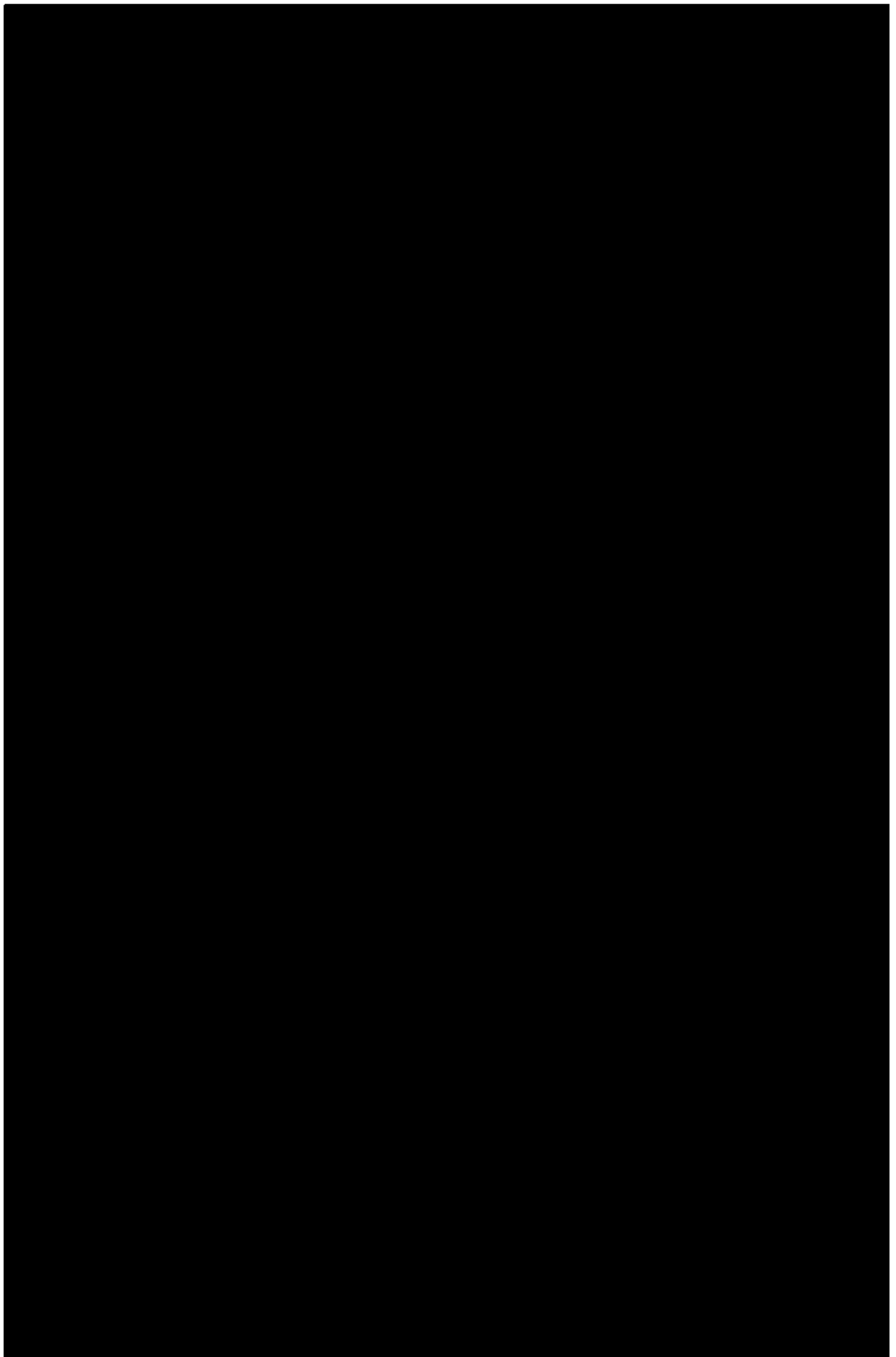




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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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[Redacted]  
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1041319  
785115-10-0004

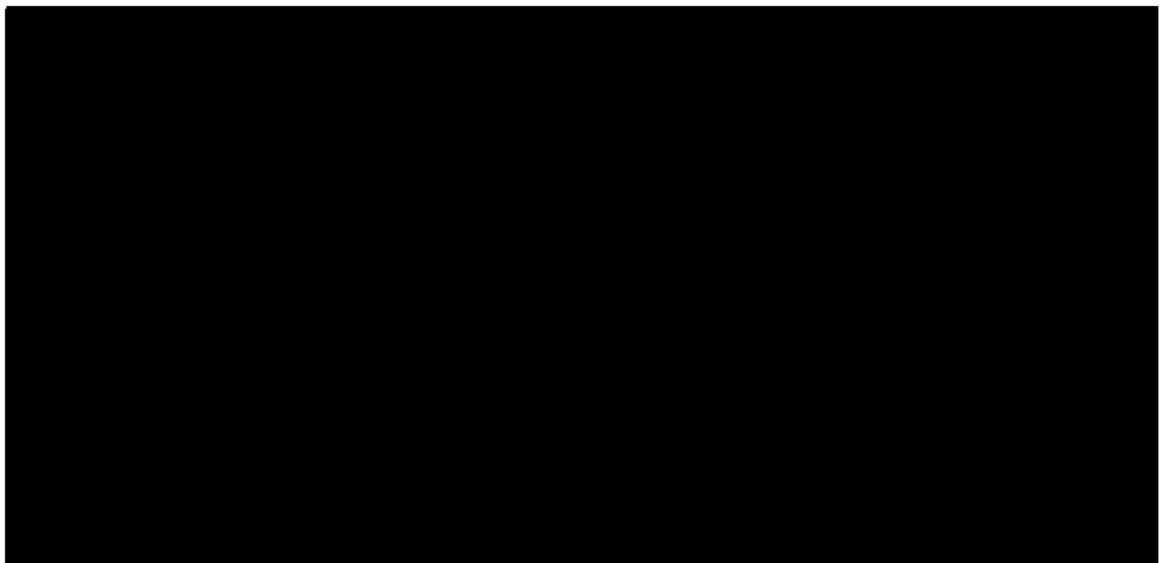


20100909  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1041319



20100909



1041501  
785115-10-0004



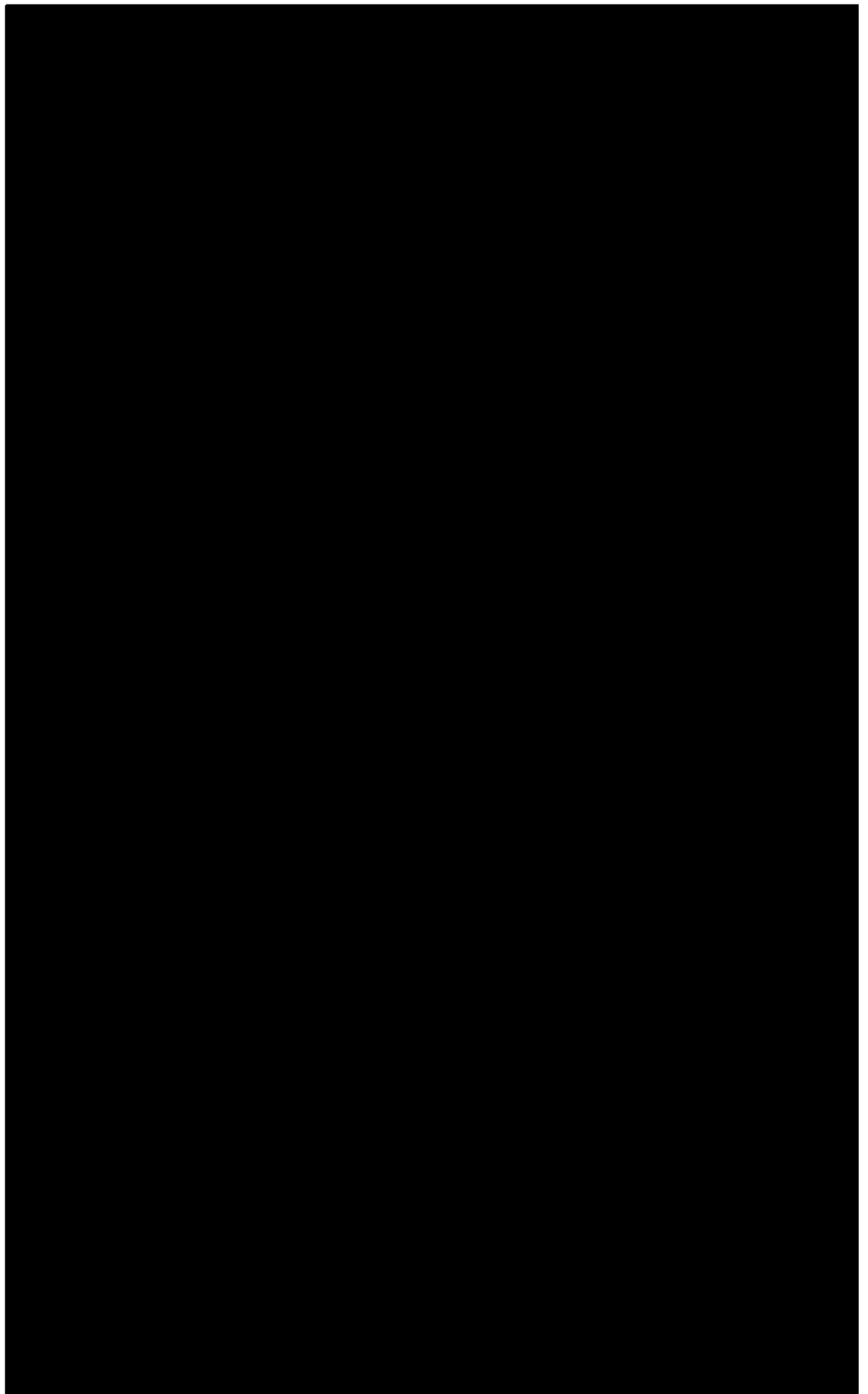
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OTHER (NON-EXPLOSIVE/FIRE)  
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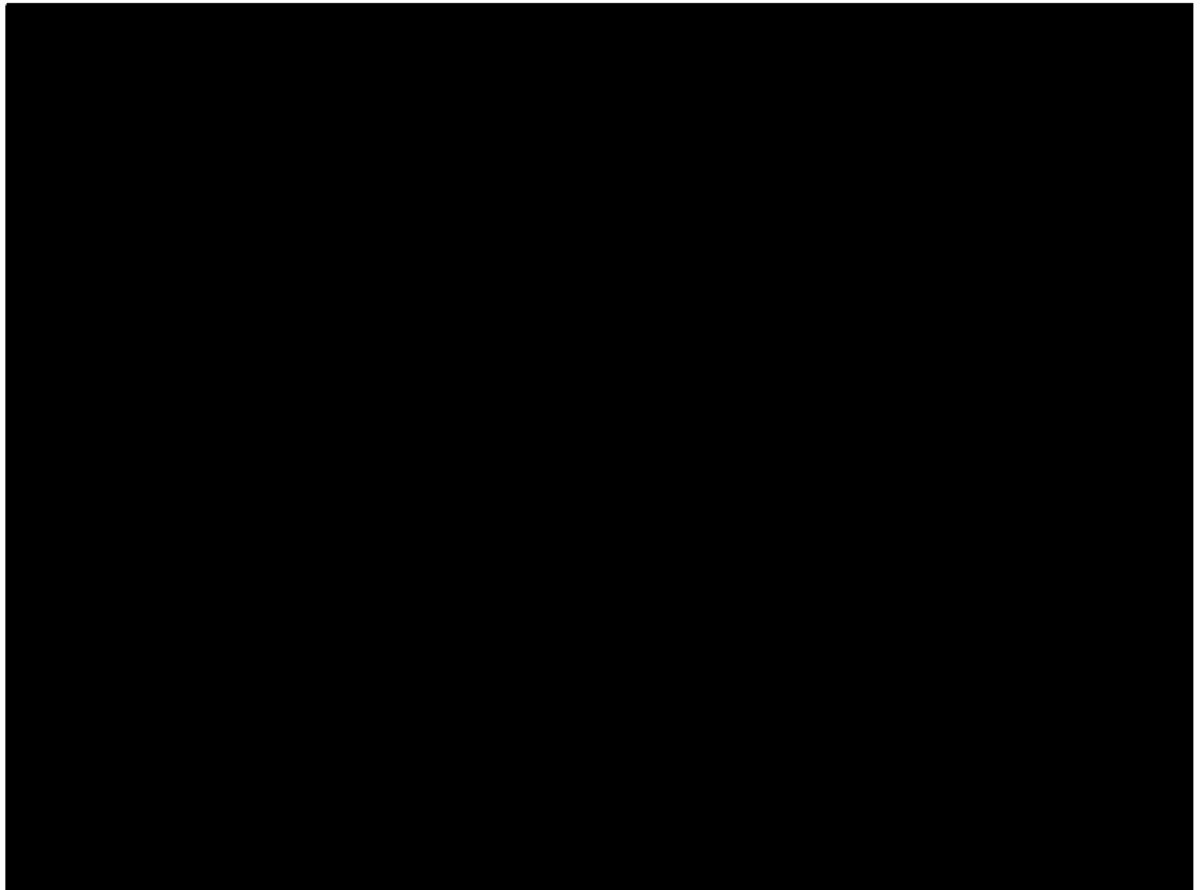
1041501



20100909

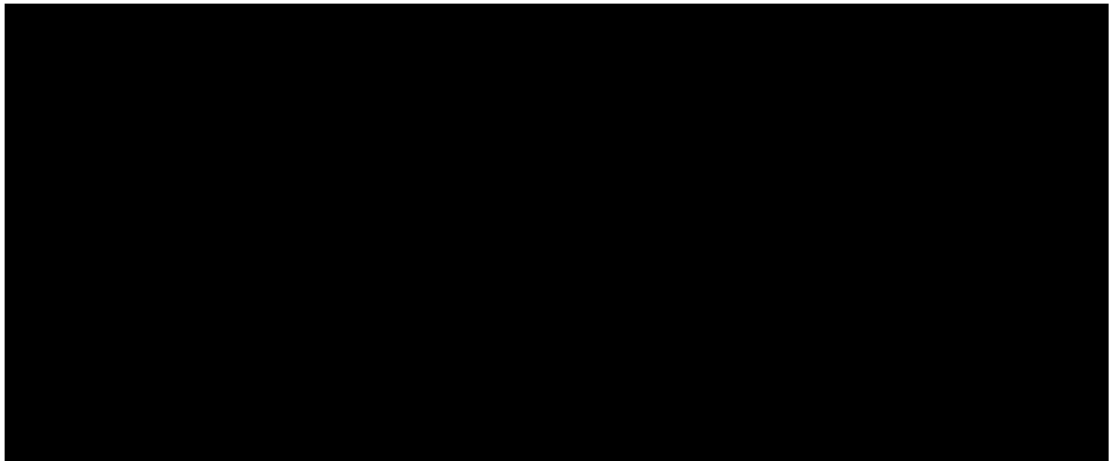


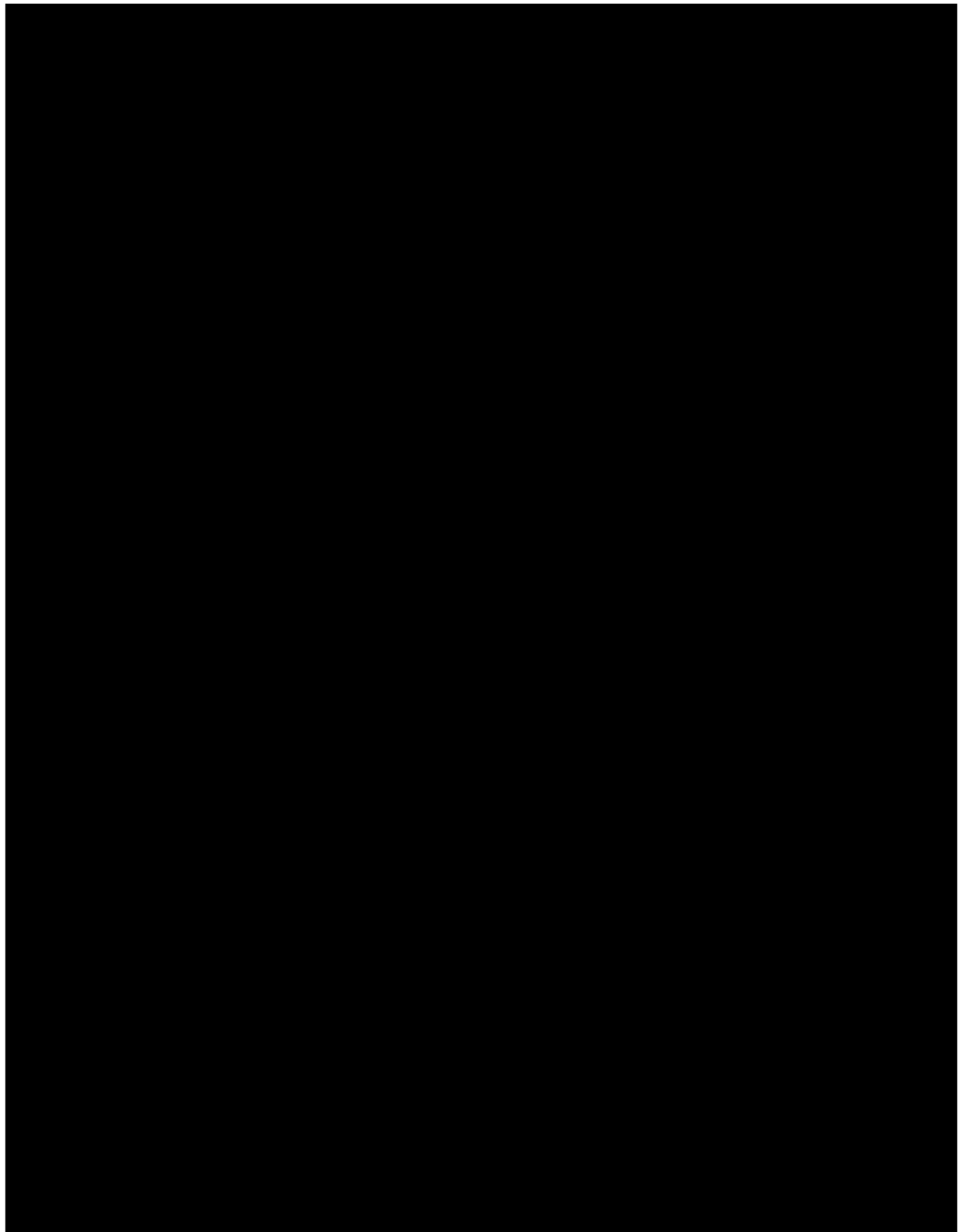




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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1041640  
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20100909





1043412  
785115-10-0004



[REDACTED]

20100916

Open

OTHER (NON-EXPLOSIVE/FIRE)

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1043412

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20100916

[REDACTED]

1044236

785115-10-0004

[REDACTED]

20100917

Open

SEIZURE

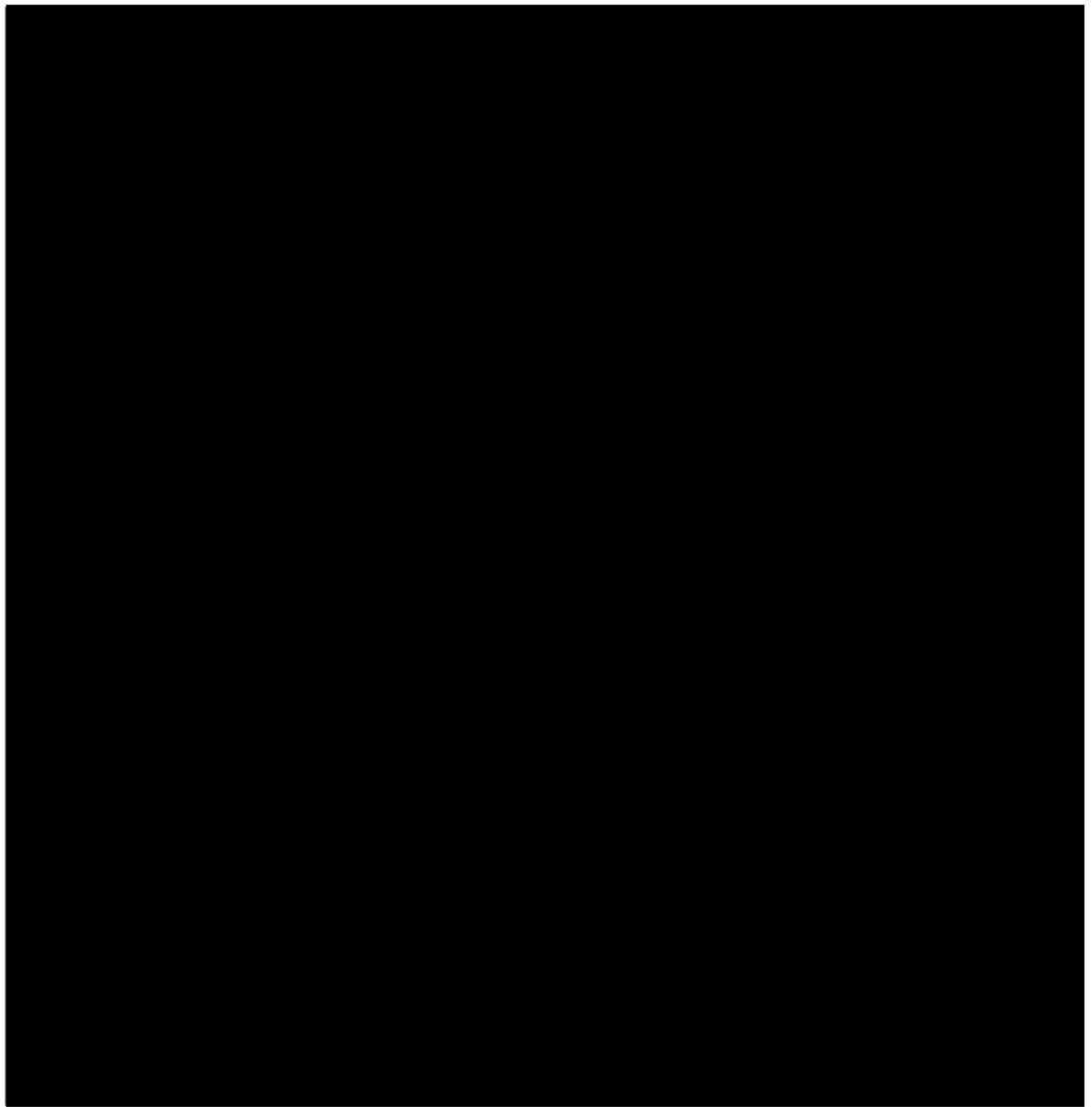
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1044236

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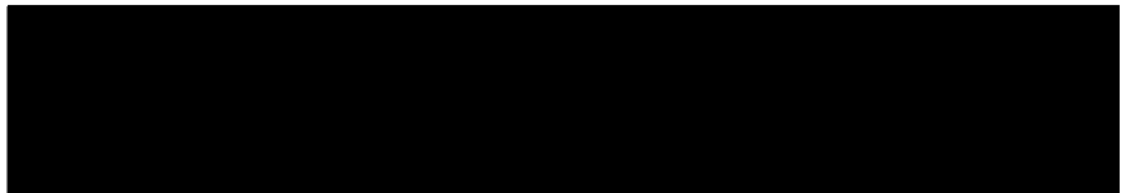
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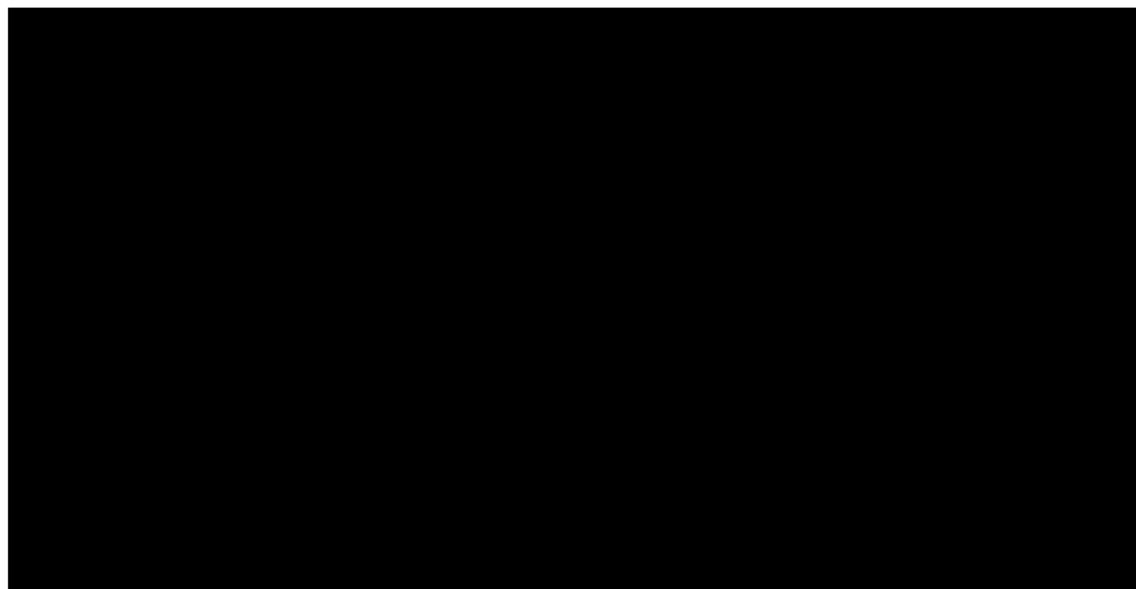
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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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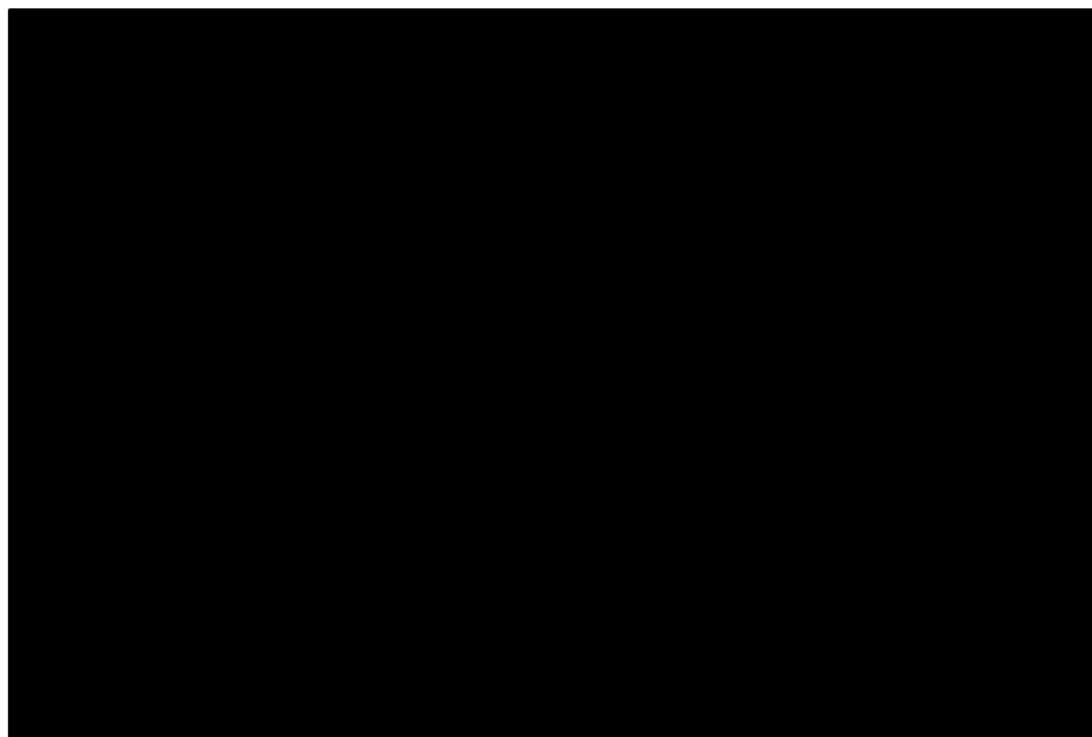
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1044538  
785115-10-0004  
[Redacted]  
20100920  
Open  
OTHER (NON-EXPLOSIVE/FIRE)  
I

1044538  
[Redacted]  
20100920





1044887

785115-10-0004



20100921

Open

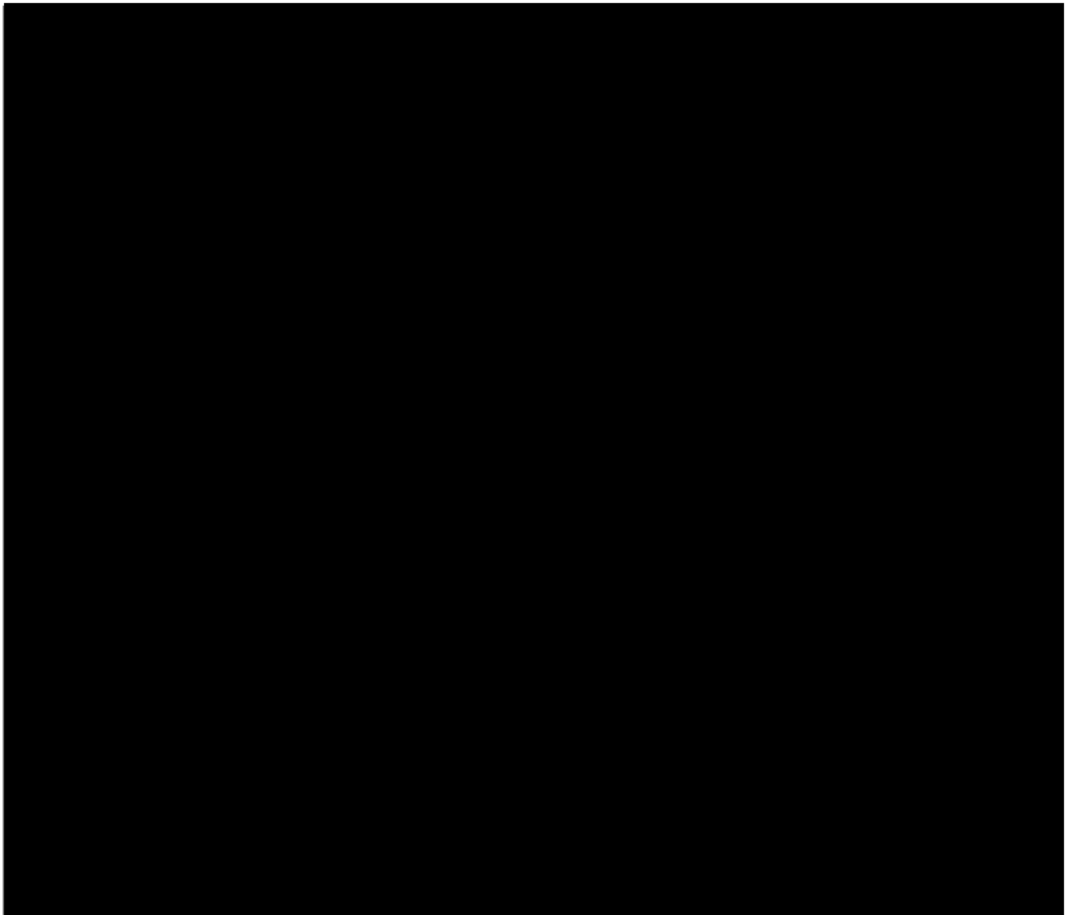
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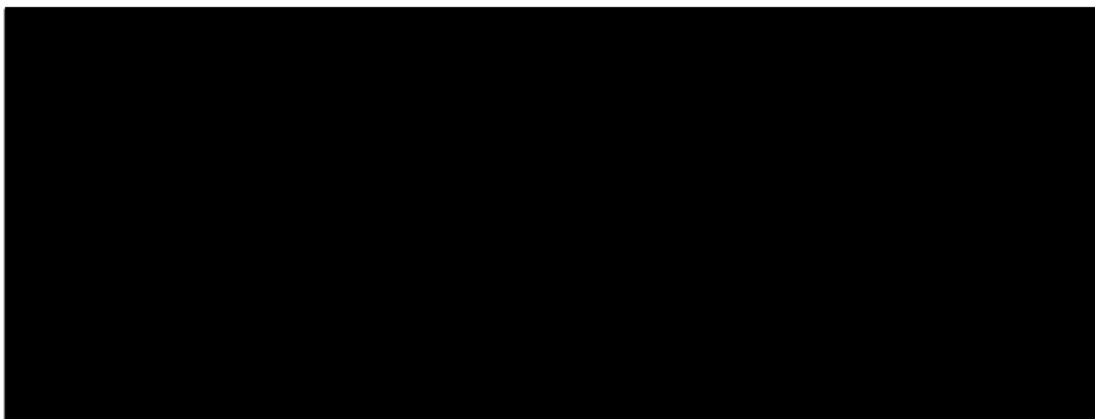
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1044887



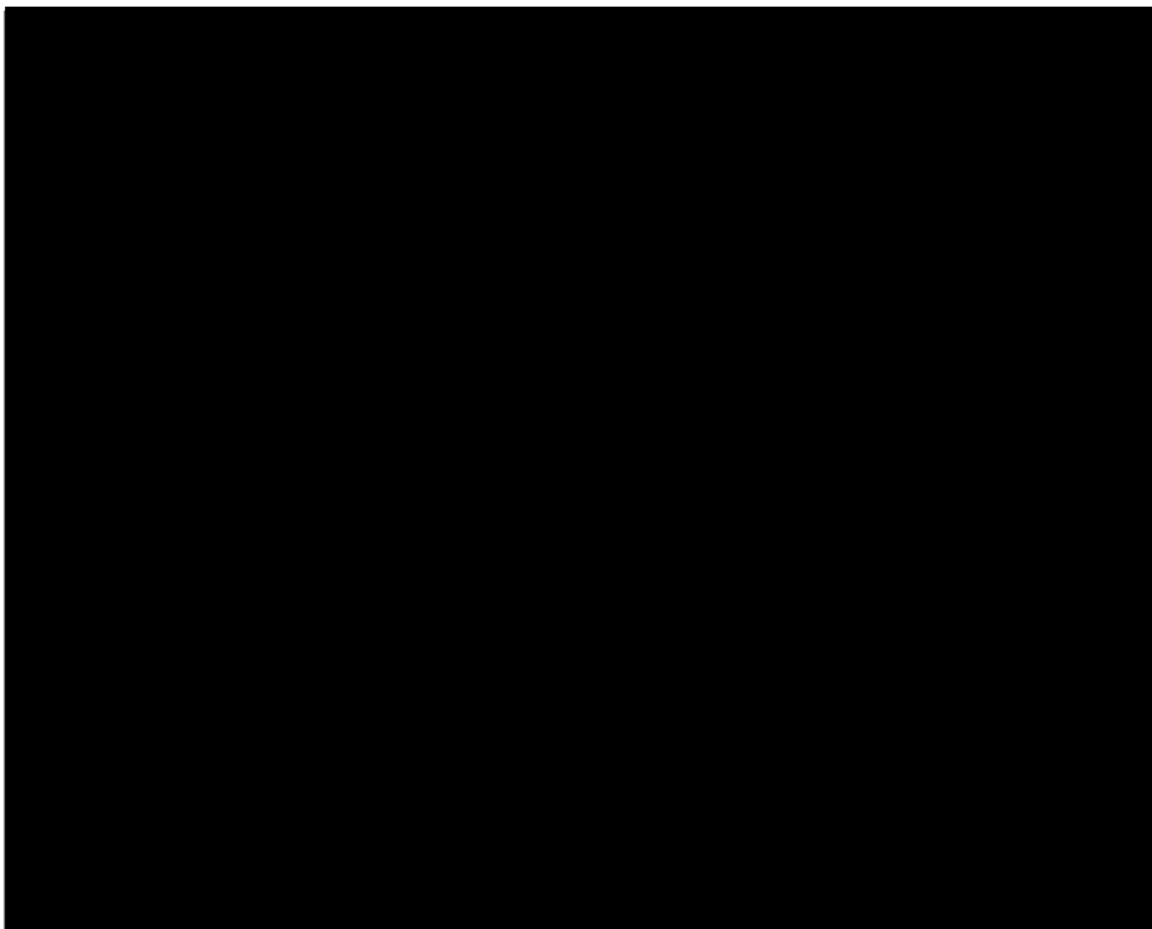
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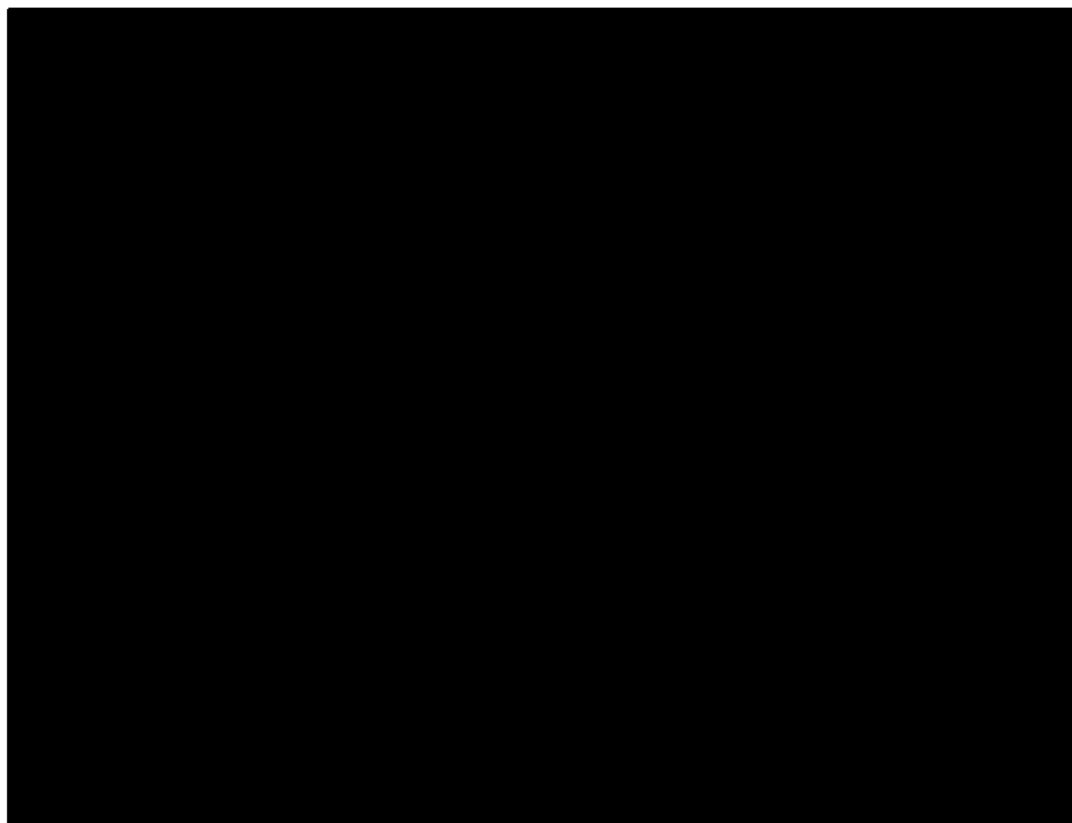




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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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20100921

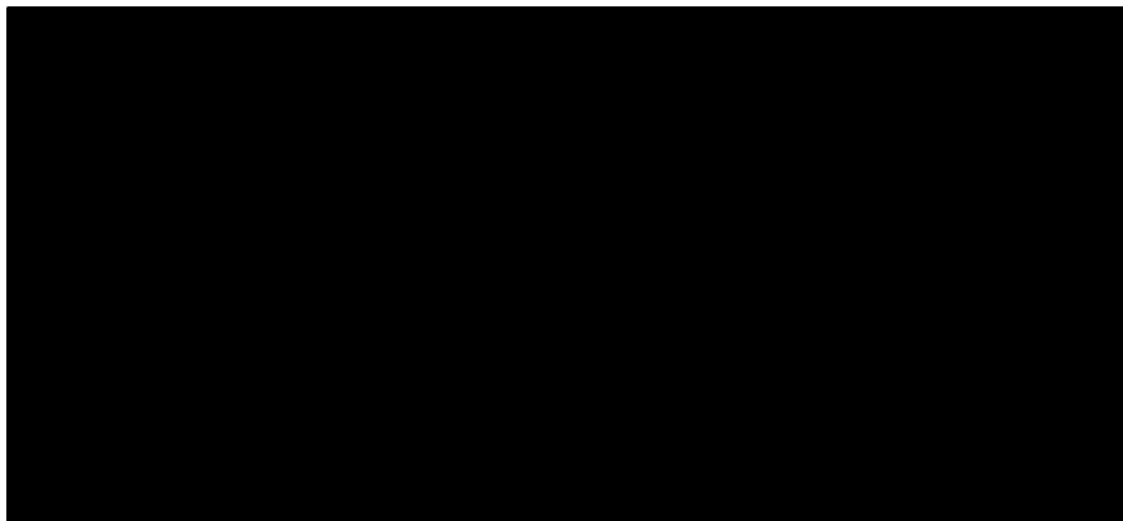


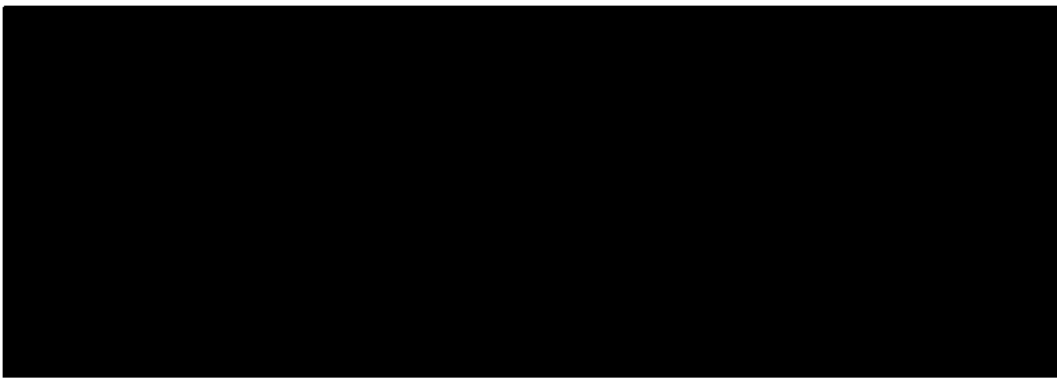


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785115-10-0004  
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1044963

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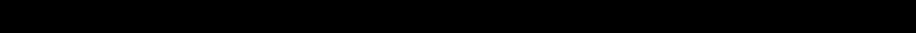


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785115-10-0004

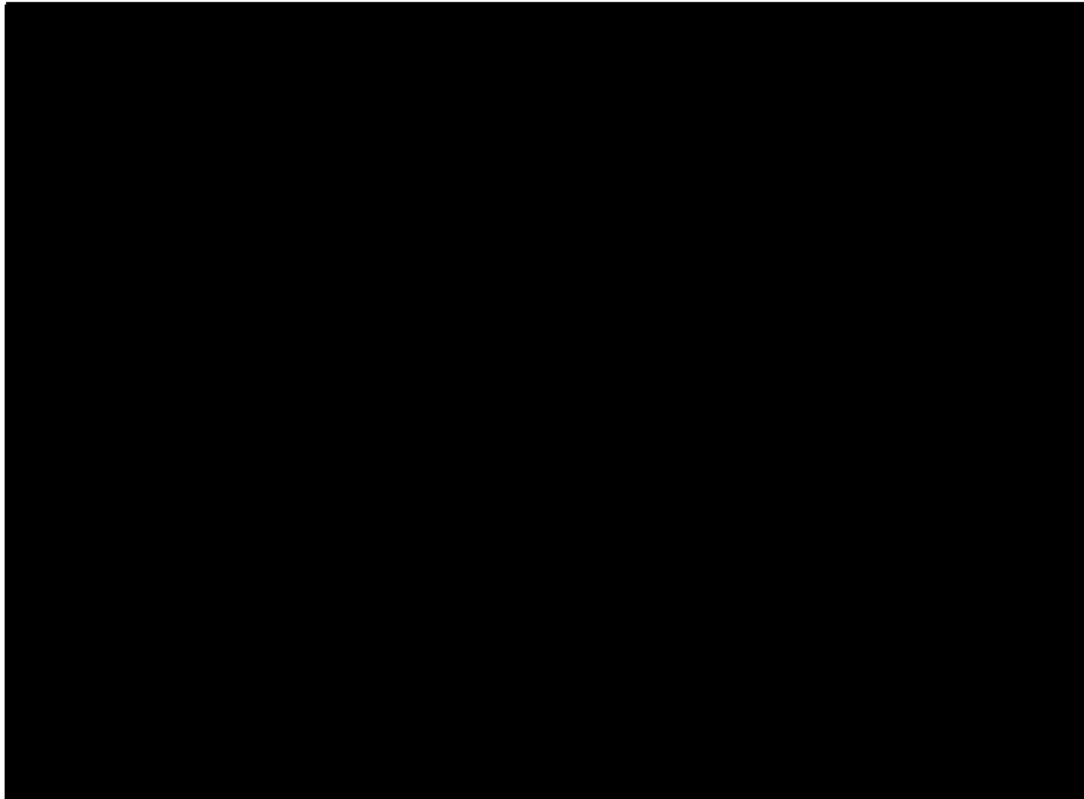


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SURVEILLANCE  
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20100921



1045406  
785115-10-0004

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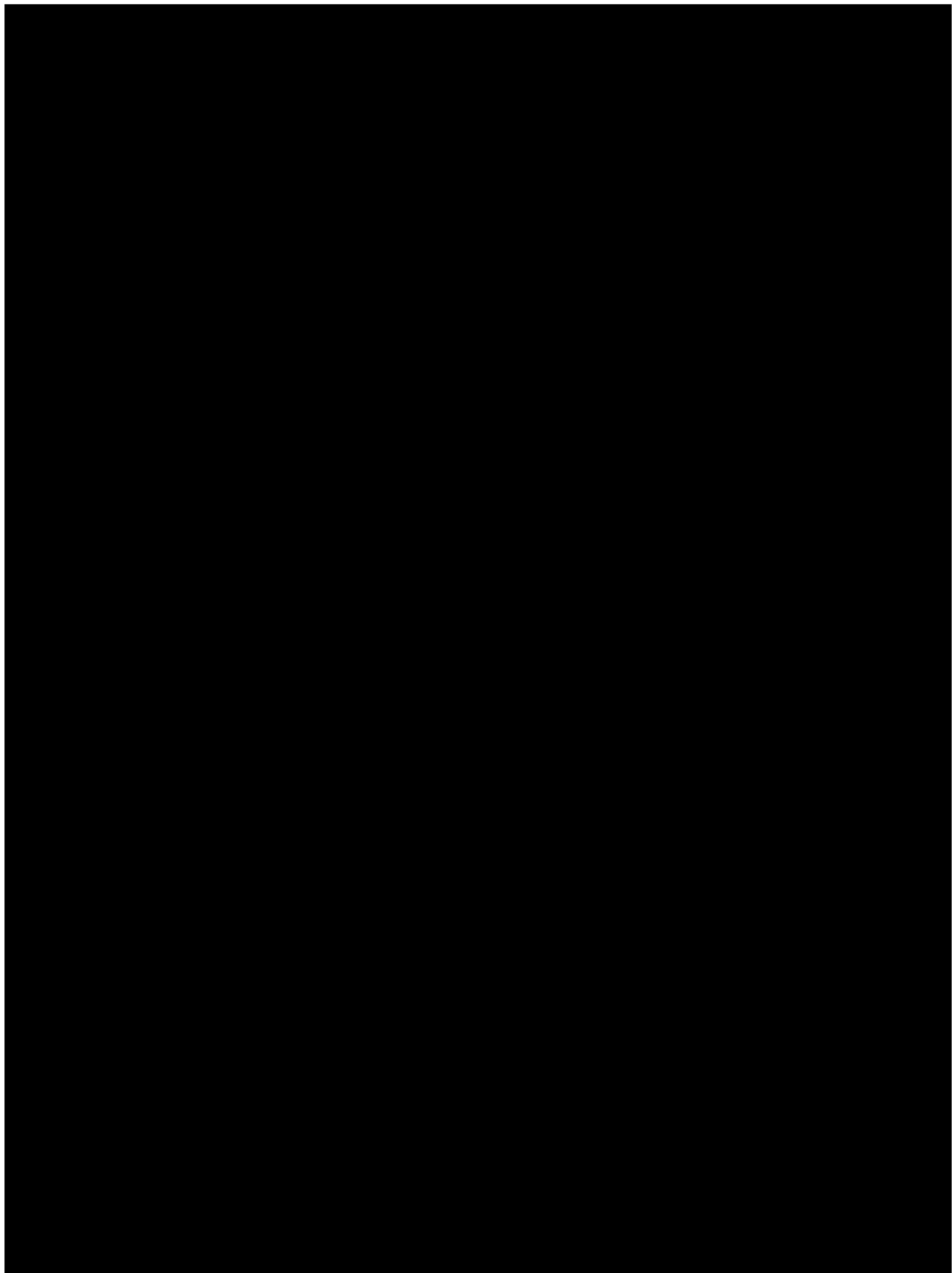
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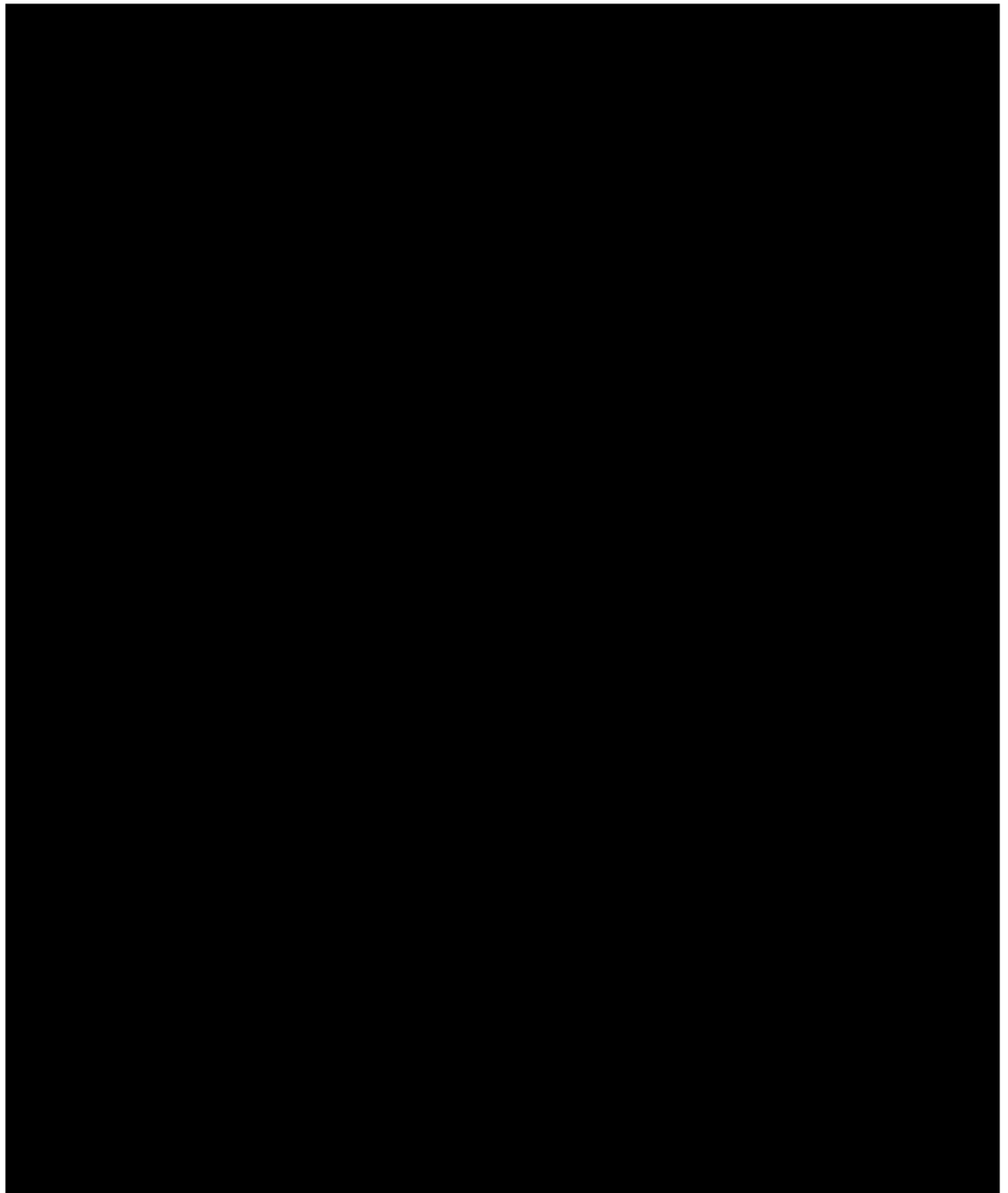
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785115-10-0004



20100923

Open

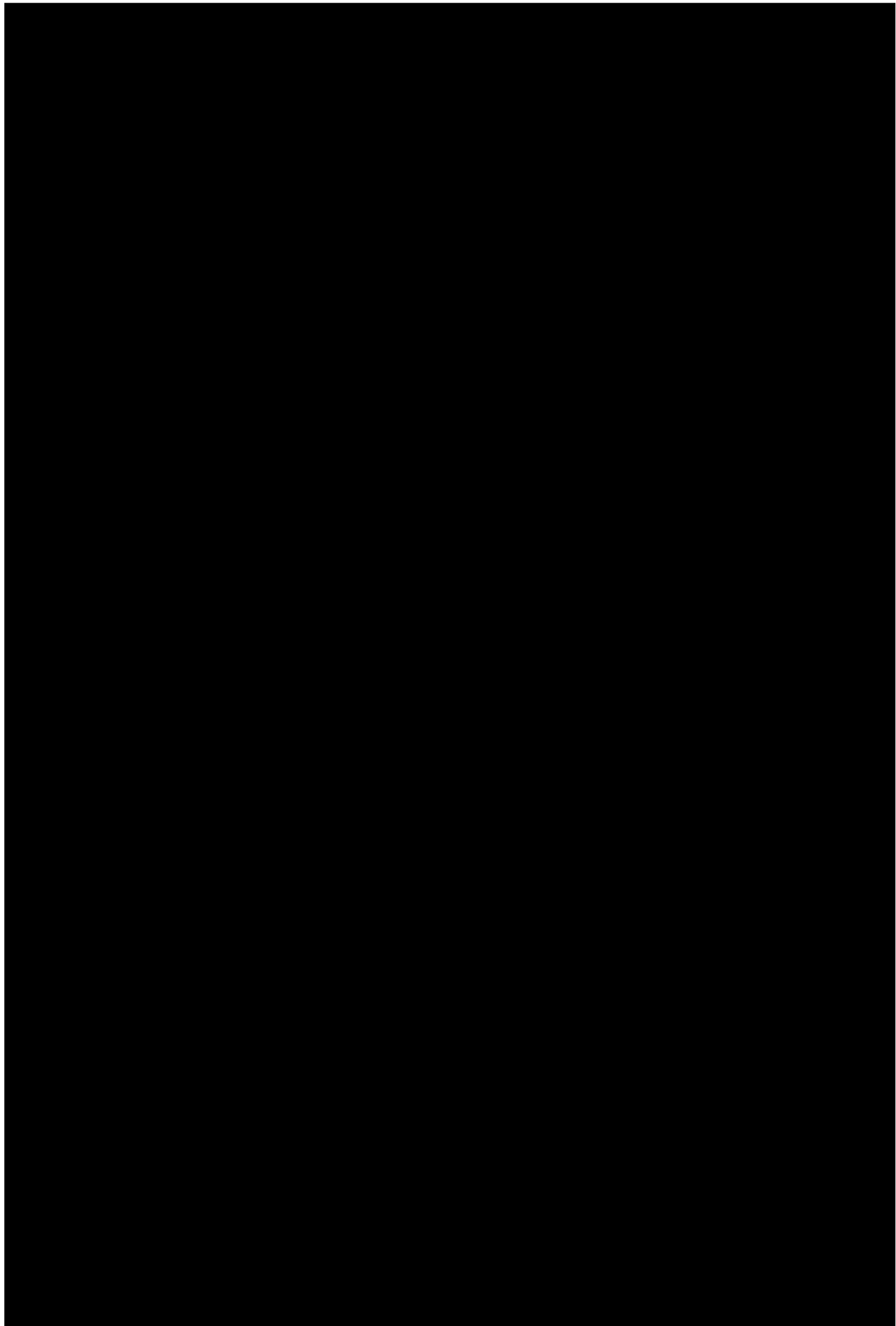
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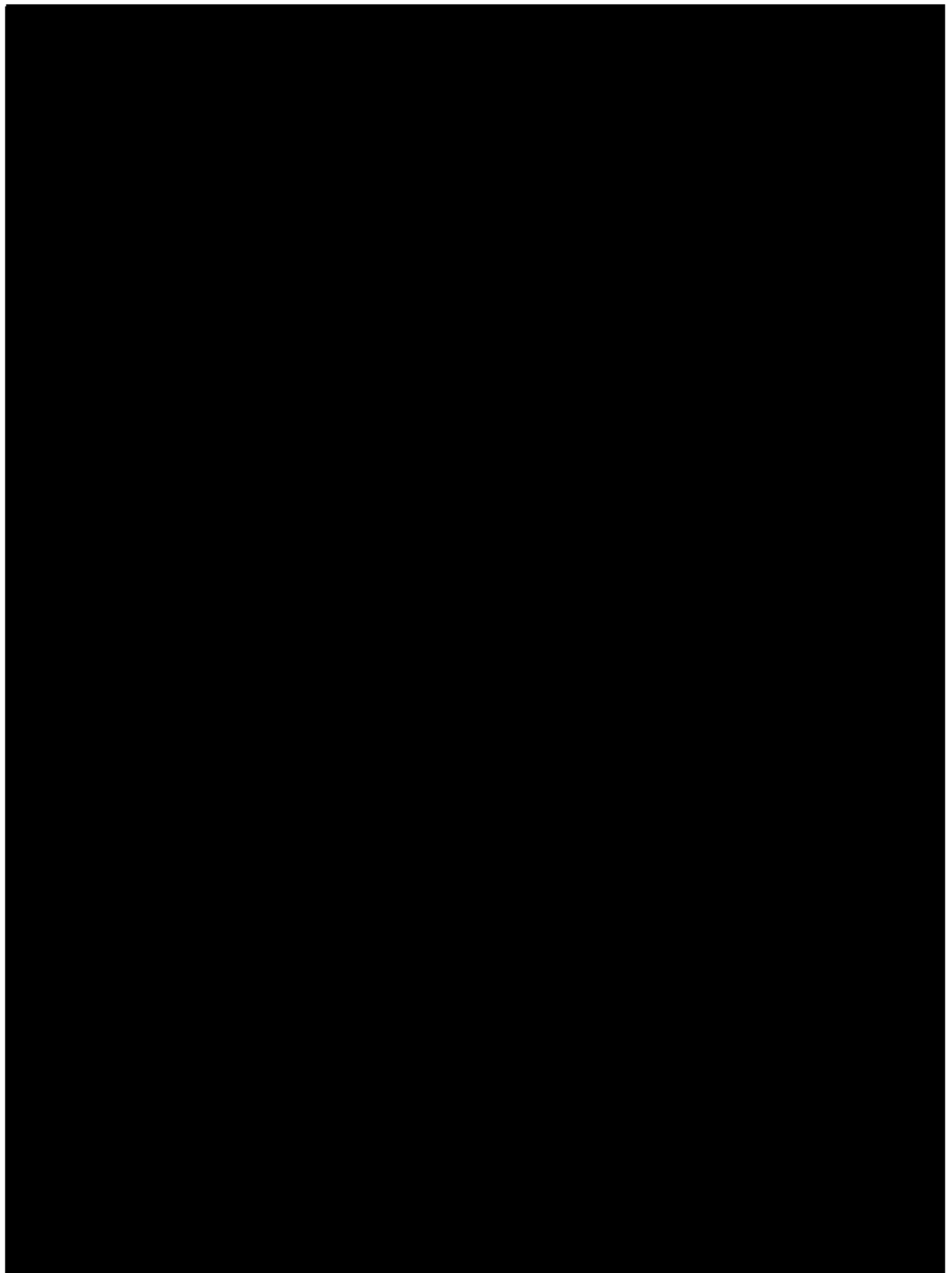
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20100923





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785115-10-0004

[REDACTED]

20100429

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OTHER (NON-EXPLOSIVE/FIRE)

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785115-10-0004

[REDACTED]

20100924

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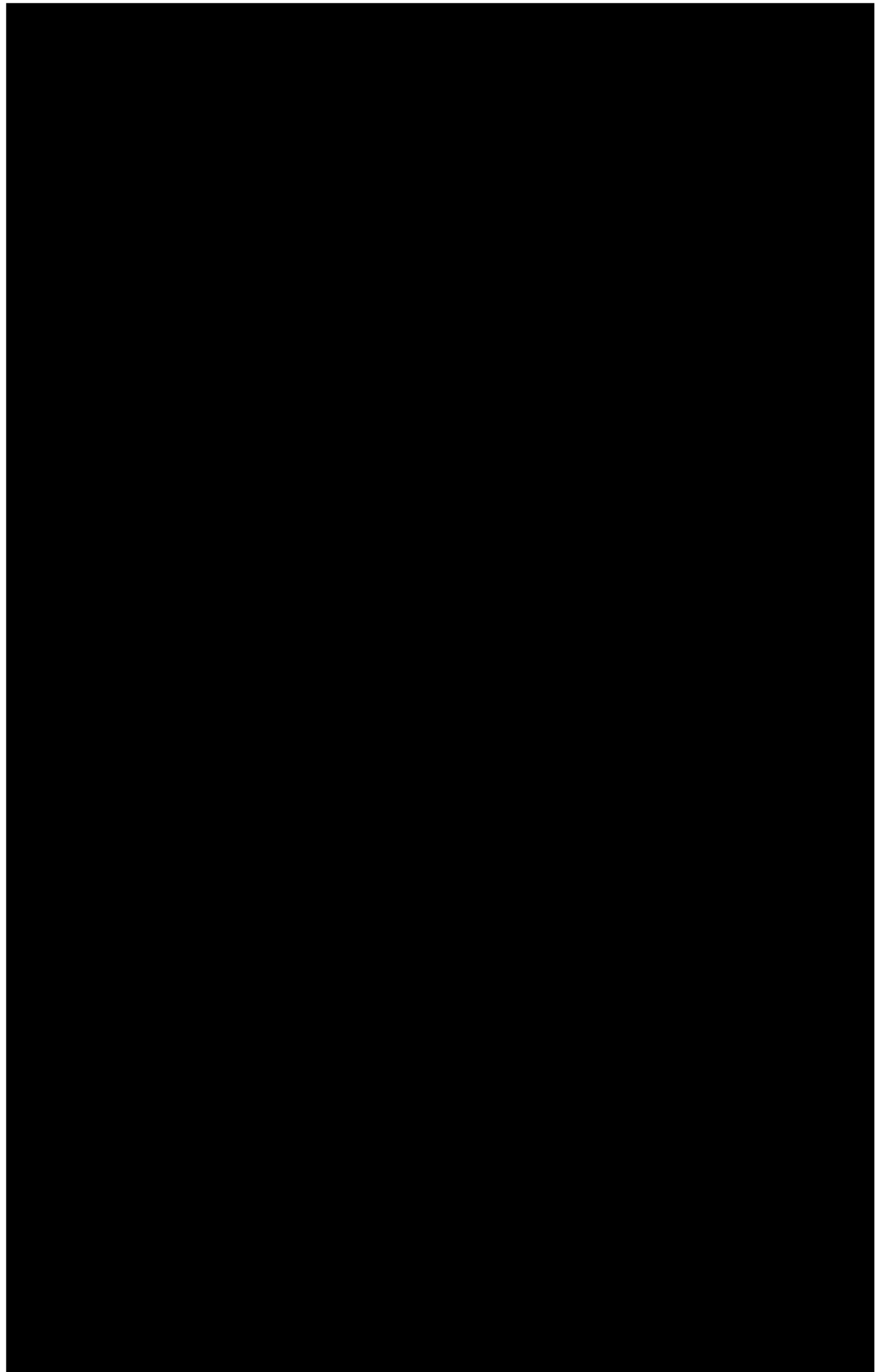
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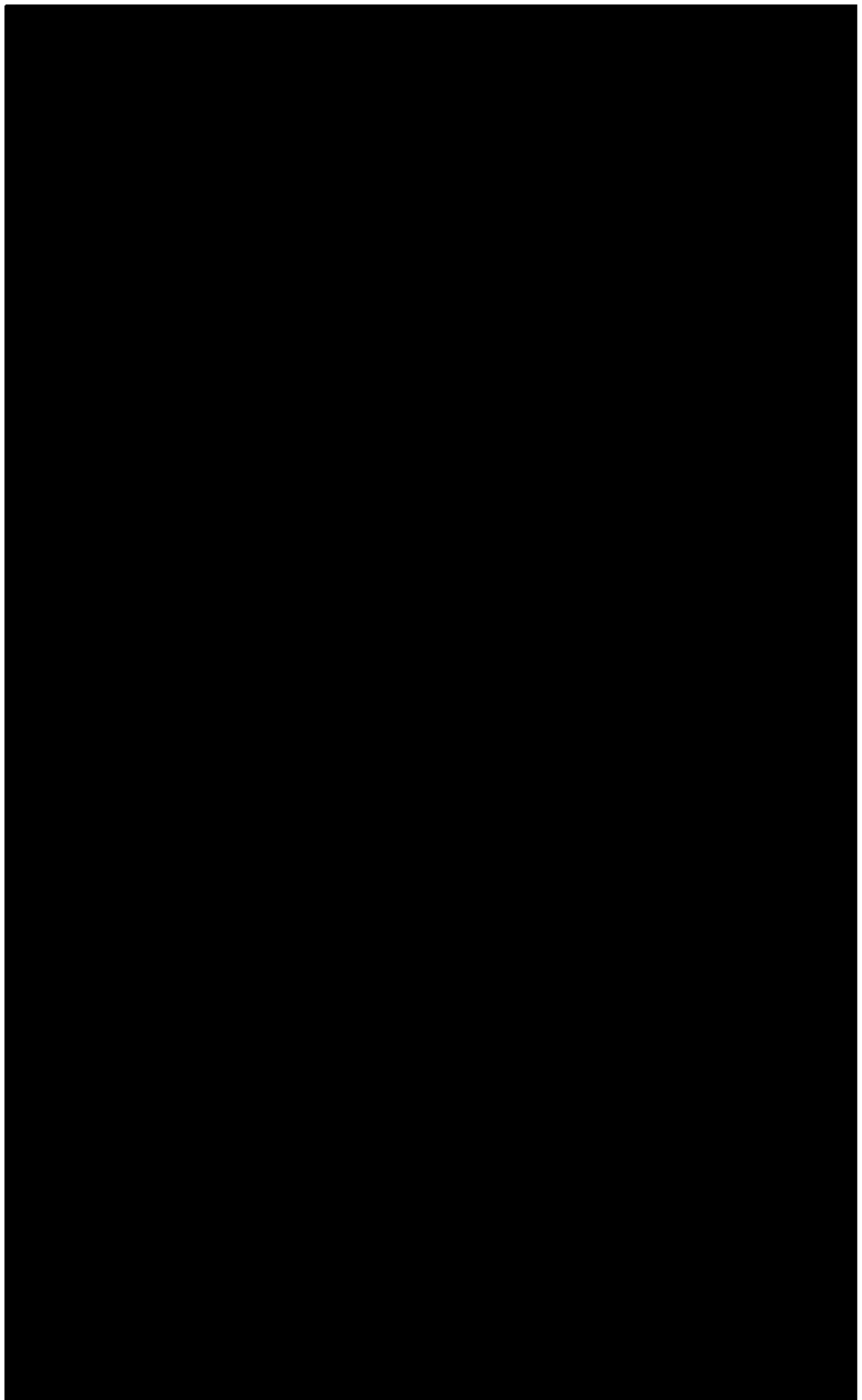
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785115-10-0004

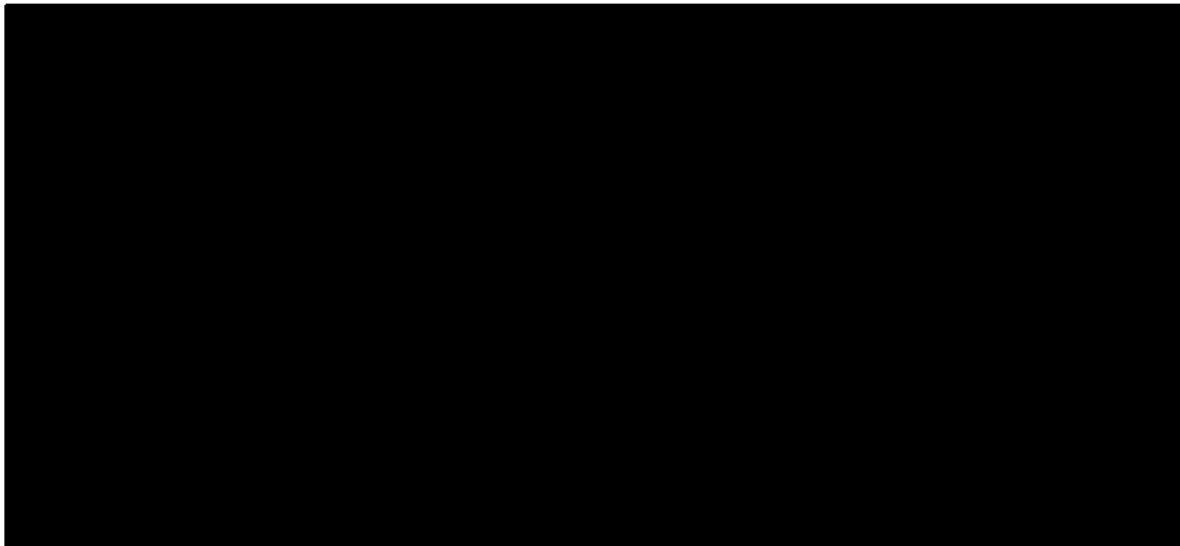


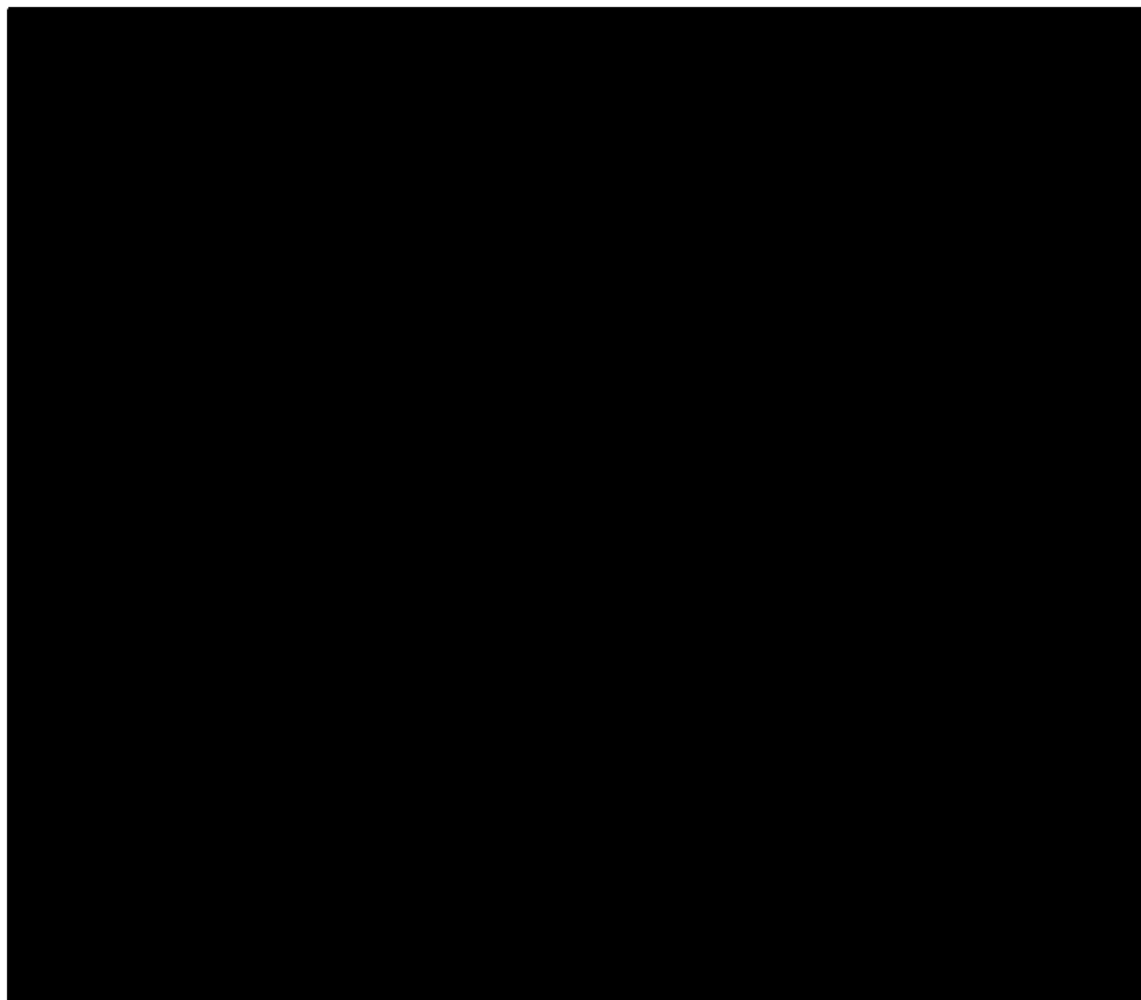
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CONTACT INTERVIEW  
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1048489



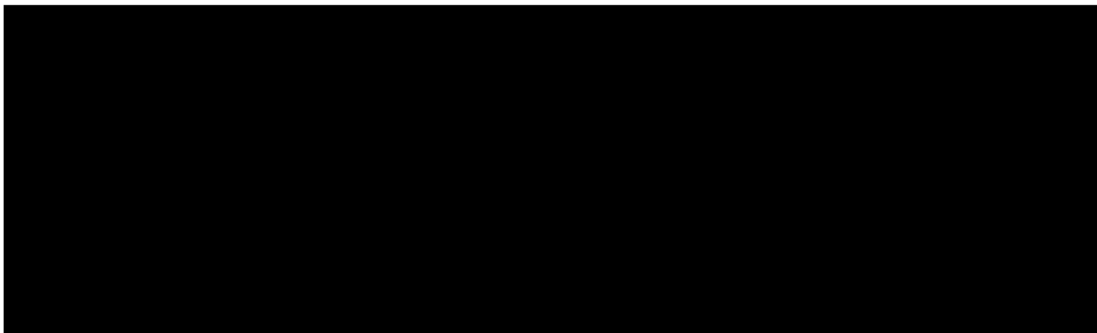
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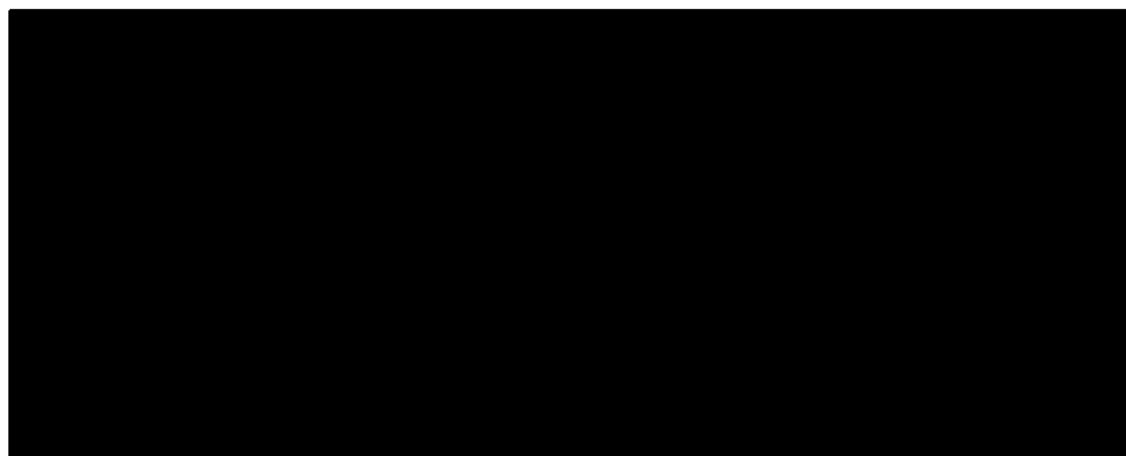


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1050572

785115-10-0004



20101008

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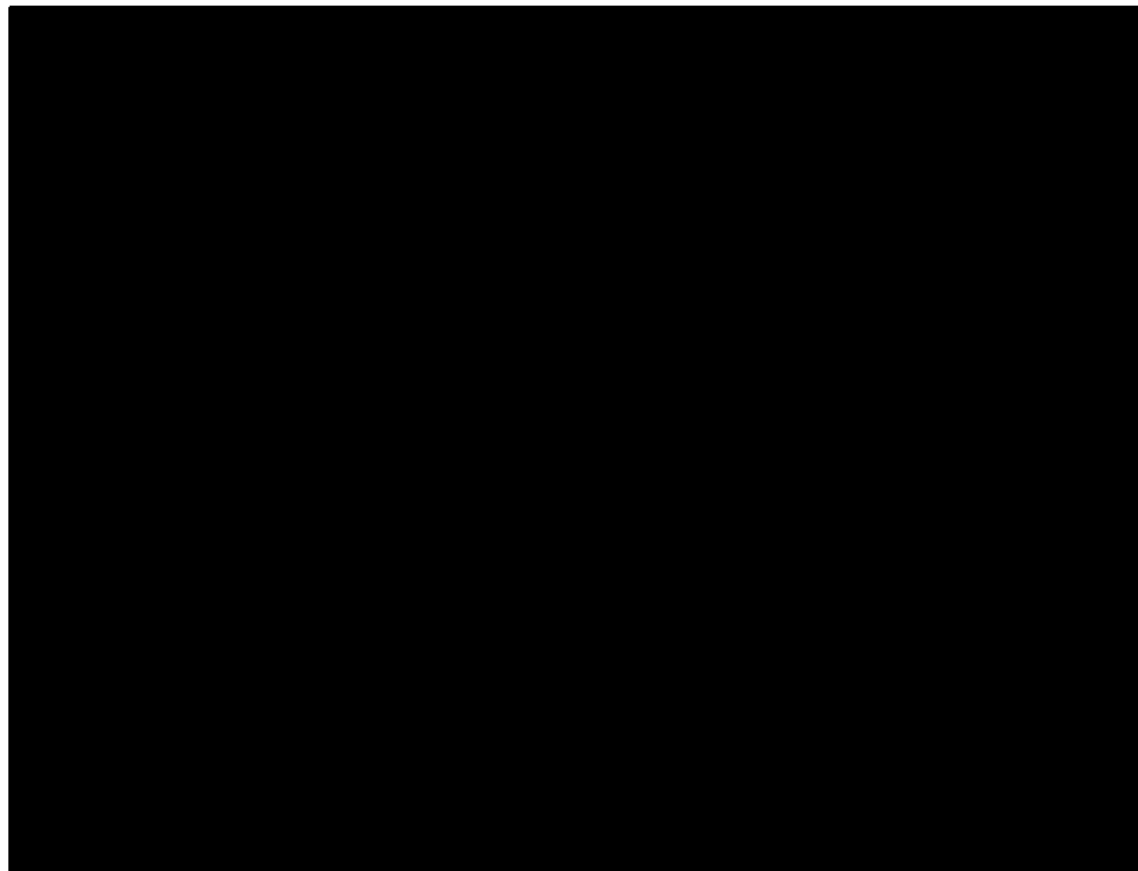
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1050572



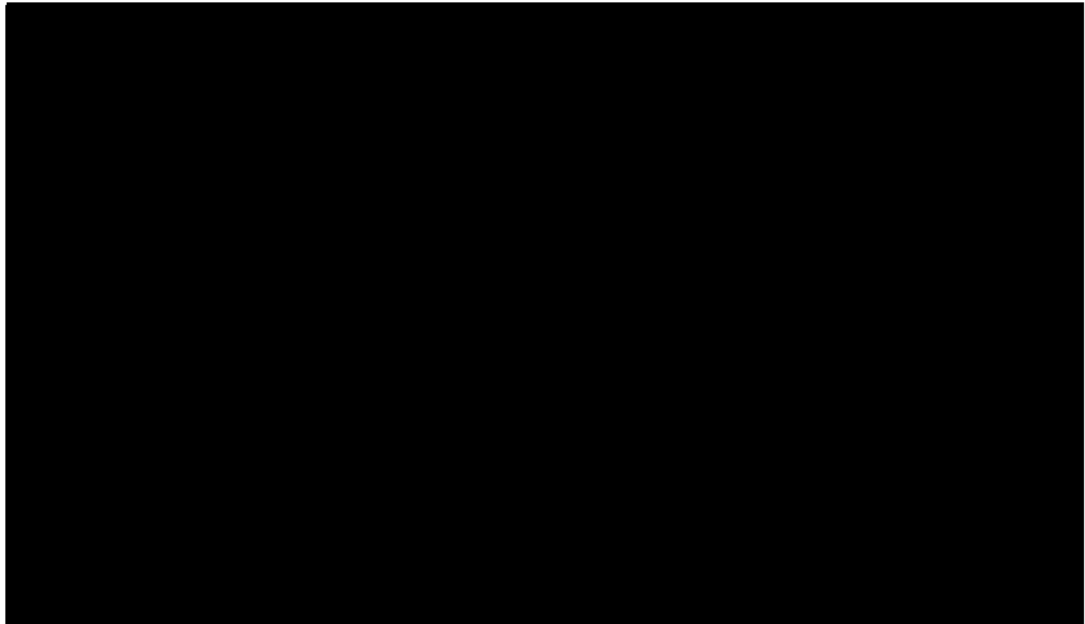
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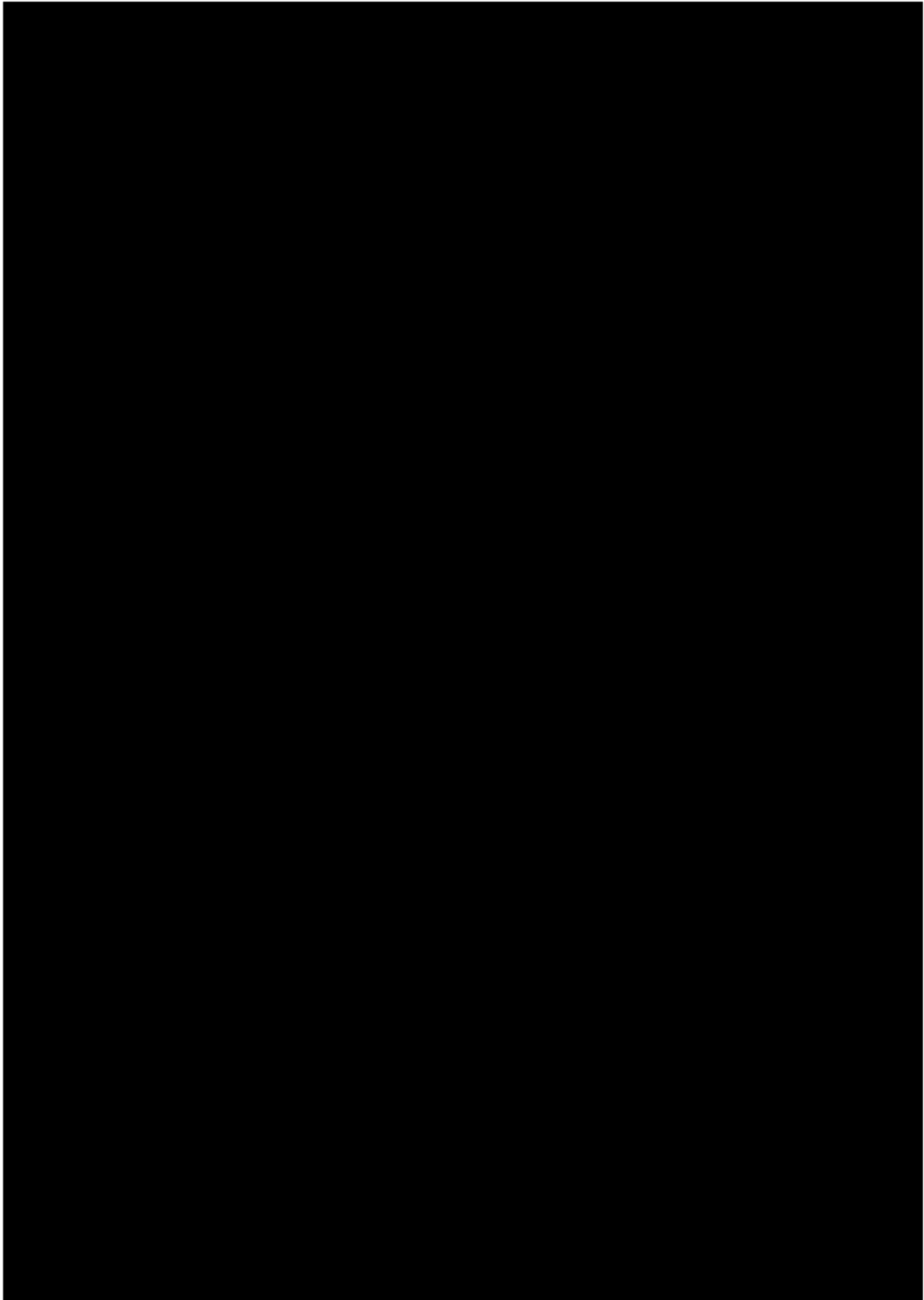
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20101010



1051145

785115-10-0004

[REDACTED]

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OTHER (NON-EXPLOSIVE/FIRE)

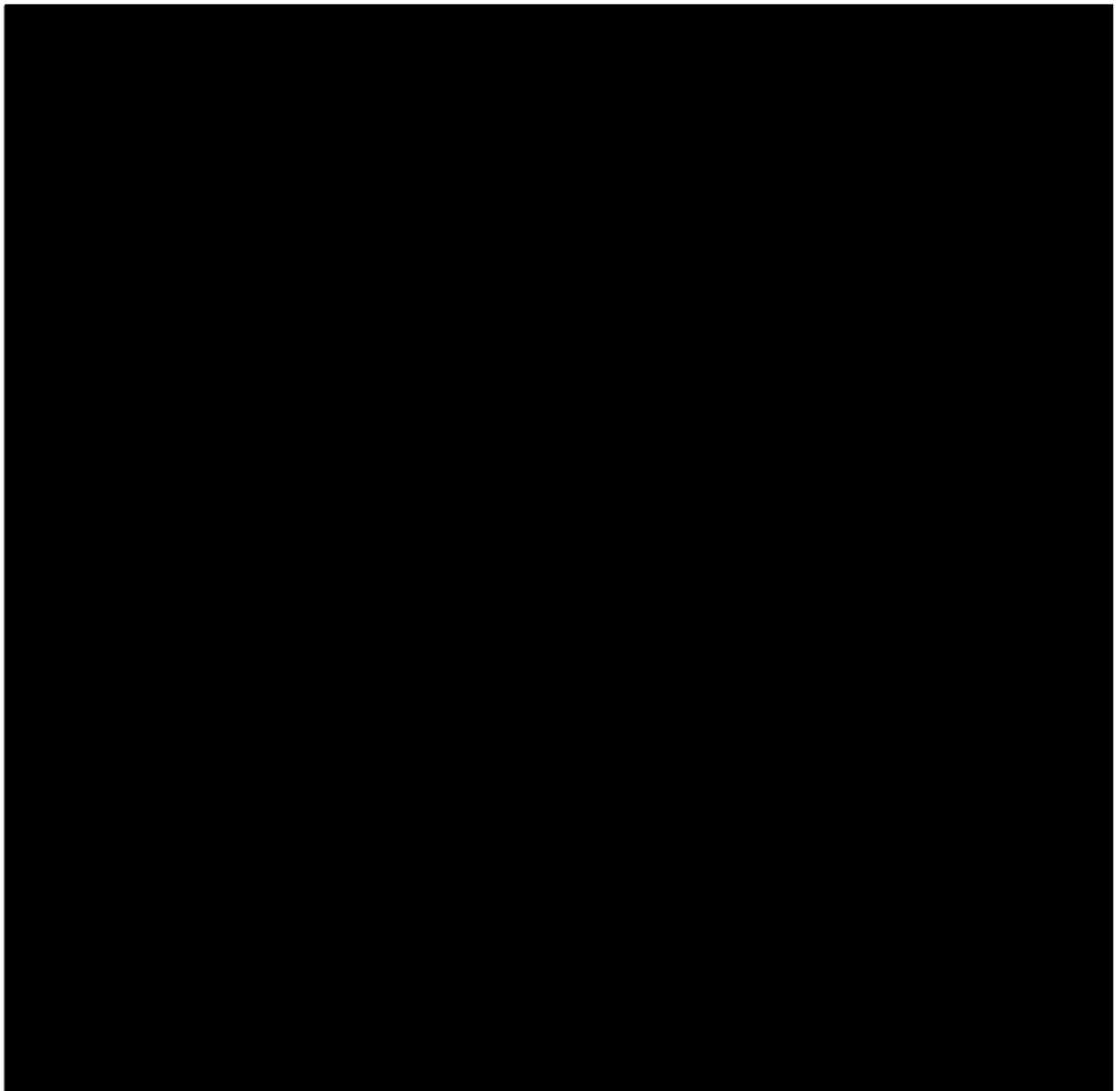
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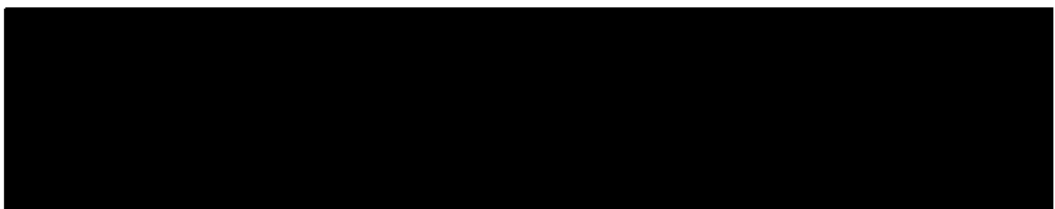


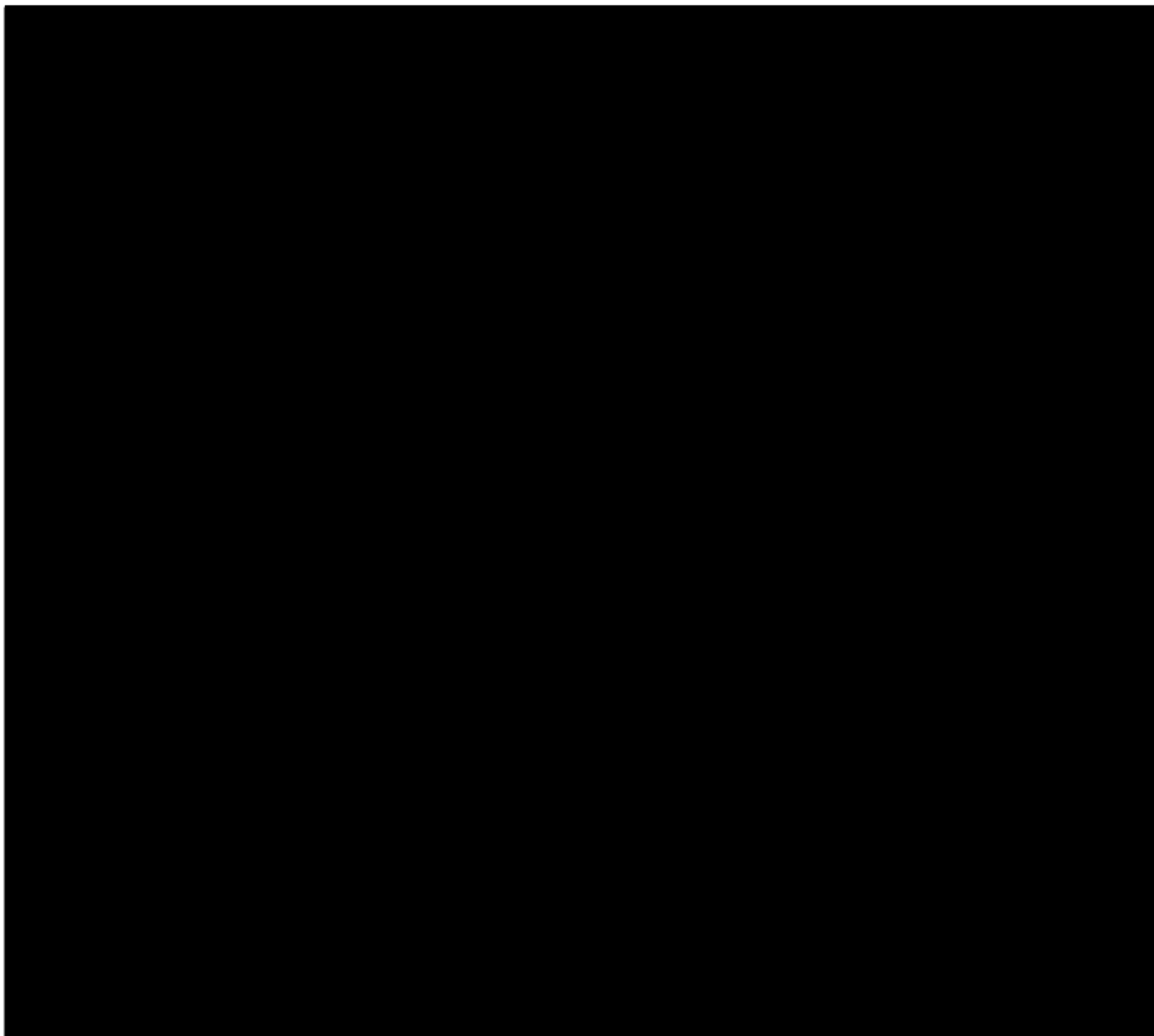
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SURVEILLANCE  
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1052765



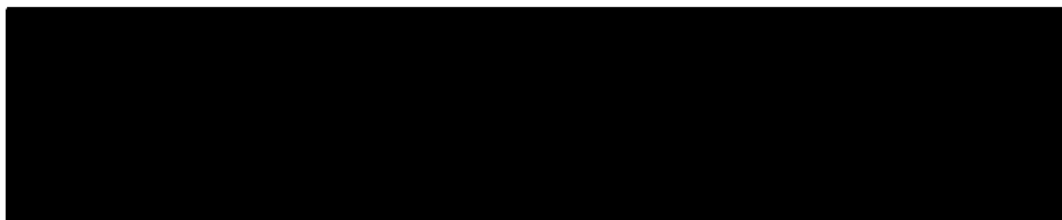
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785115-10-0004  
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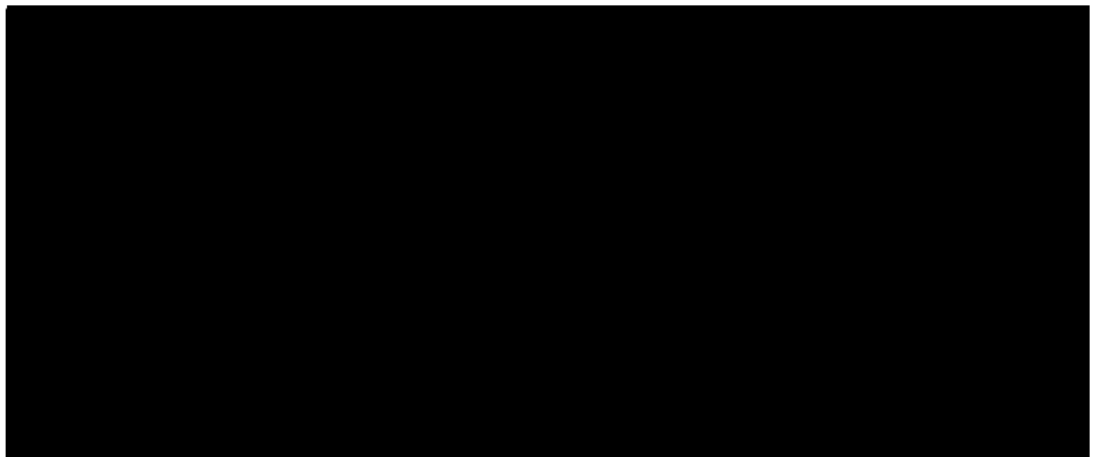




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OTHER (NON-EXPLOSIVE/FIRE)  
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1052901

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OTHER (NON-EXPLOSIVE/FIRE)  
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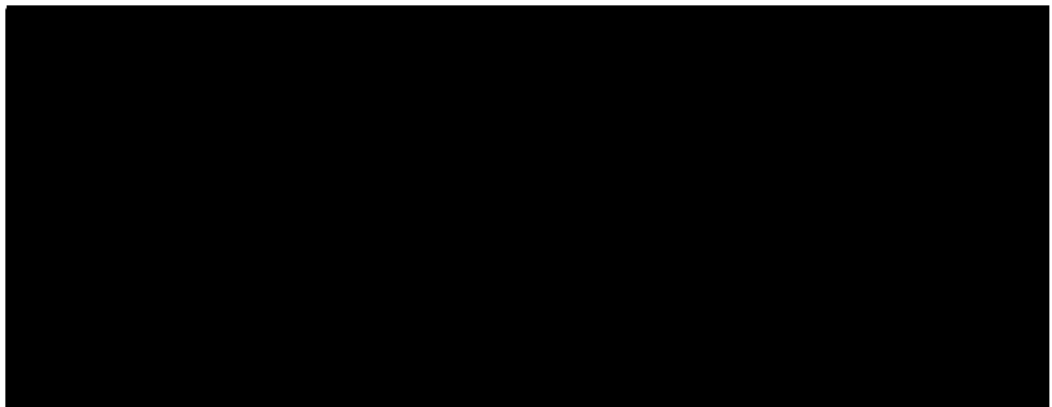
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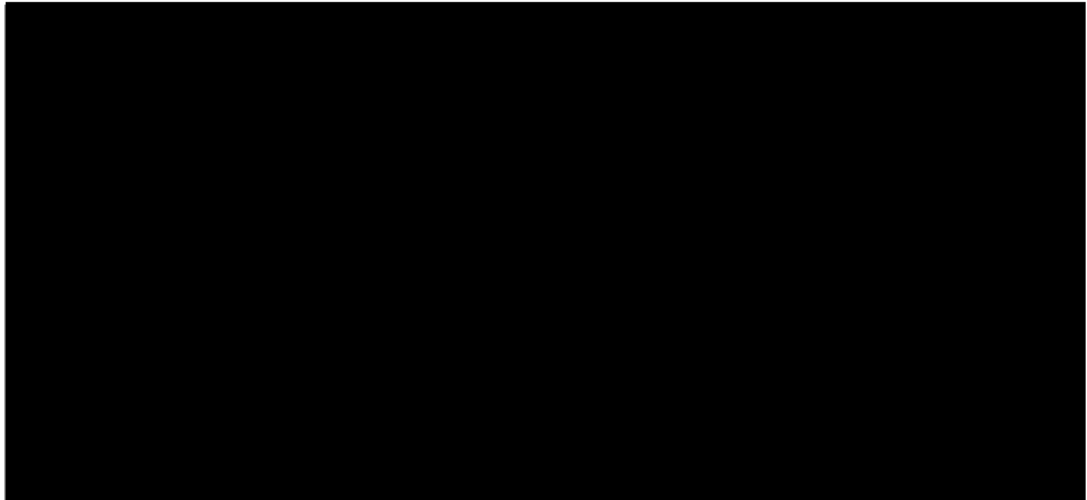
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OTHER (NON-EXPLOSIVE/FIRE)  
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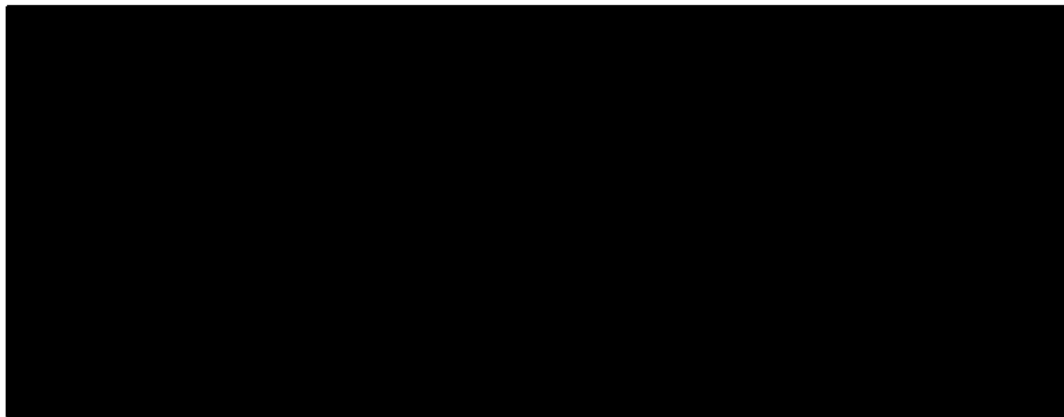
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OTHER (NON-EXPLOSIVE/FIRE)  
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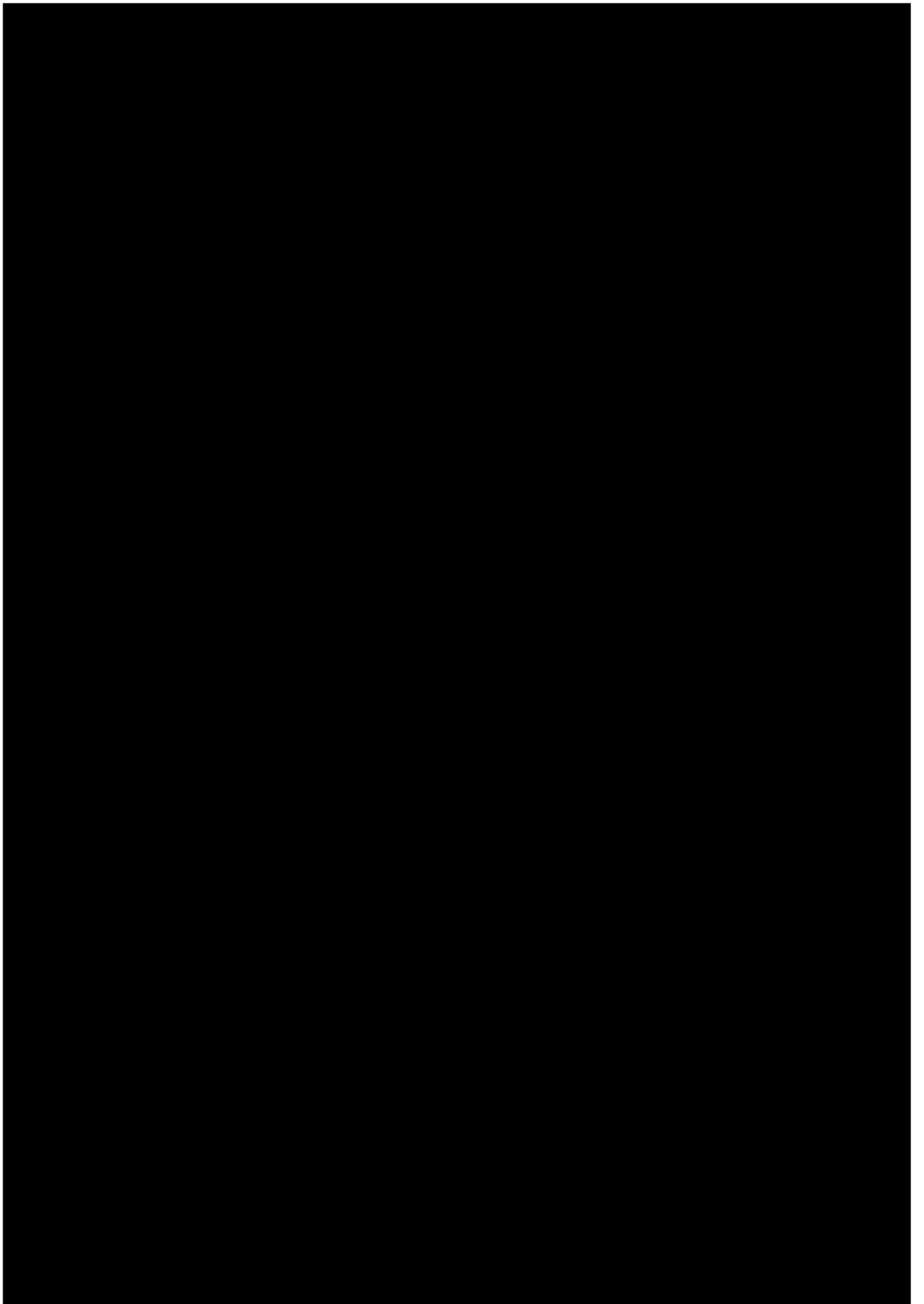


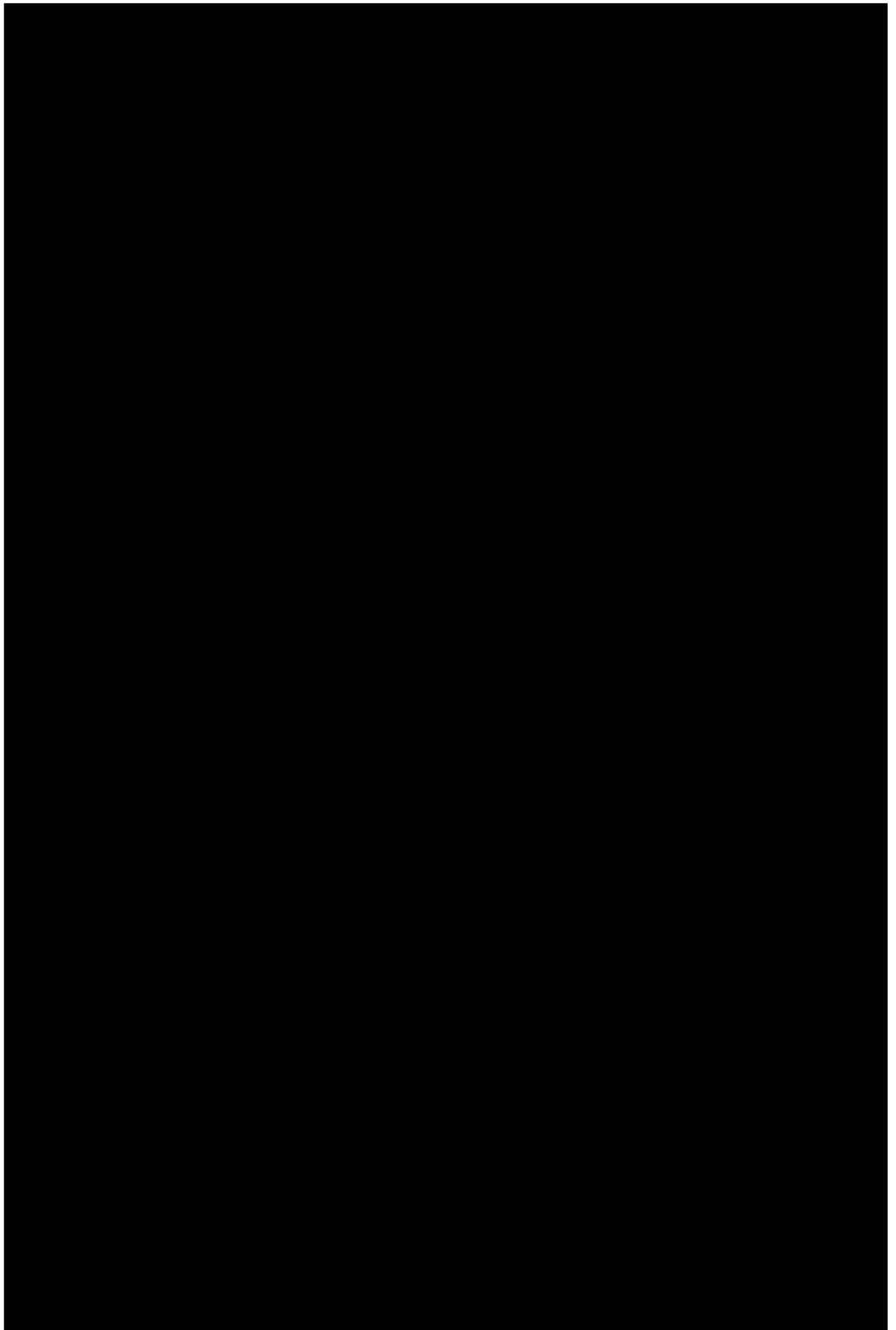
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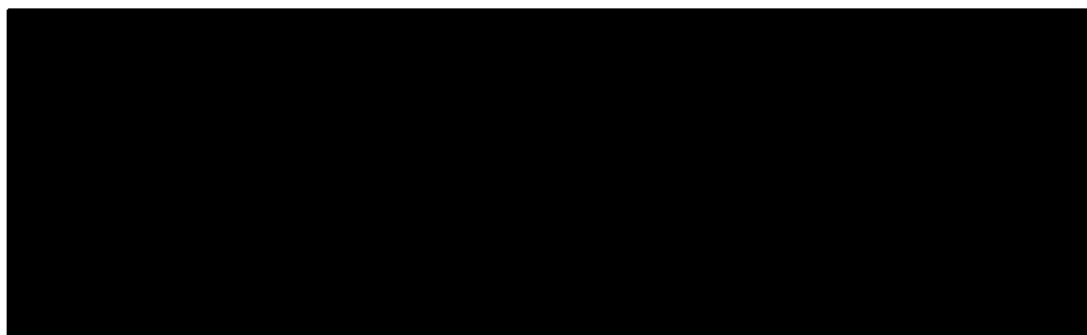
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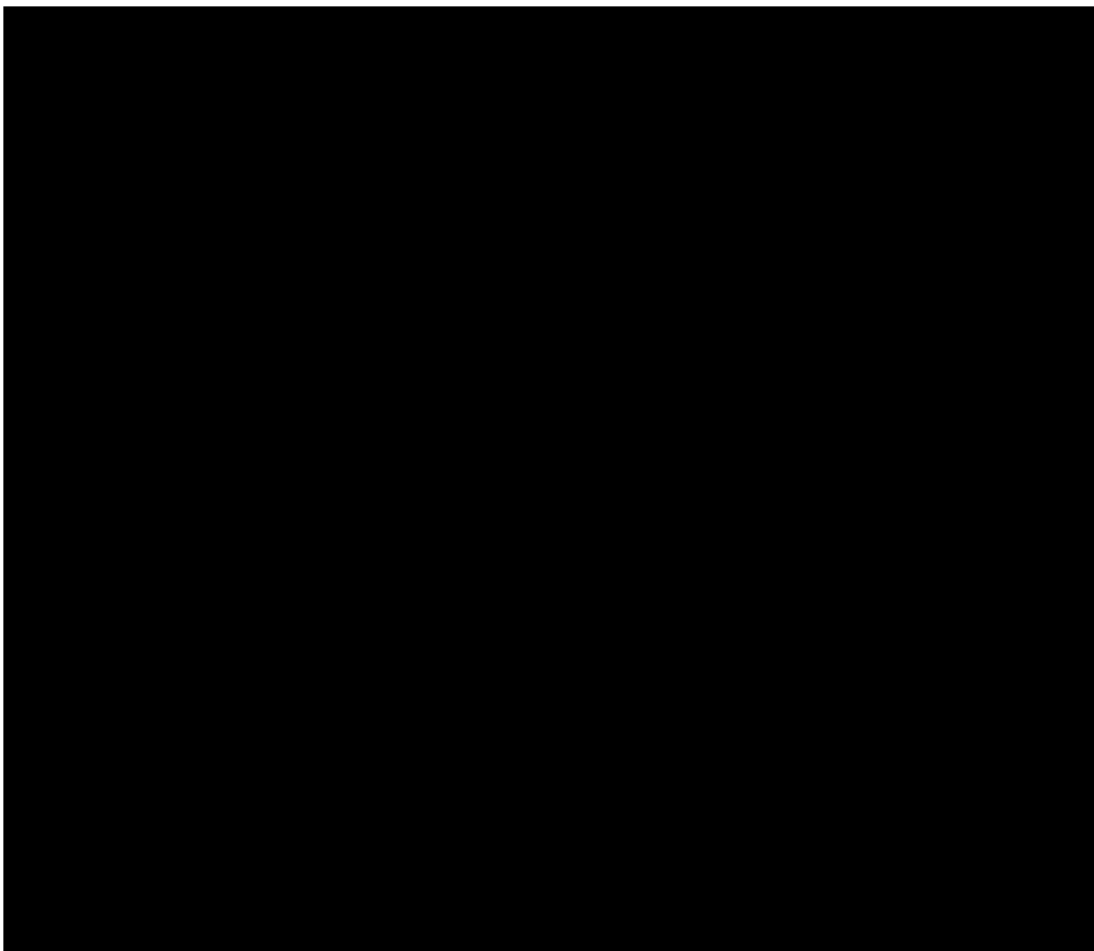


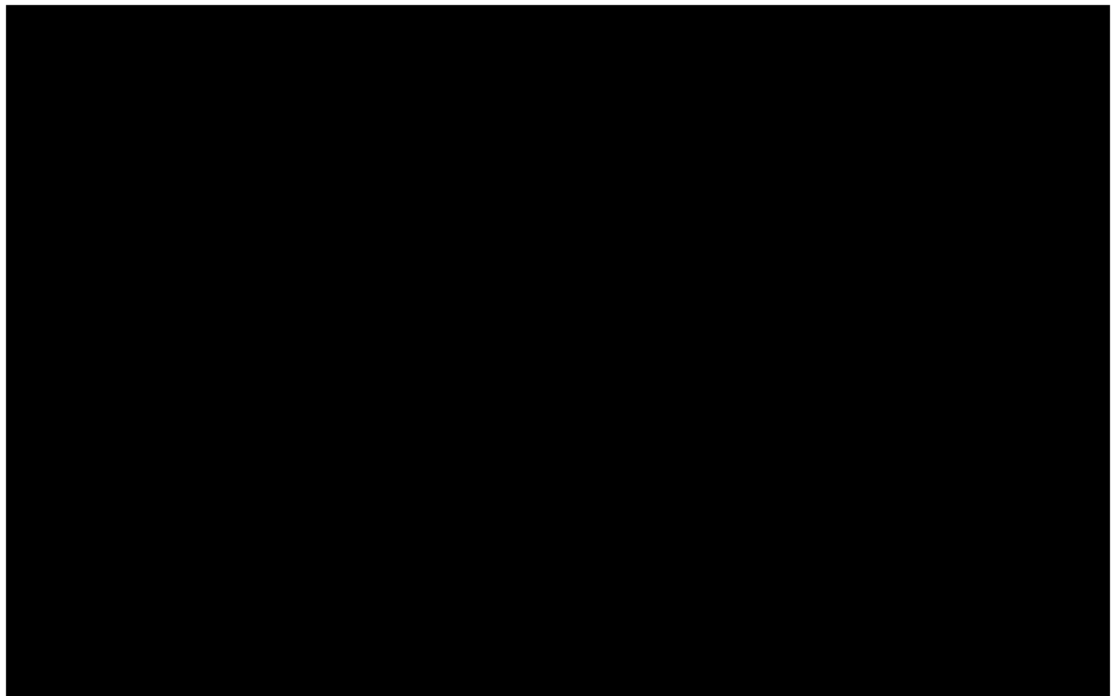




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CONTACT INTERVIEW  
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1053501  
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1053573  
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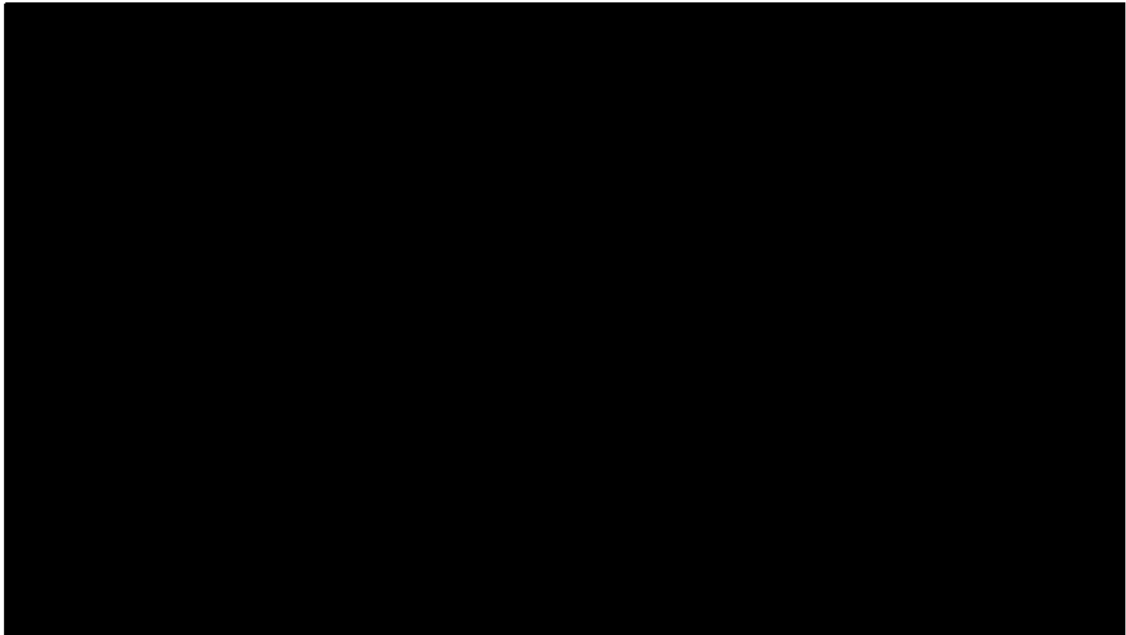


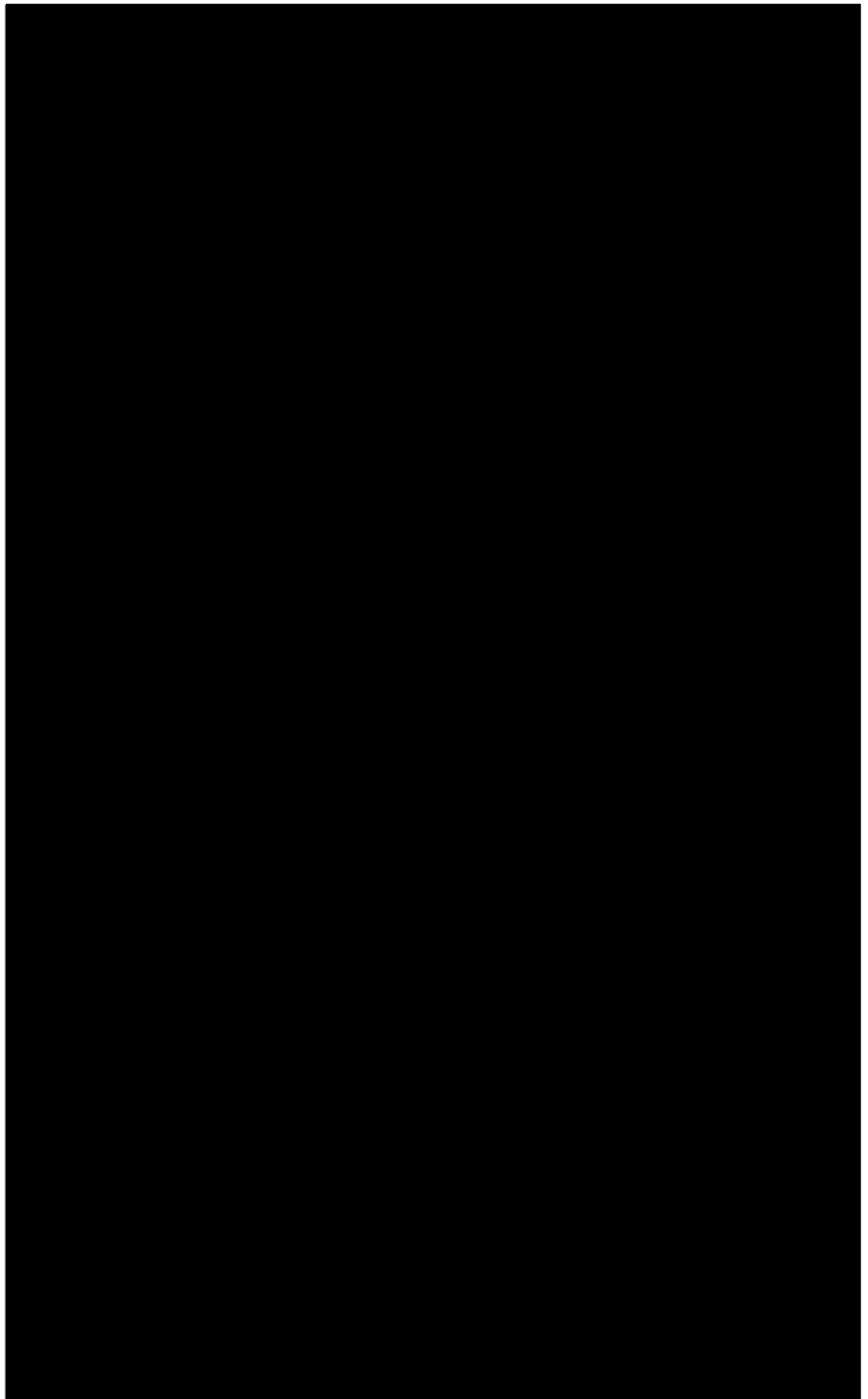
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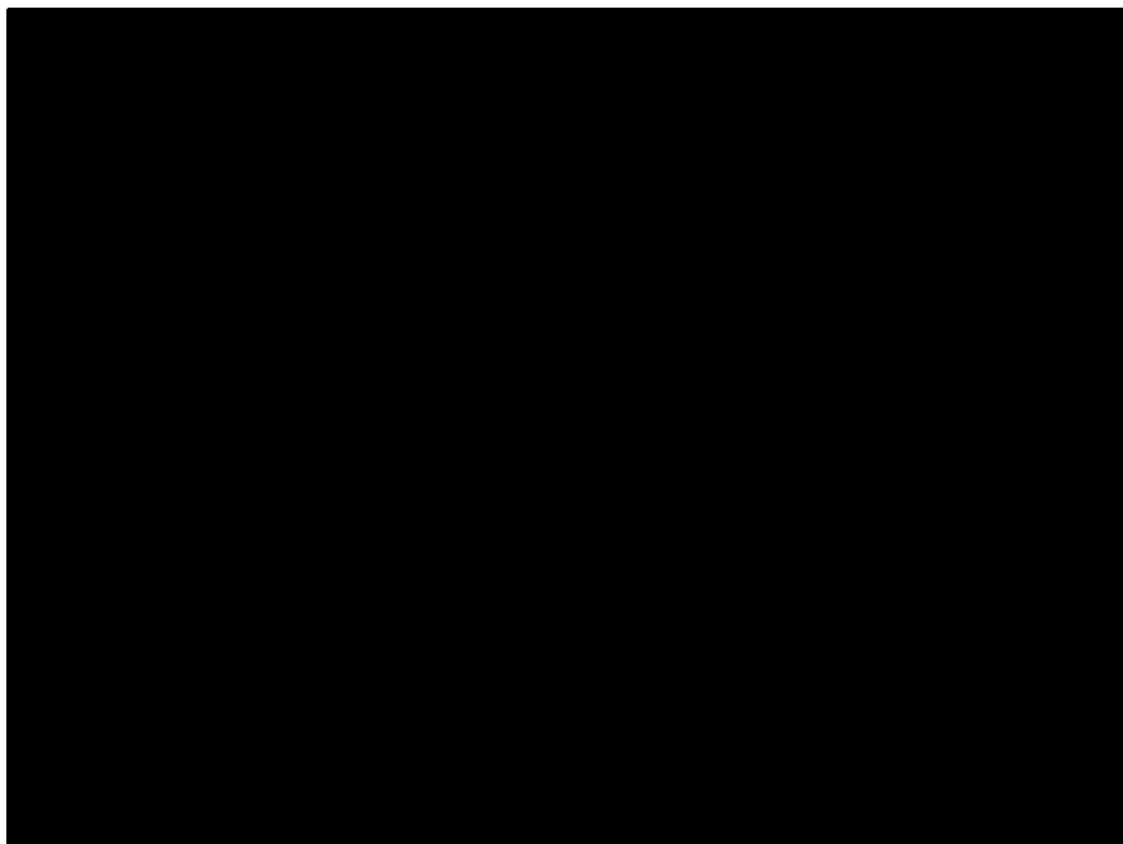
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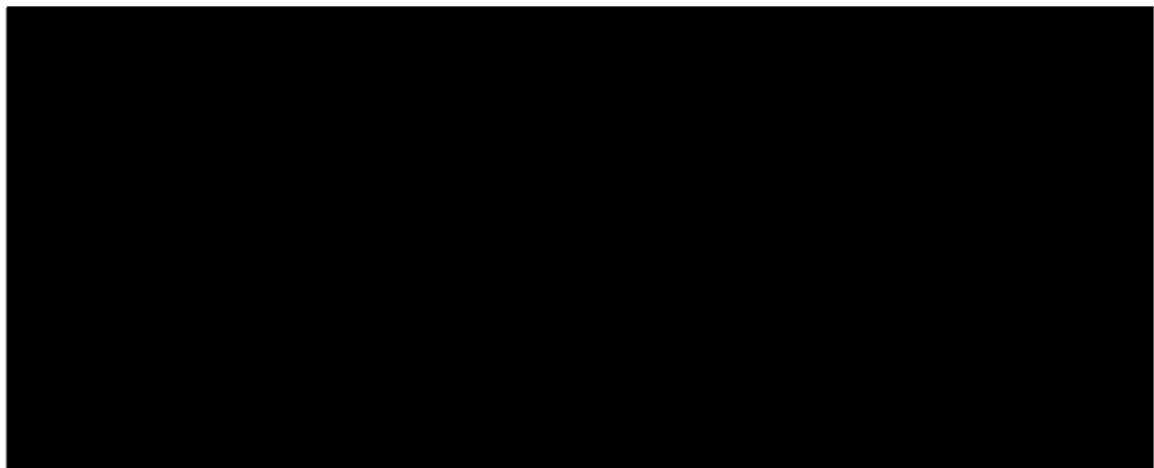


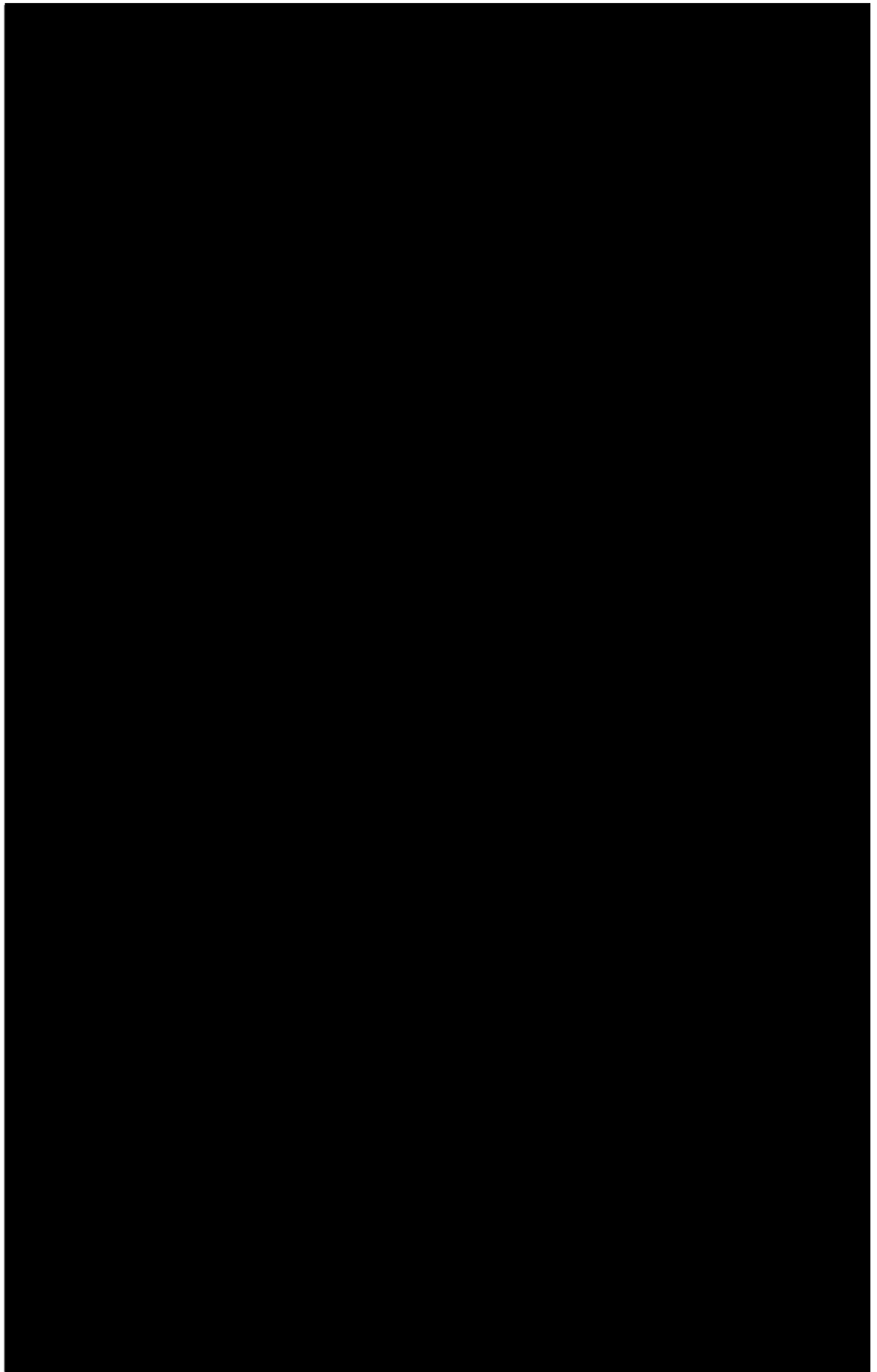




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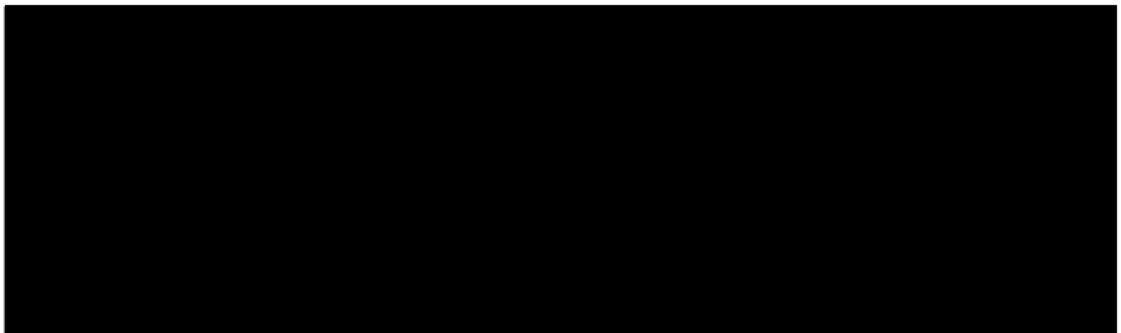
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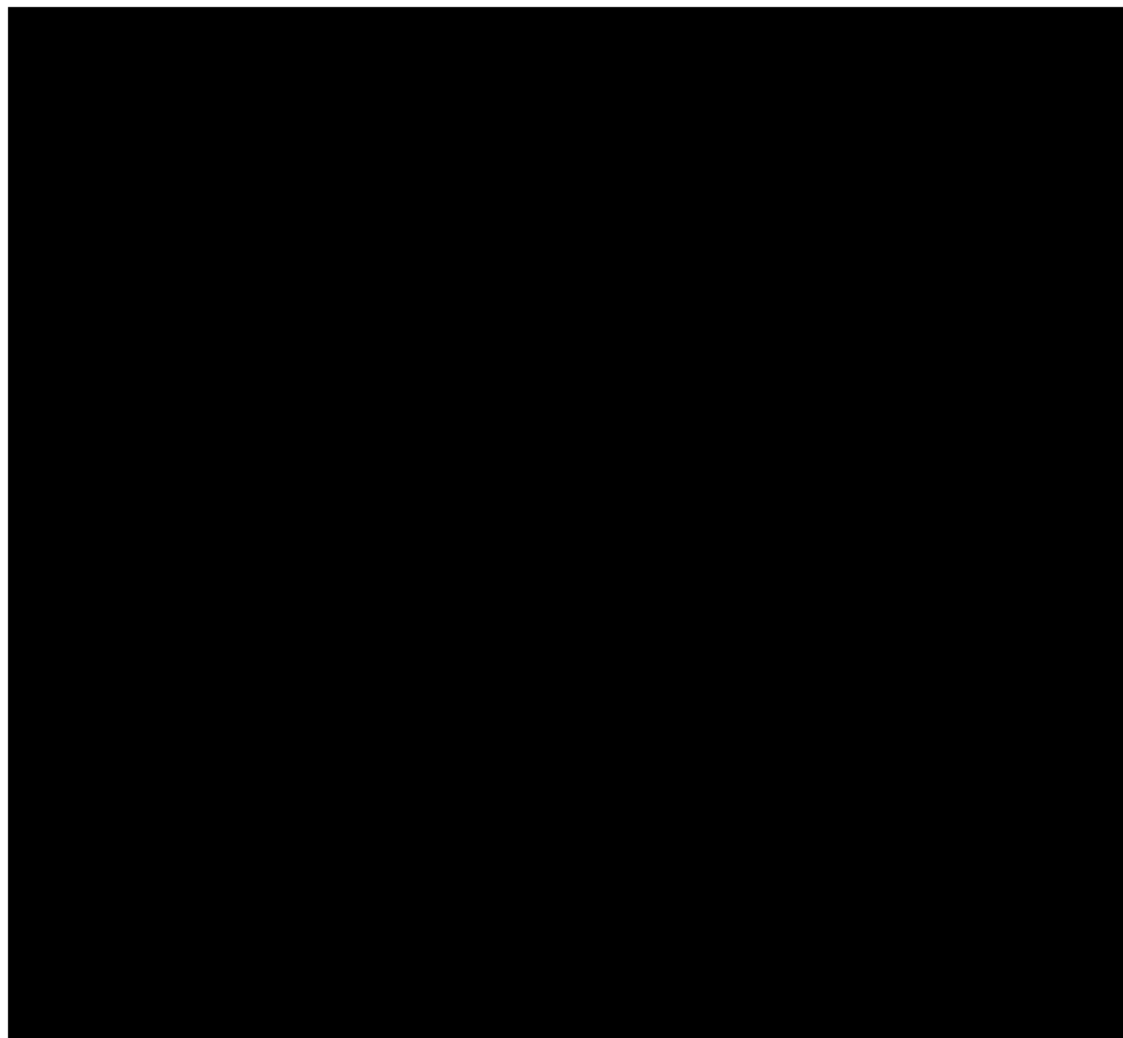
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OTHER (NON-EXPLOSIVE/FIRE)  
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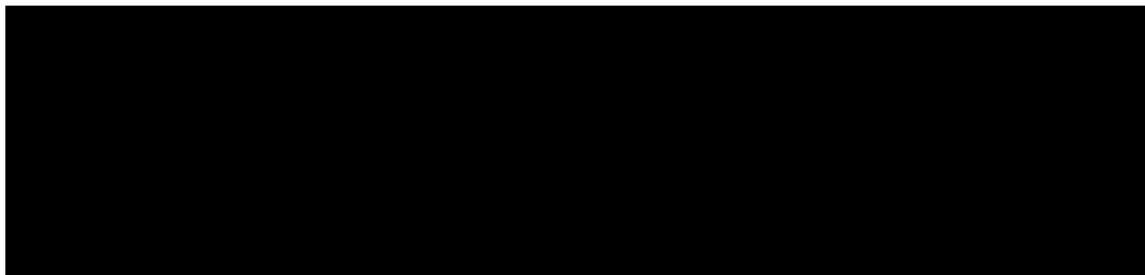
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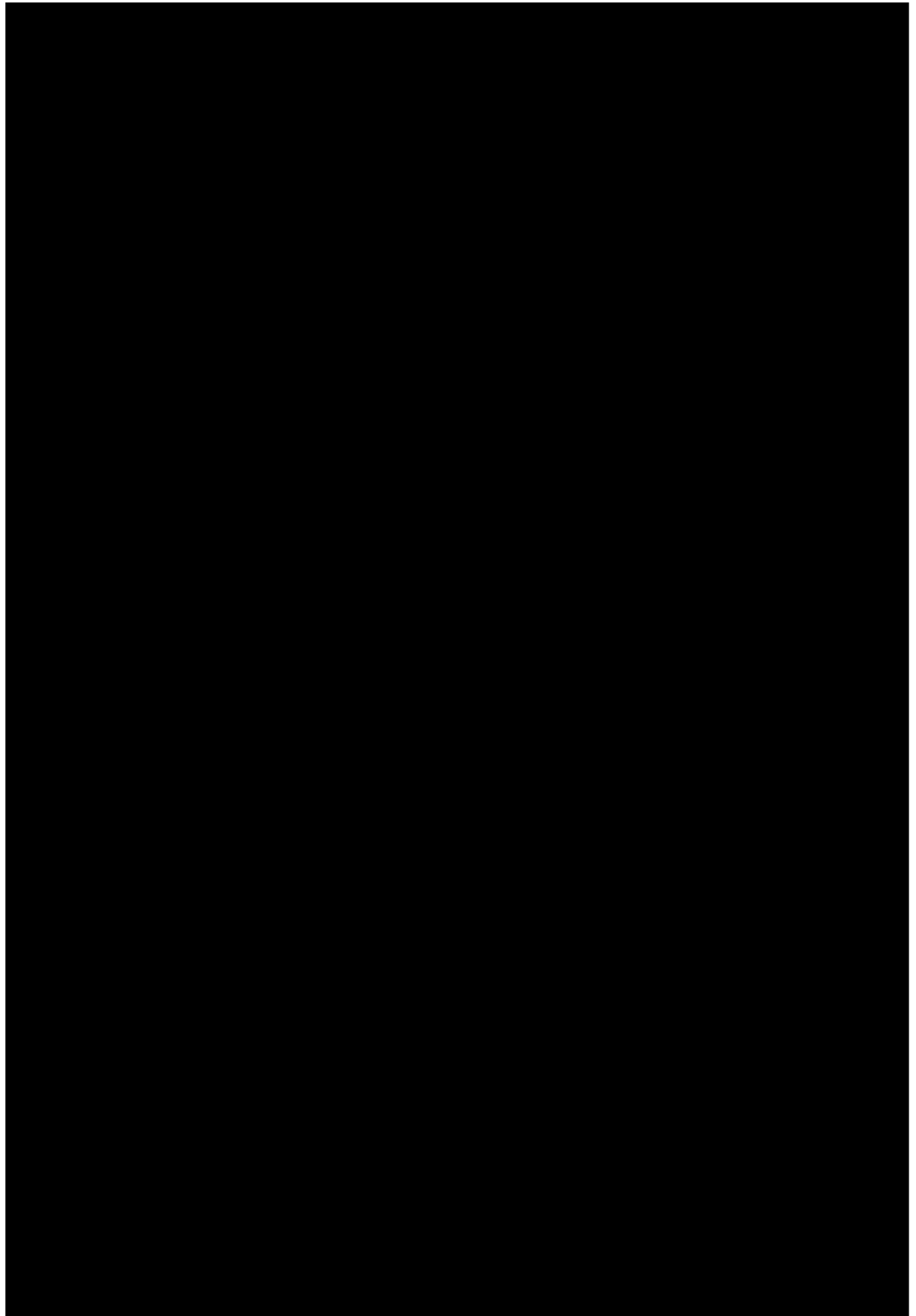


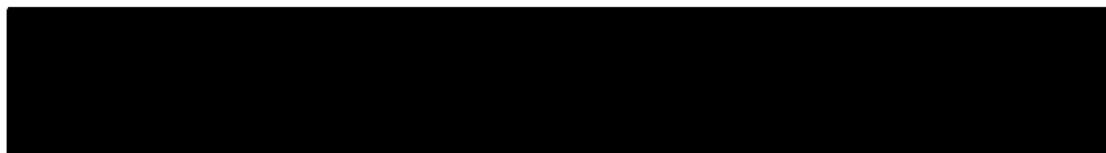


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785115-10-0004  
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1056986  
785115-10-0004



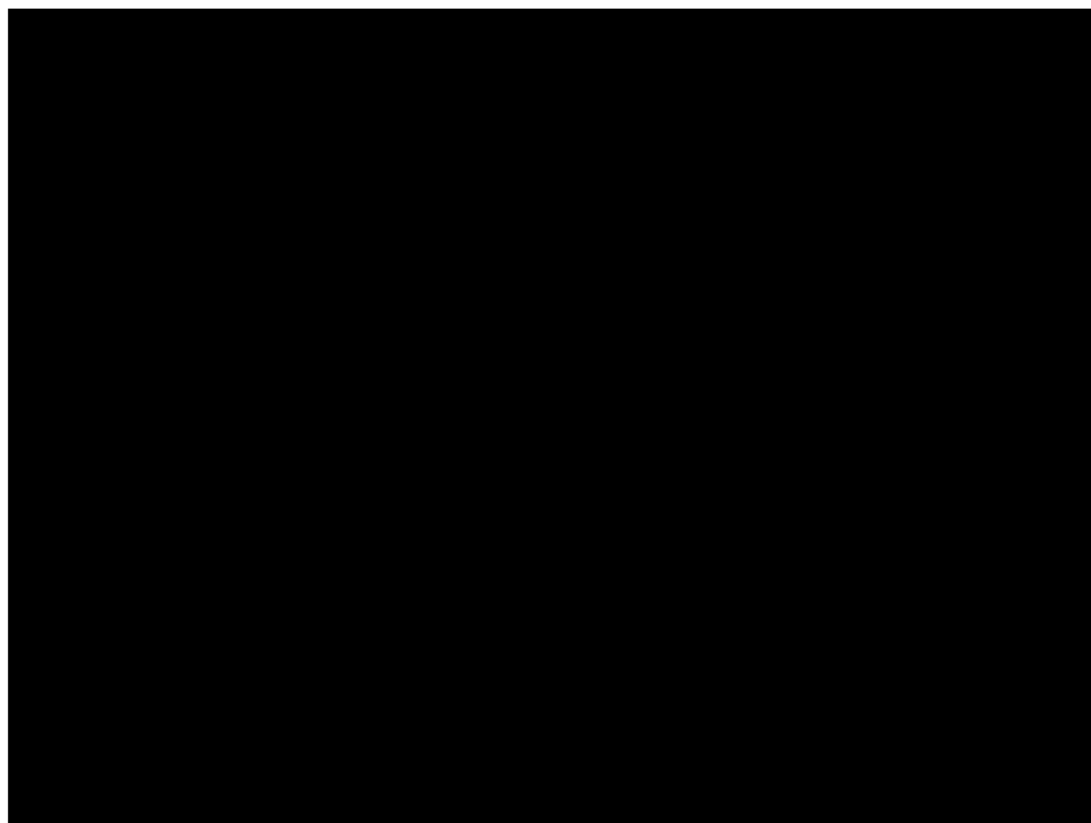
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1056986



20101026





1057679

785115-10-0004

20101102

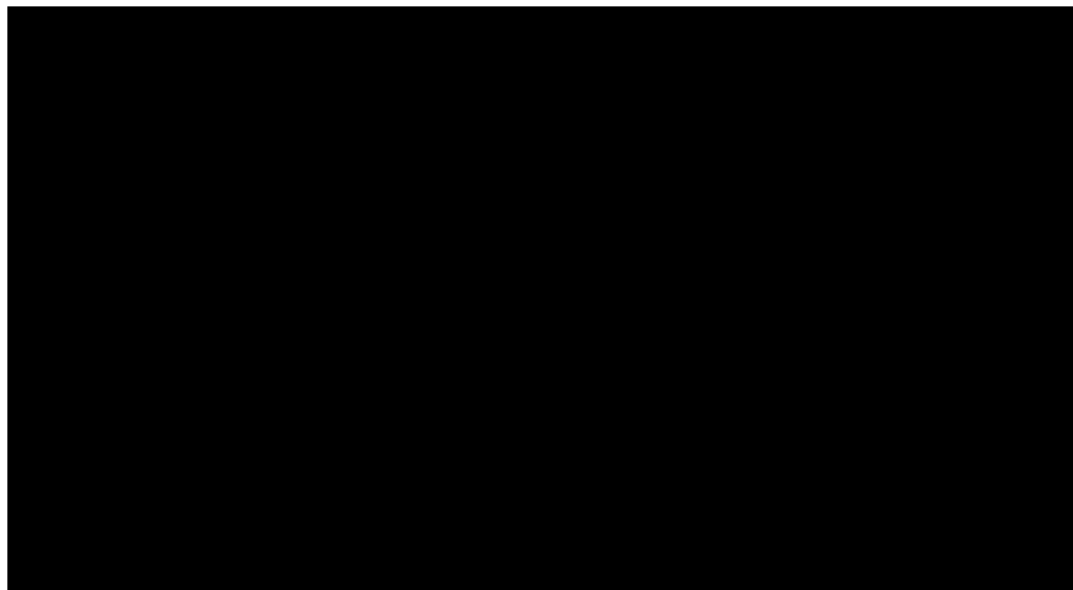
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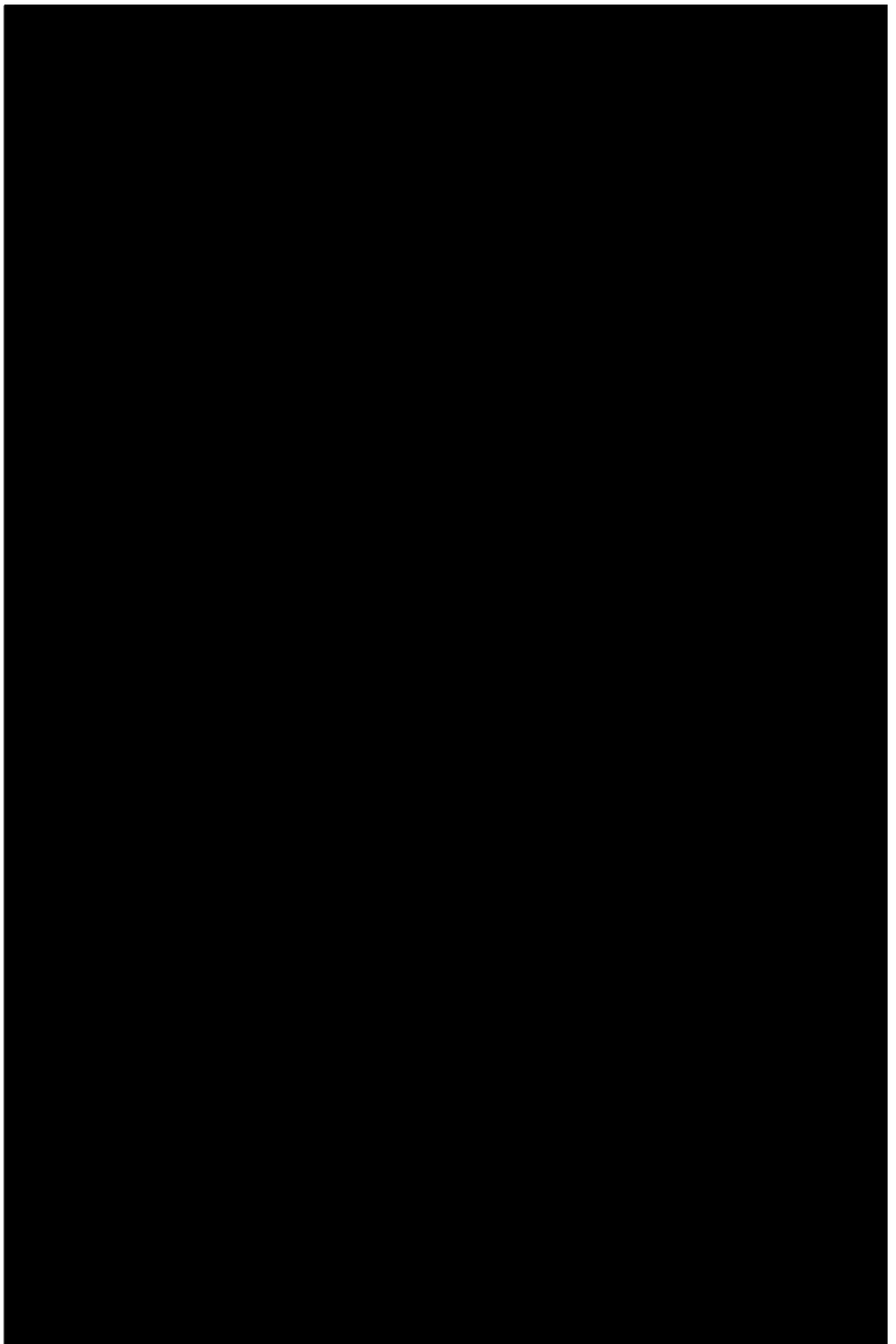
CONTACT INTERVIEW

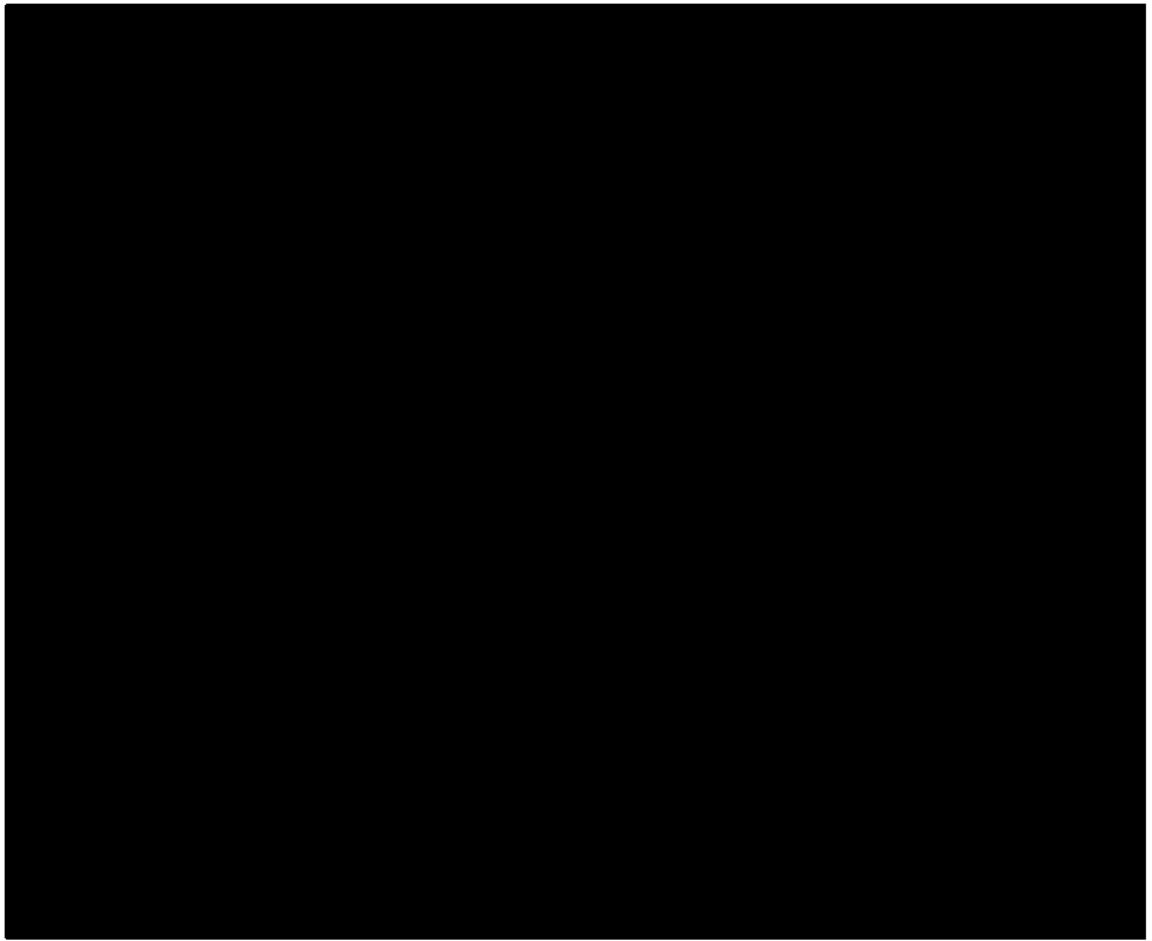
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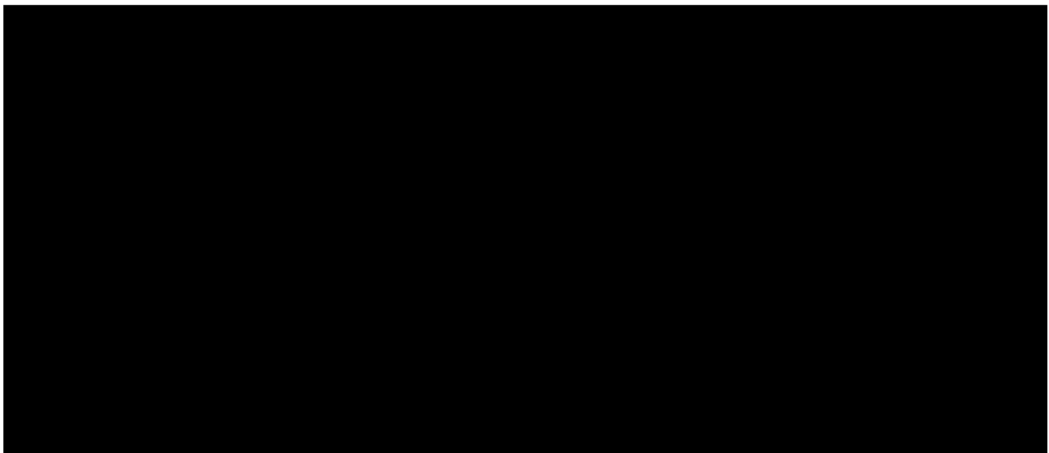


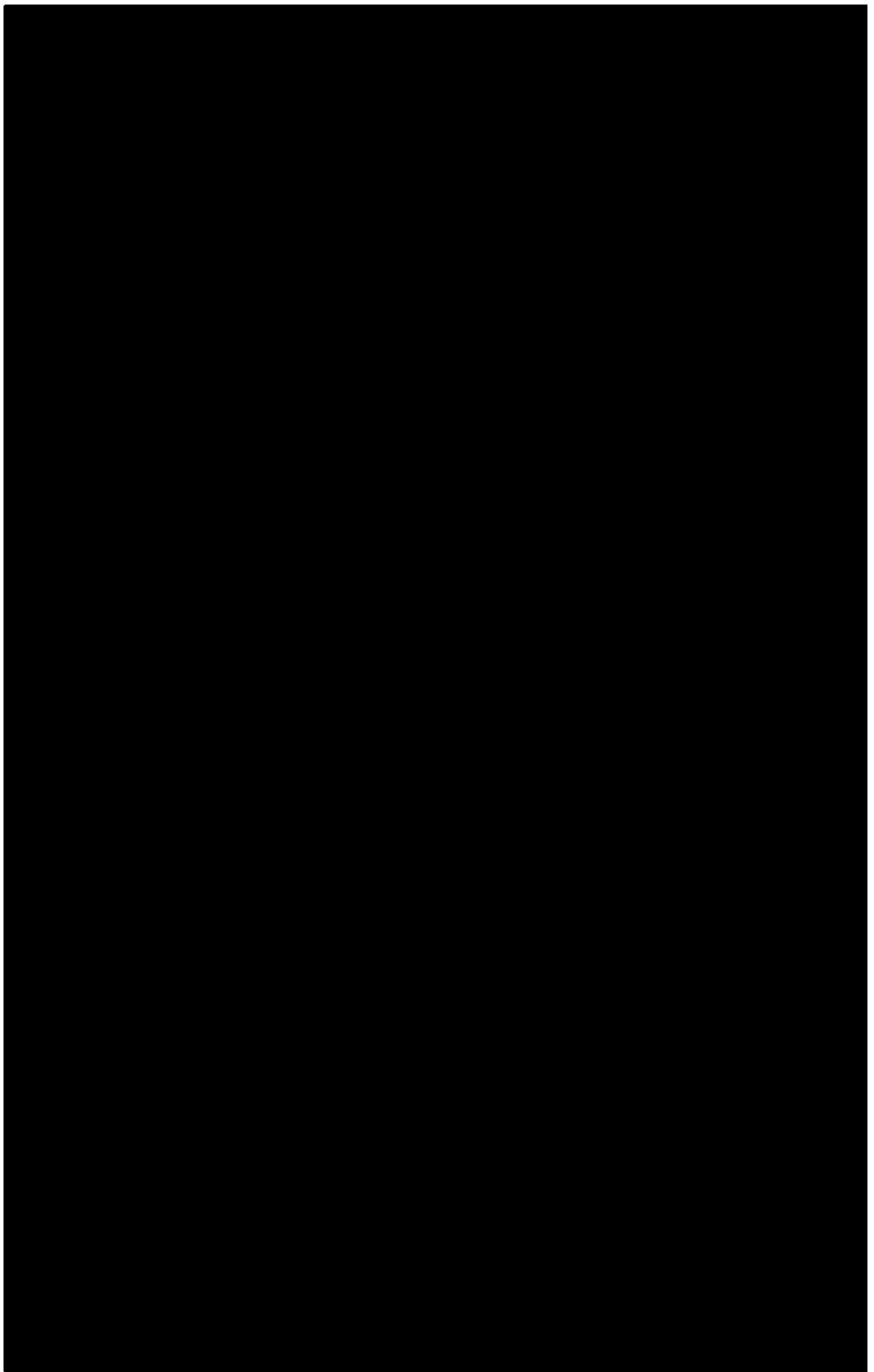




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785115-10-0004  
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CONTACT INTERVIEW  
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1059011  
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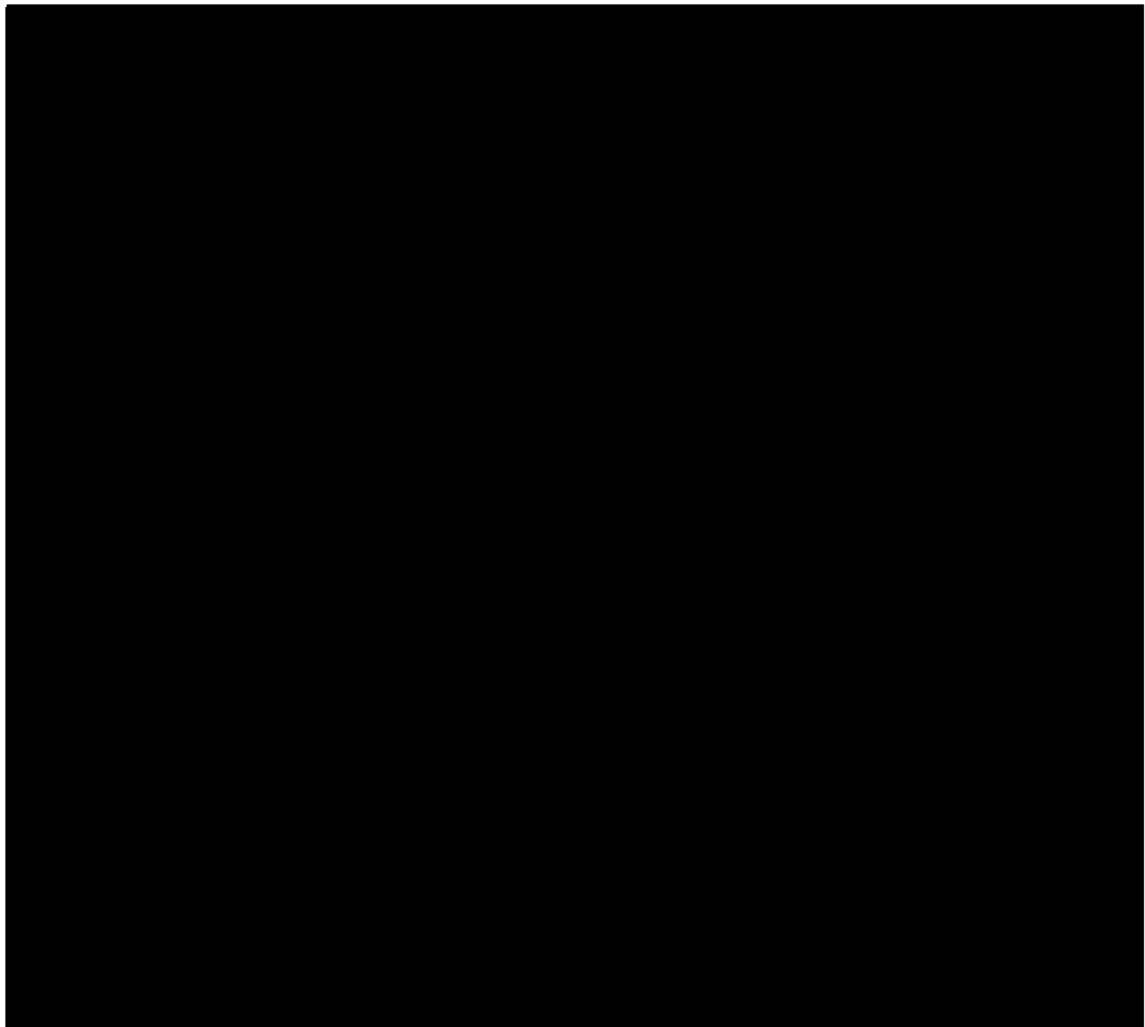


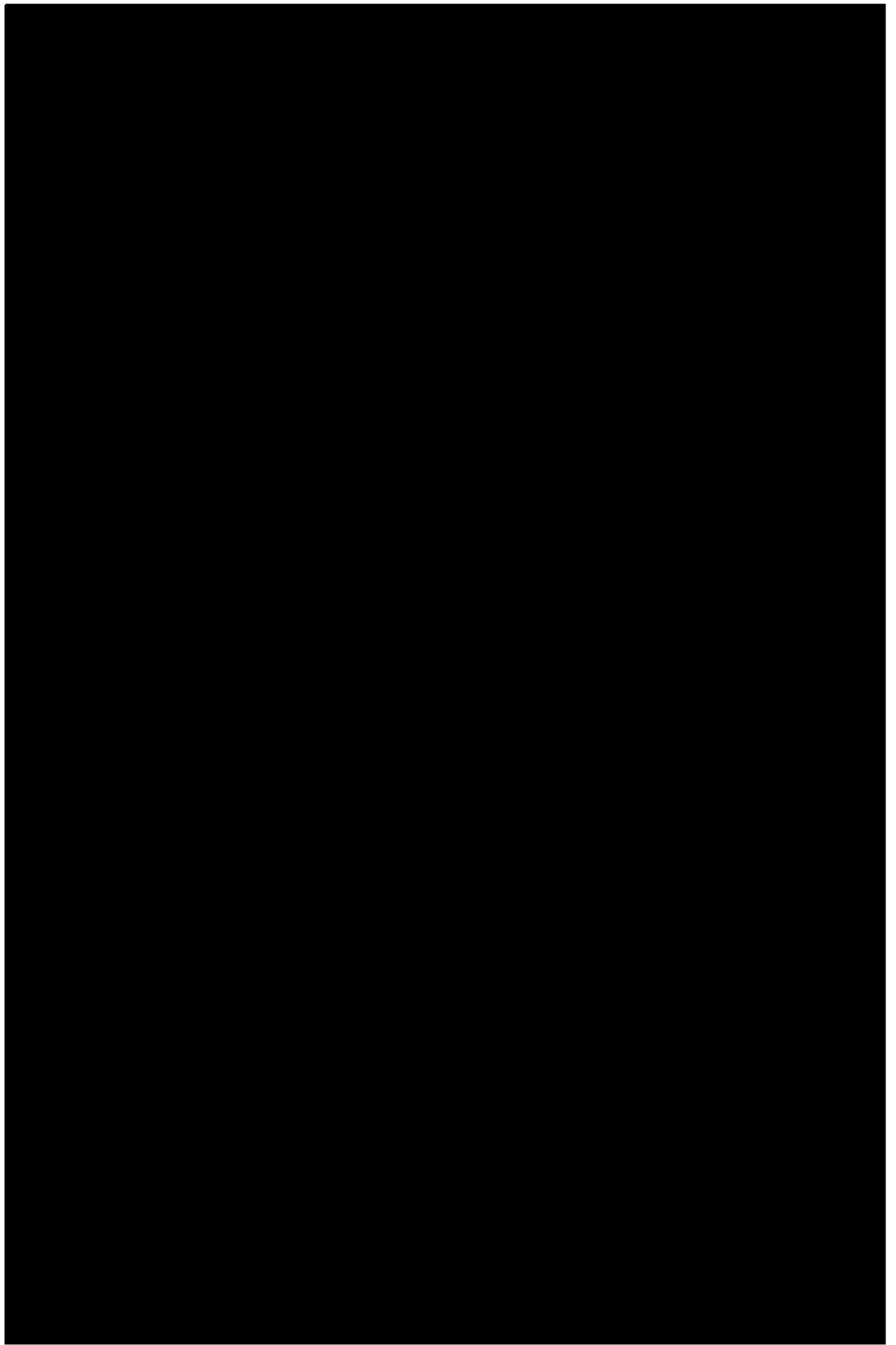




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CONTACT INTERVIEW  
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1059798  
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785115-10-0004

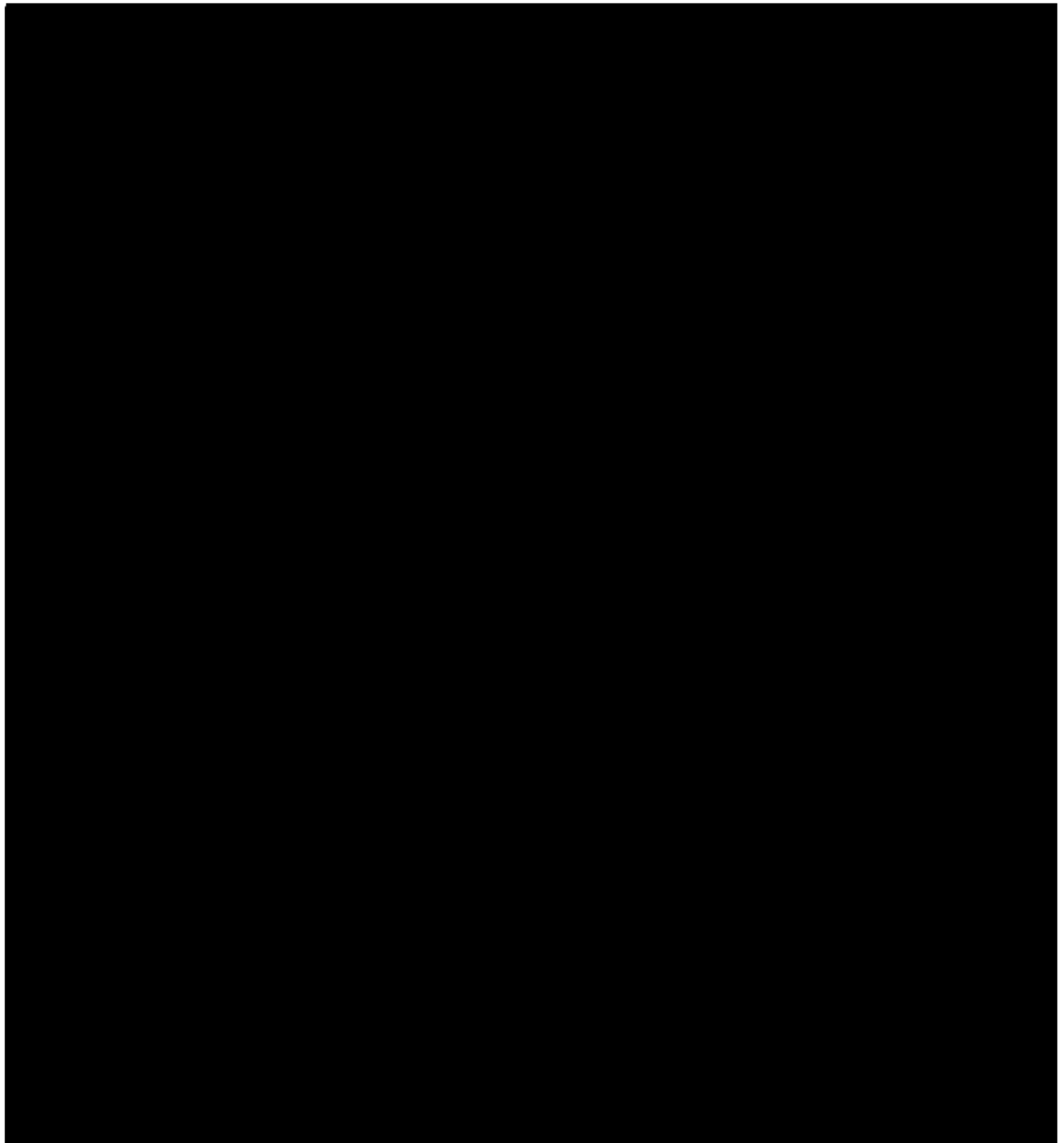


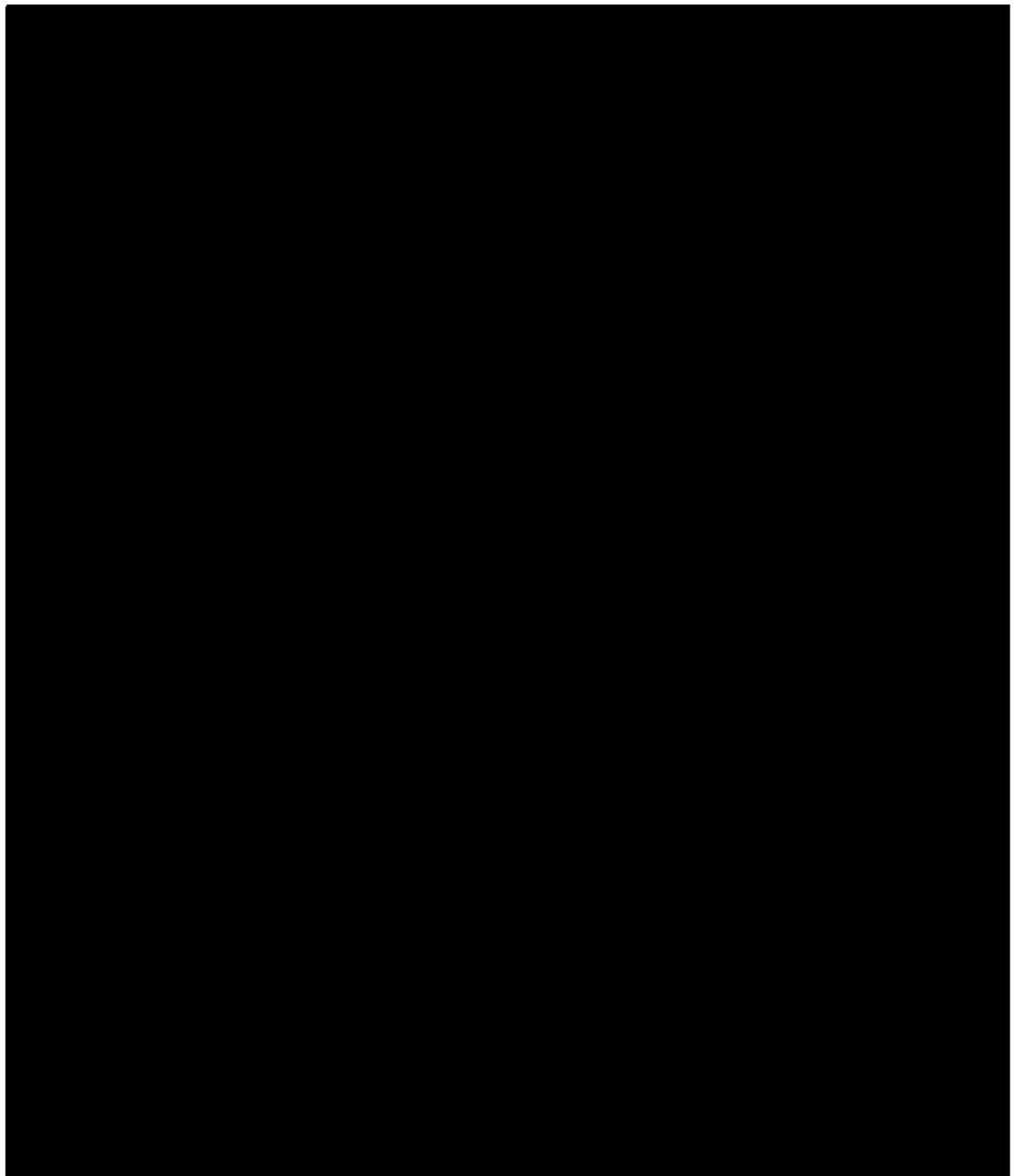
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1060675



20101108

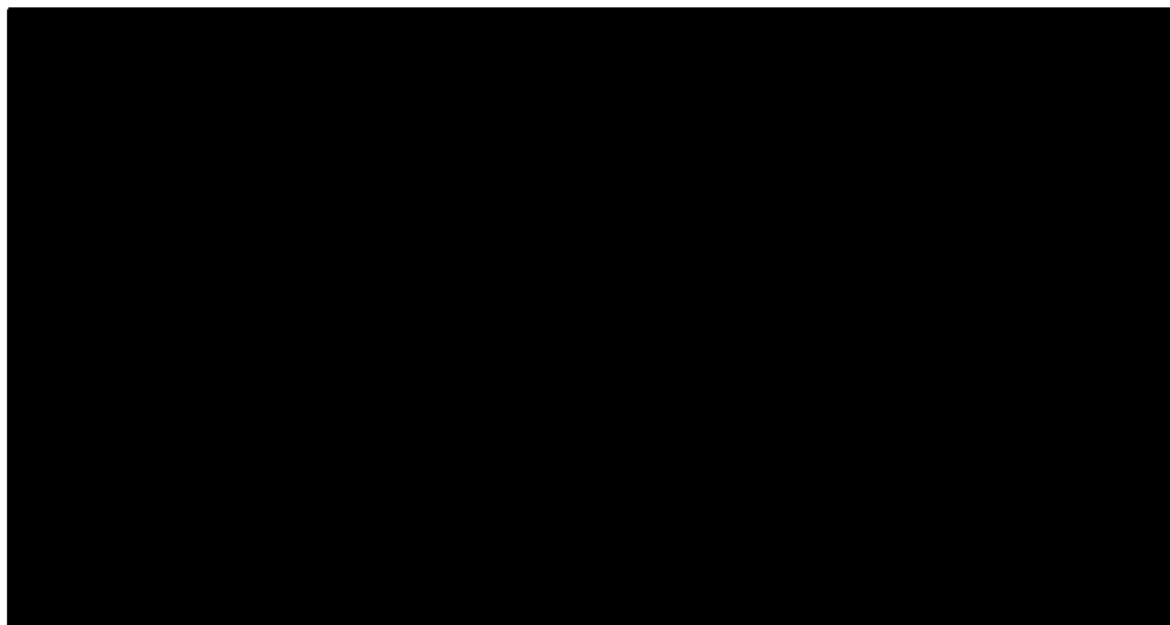




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785115-10-0004  
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20101115



1062013

785115-10-0004



20101112

Open

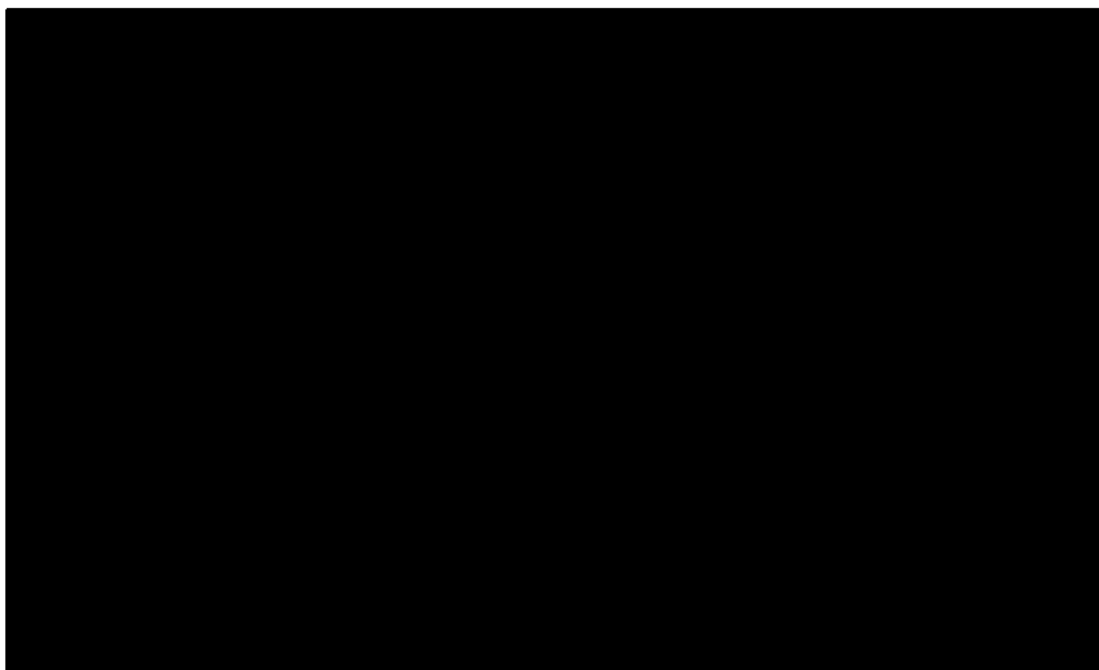
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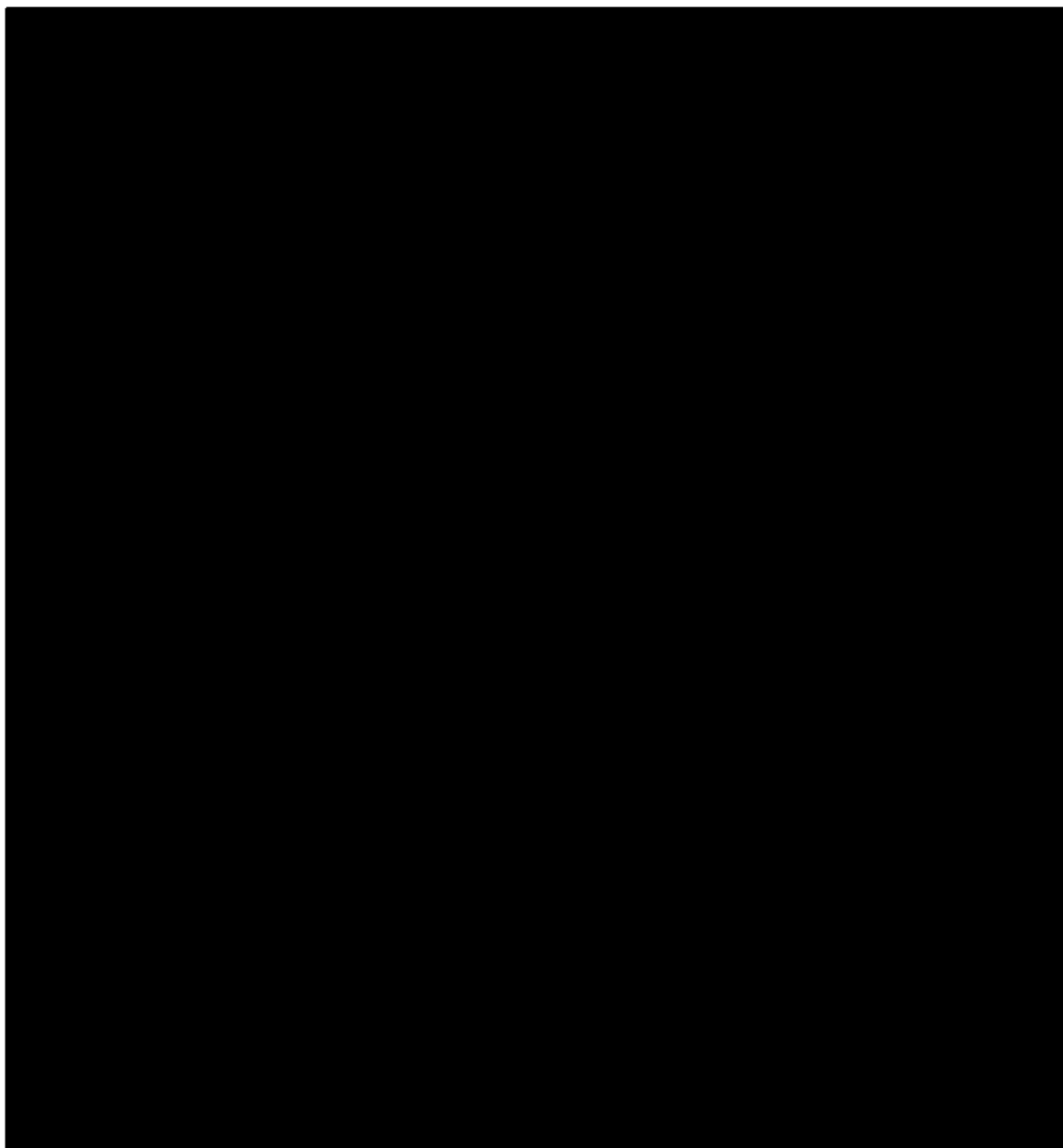
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1062013

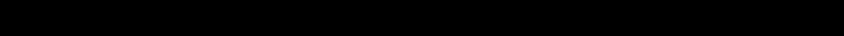


20101112





1062483  
785115-10-0004



20101110  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1062483



20101110



1063153

785115-10-0004



20101119

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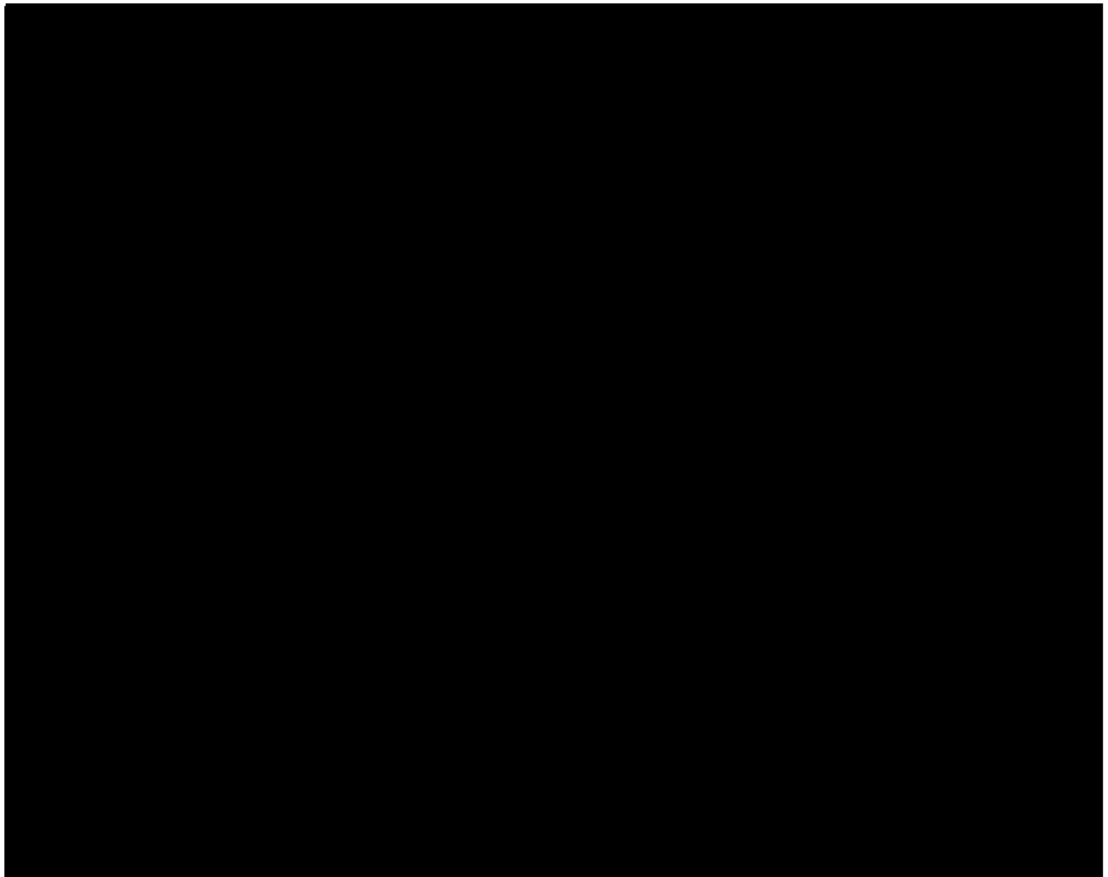
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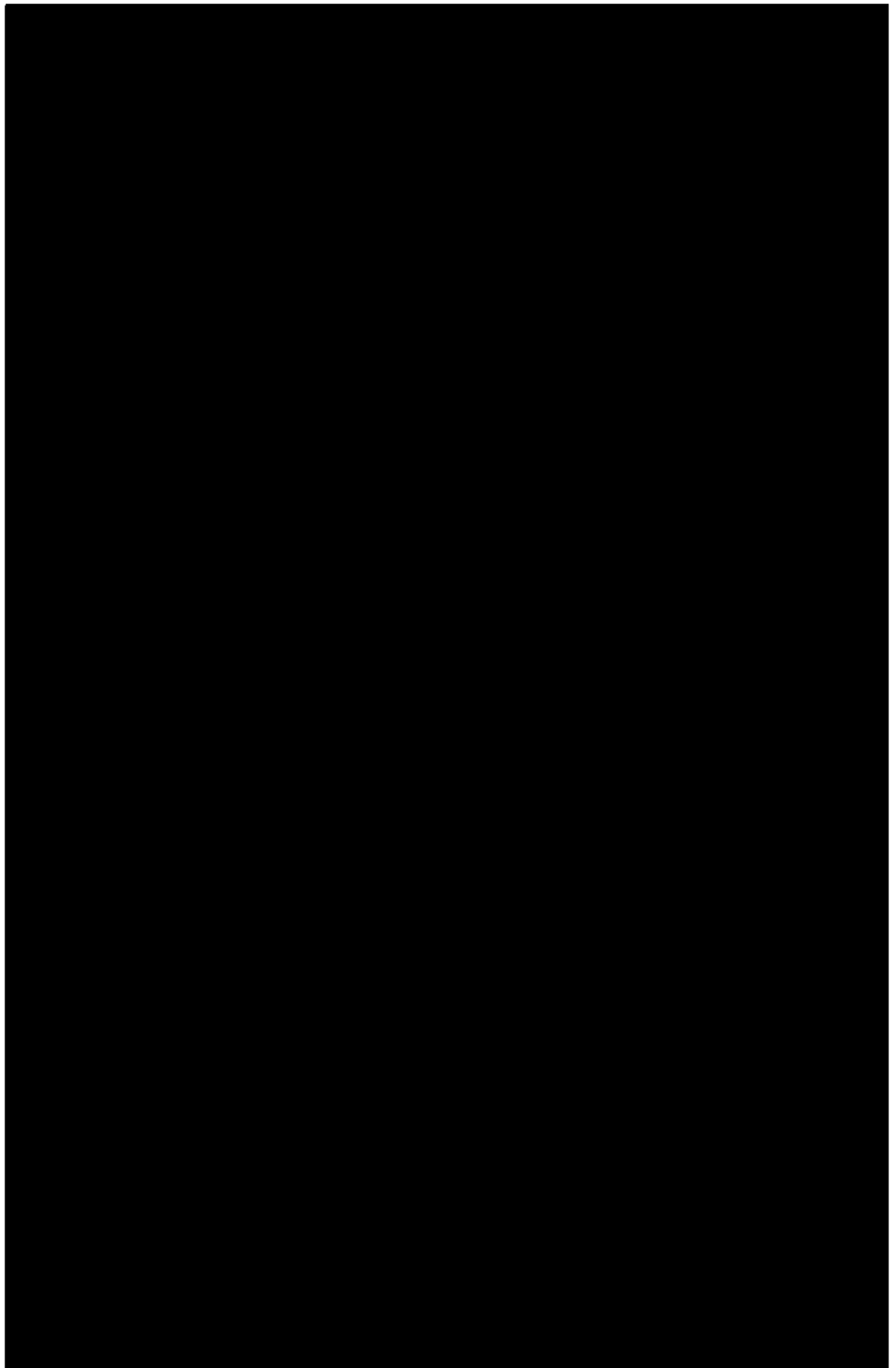
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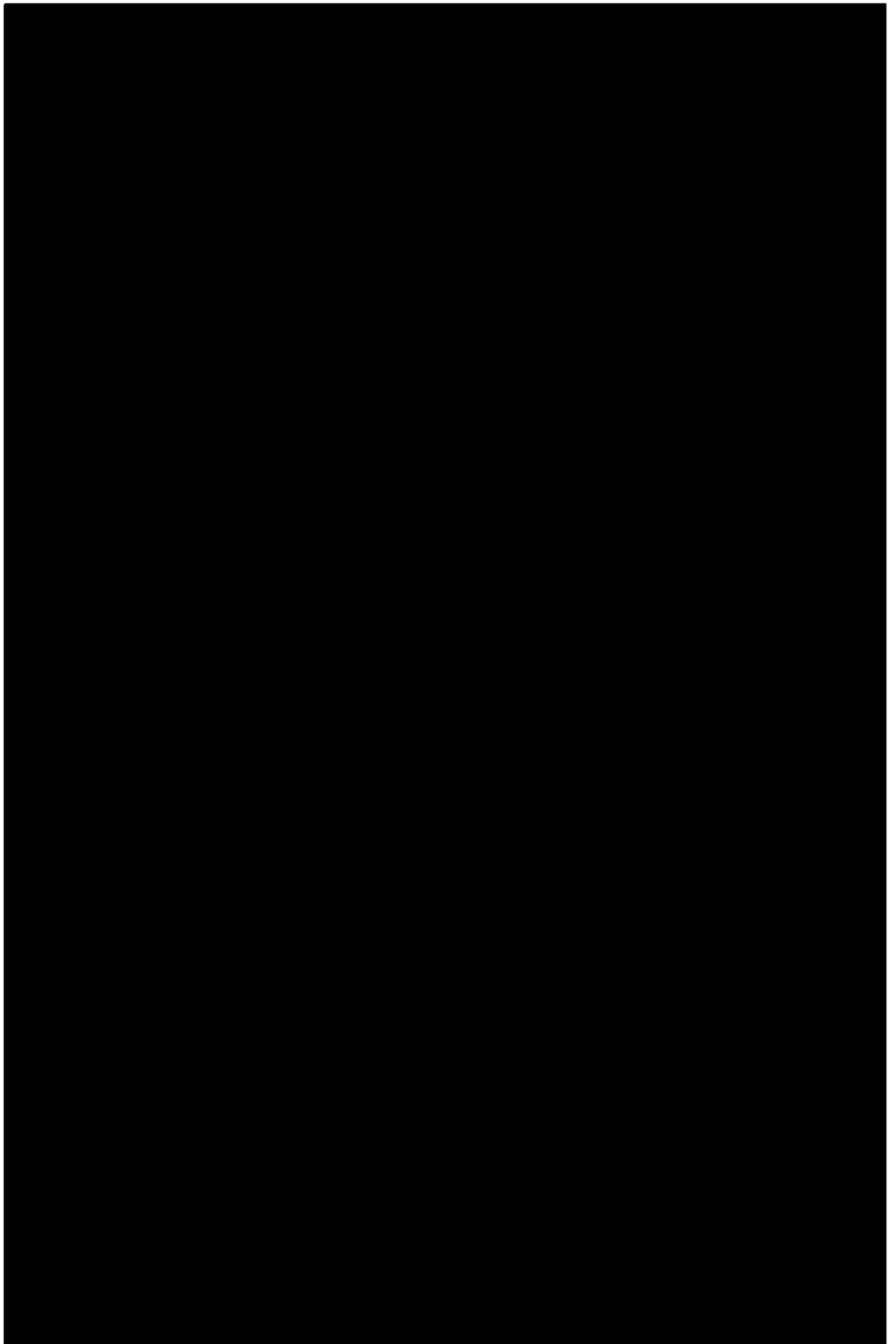


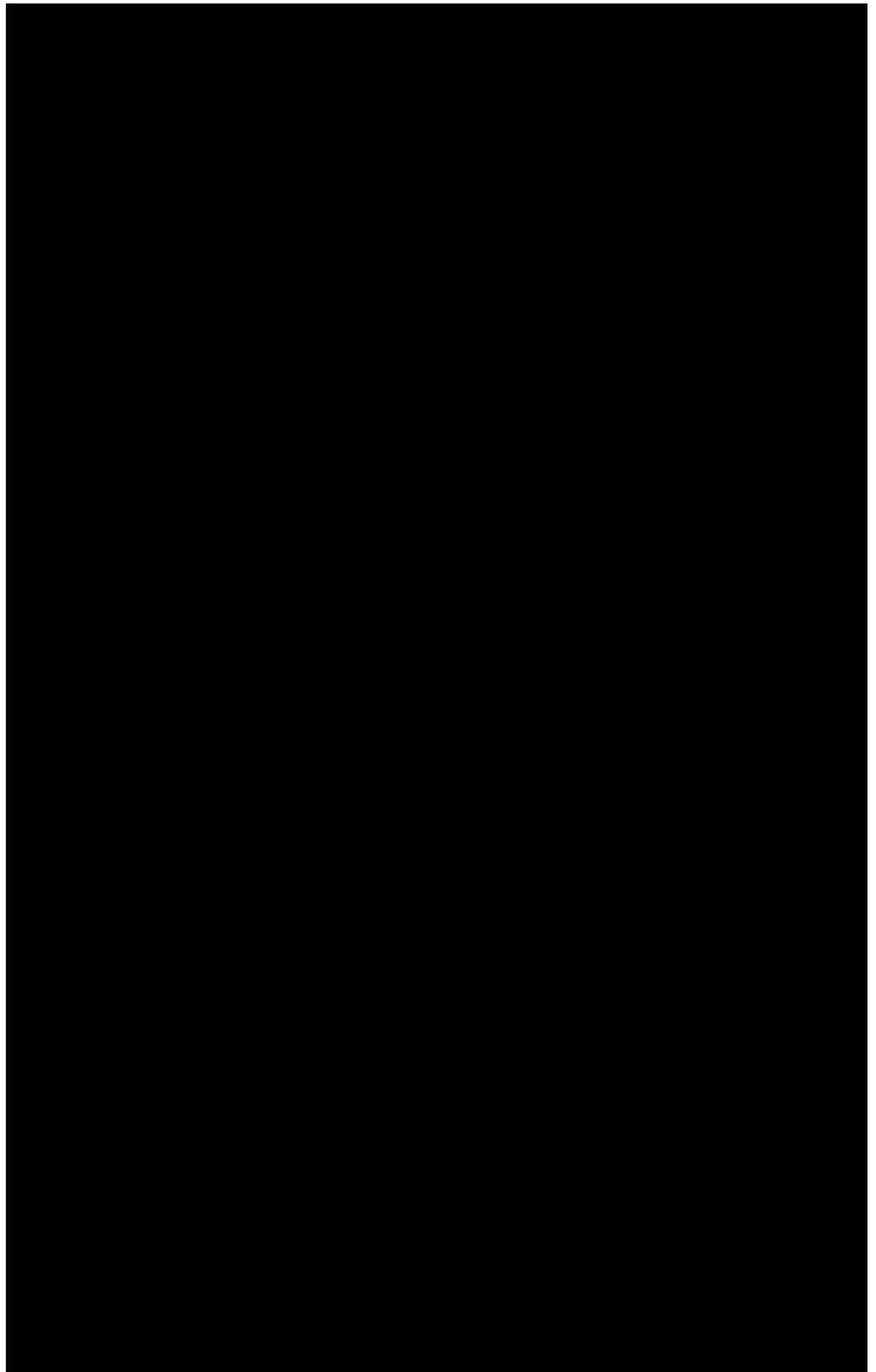
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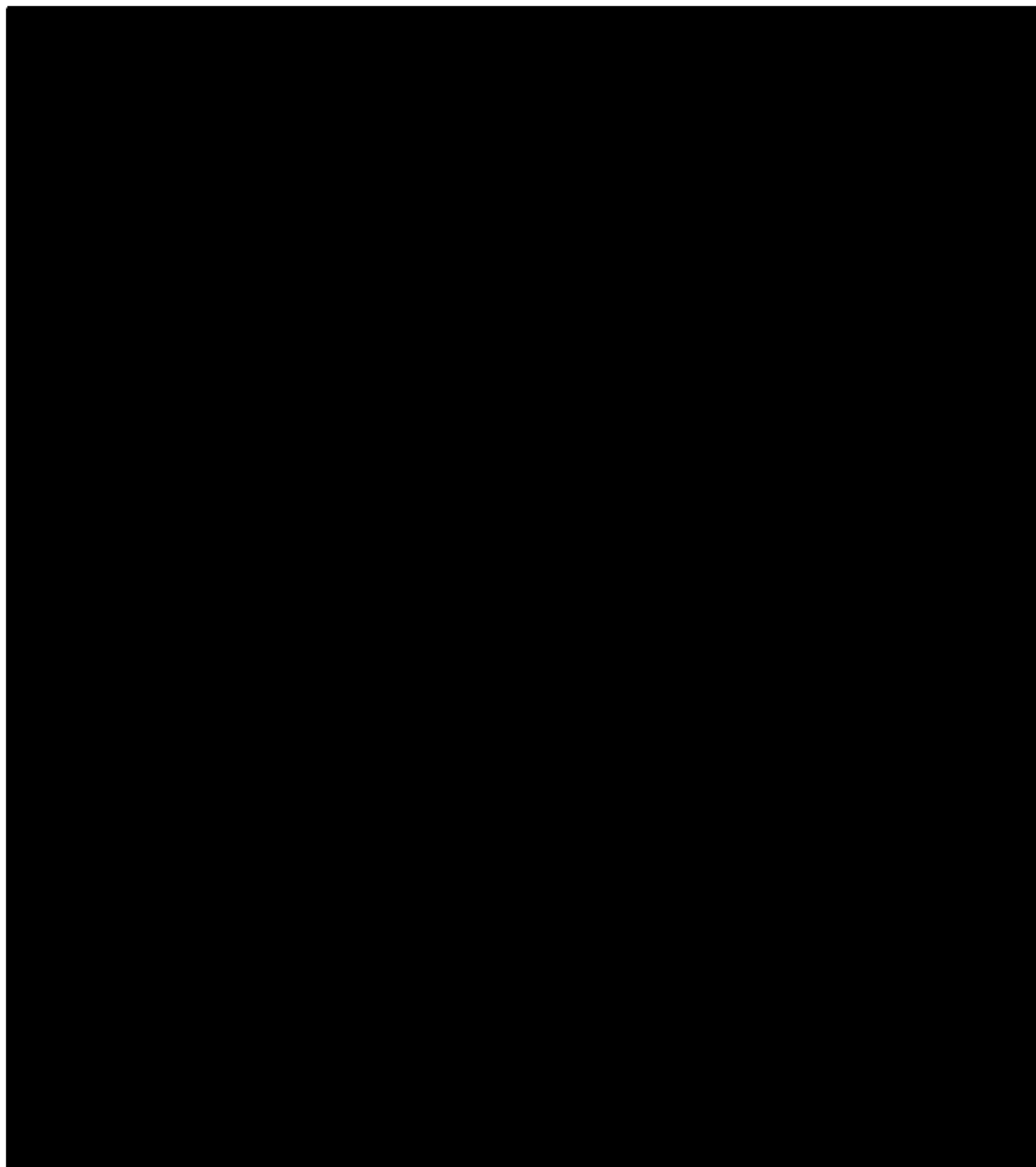






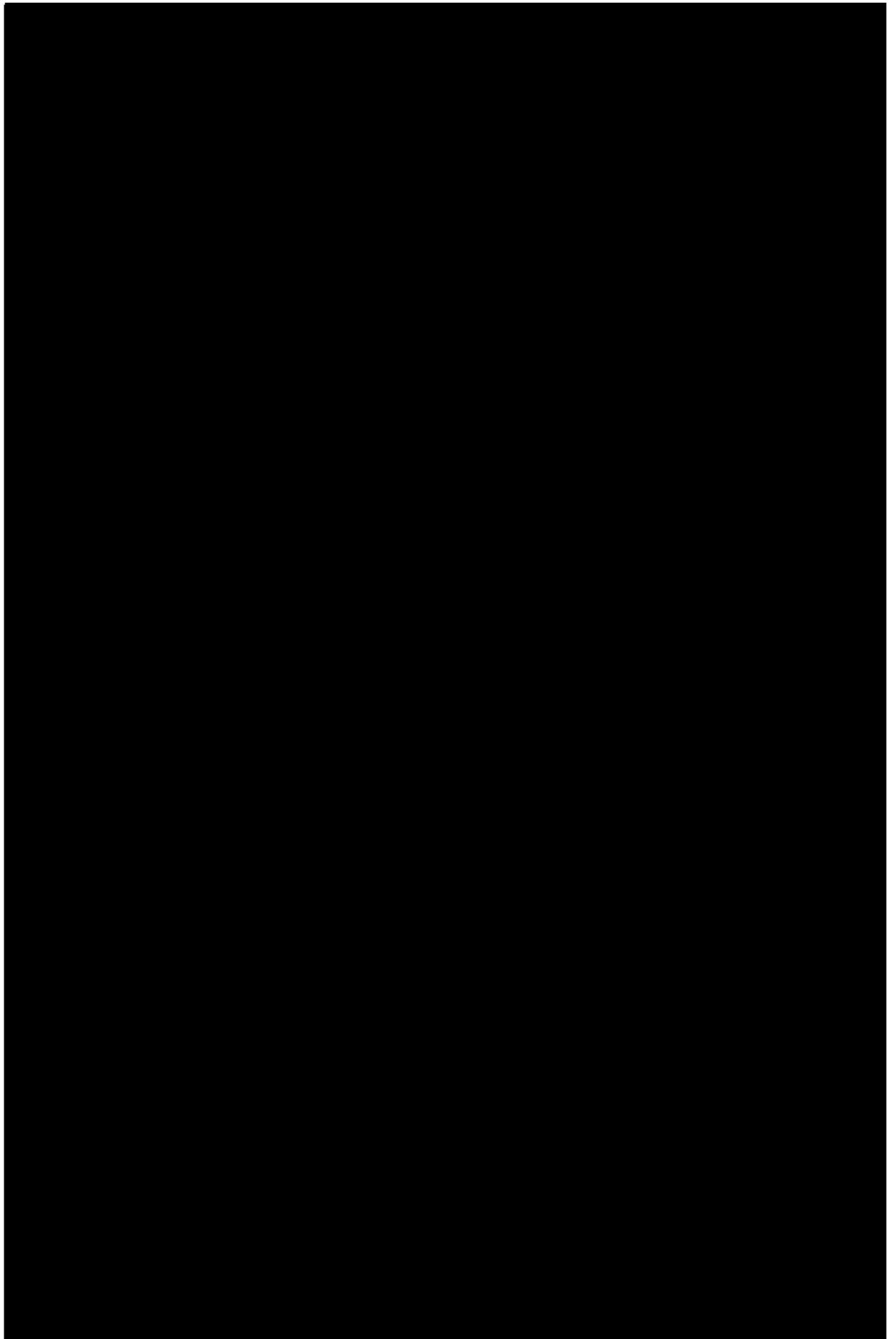






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OTHER (NON-EXPLOSIVE/FIRE)  
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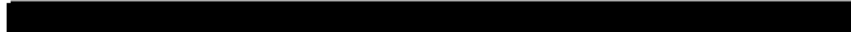
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785115-10-0004



20101124

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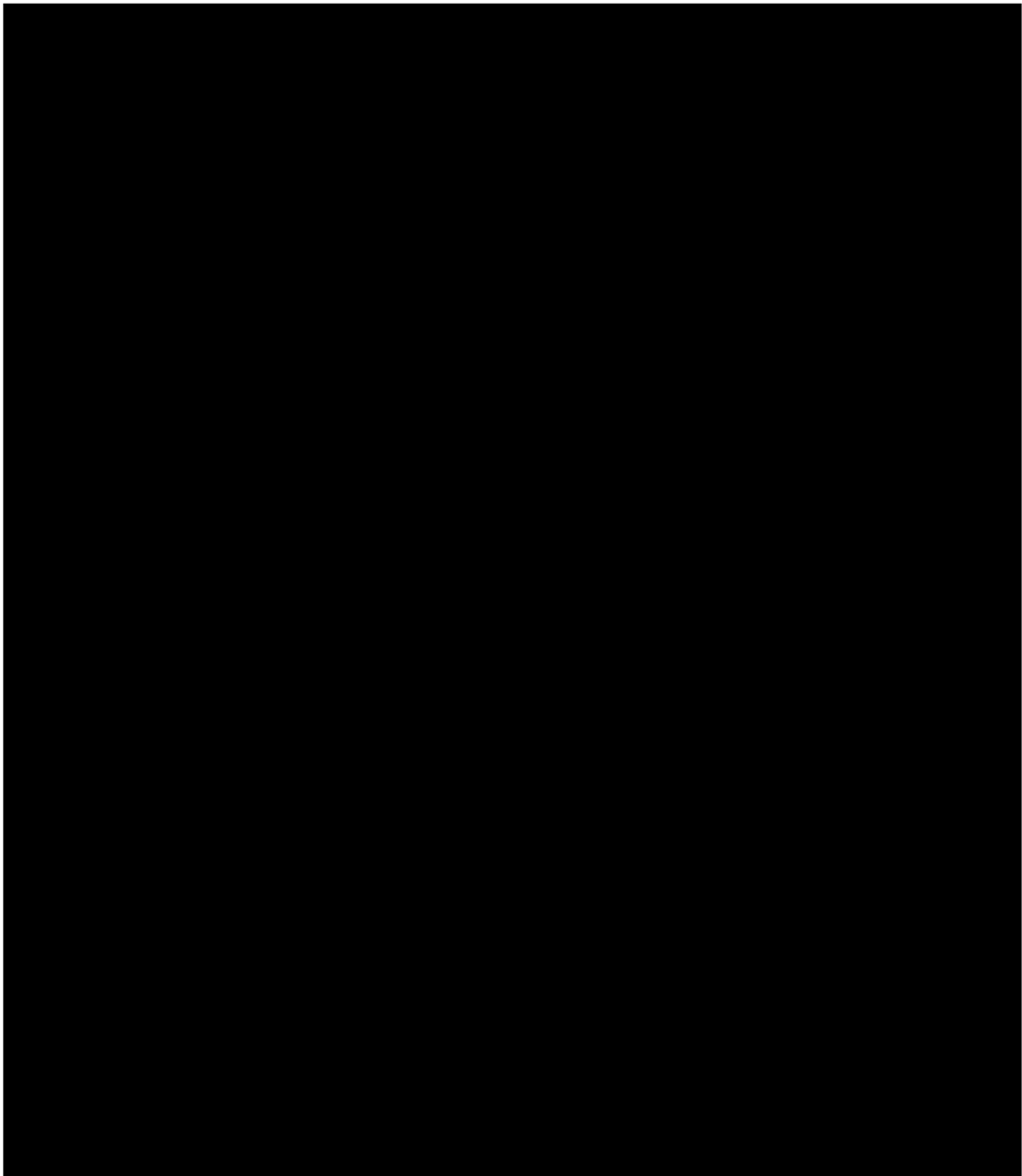
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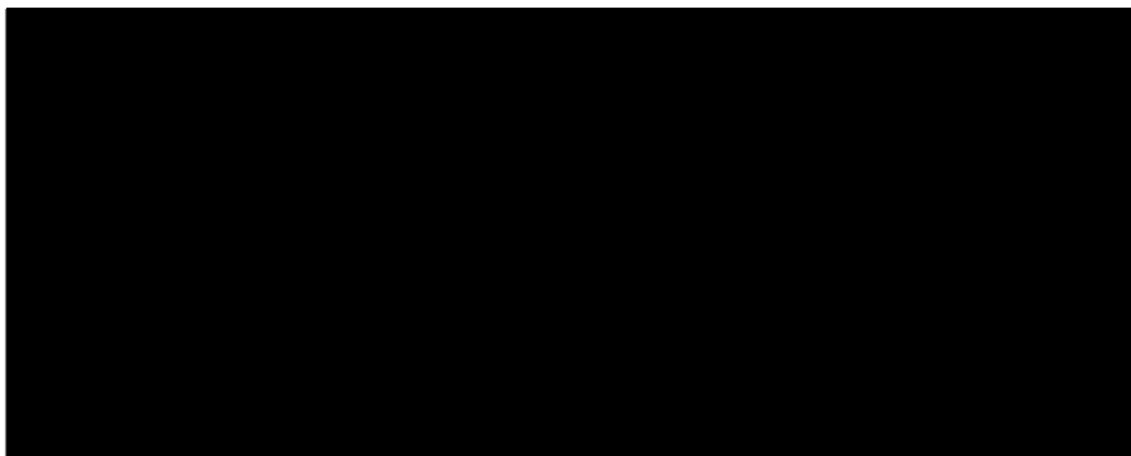
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1064262



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1064277

785115-10-0004



20101124

Open

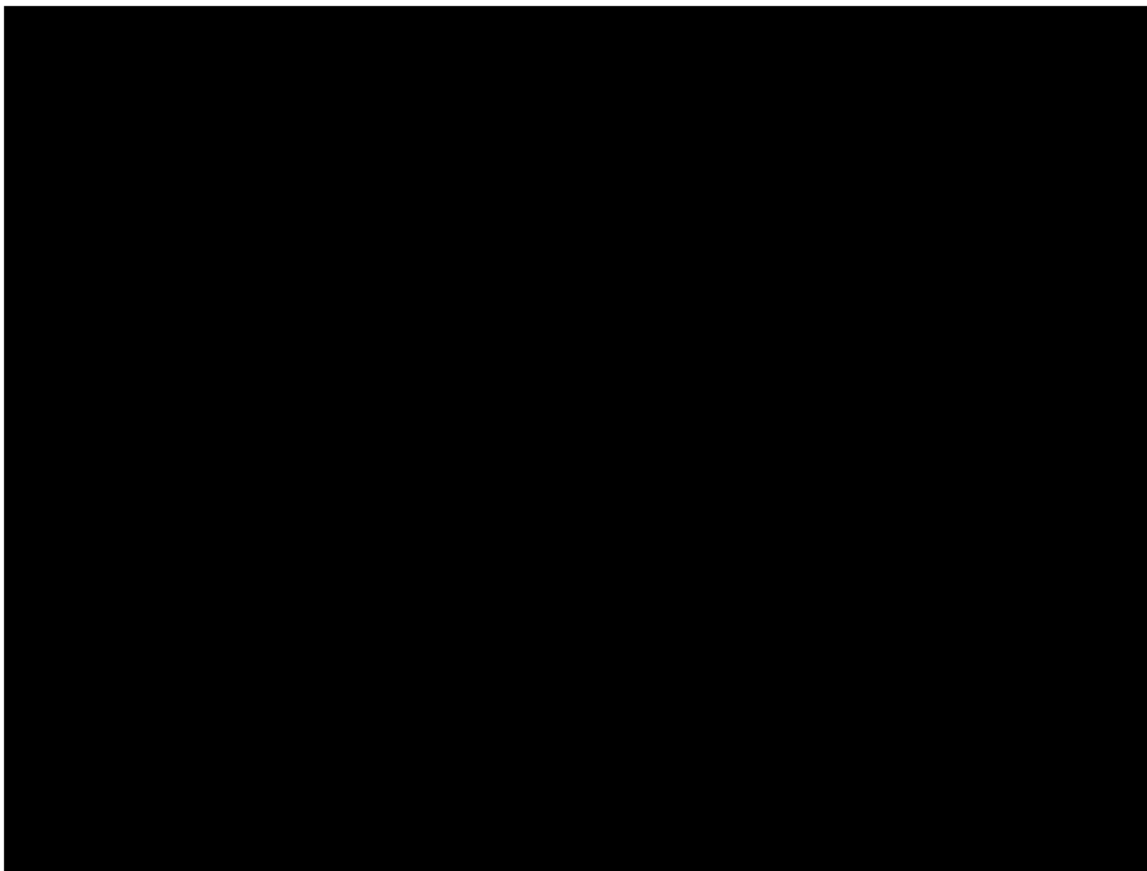
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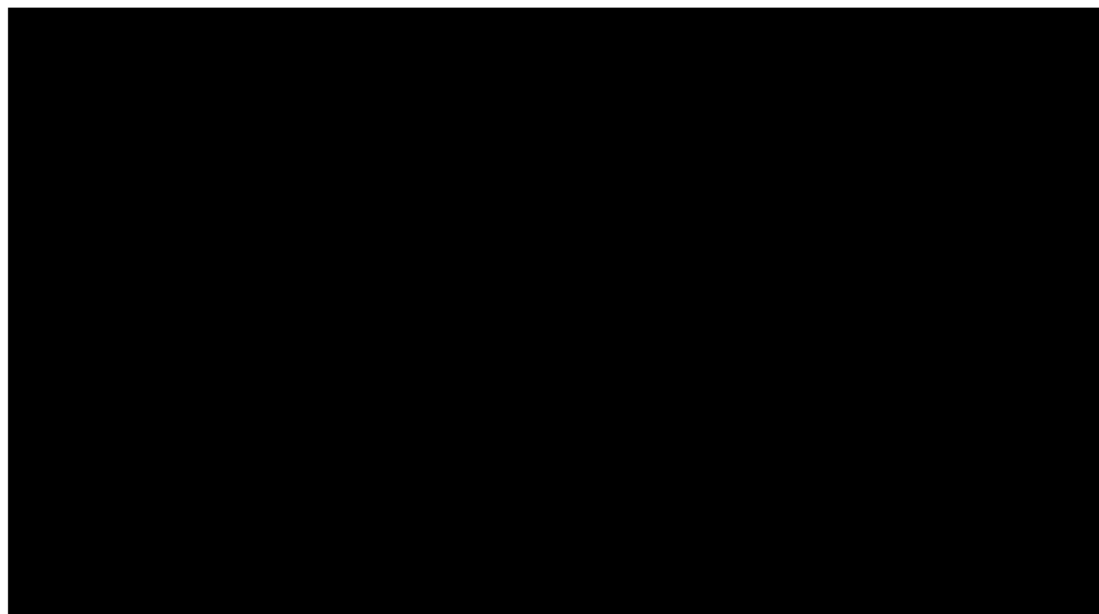
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1064301

785115-10-0004



20101124

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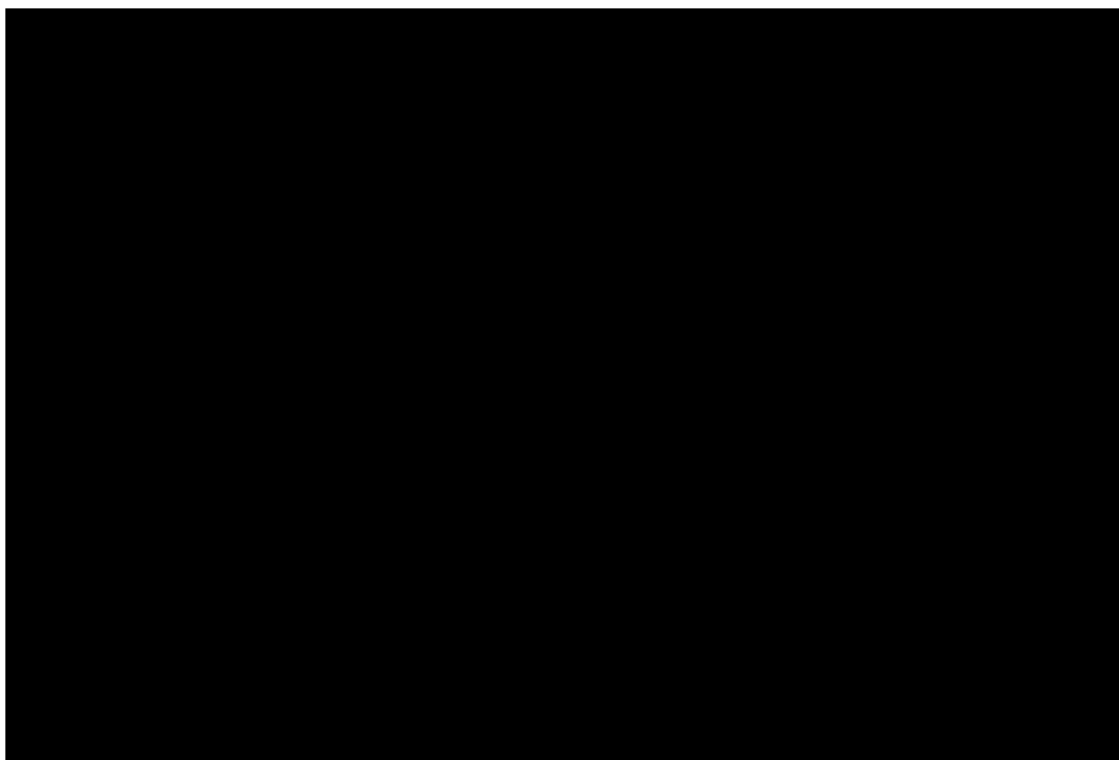
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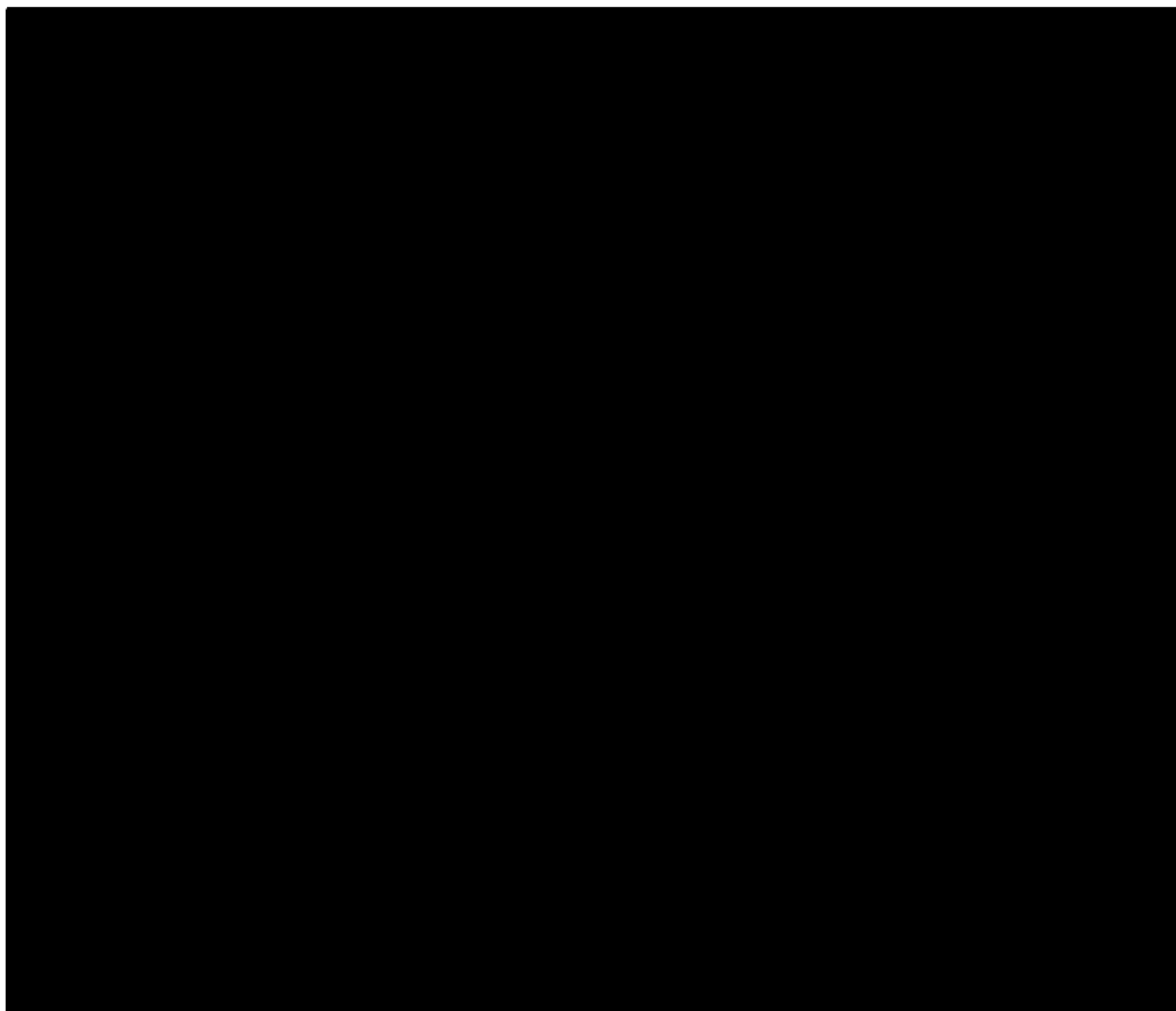
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1064301



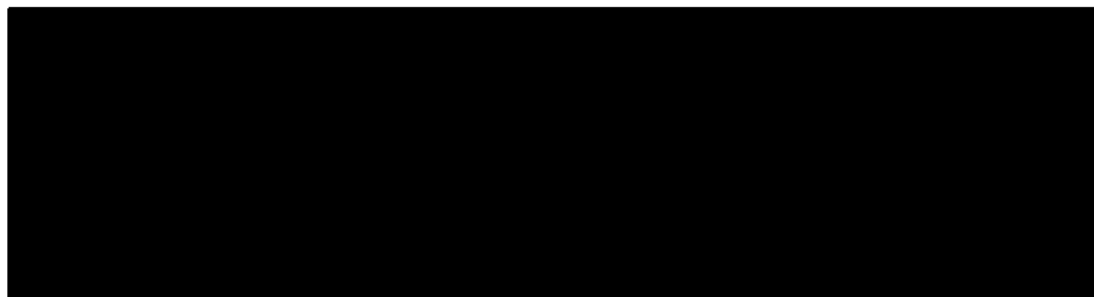
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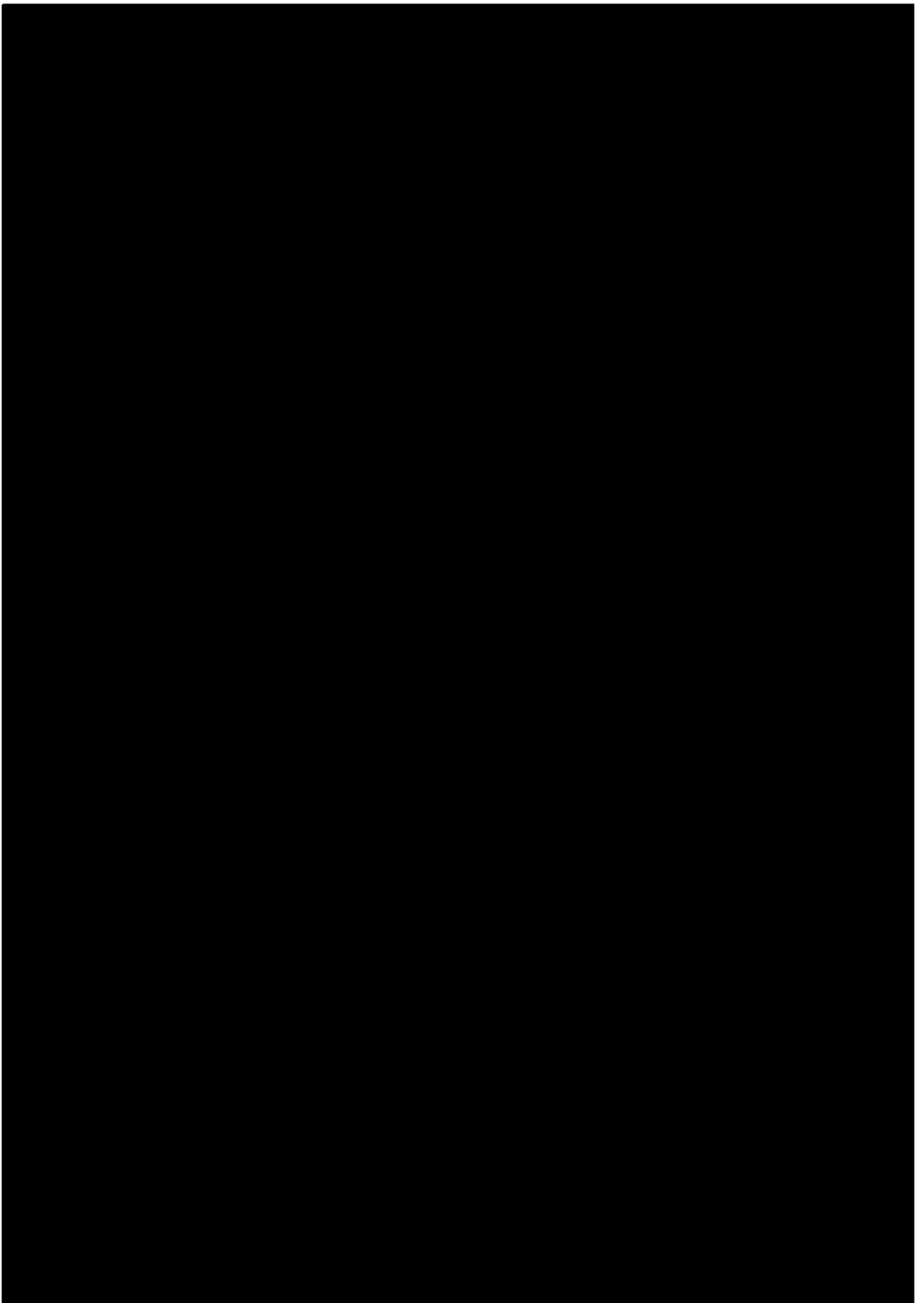


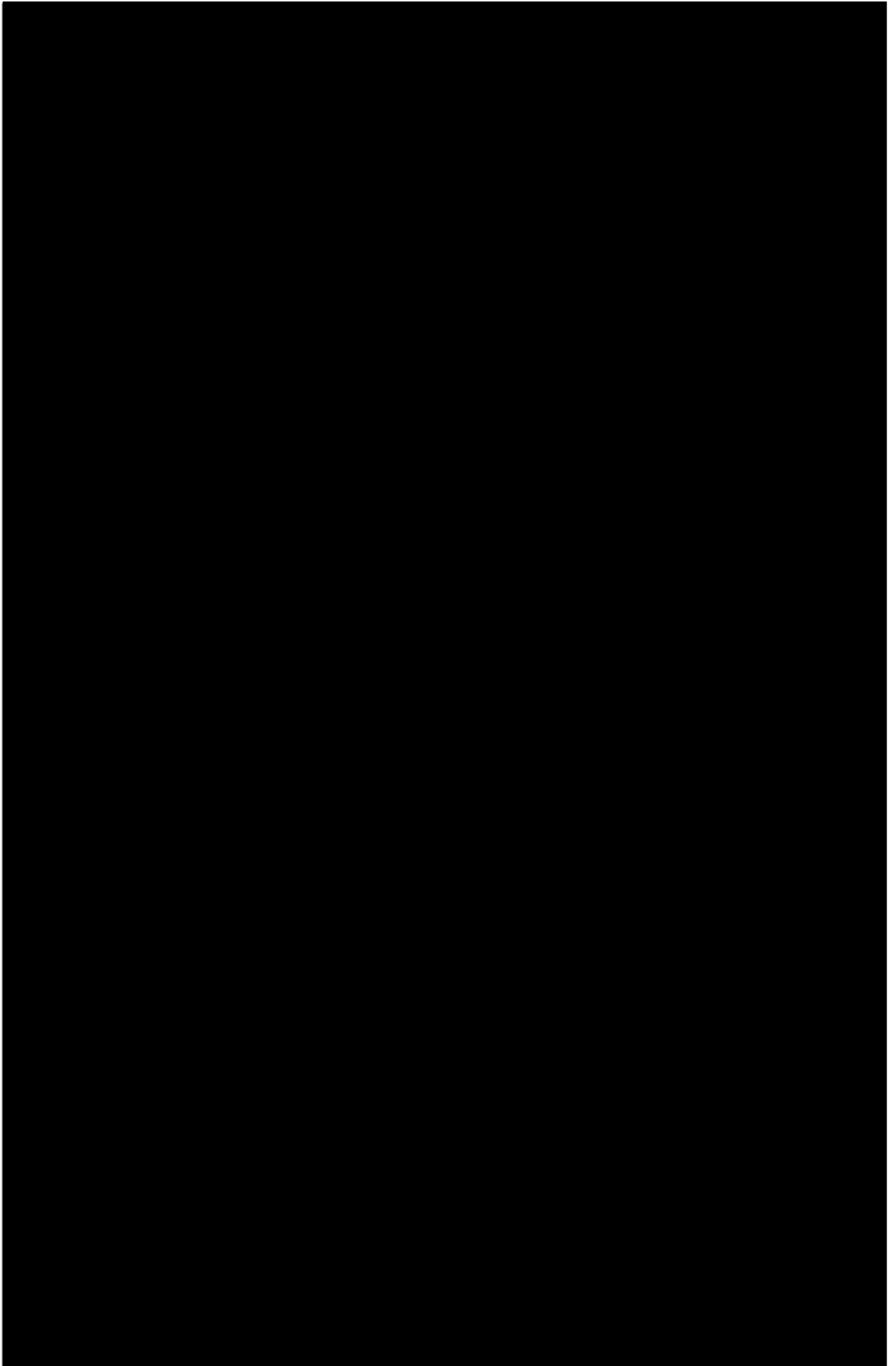
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CONTACT INTERVIEW  
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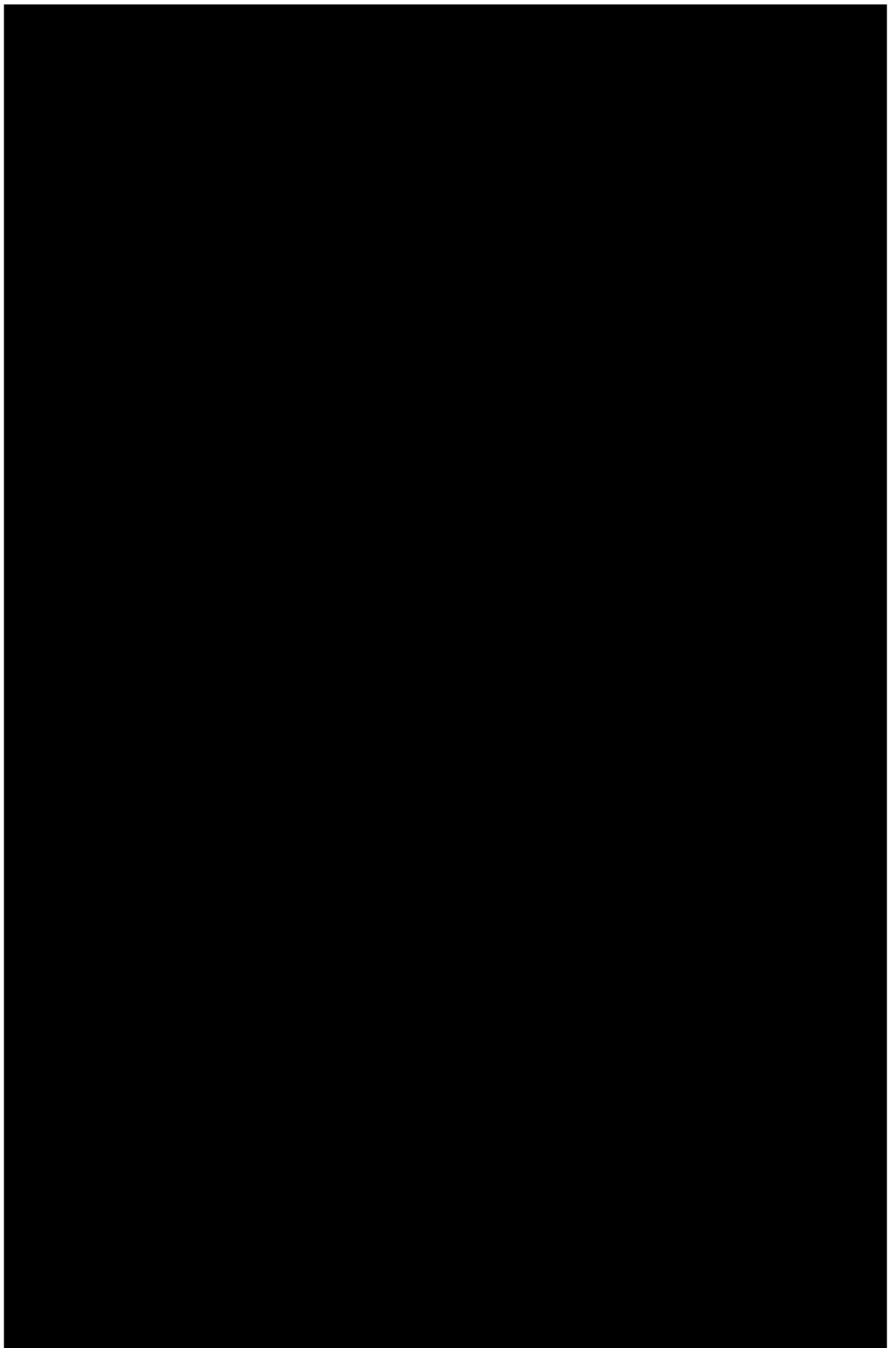
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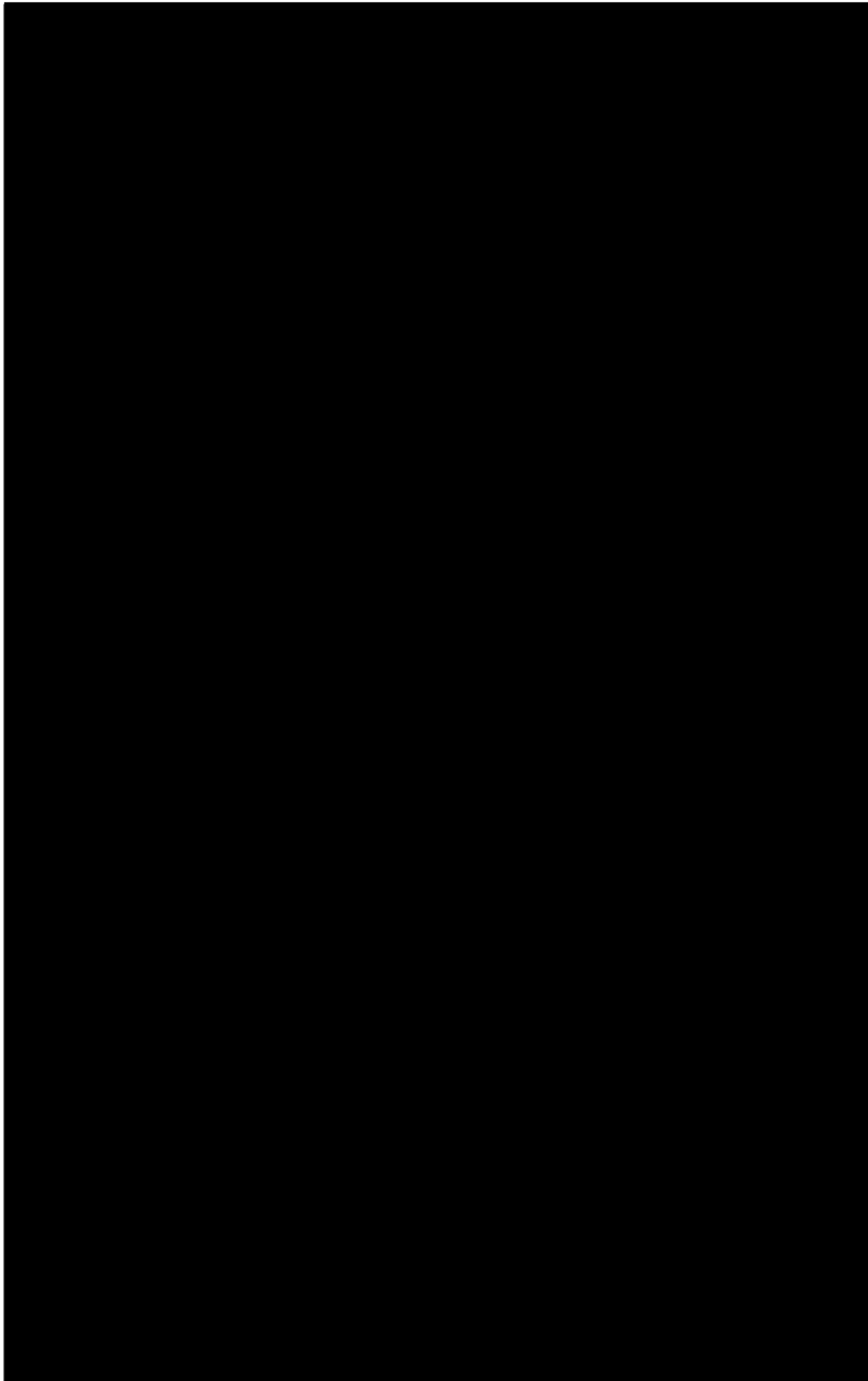


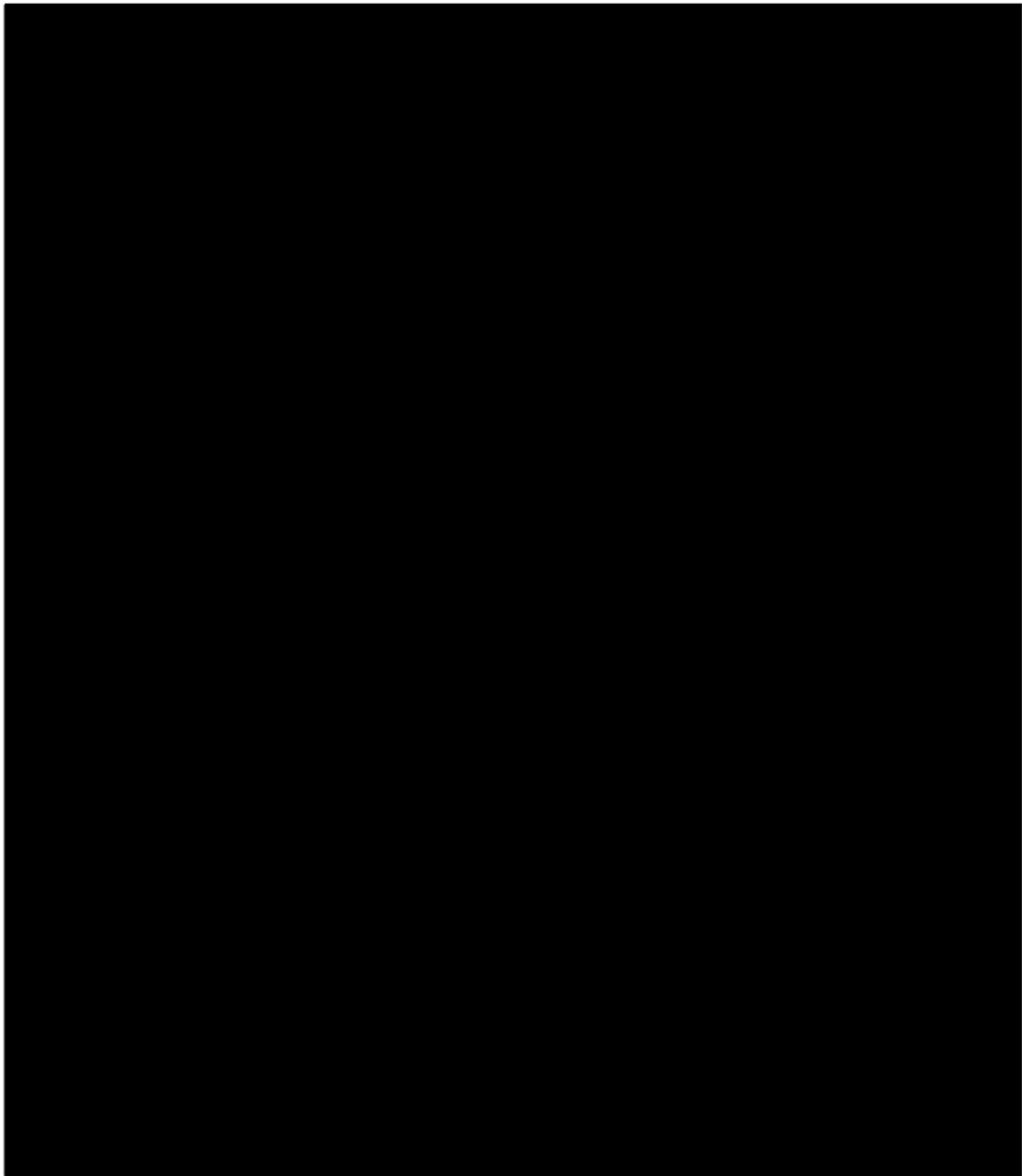






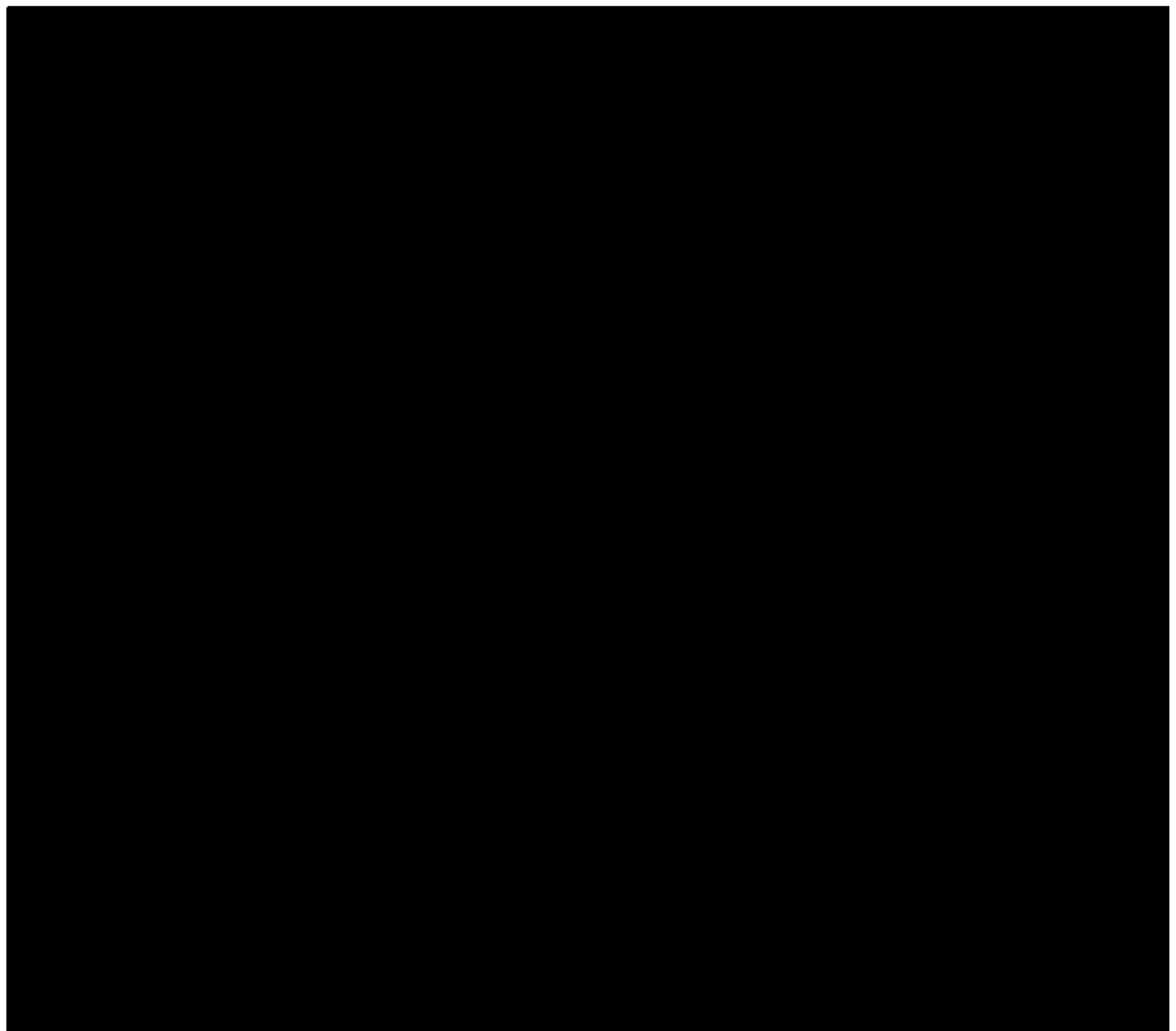






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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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20101129



1065734

785115-10-0004



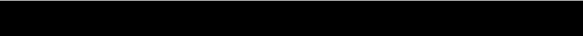
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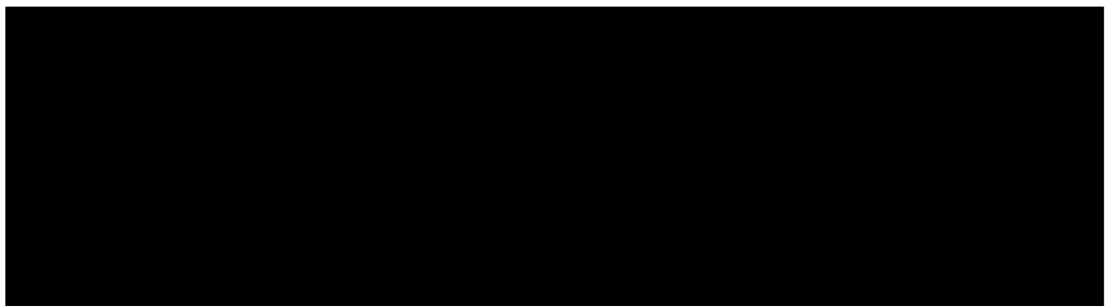
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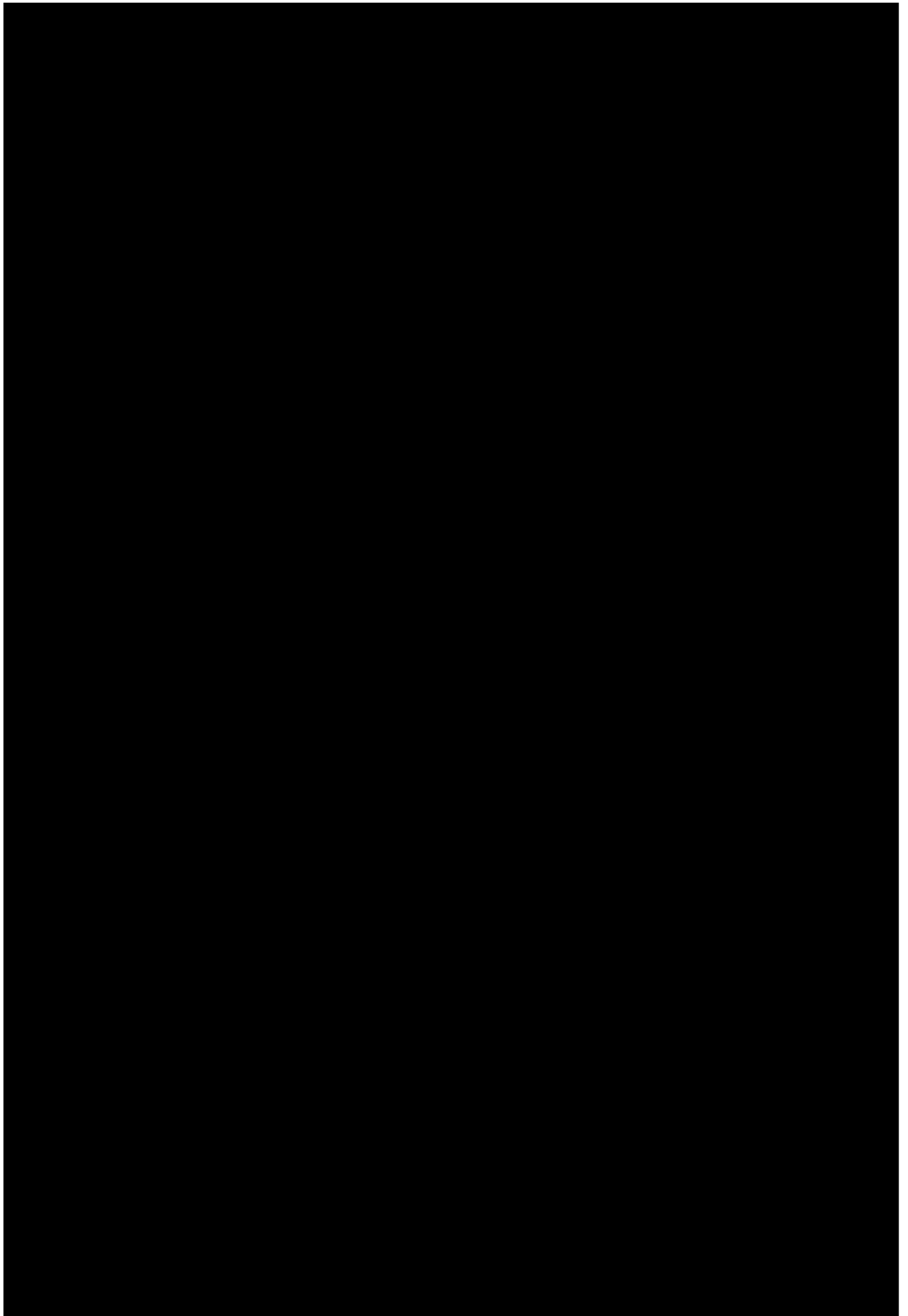
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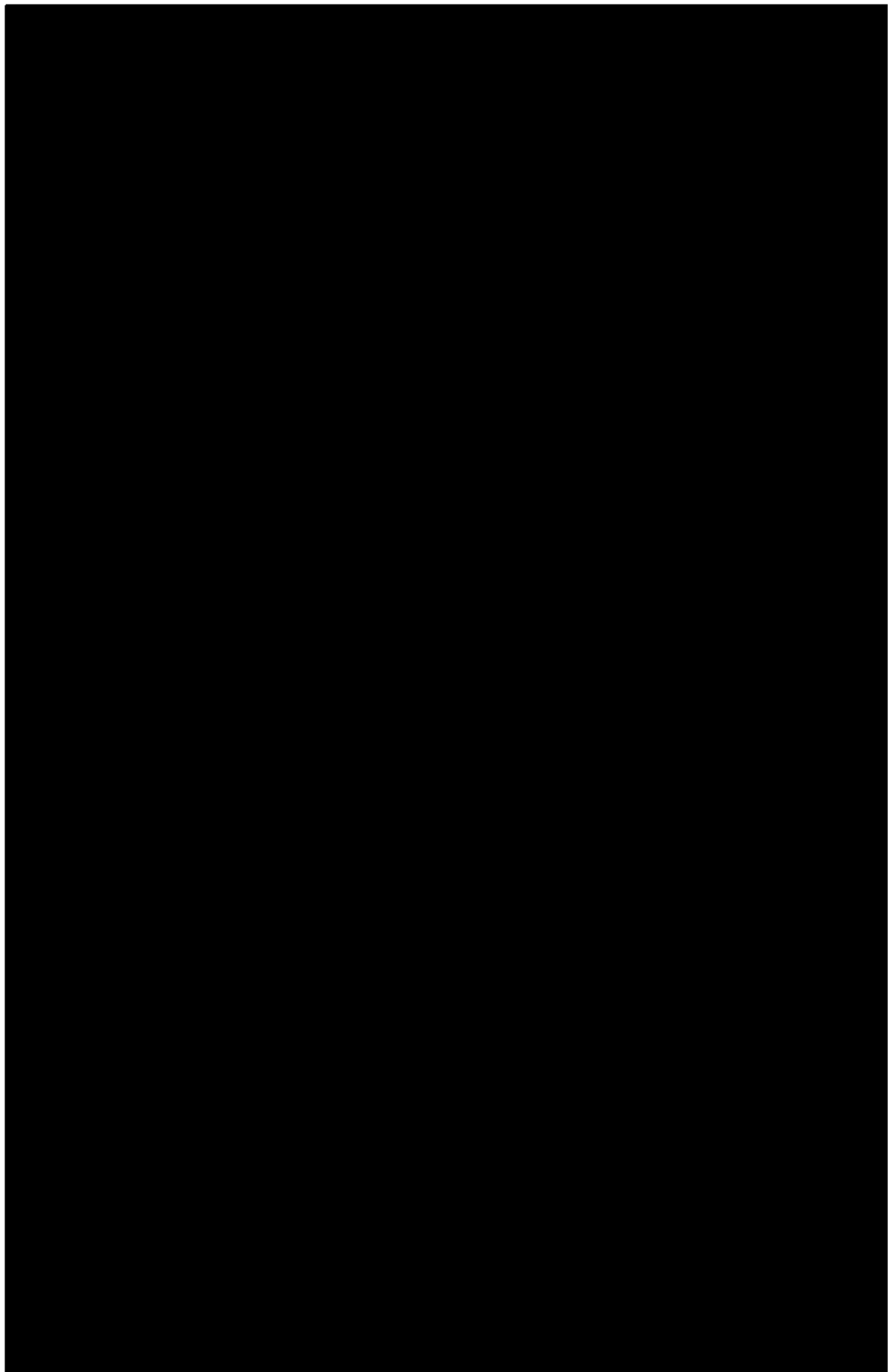
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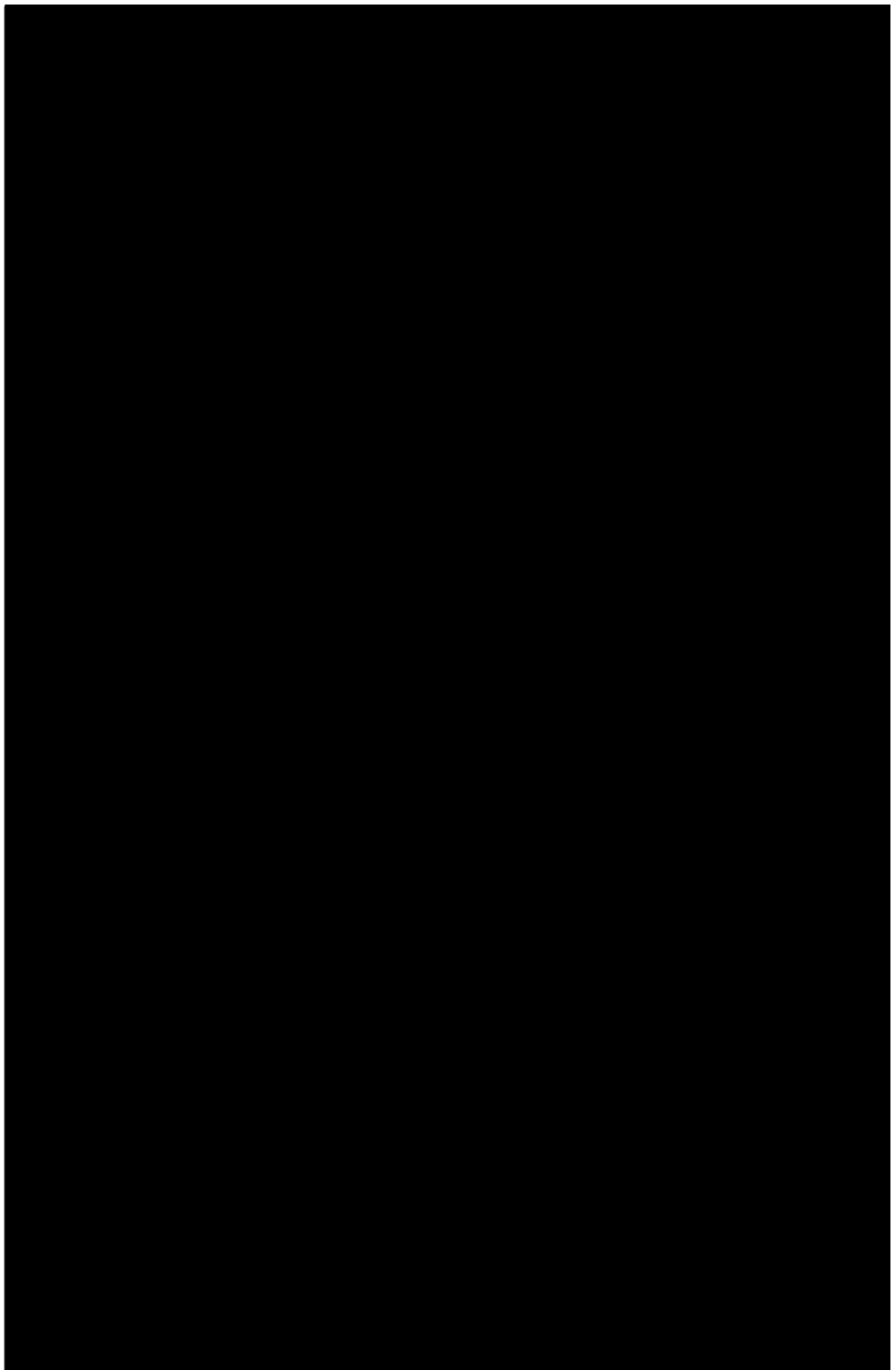
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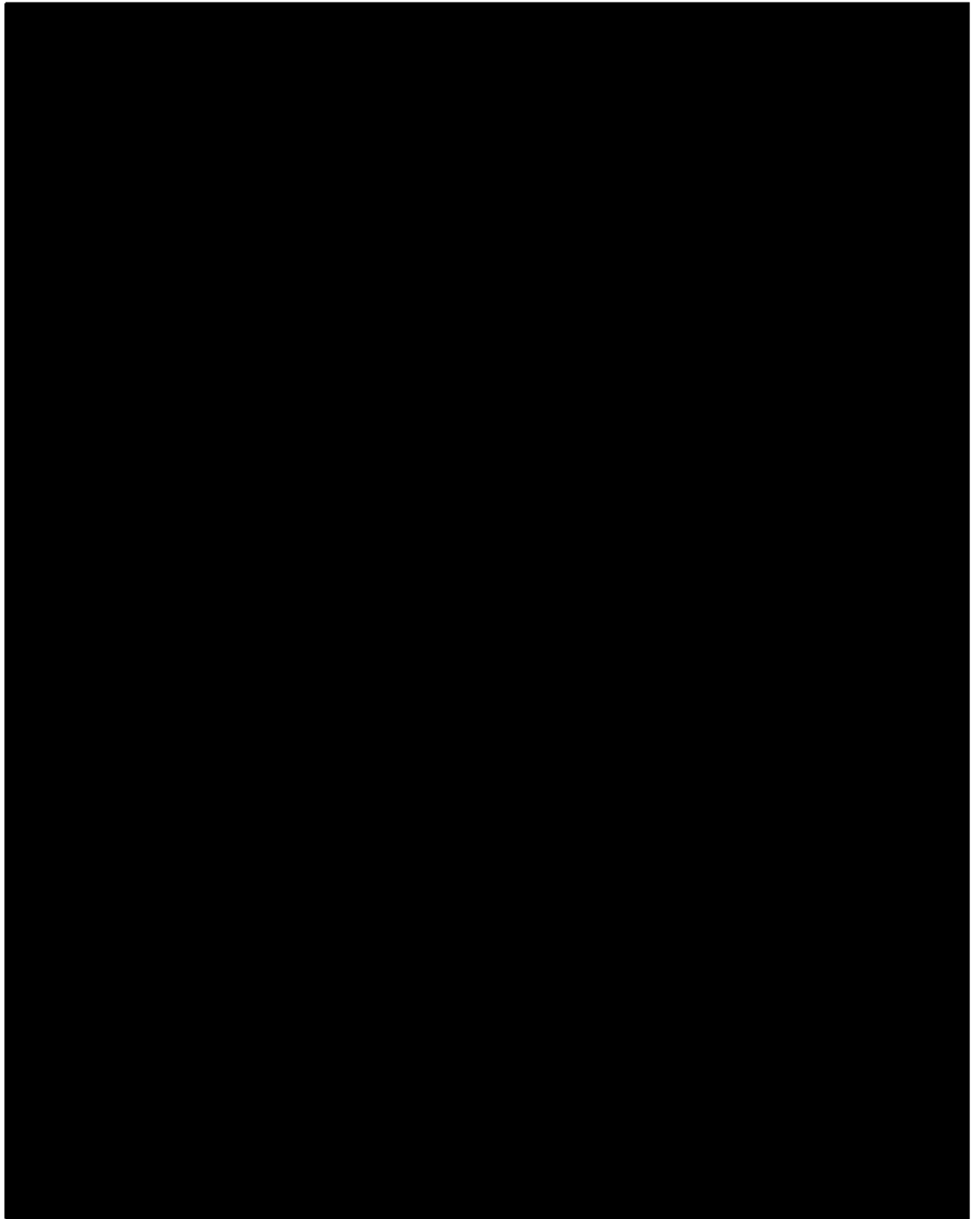












1068613  
785115-10-0004

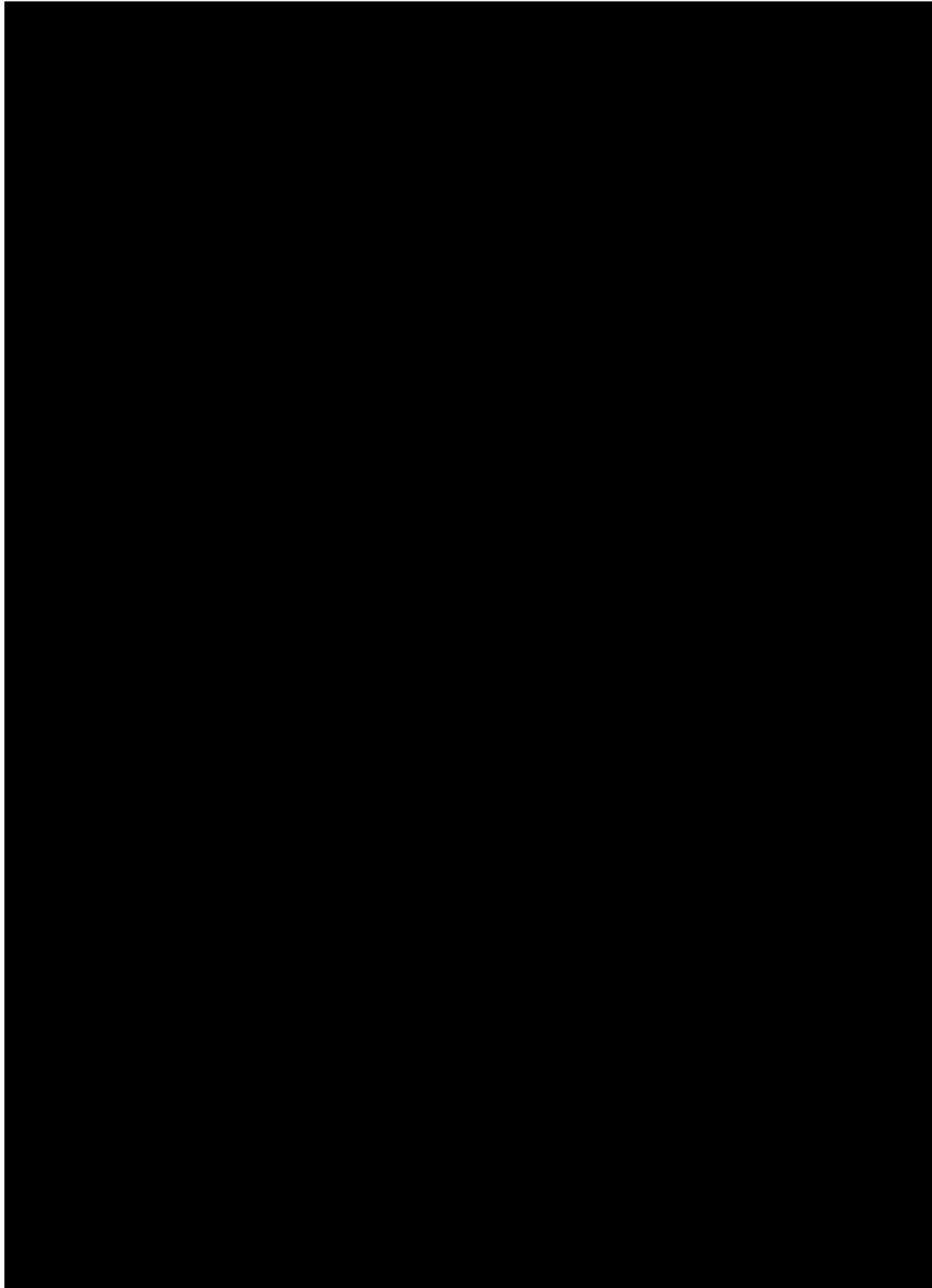
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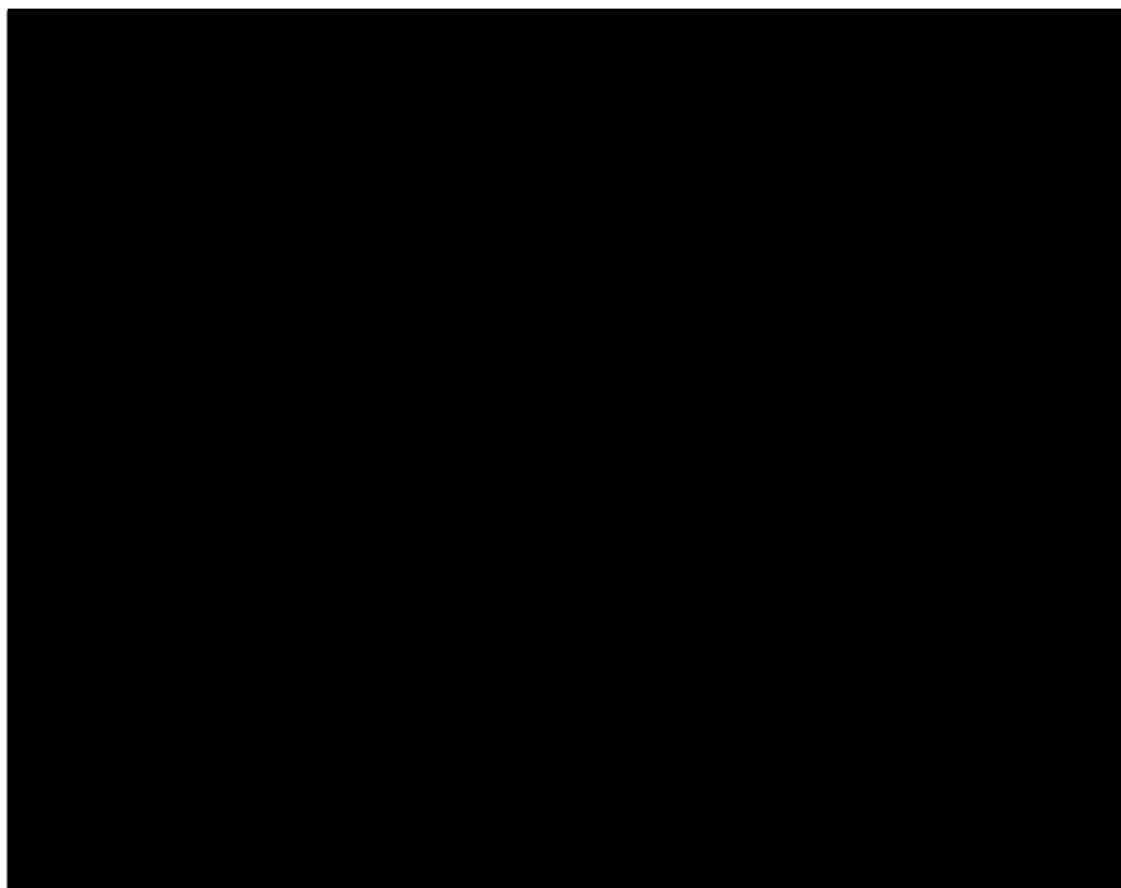
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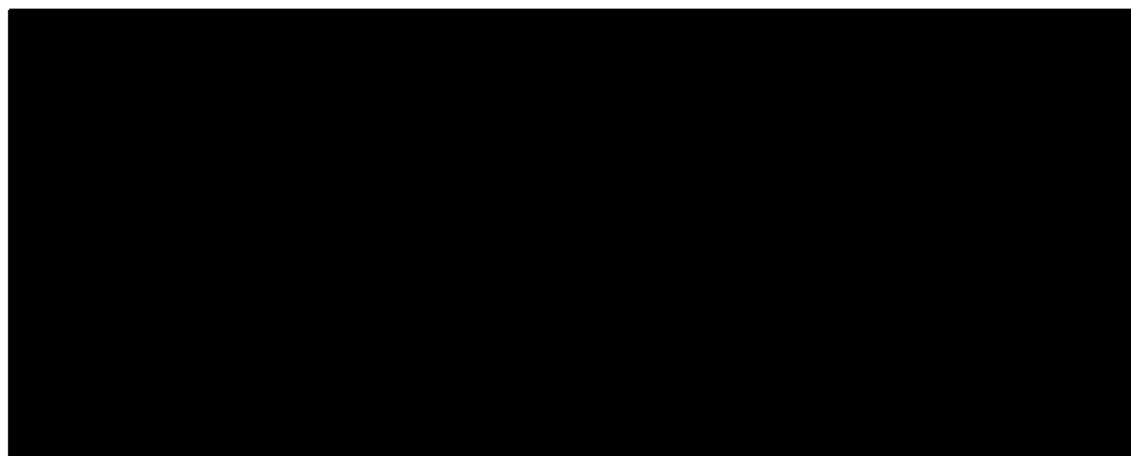
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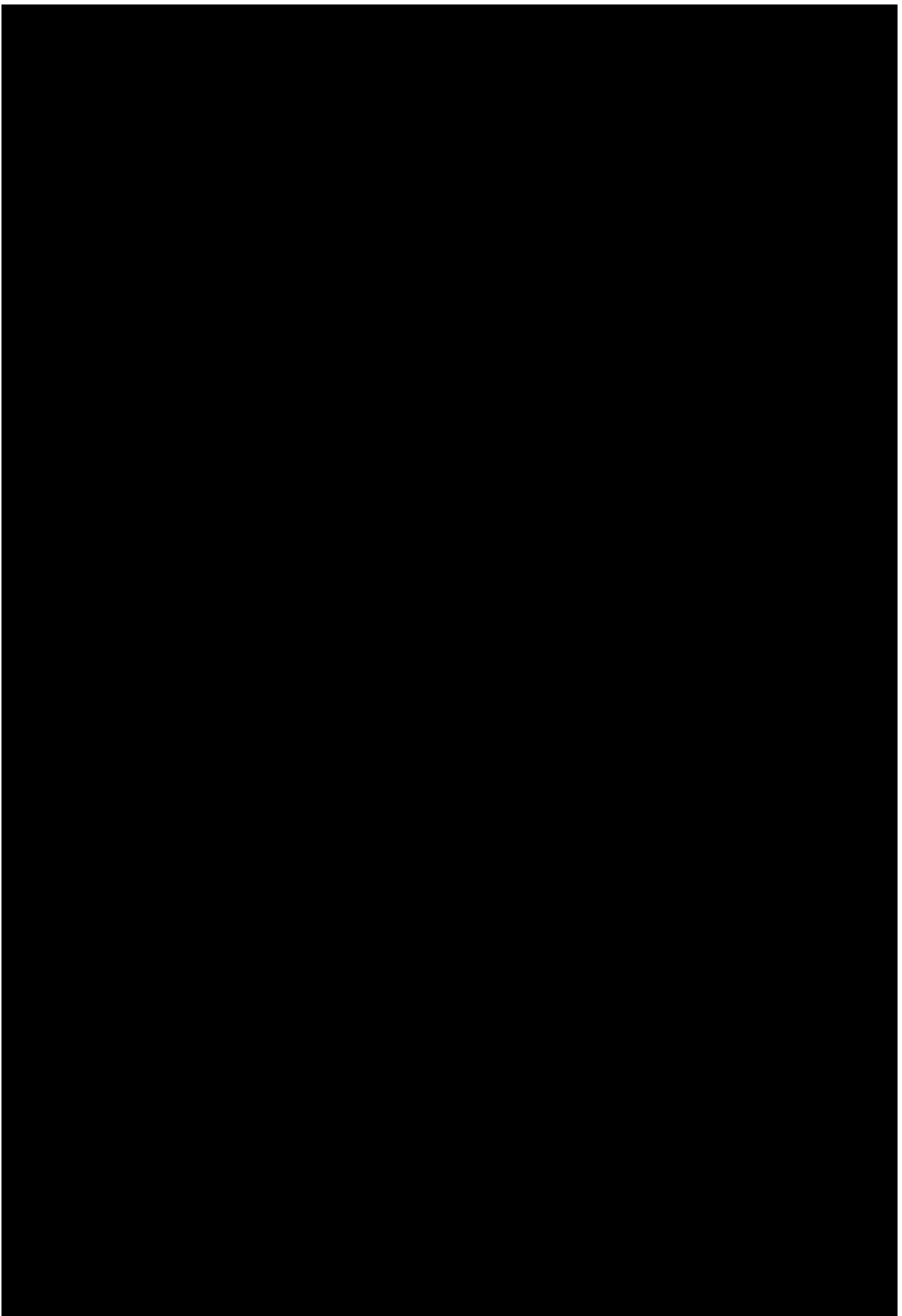


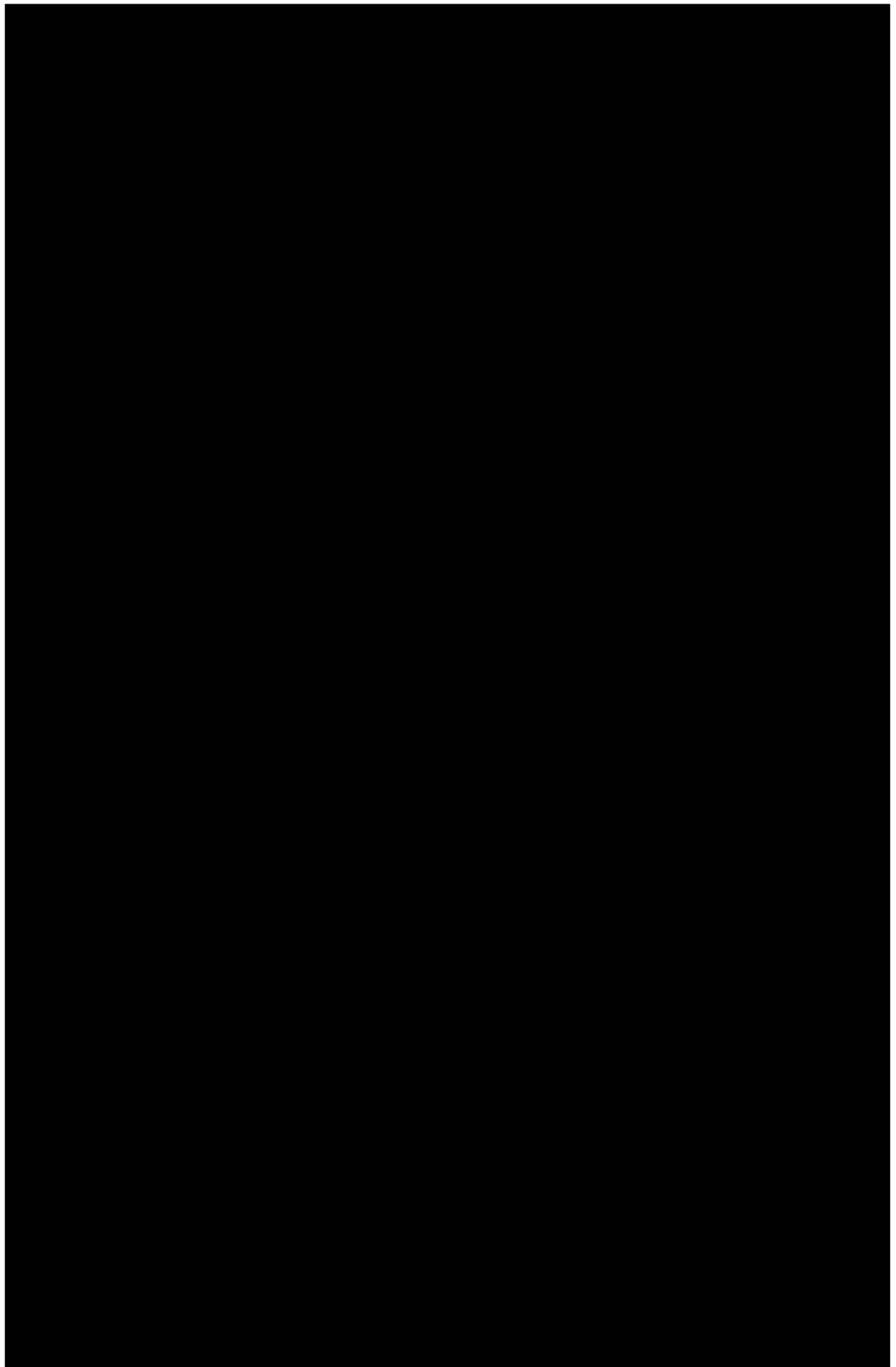


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785115-10-0004  
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20101213  
Open  
SEARCH WARRANT  
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1069373  
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1069773

785115-10-0004

[REDACTED]

20101214

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OTHER (NON-EXPLOSIVE/FIRE)

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1069773

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785115-10-0004



20101214

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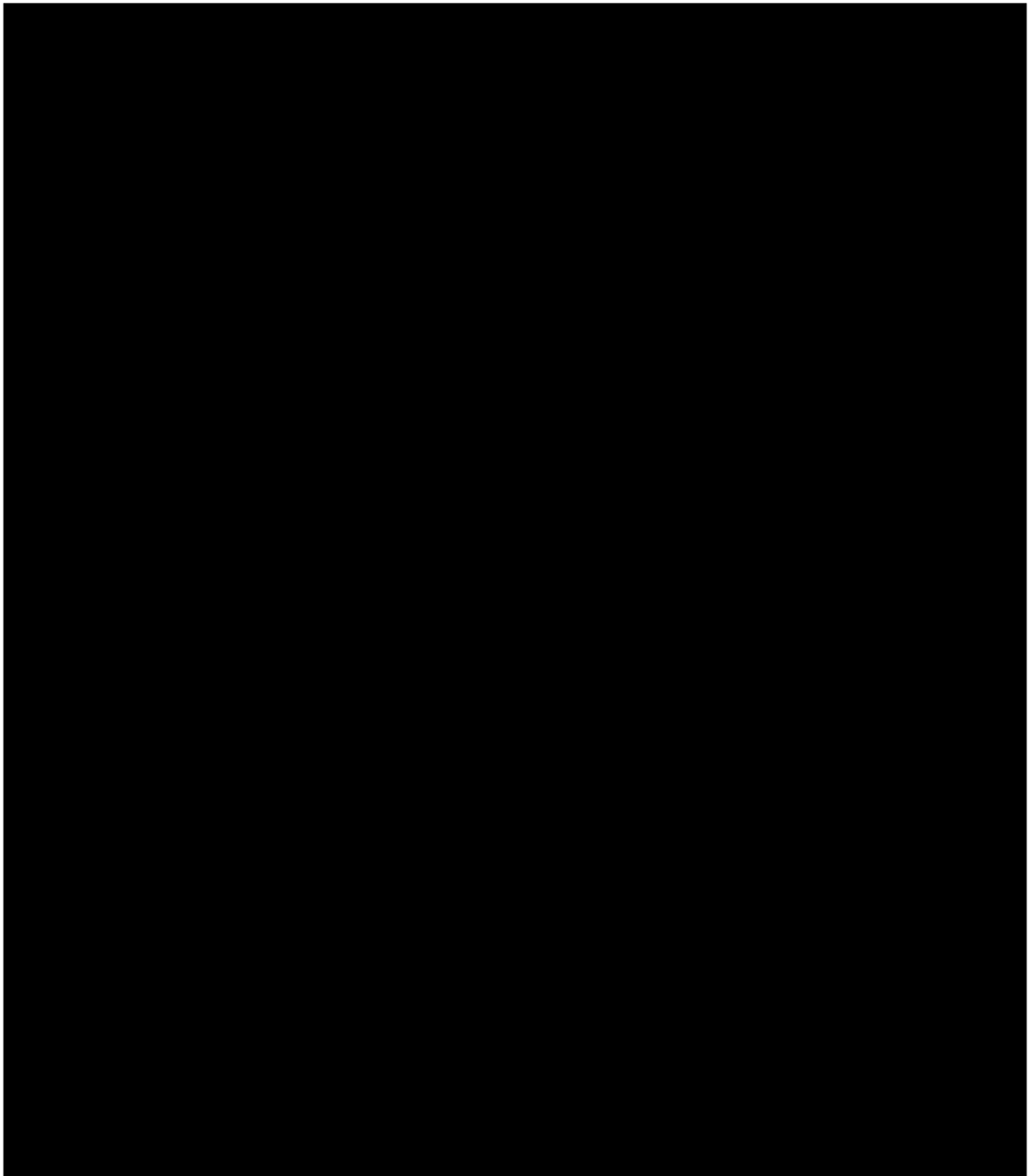
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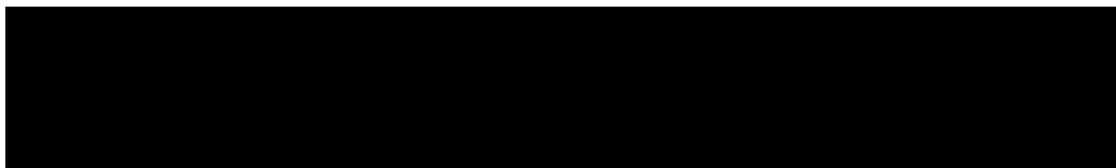
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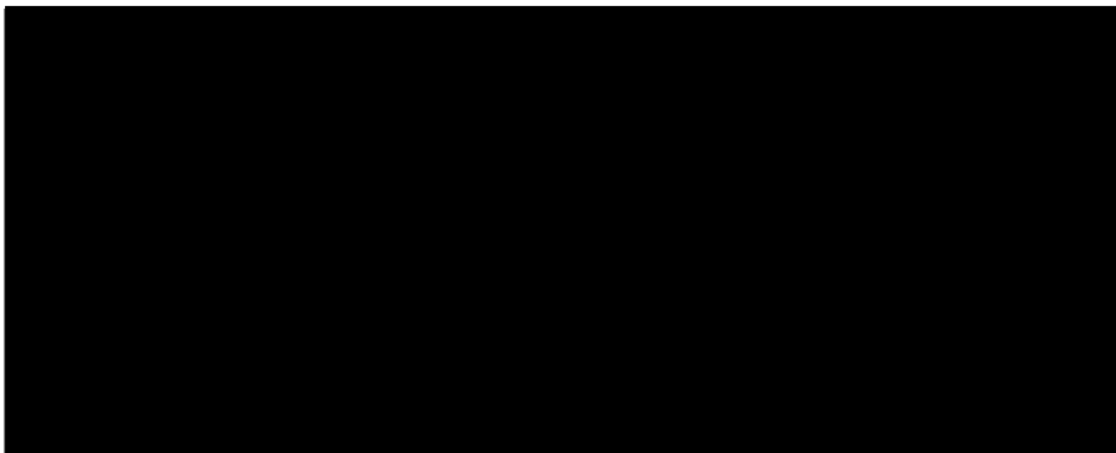







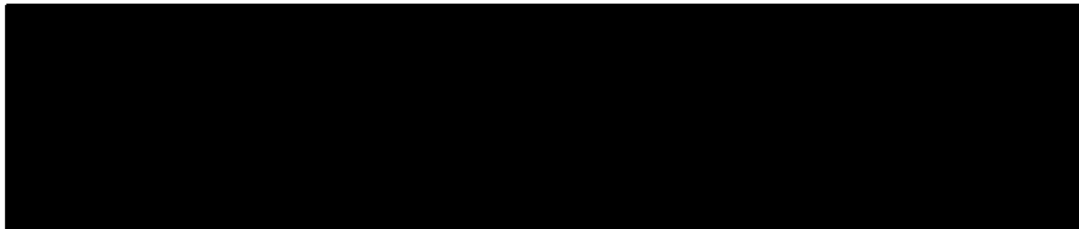
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785115-10-0004  
  
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CONTACT INTERVIEW  
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1073244  
  
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1074942  
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20110106  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1074942  
  
20110106





1077954

785115-10-0004

[Redacted] 07/07/2010

20100707

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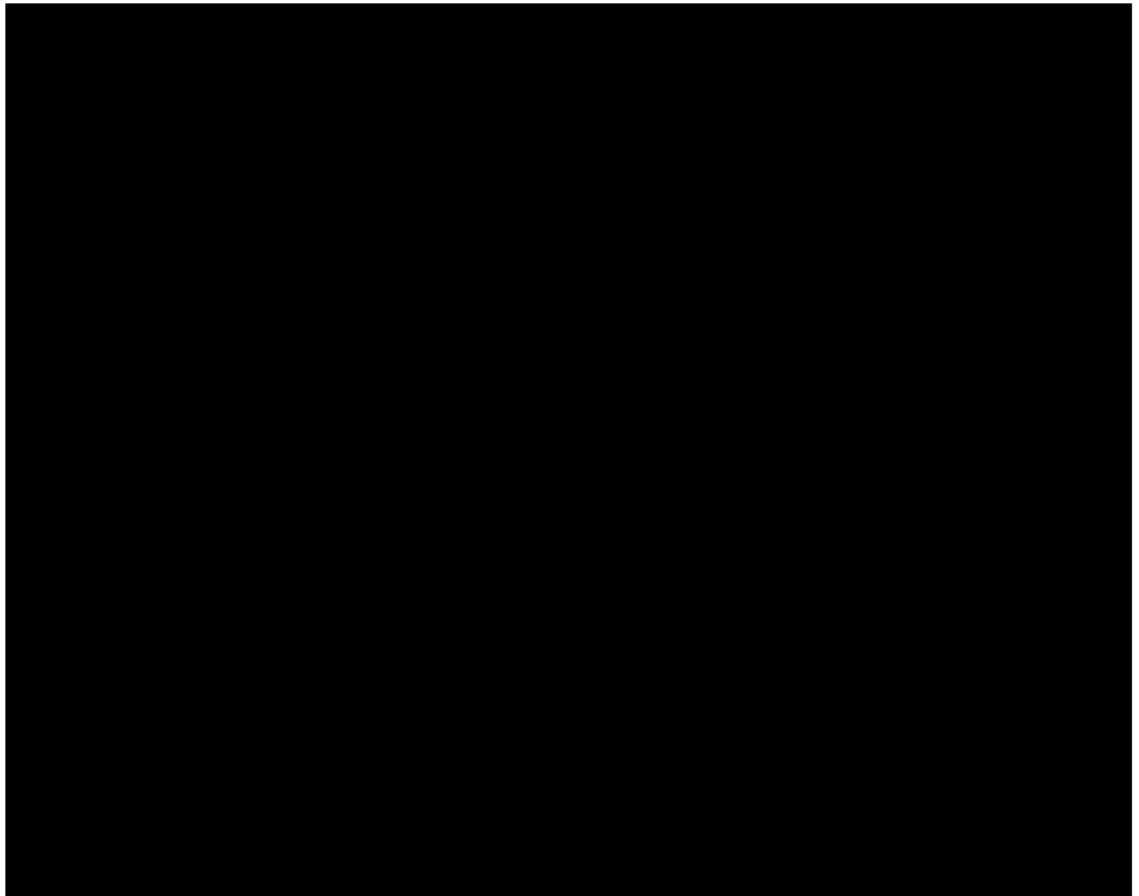
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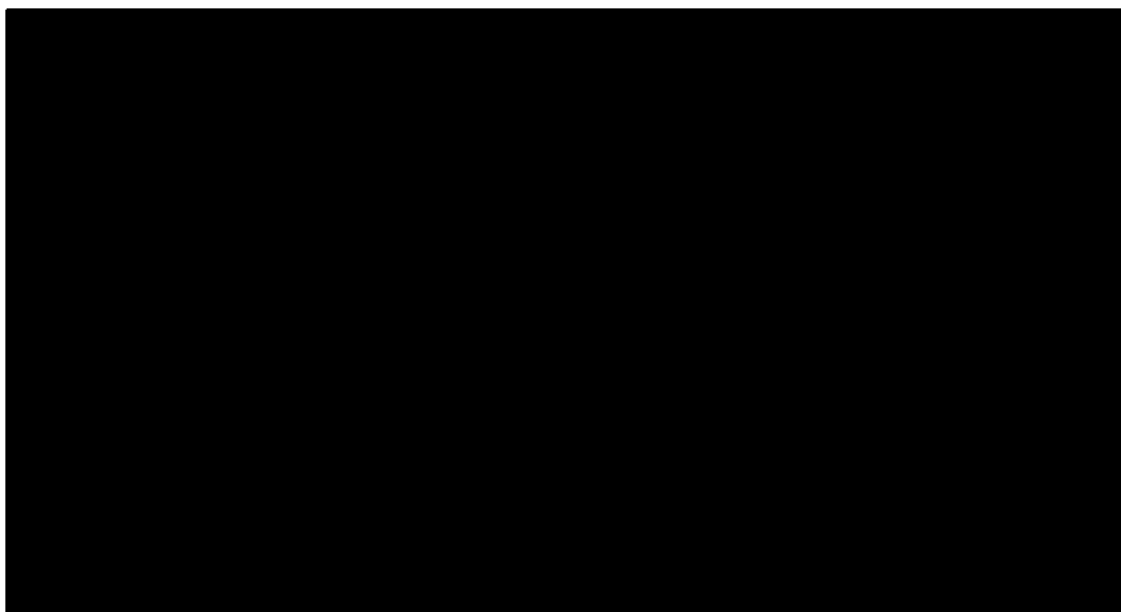
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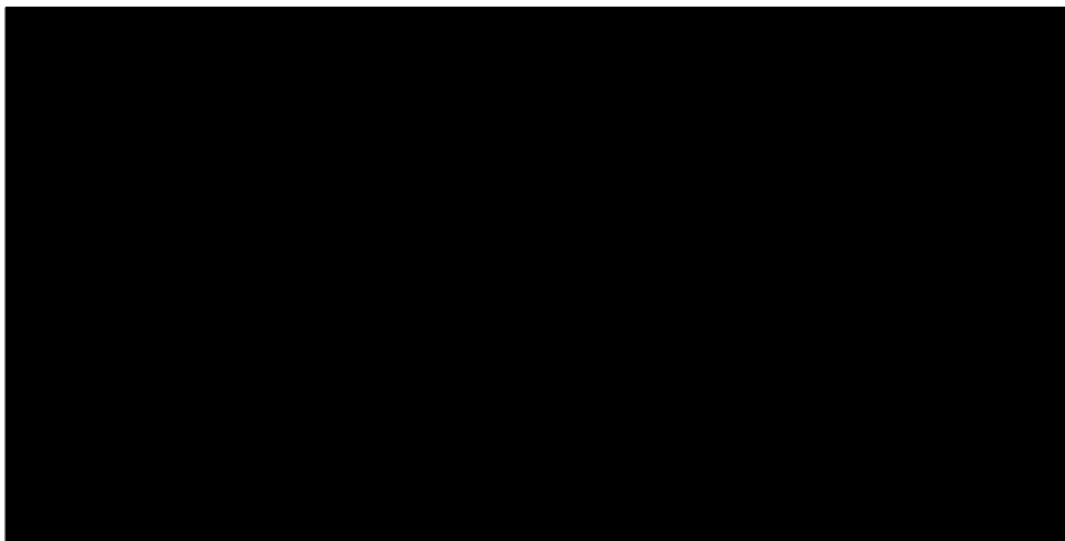
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785115-10-0004  
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1080948

785115-10-0004

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20110125

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CONTACT INTERVIEW

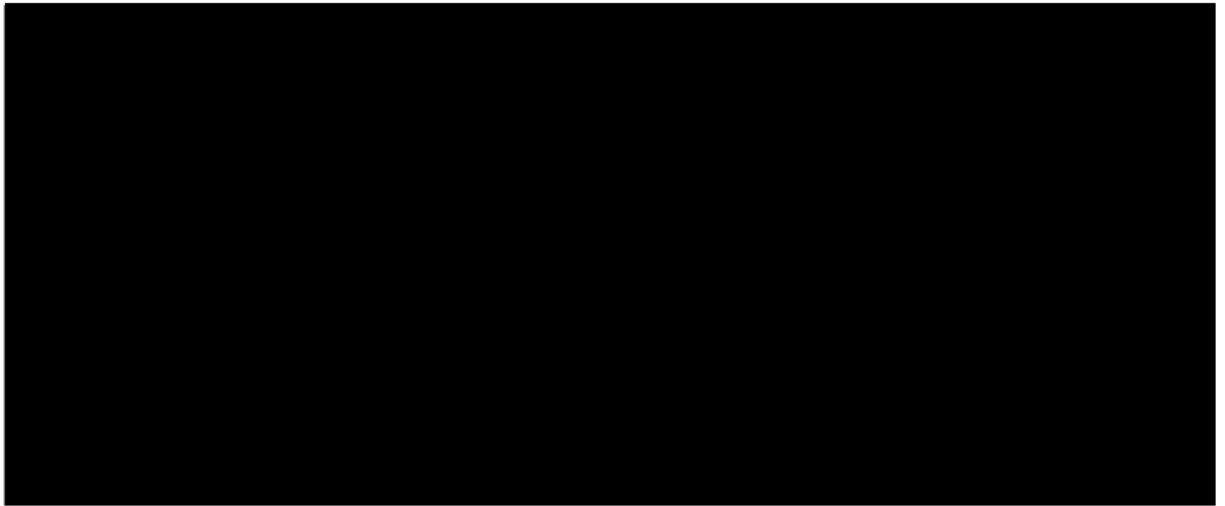
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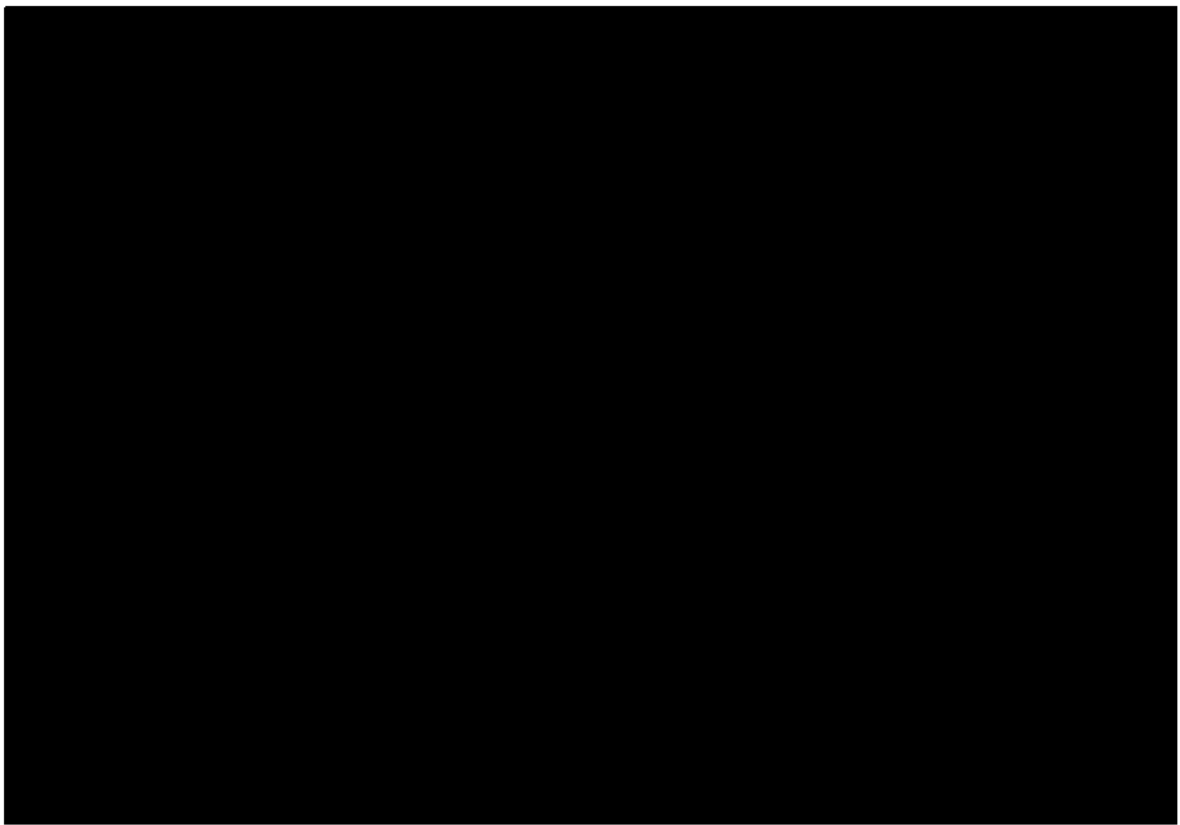


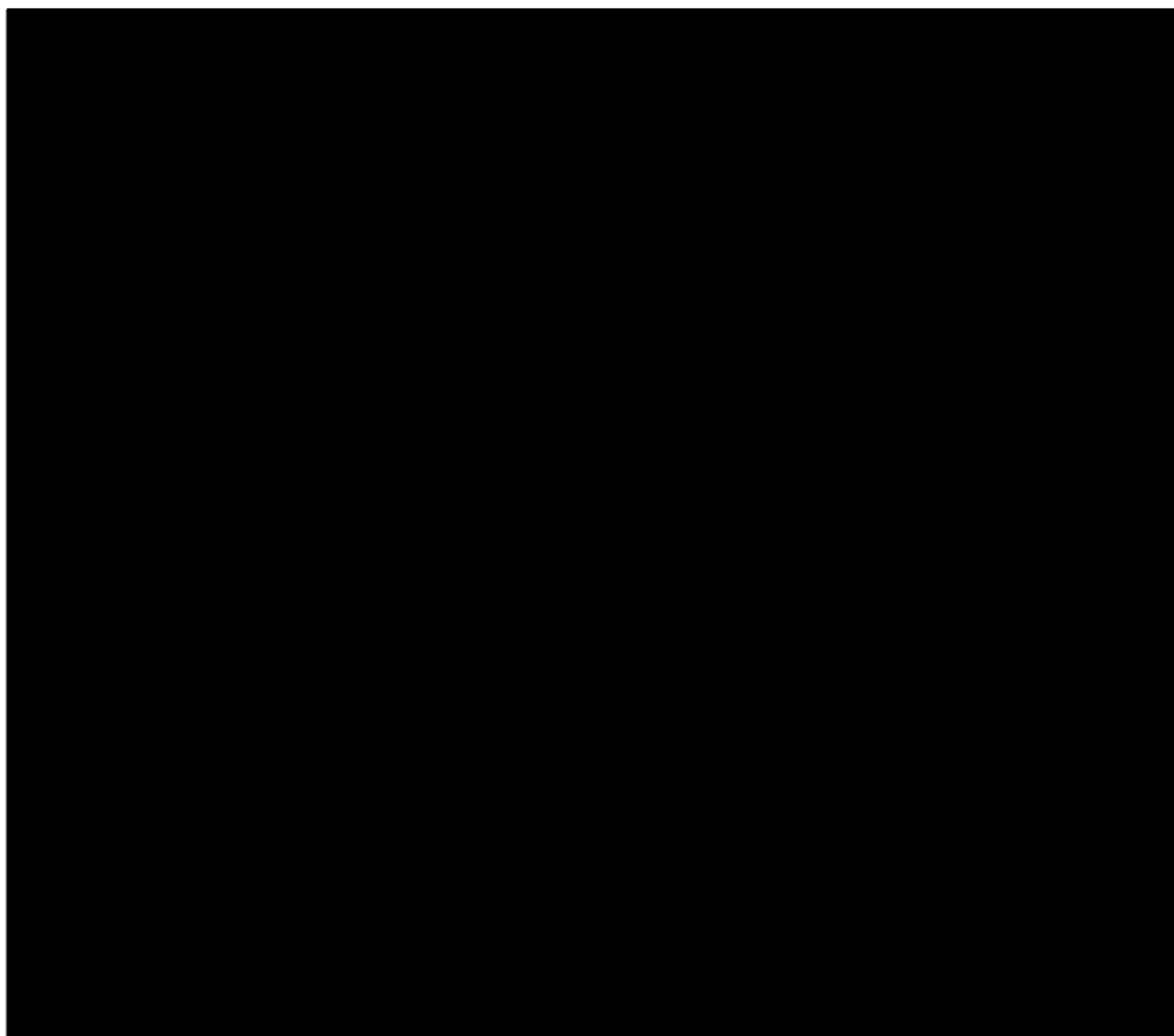
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SEARCH WARRANT  
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1081003



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1081243  
785115-10-0004



20110125

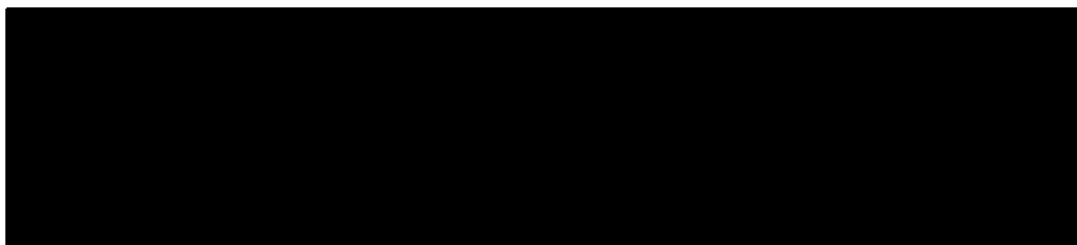
Open  
ARREST

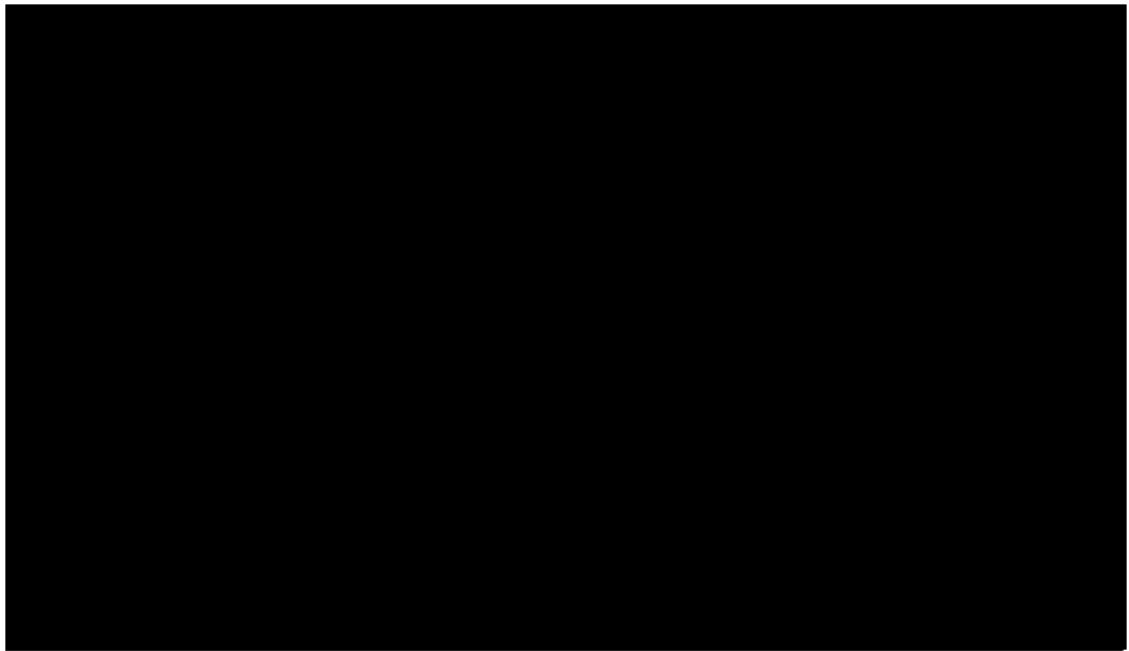
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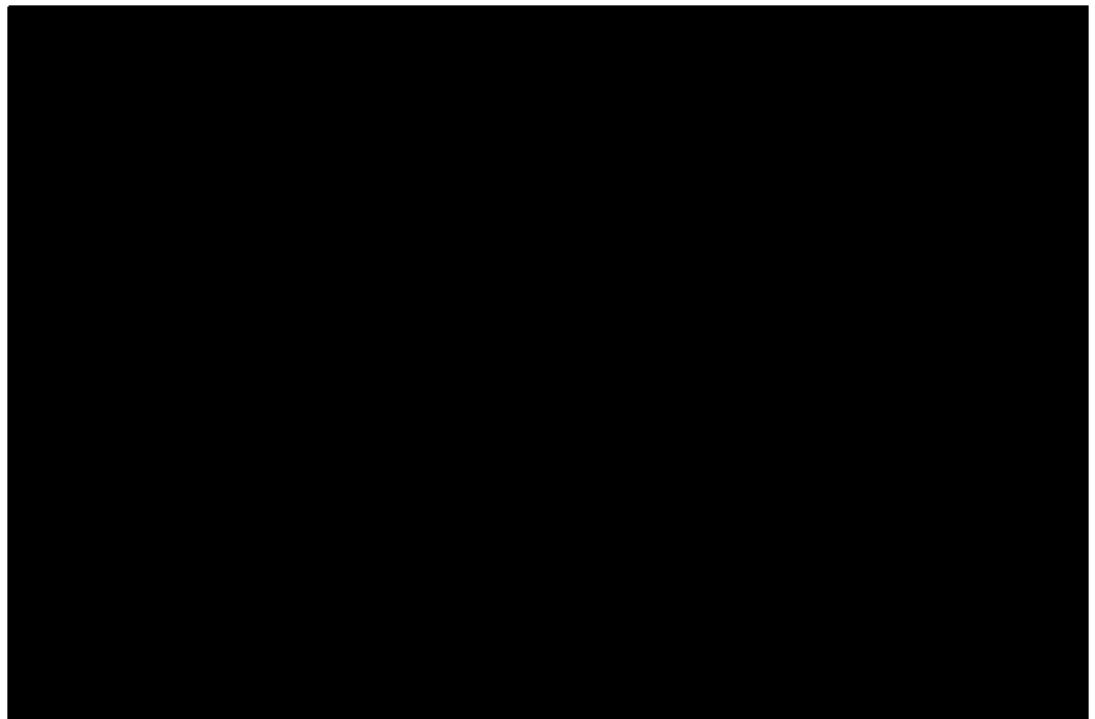


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ARREST  
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20110125





1081248  
785115-10-0004



20110125

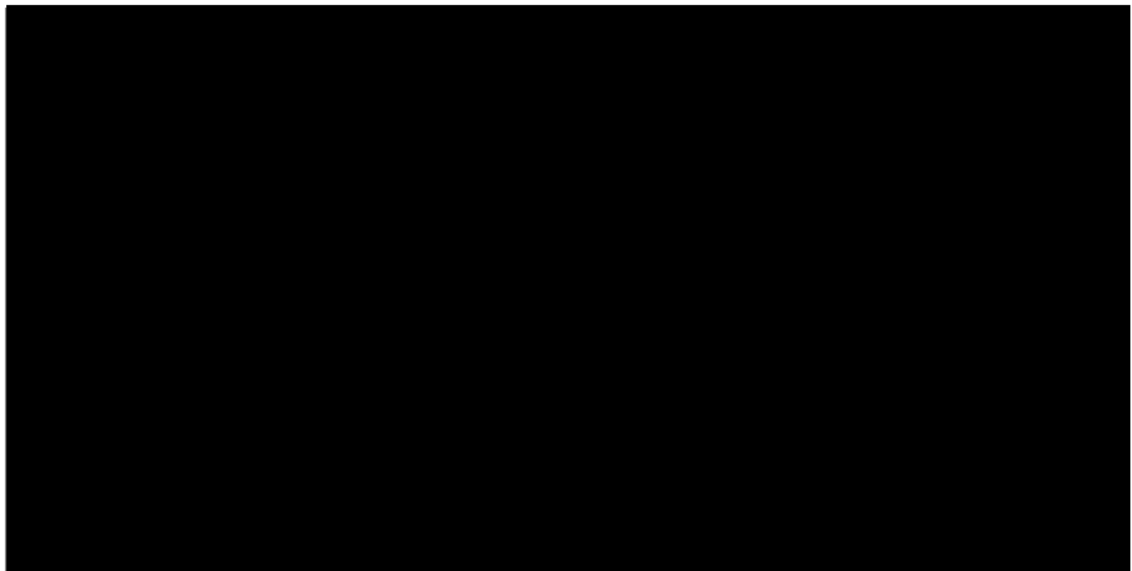
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ARREST

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20110125



1081476  
785115-10-0004



20110125

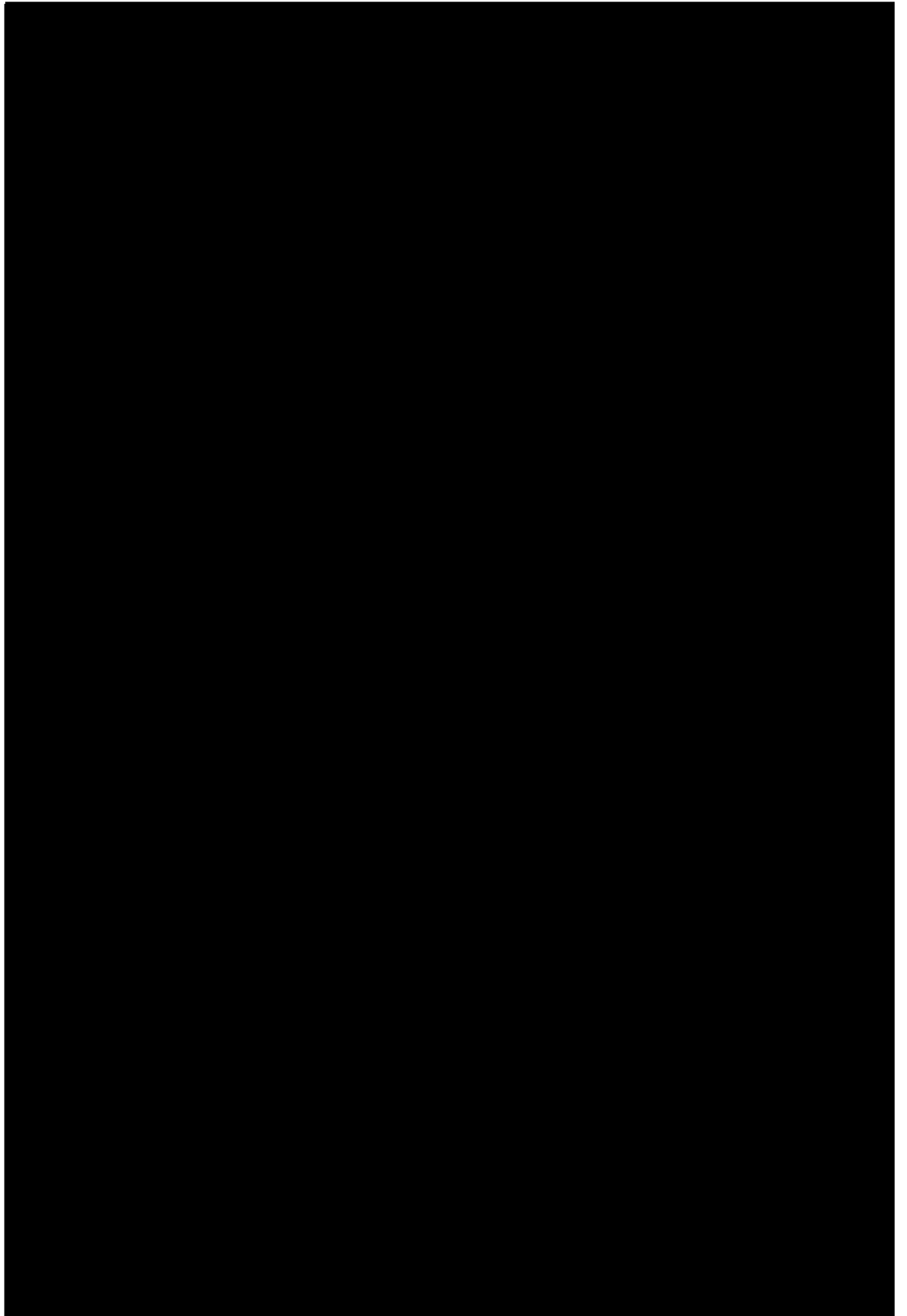
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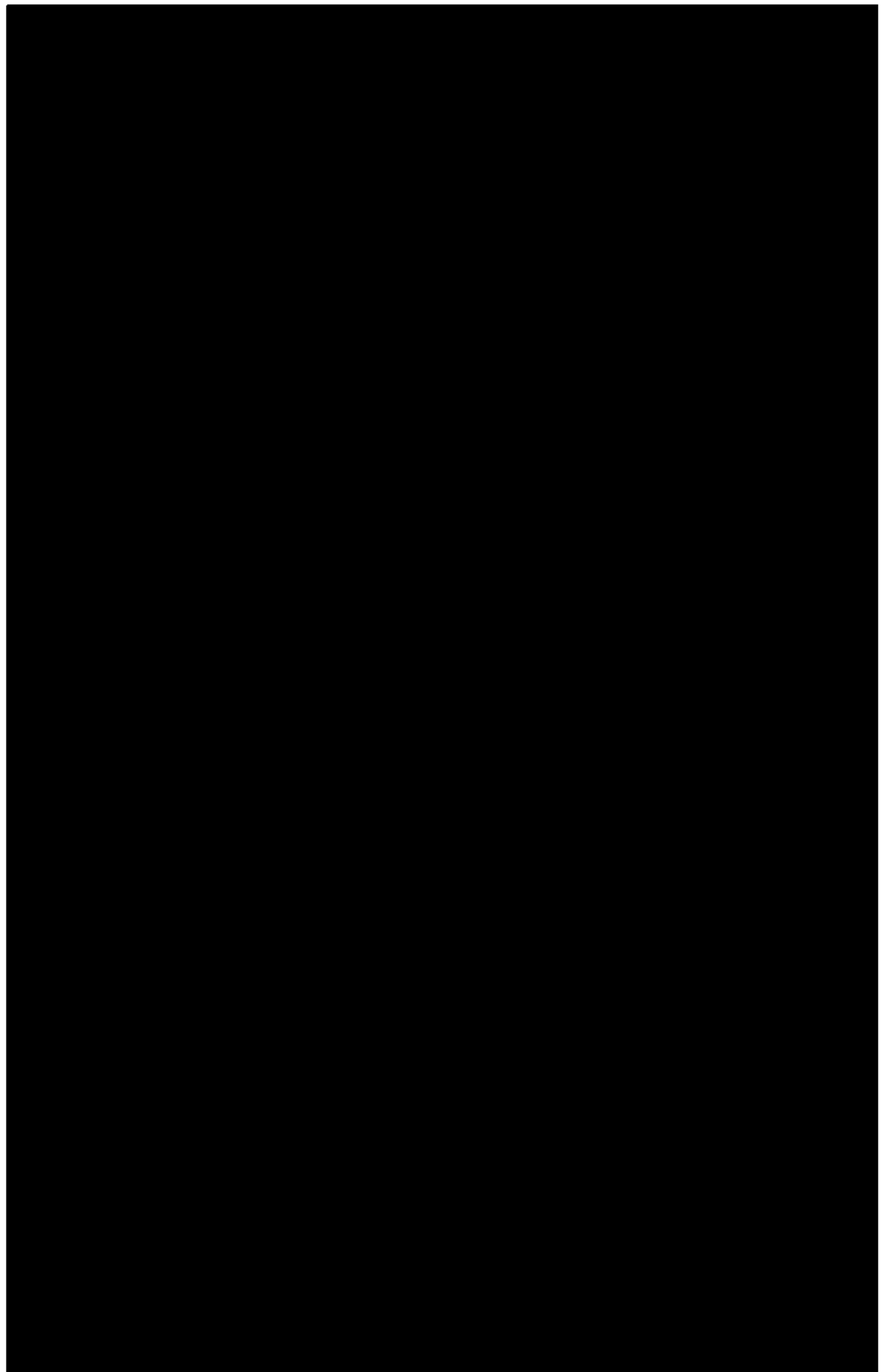
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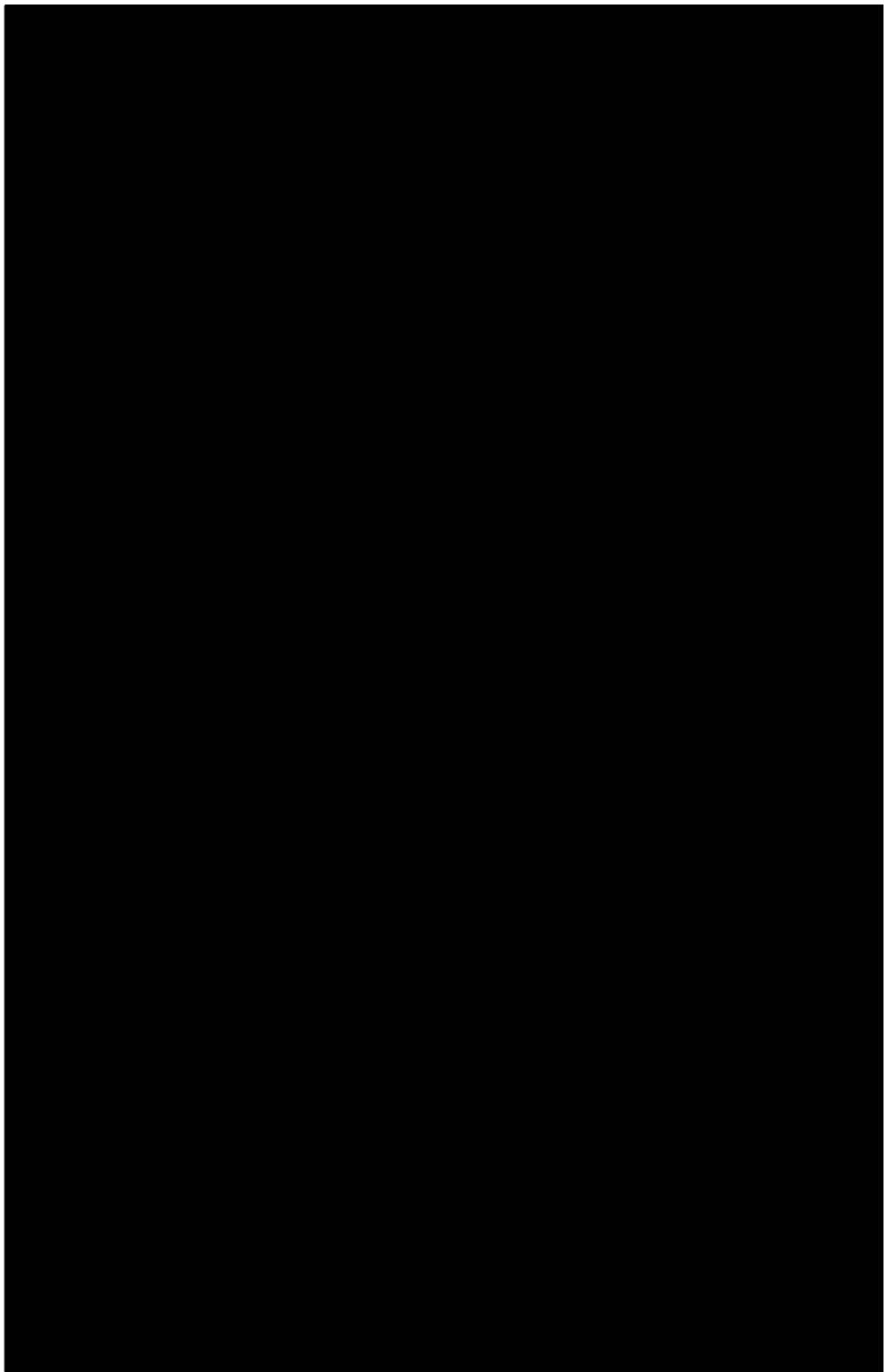
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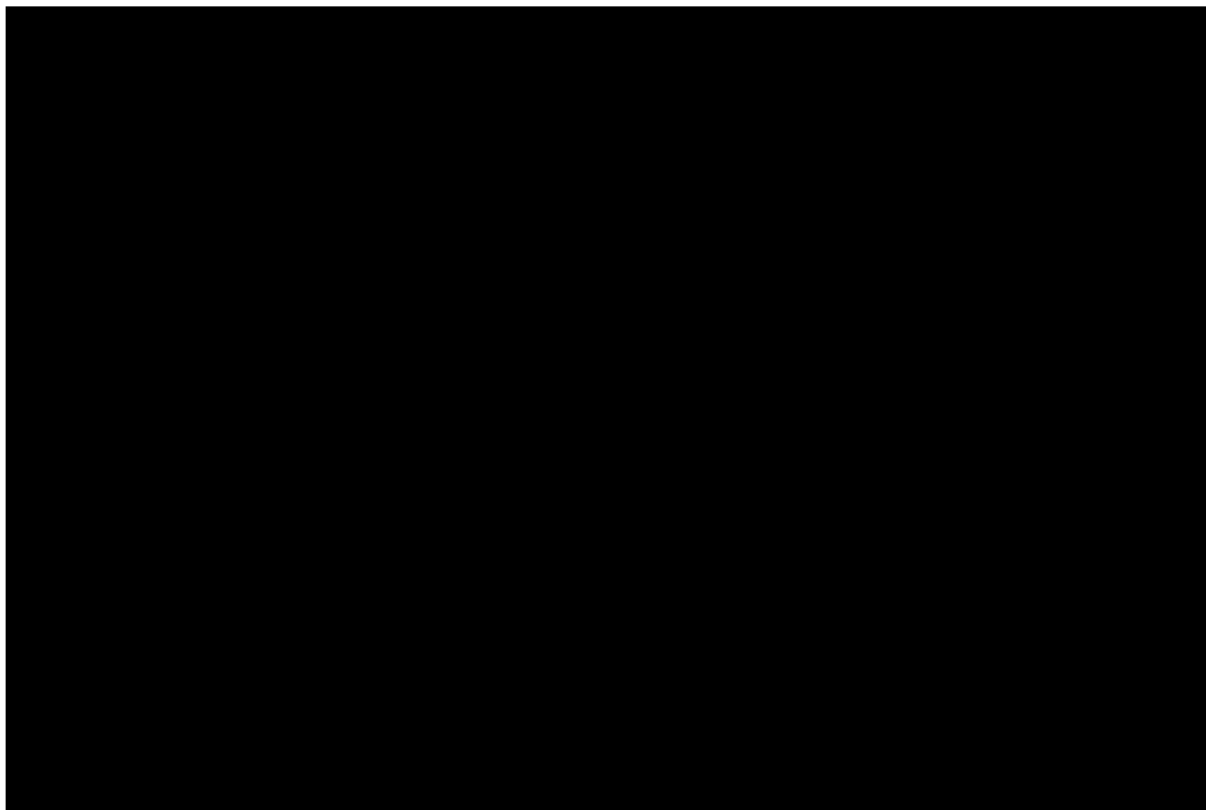


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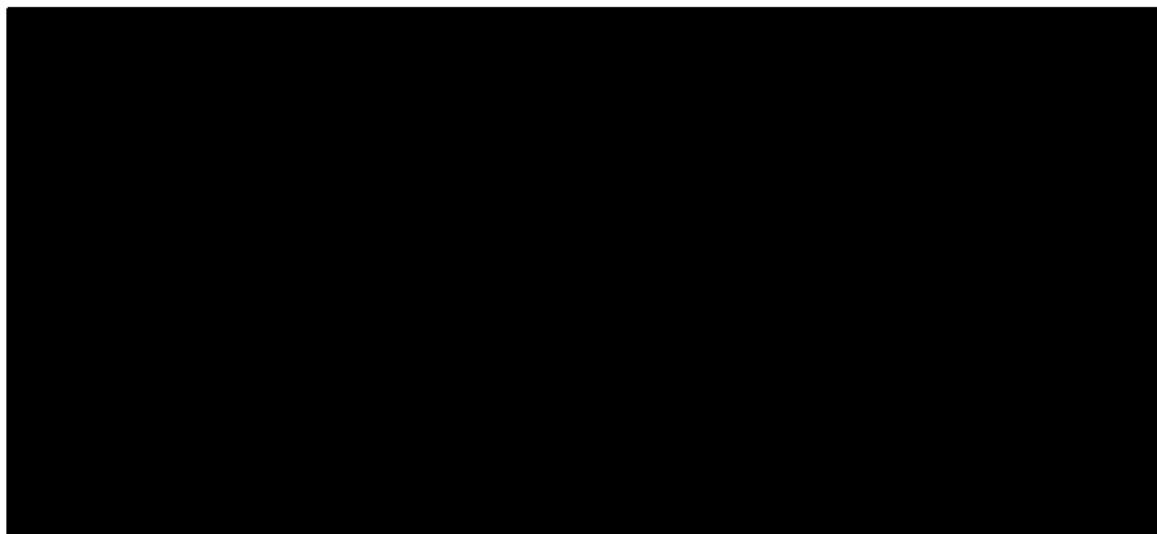


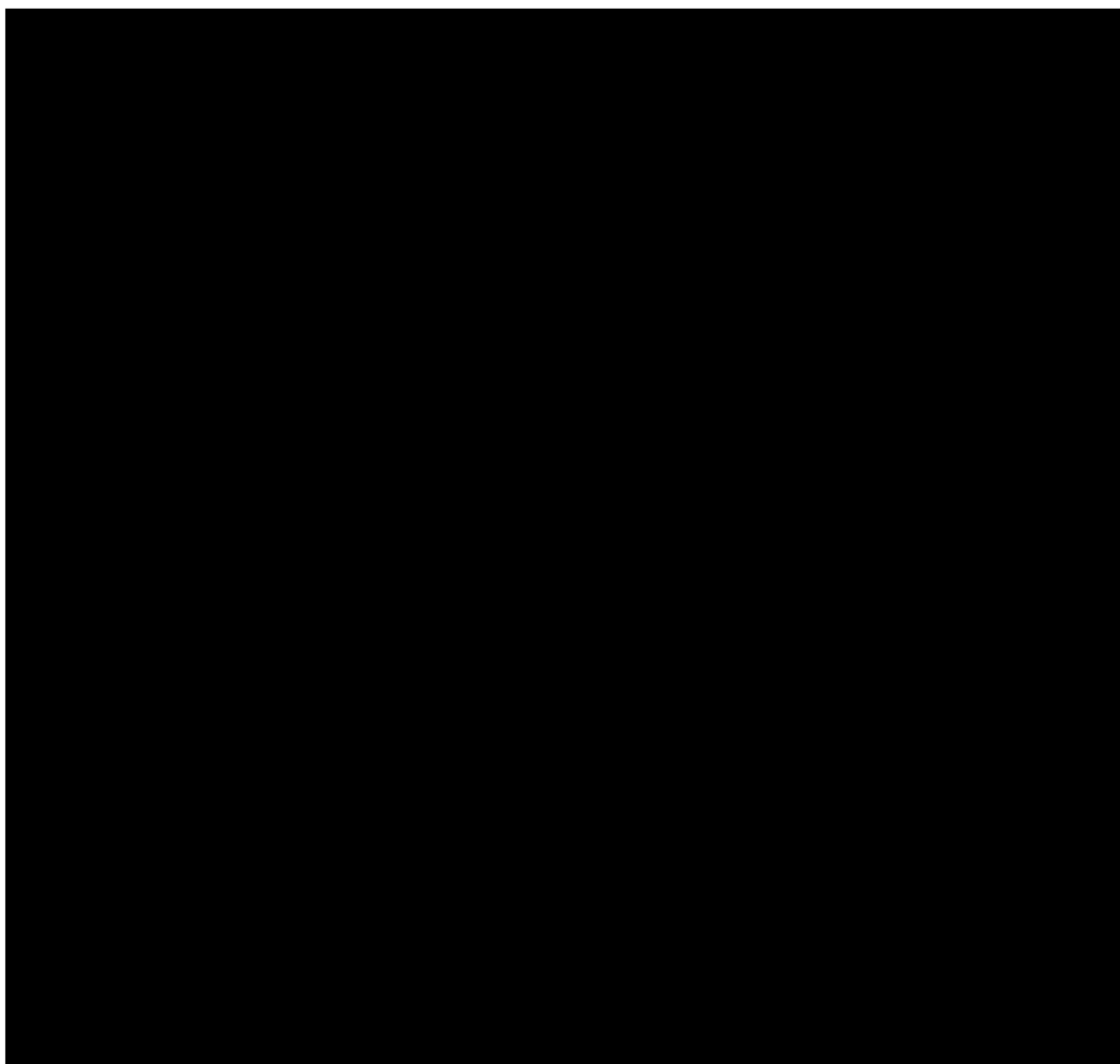




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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1081917  
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20110128





1081918  
785115-10-0004



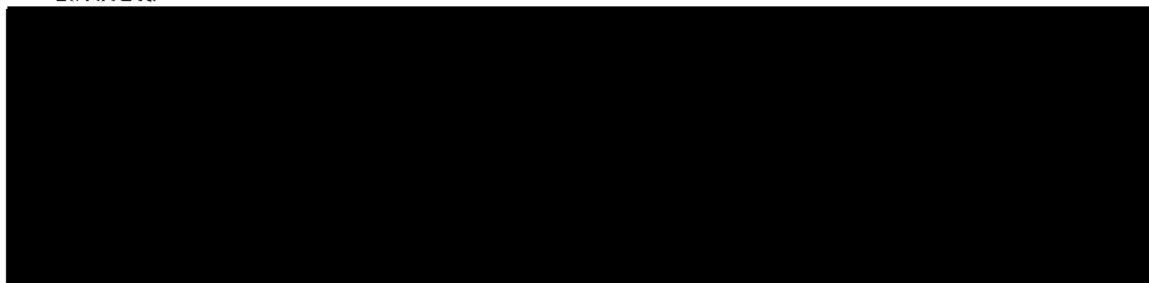
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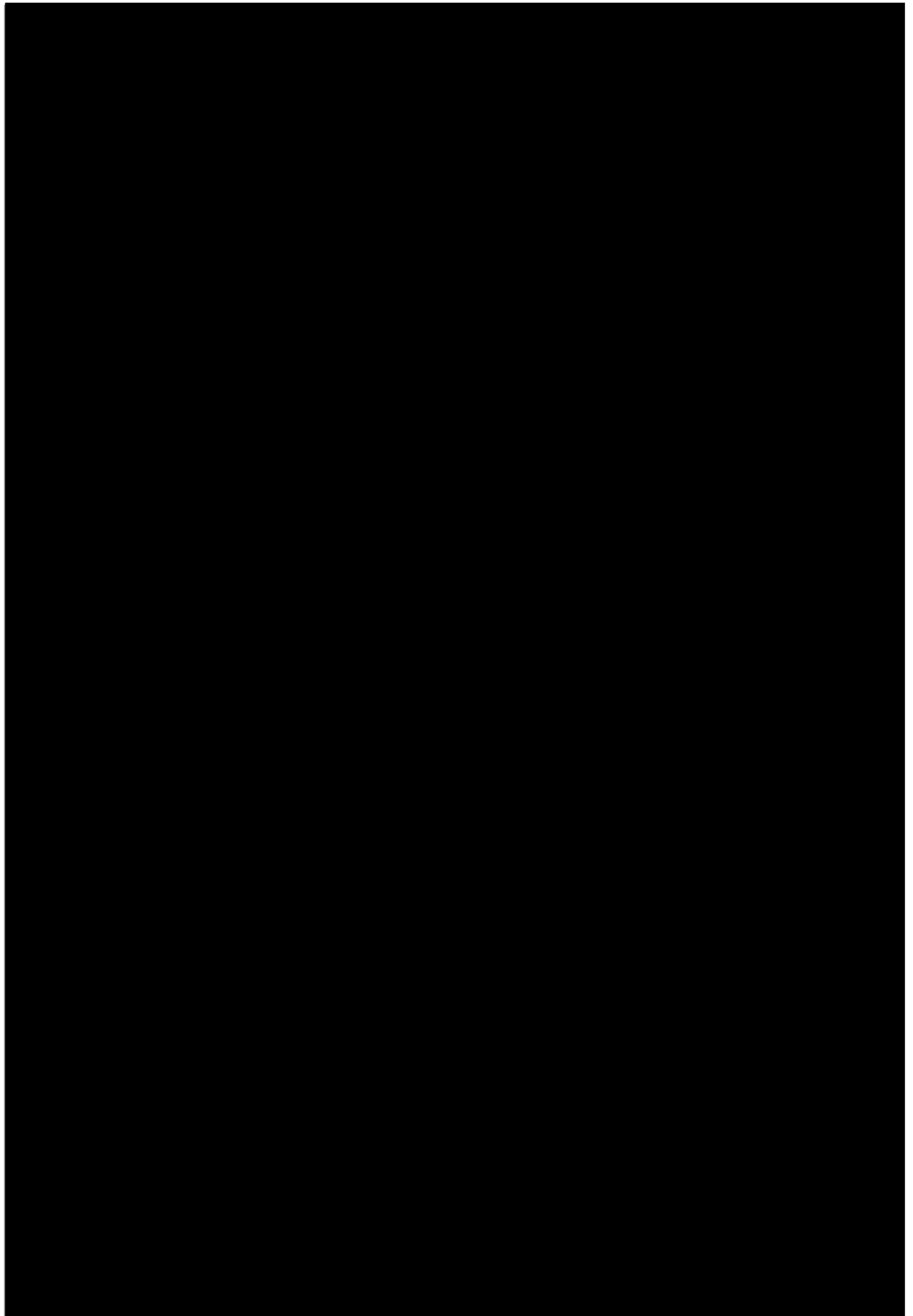
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ARREST  
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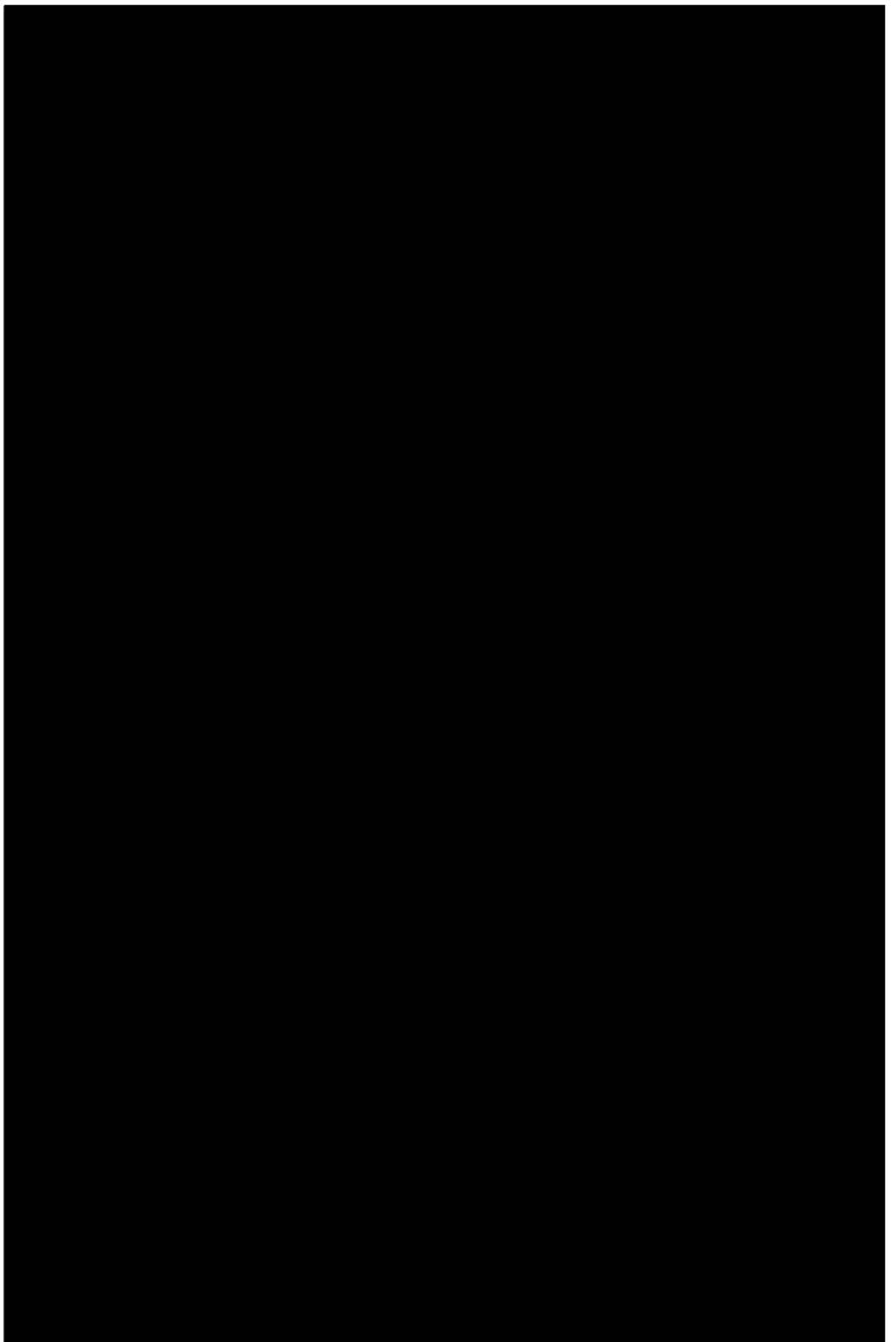
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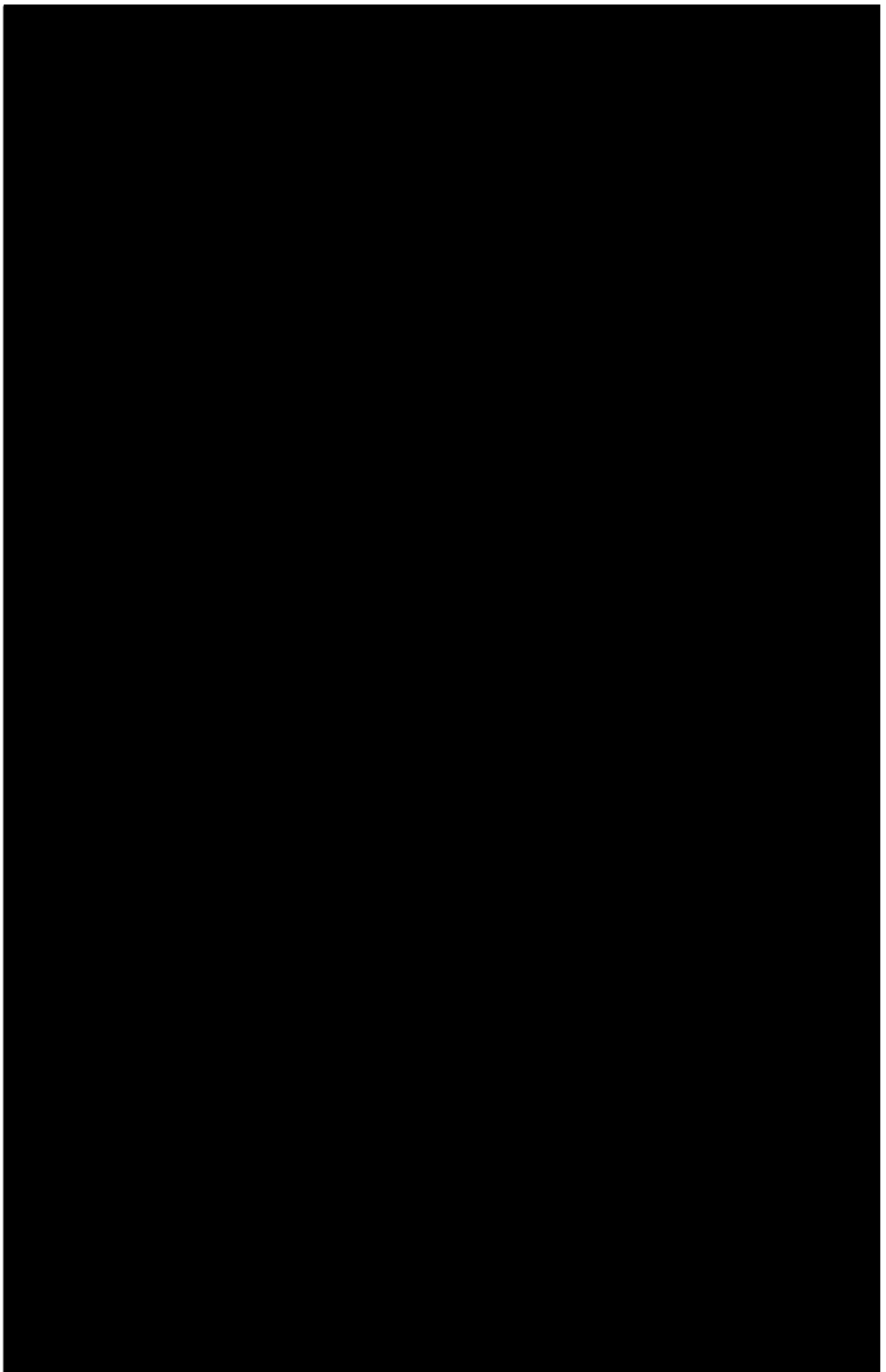


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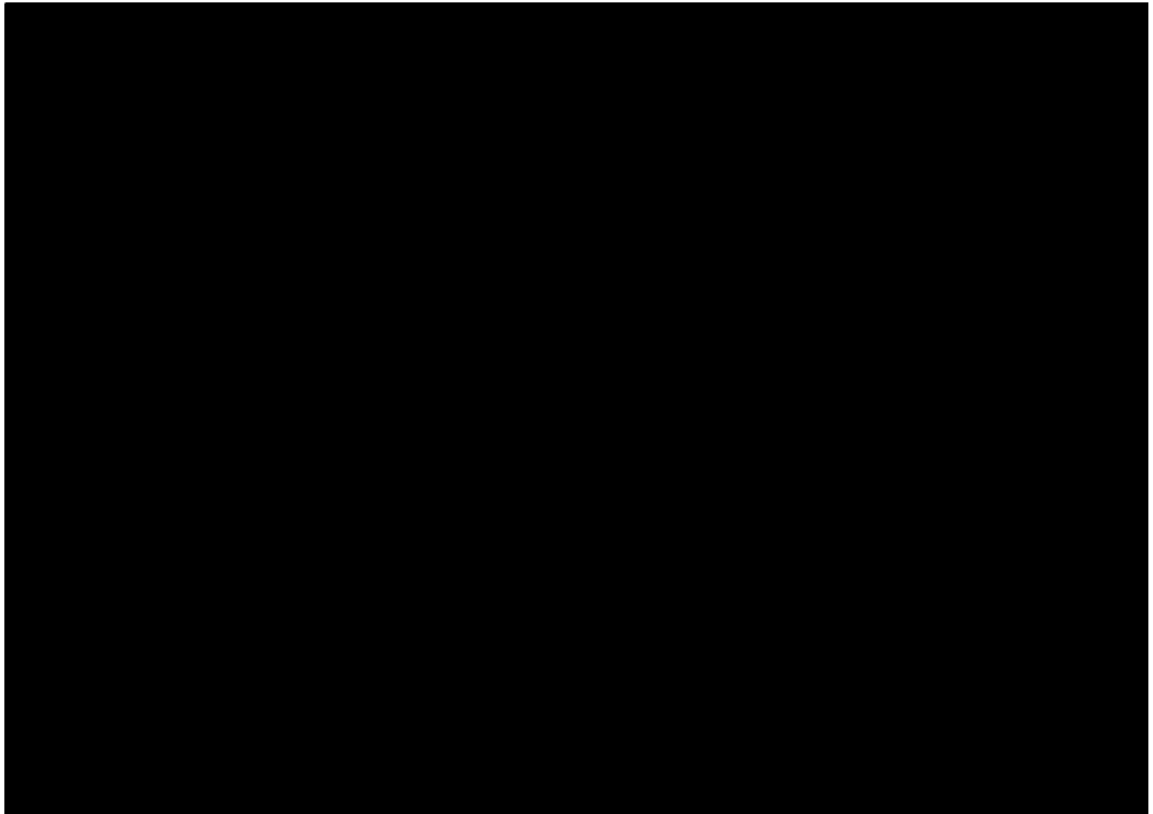


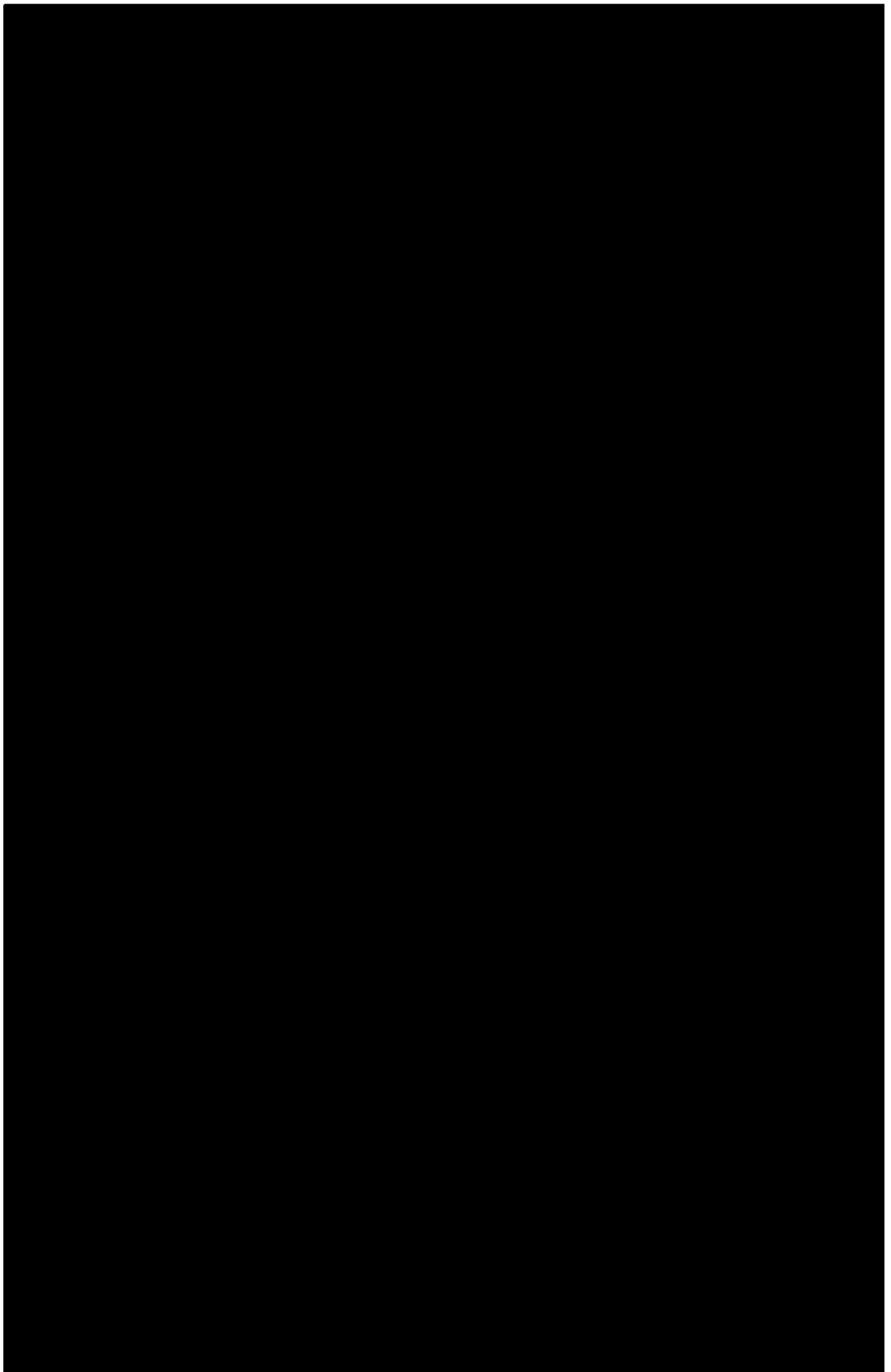


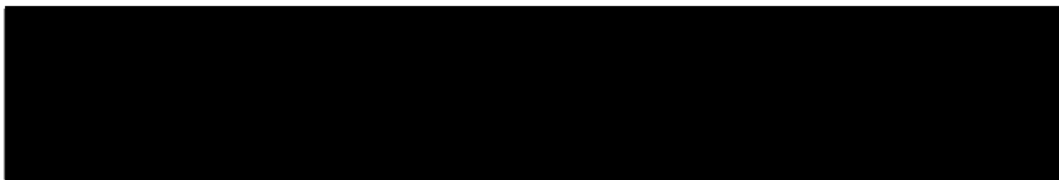


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785115-10-0004  
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OTHER (NON-EXPLOSIVE/FIRE)  
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1081950  
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20101216







1082102  
785115-10-0004

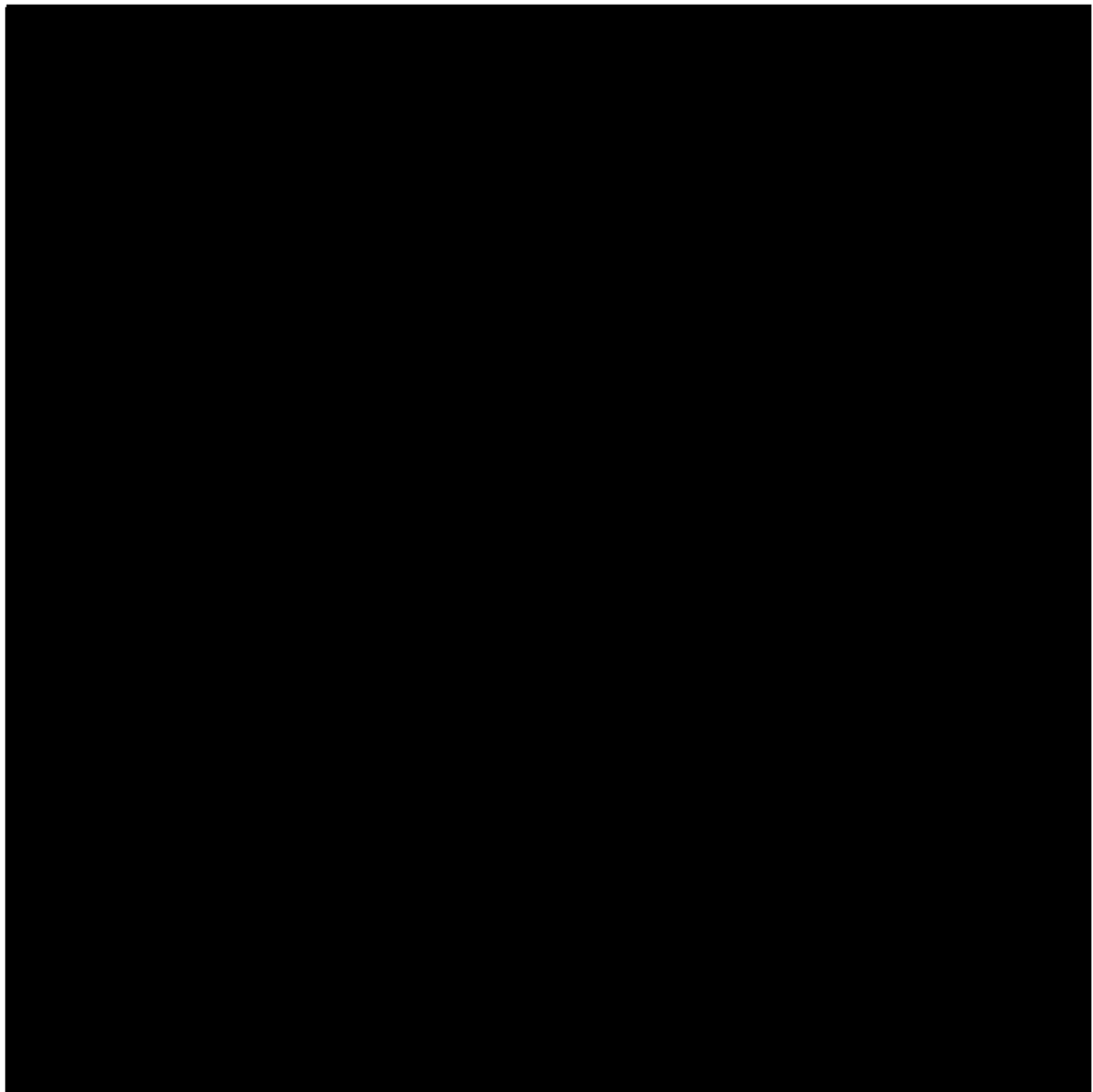


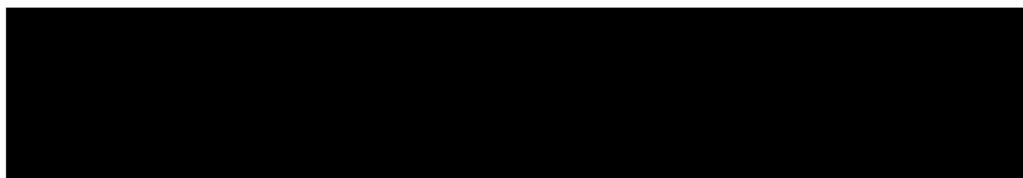
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SEARCH WARRANT  
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1082369  
785115-10-0004



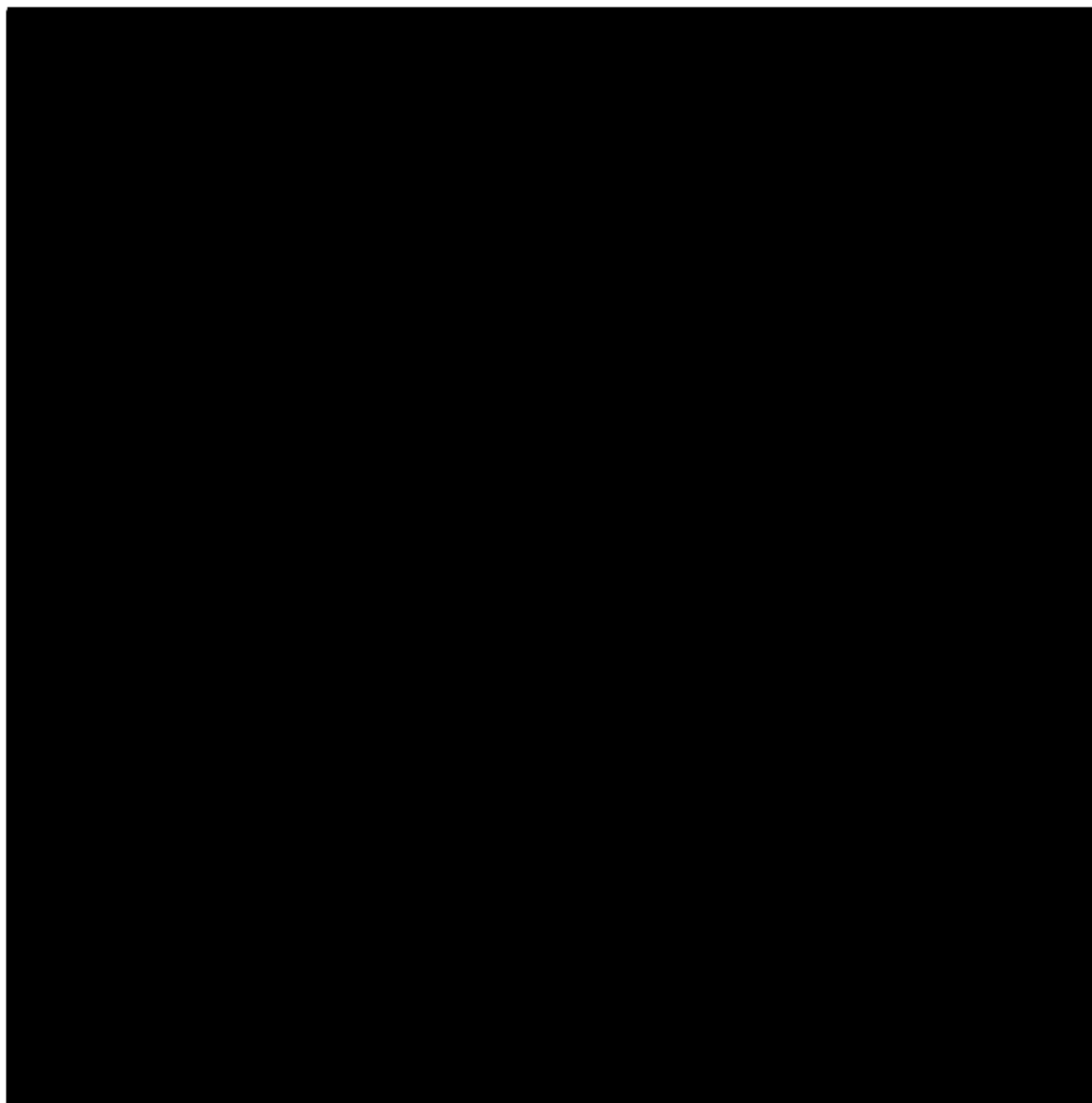
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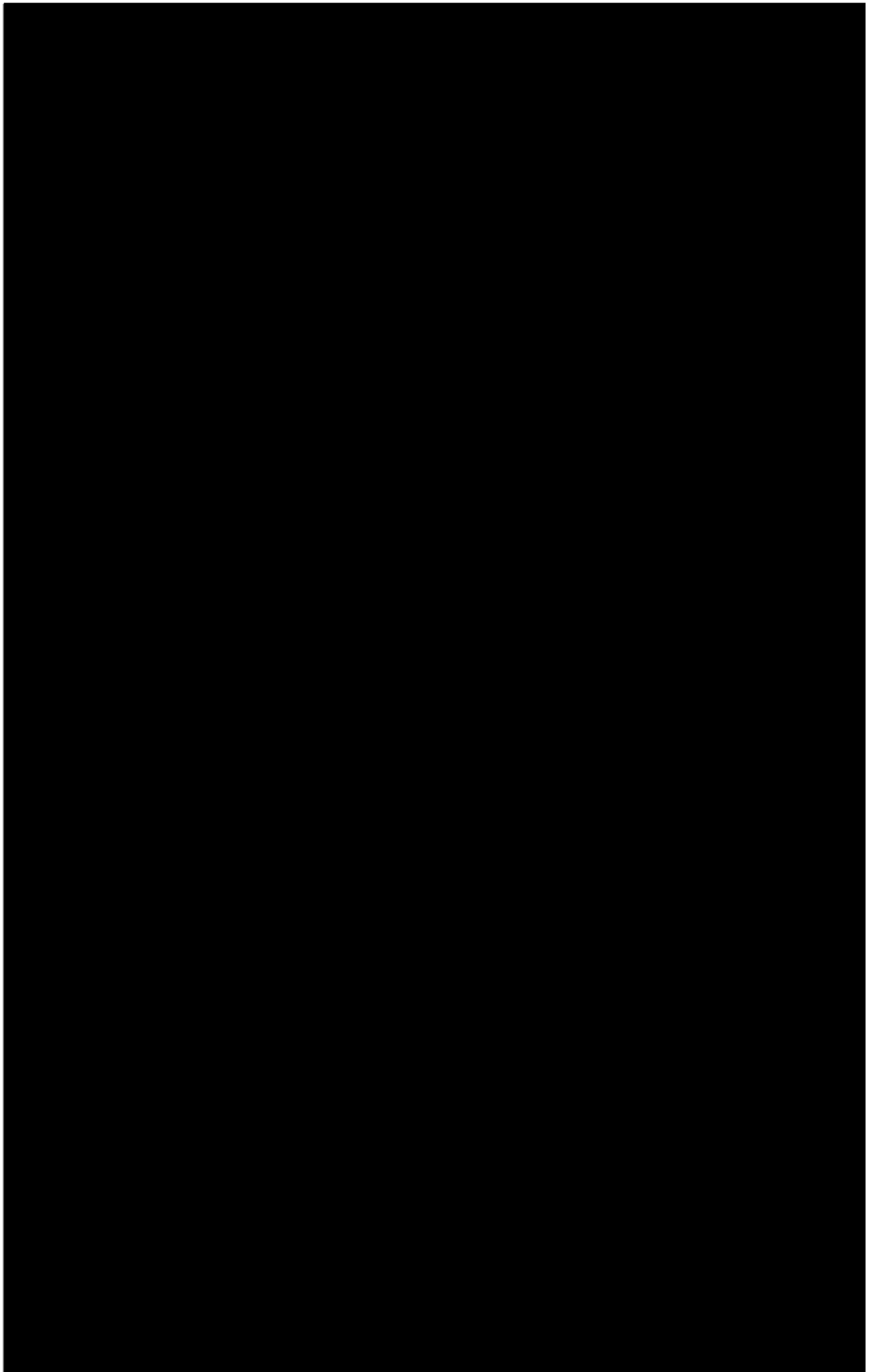
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ARREST  
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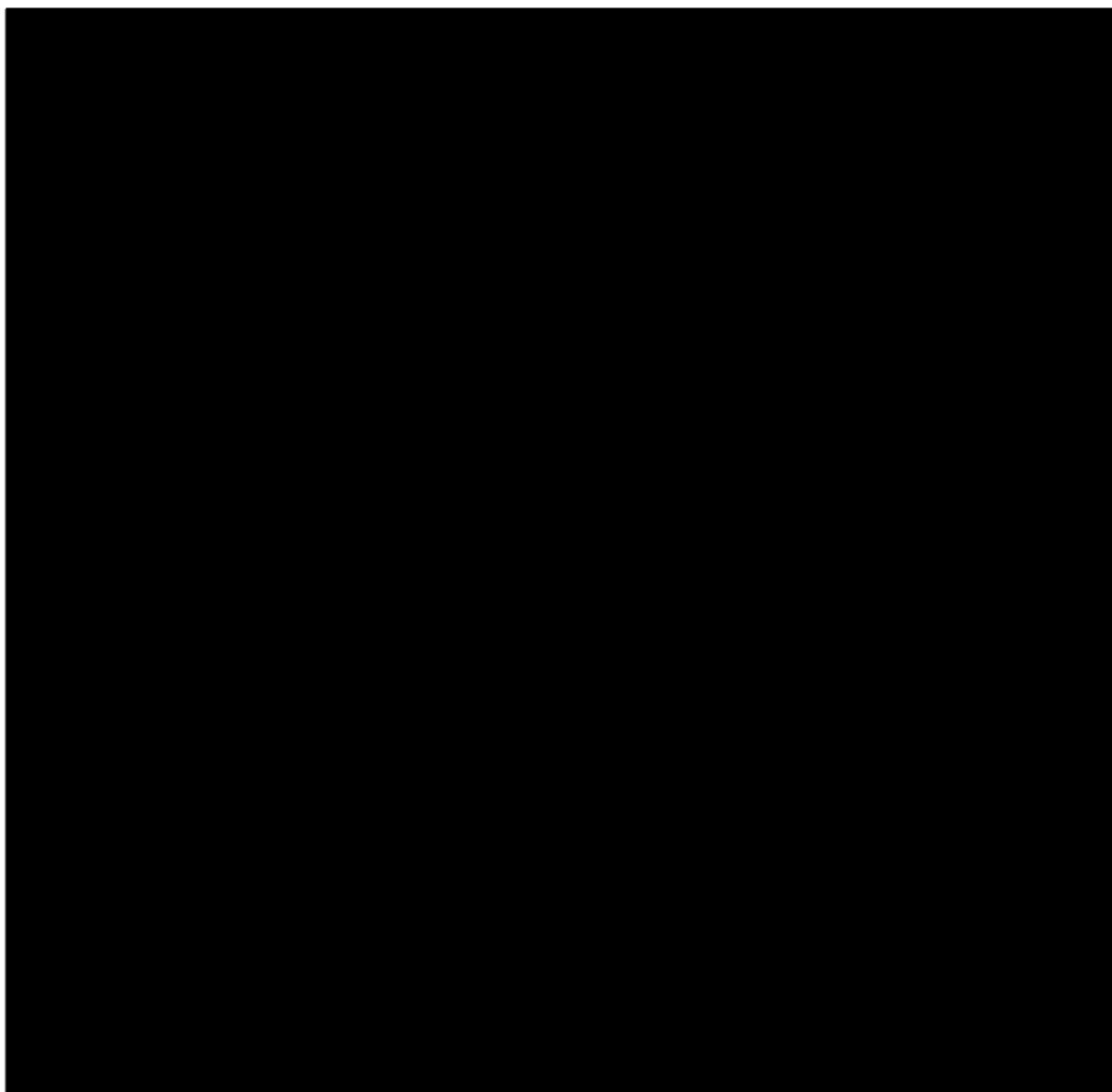
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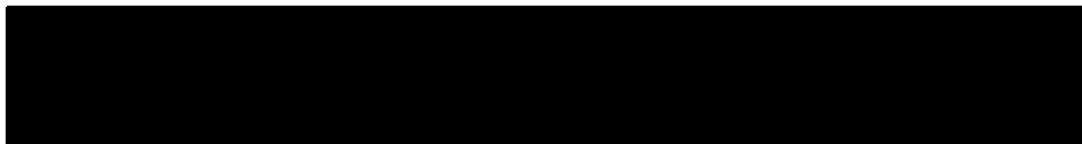


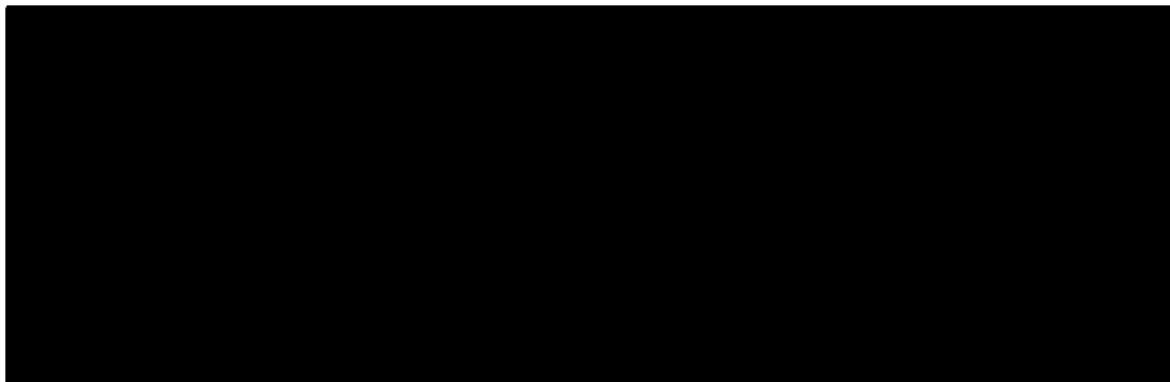




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ARREST  
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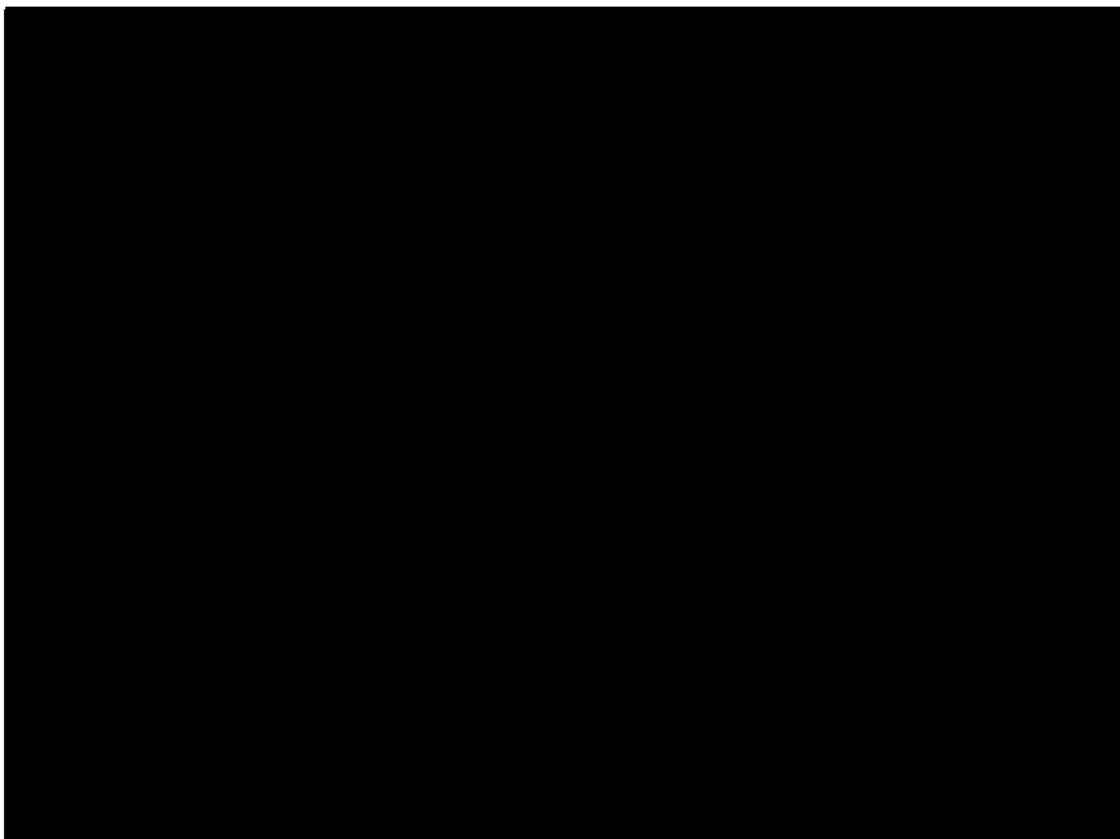
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1083065  
785115-10-0004  
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20110125  
Open  
ARREST WARRANT  
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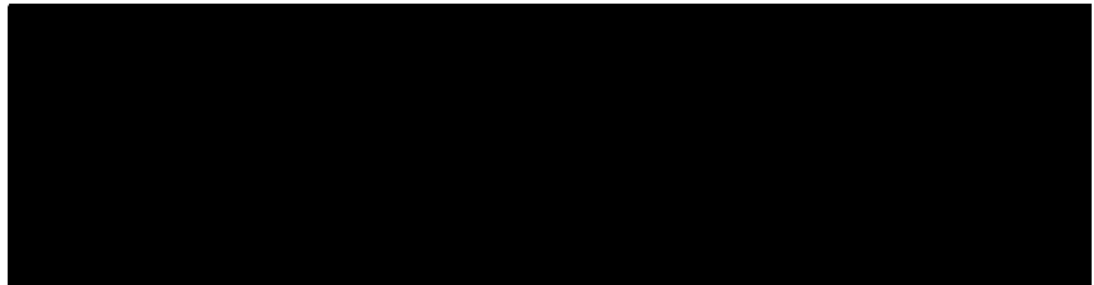
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20110125



1083074  
785115-10-0004

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ARREST WARRANT  
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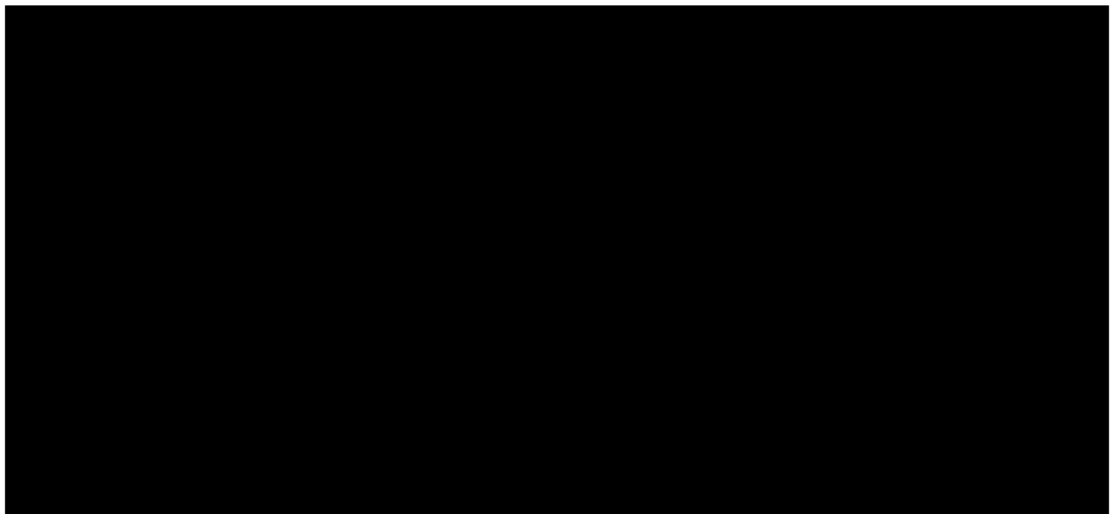
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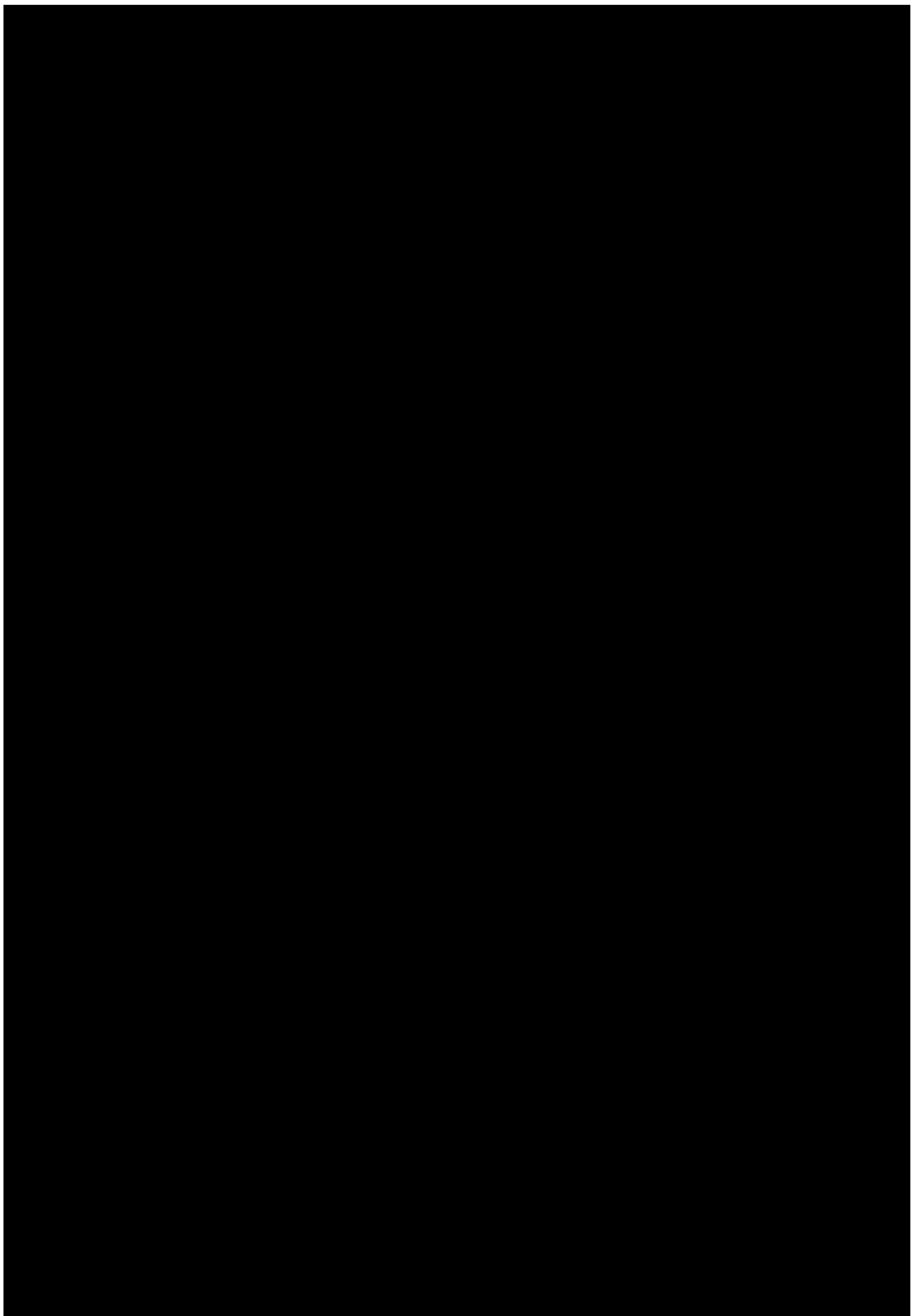
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785115-10-0004

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20110122  
Open  
SEARCH WARRANT  
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1084855  
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20110122









1085588  
785115-10-0004  
[REDACTED]  
20110125  
Open  
CONTACT INTERVIEW  
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1085588  
[REDACTED]  
20110125



1085589  
785115-10-0004  
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CONTACT INTERVIEW  
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1085589  
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20110125



1085591  
785115-10-0004  
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20110125

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CONTACT INTERVIEW  
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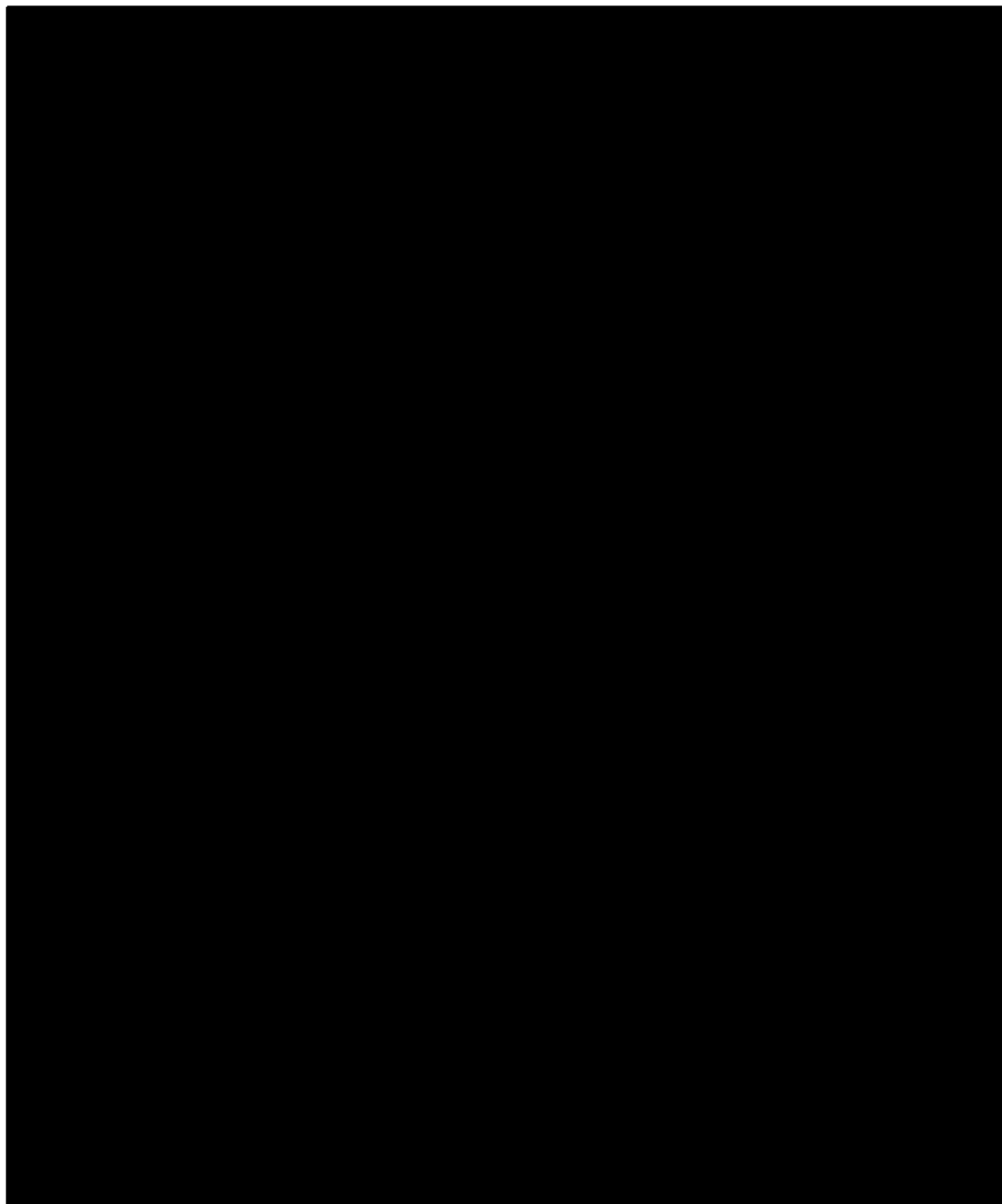
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CONTACT INTERVIEW  
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1085592

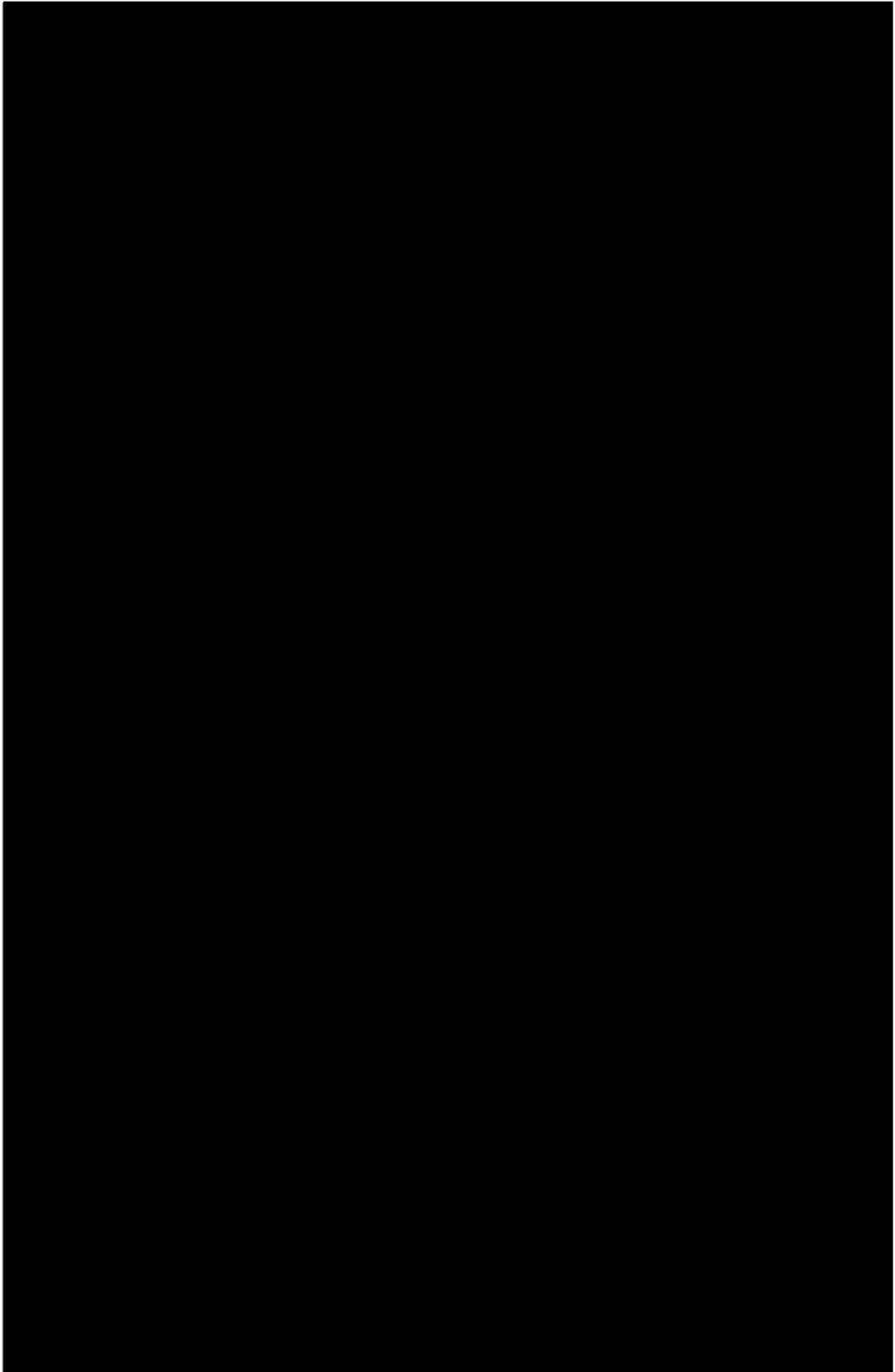
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1085600  
785115-10-0004  
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Open  
ARREST WARRANT  
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785115-10-0004

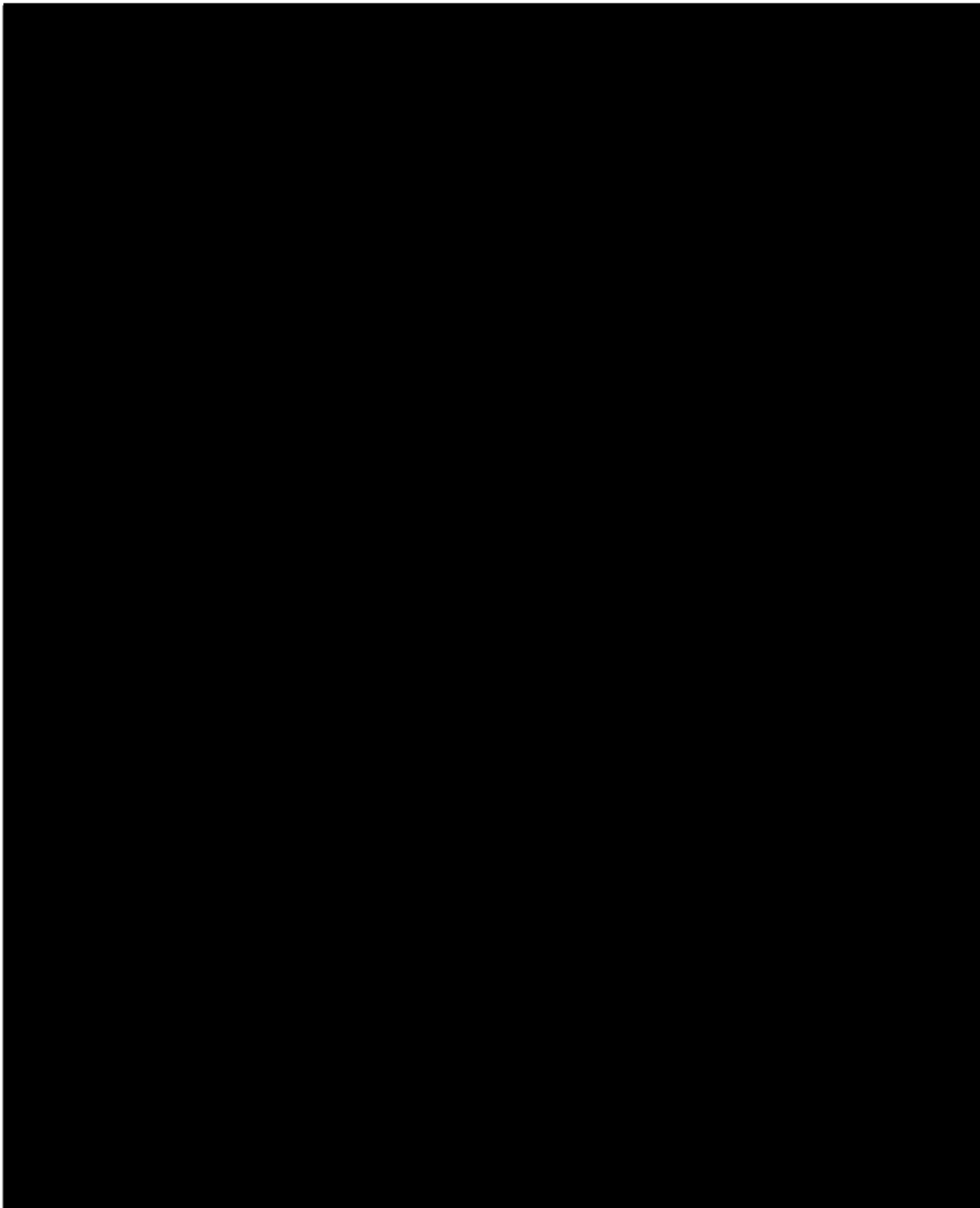


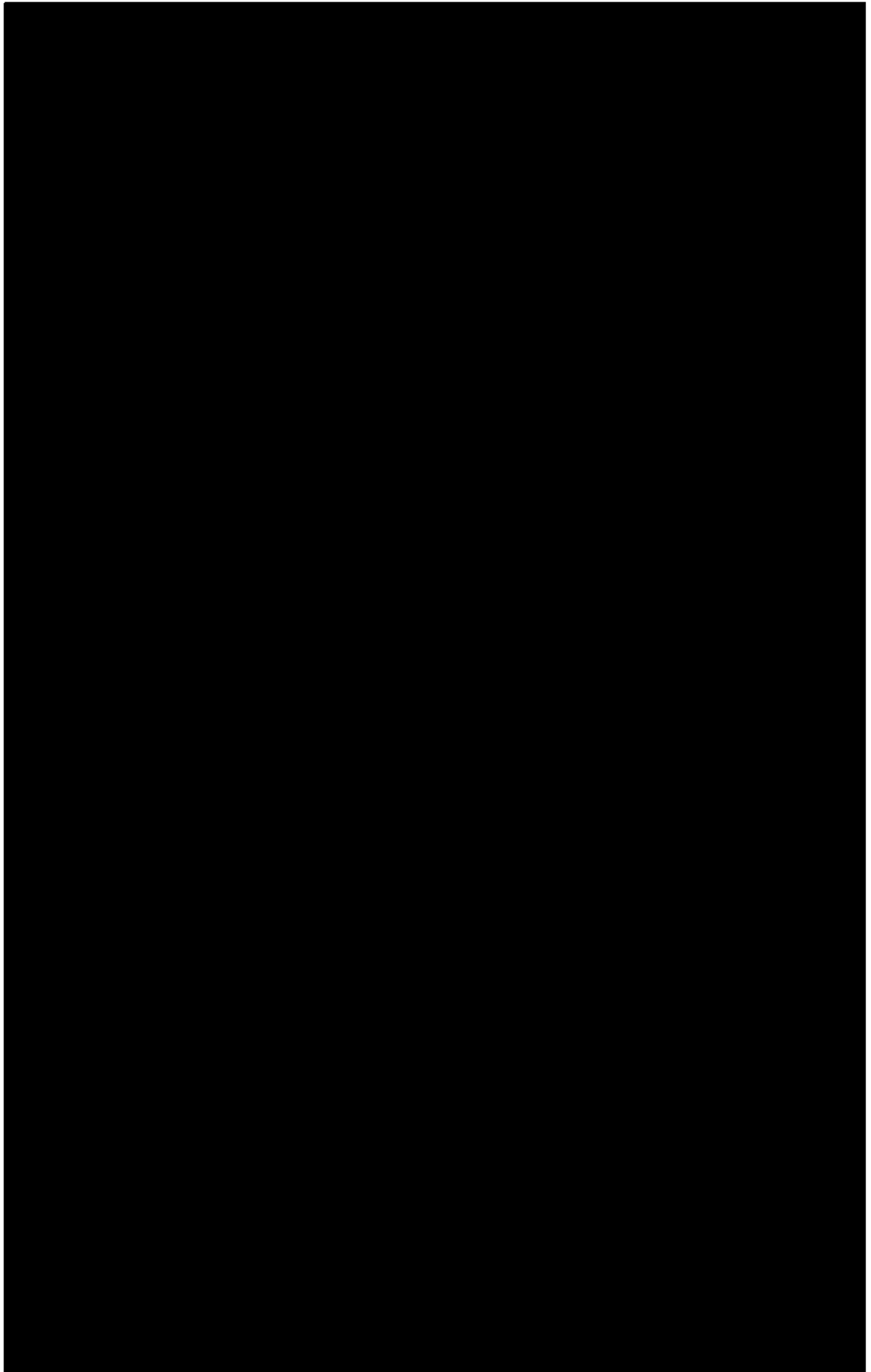
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CONTACT INTERVIEW  
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1085601



20110124







1085606  
785115-10-0004

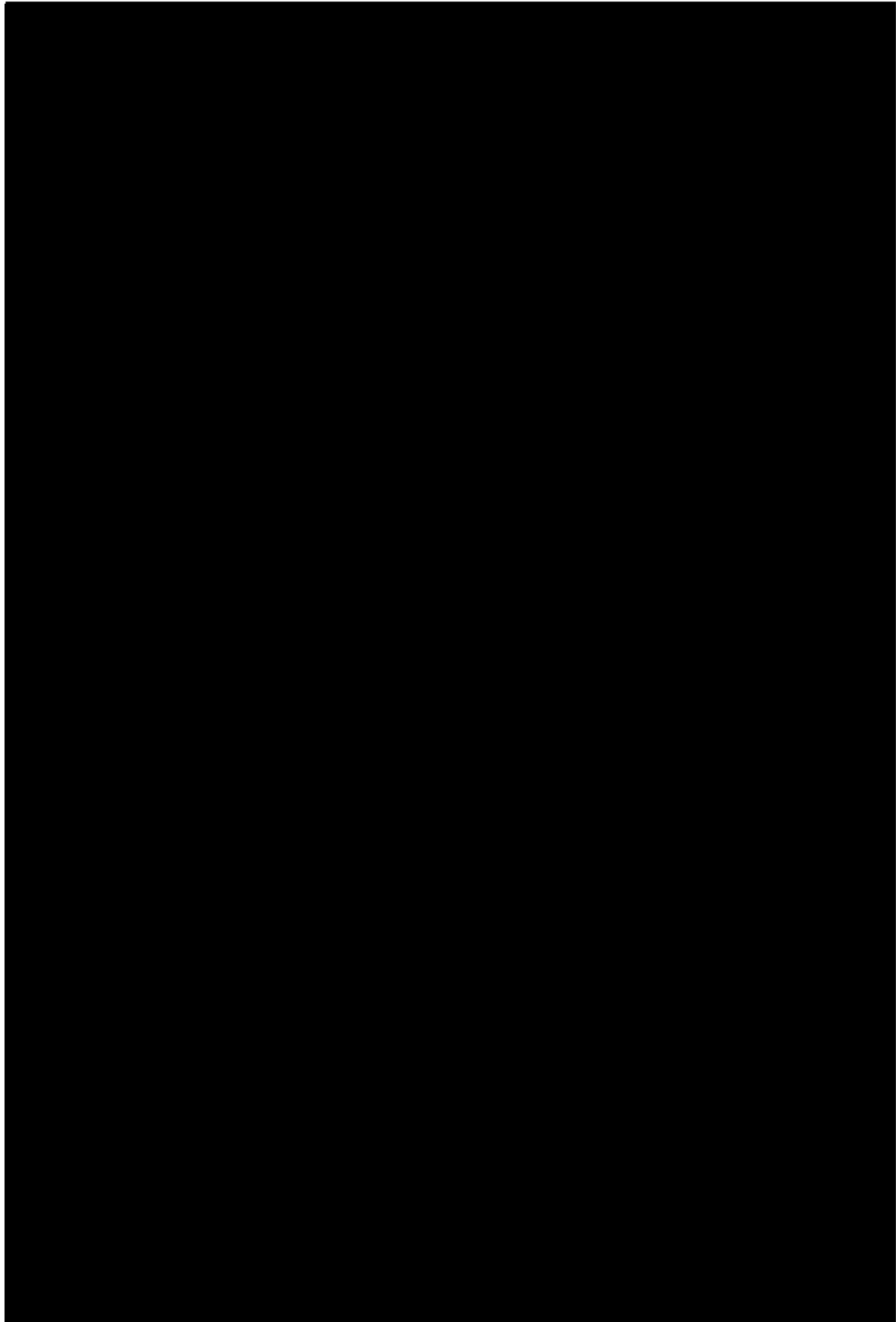
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JUDICIAL STATUS  
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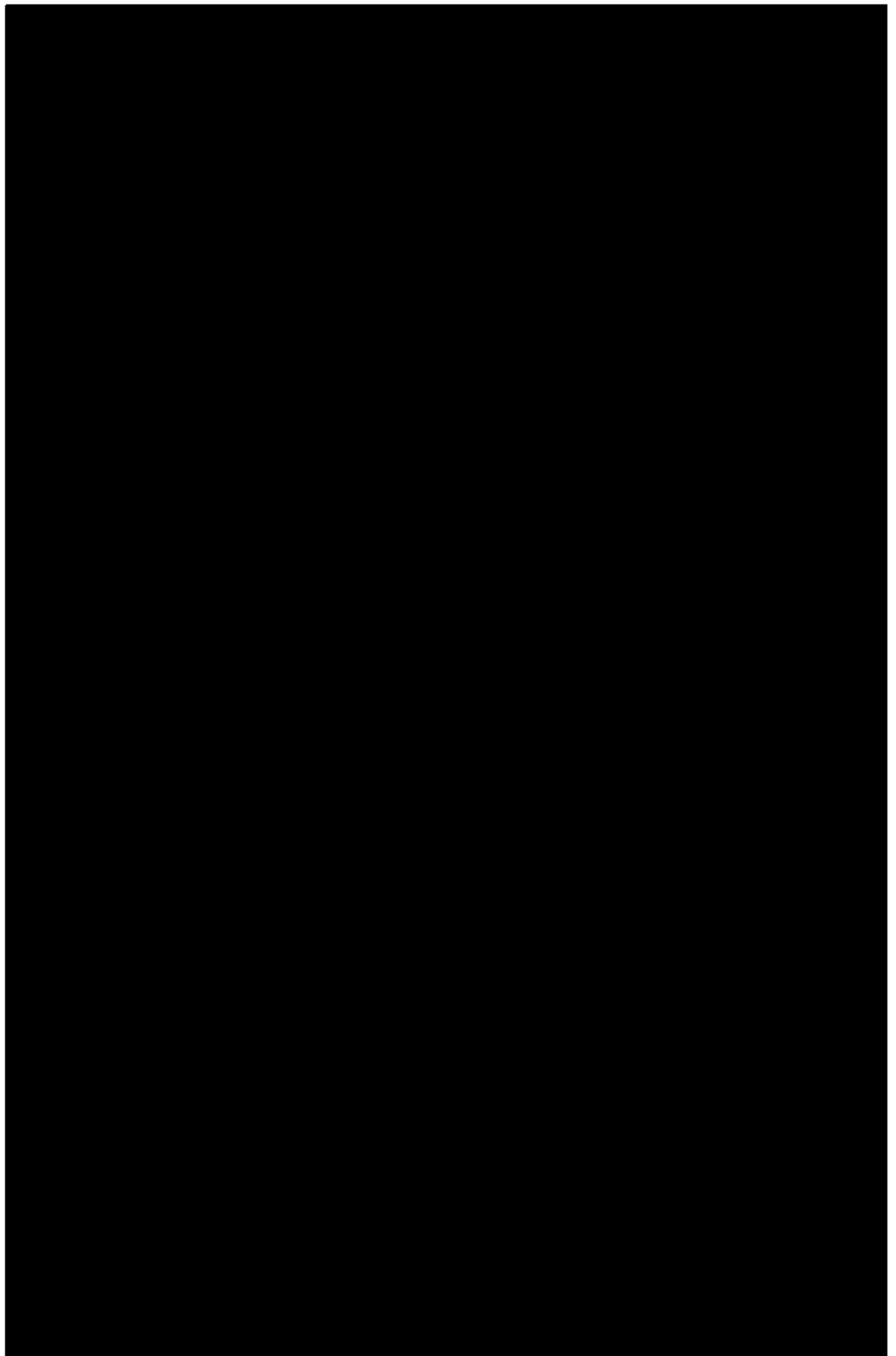


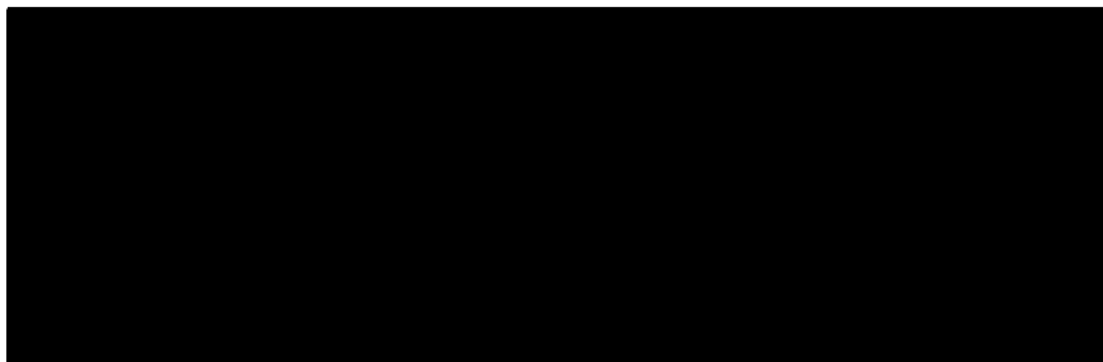
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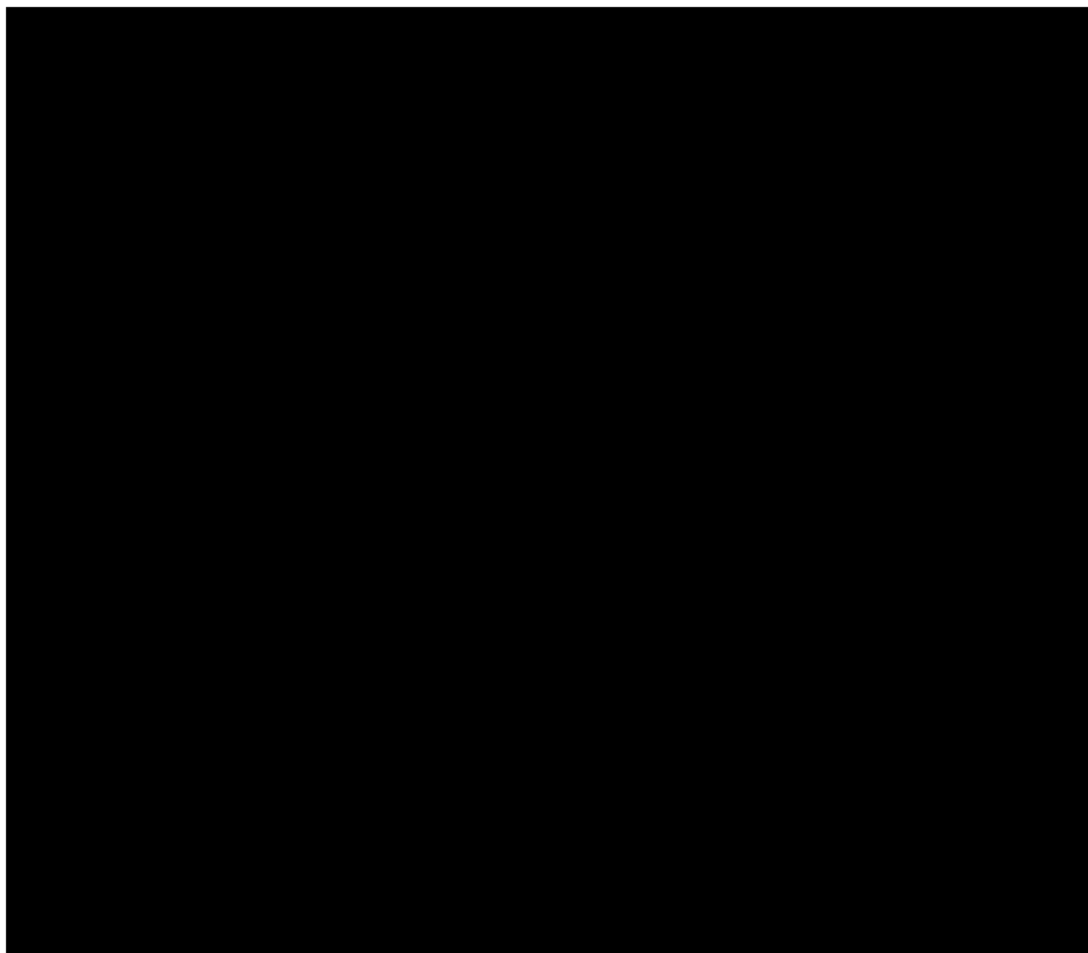


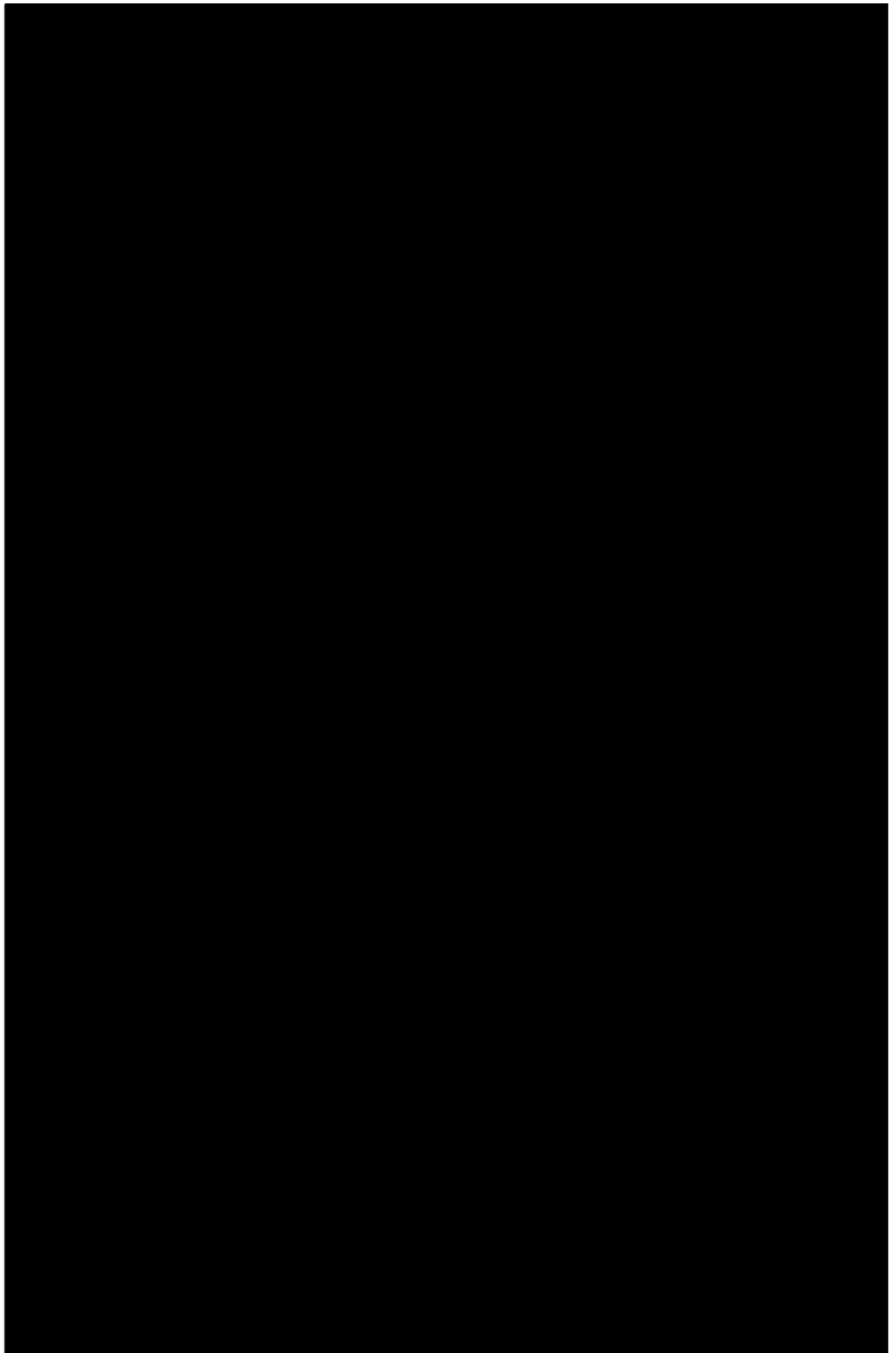


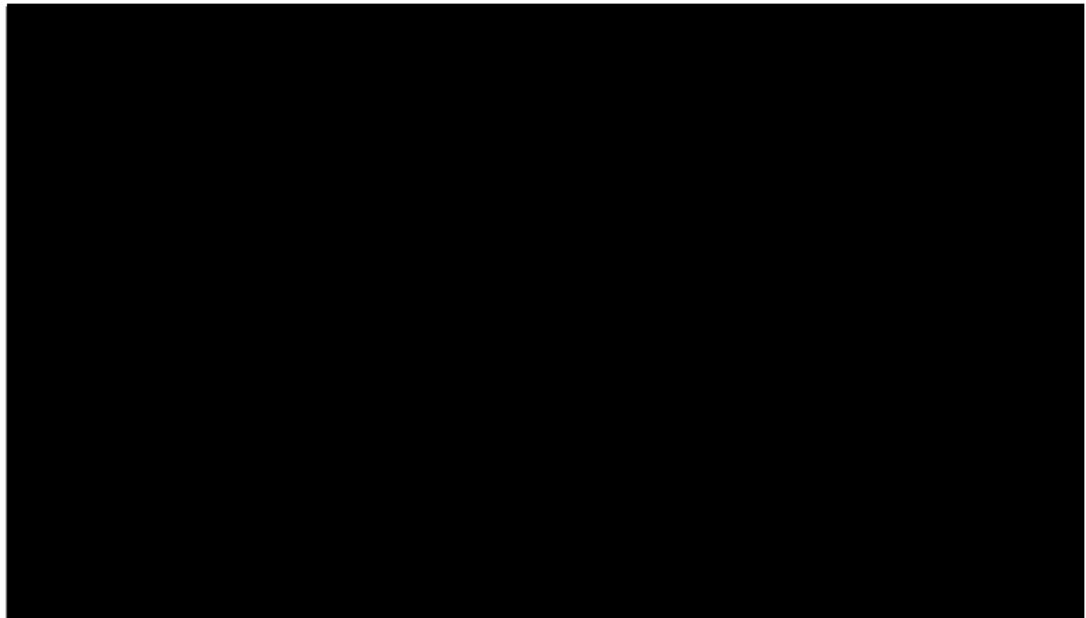


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785115-10-0004  
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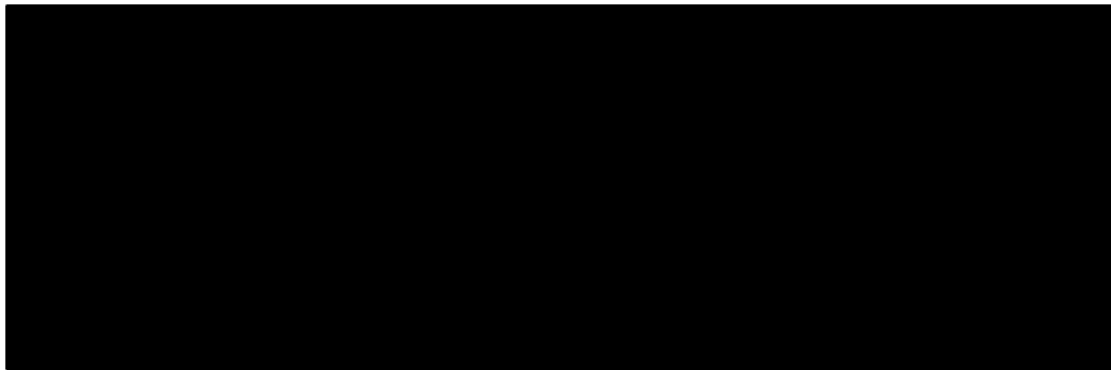






1087171  
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1087171  
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1087179  
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PROFFER

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Open

CONTACT INTERVIEW

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20100616



1087247

785115-10-0004



20100624

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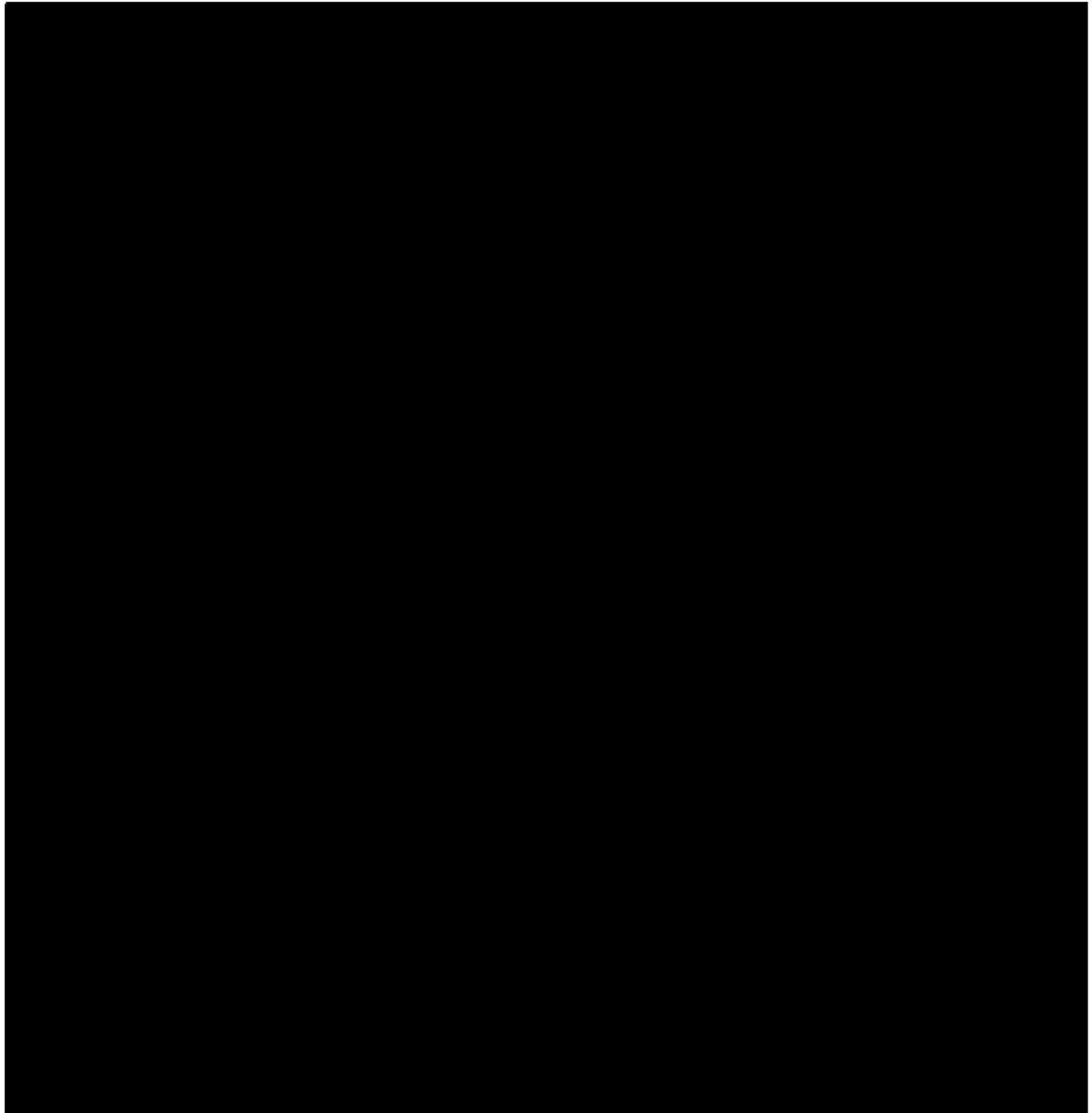
CONTACT INTERVIEW

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1087247



20100624





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785115-10-0004

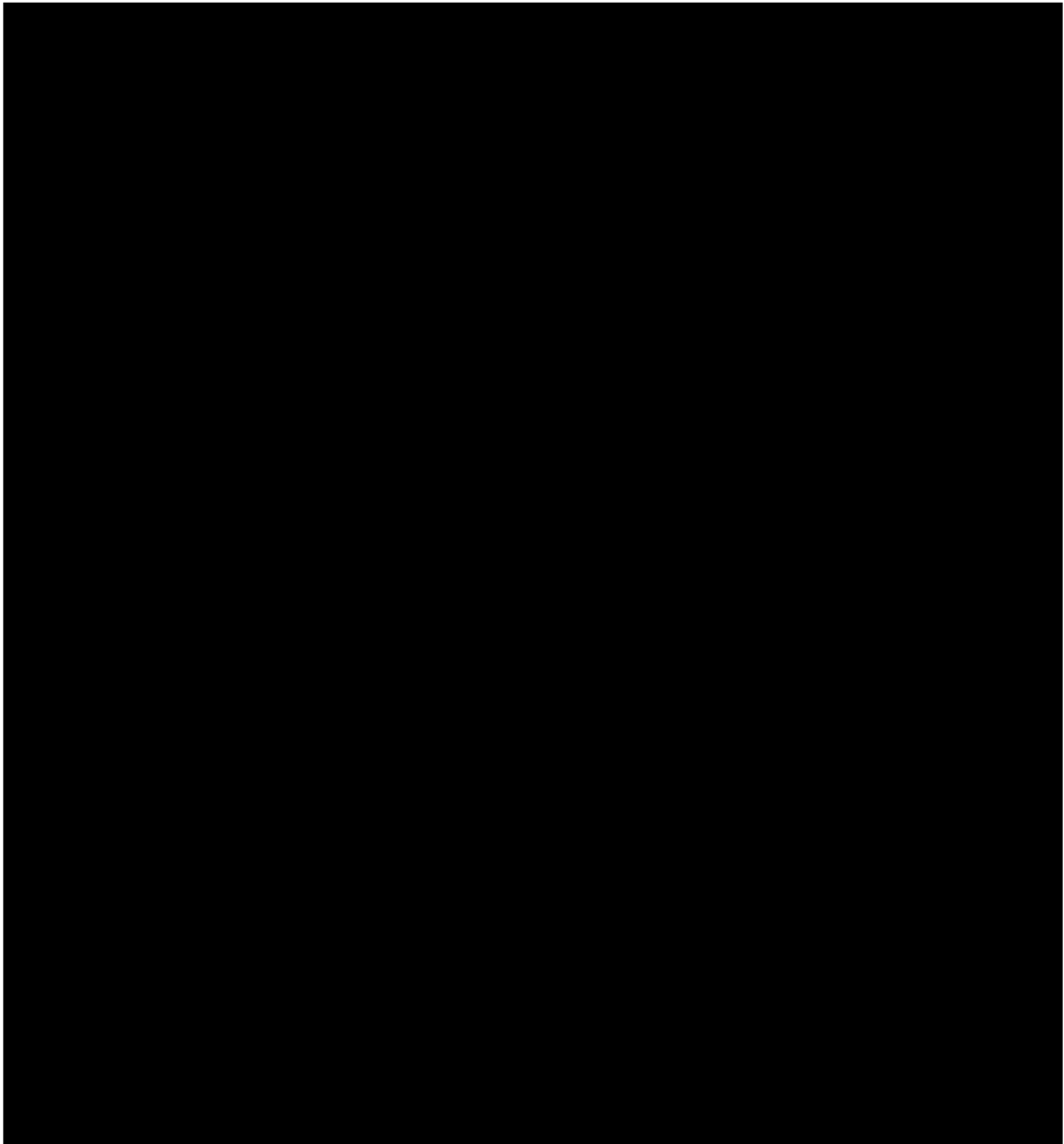


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Open  
ARREST WARRANT  
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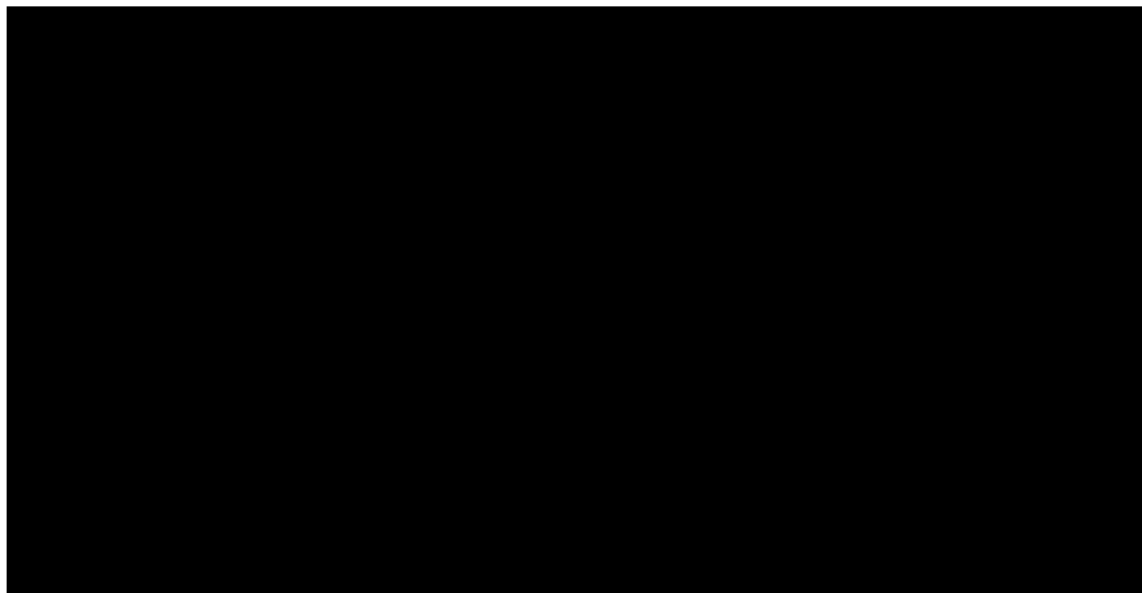
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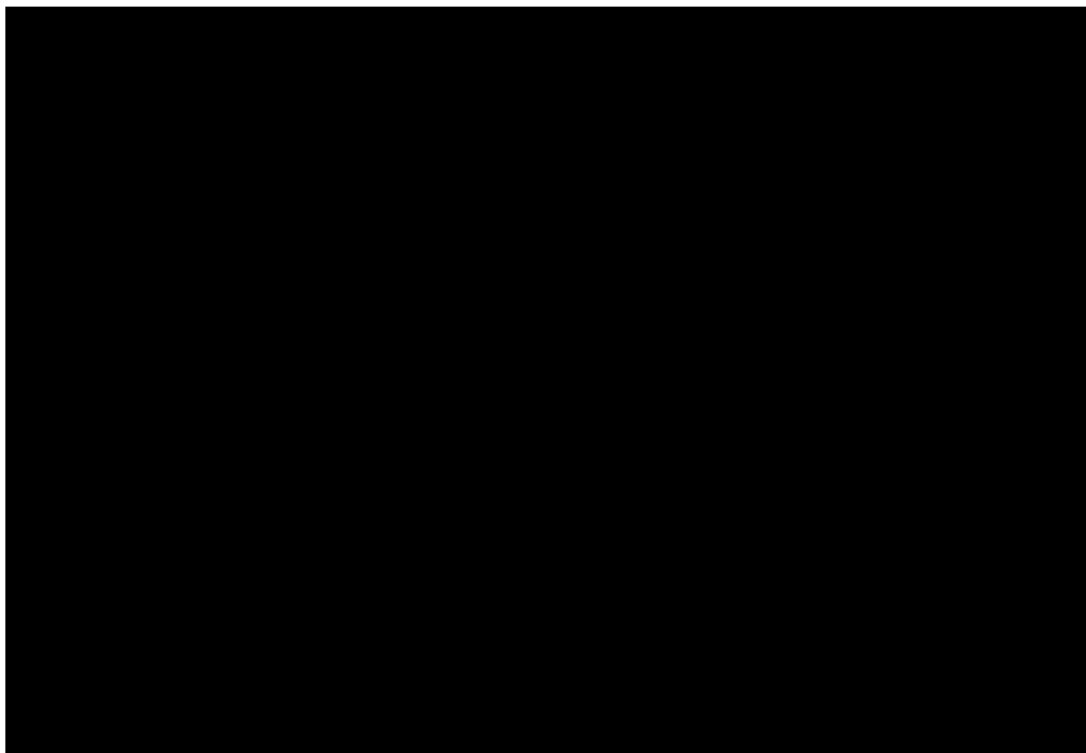






1087416  
785115-10-0004  
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20110214  
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SEARCH WARRANT  
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1087416  
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20110214



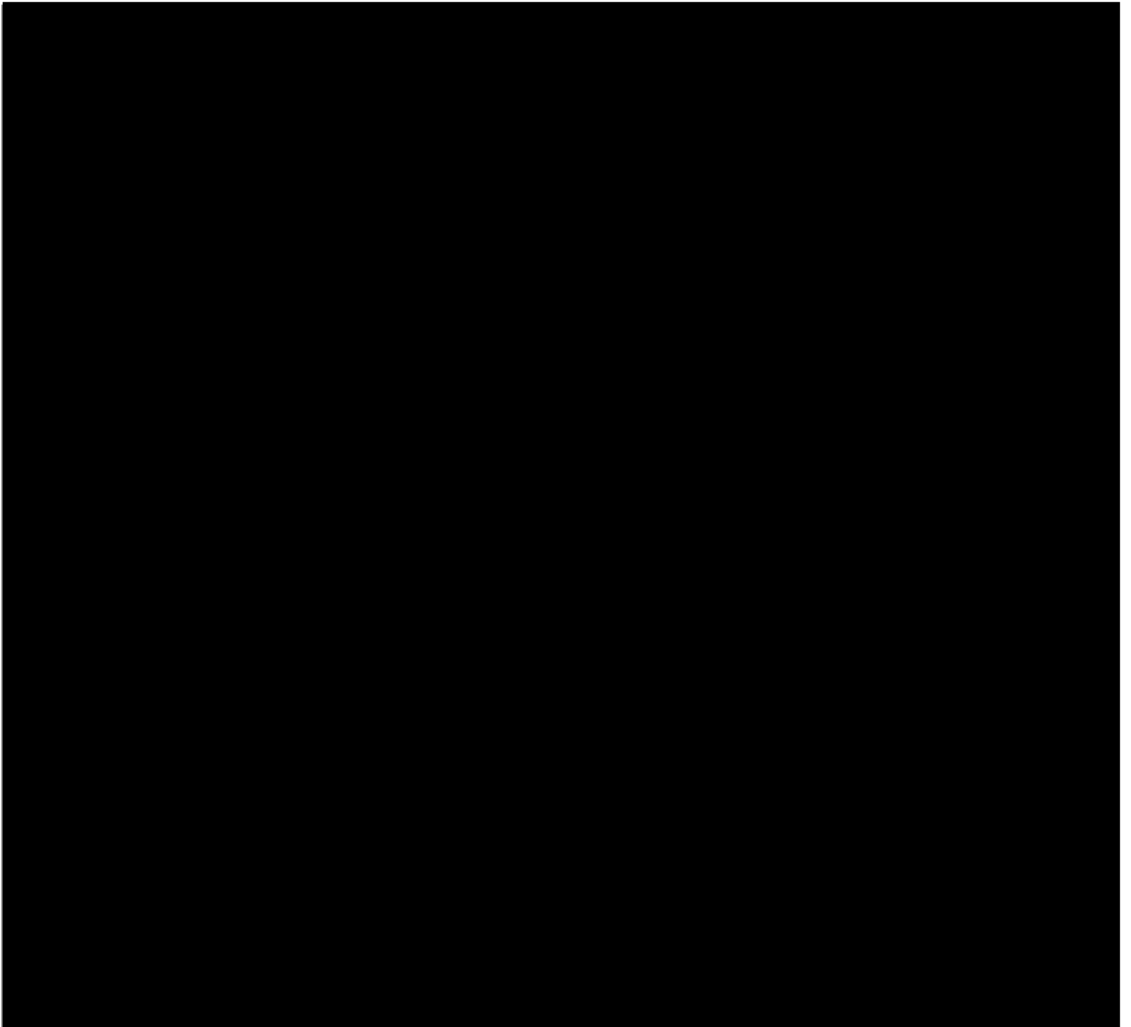


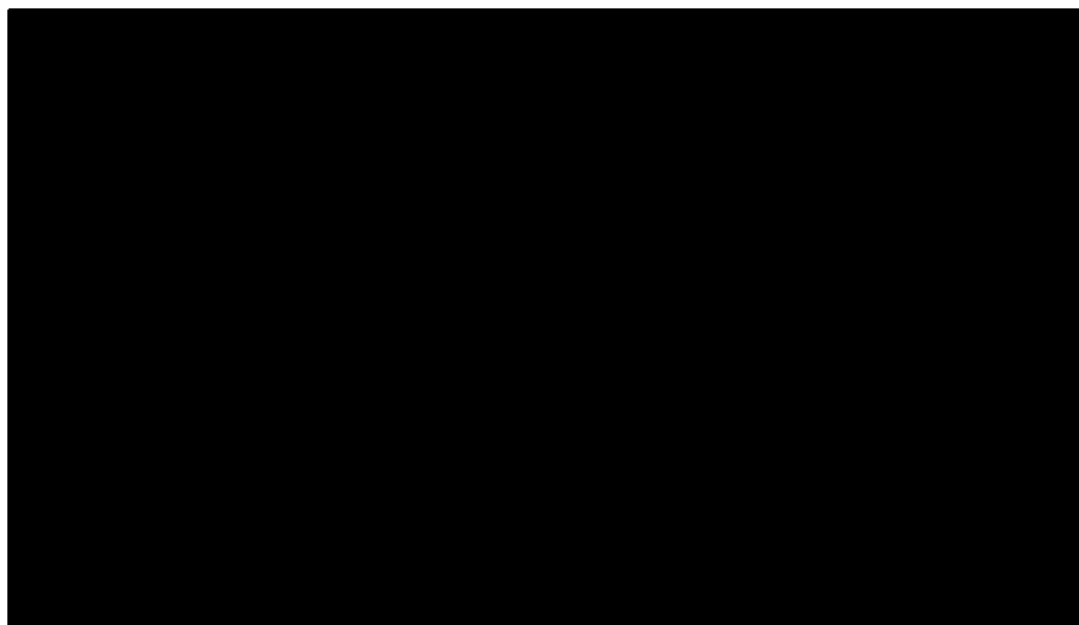
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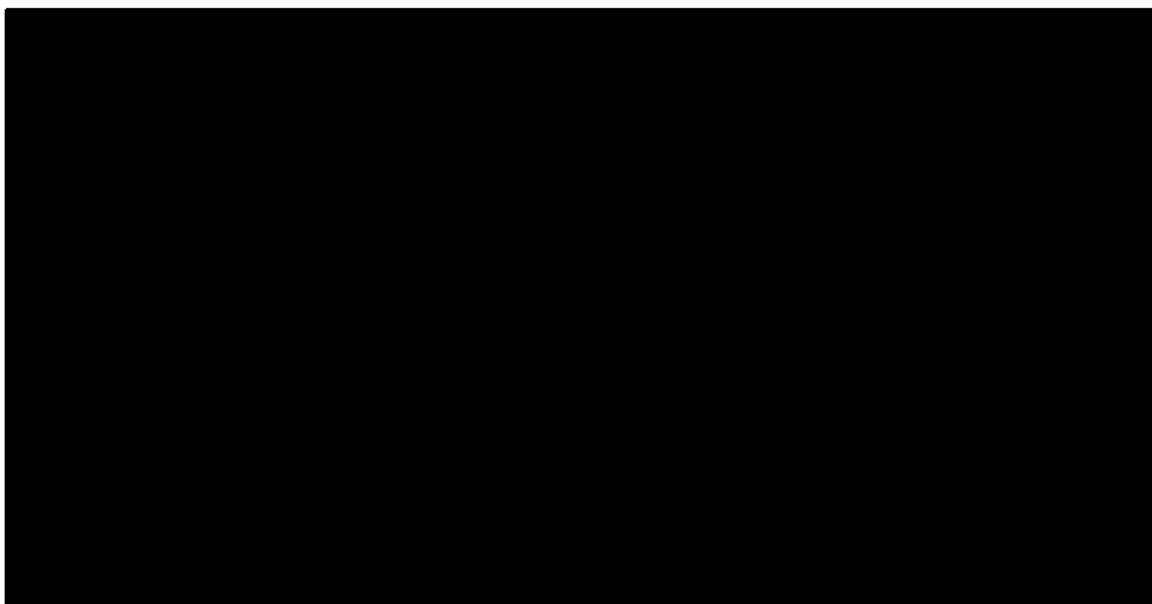
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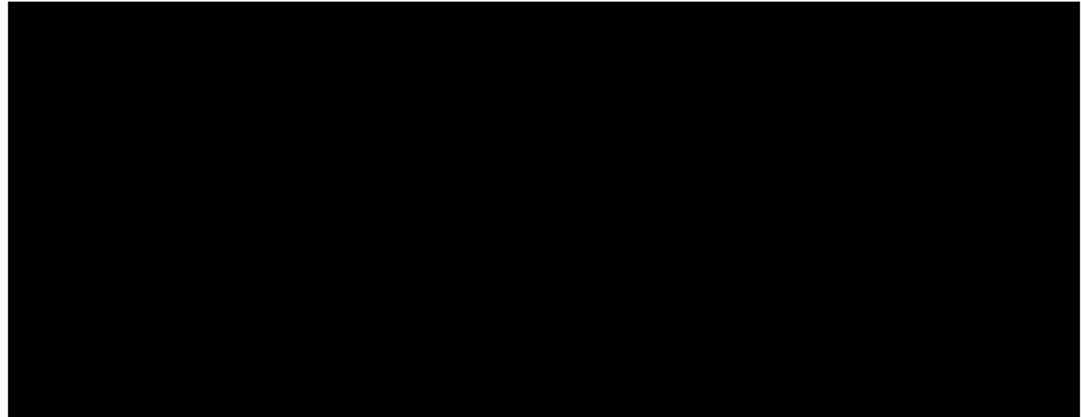
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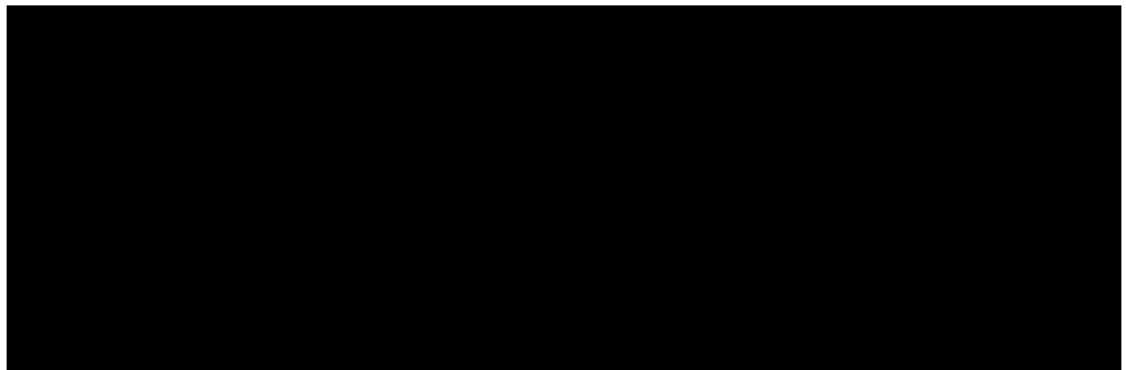
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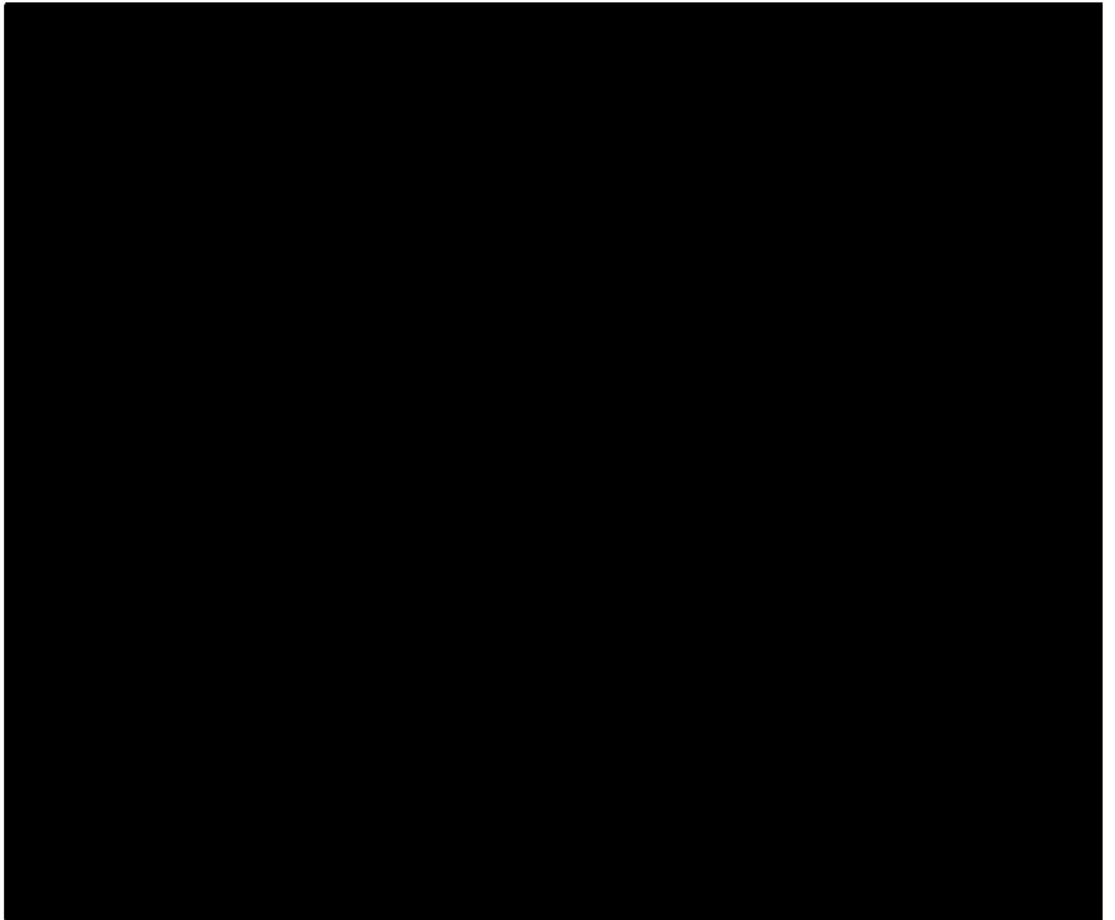


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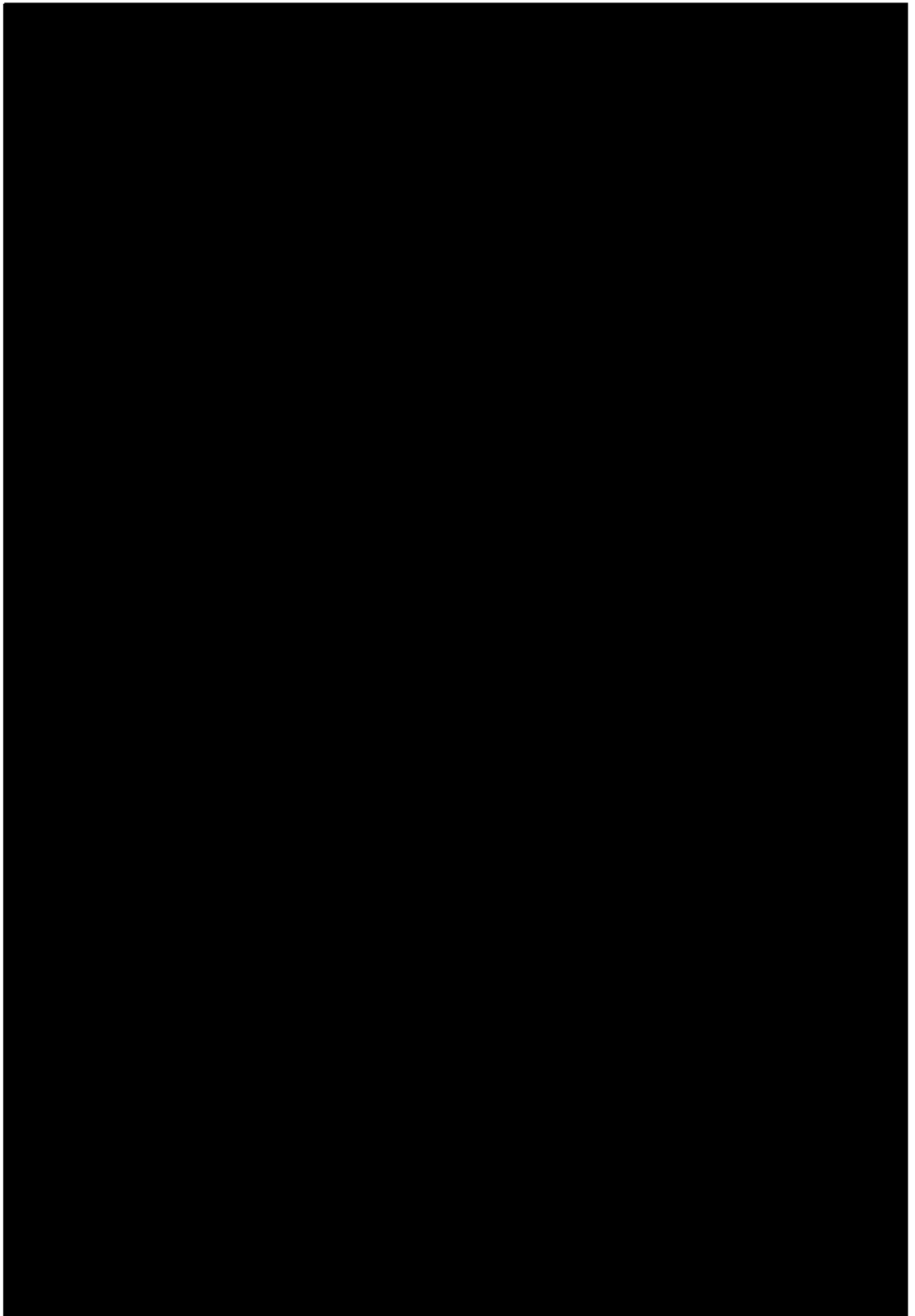


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UNDERCOVER CONTACT

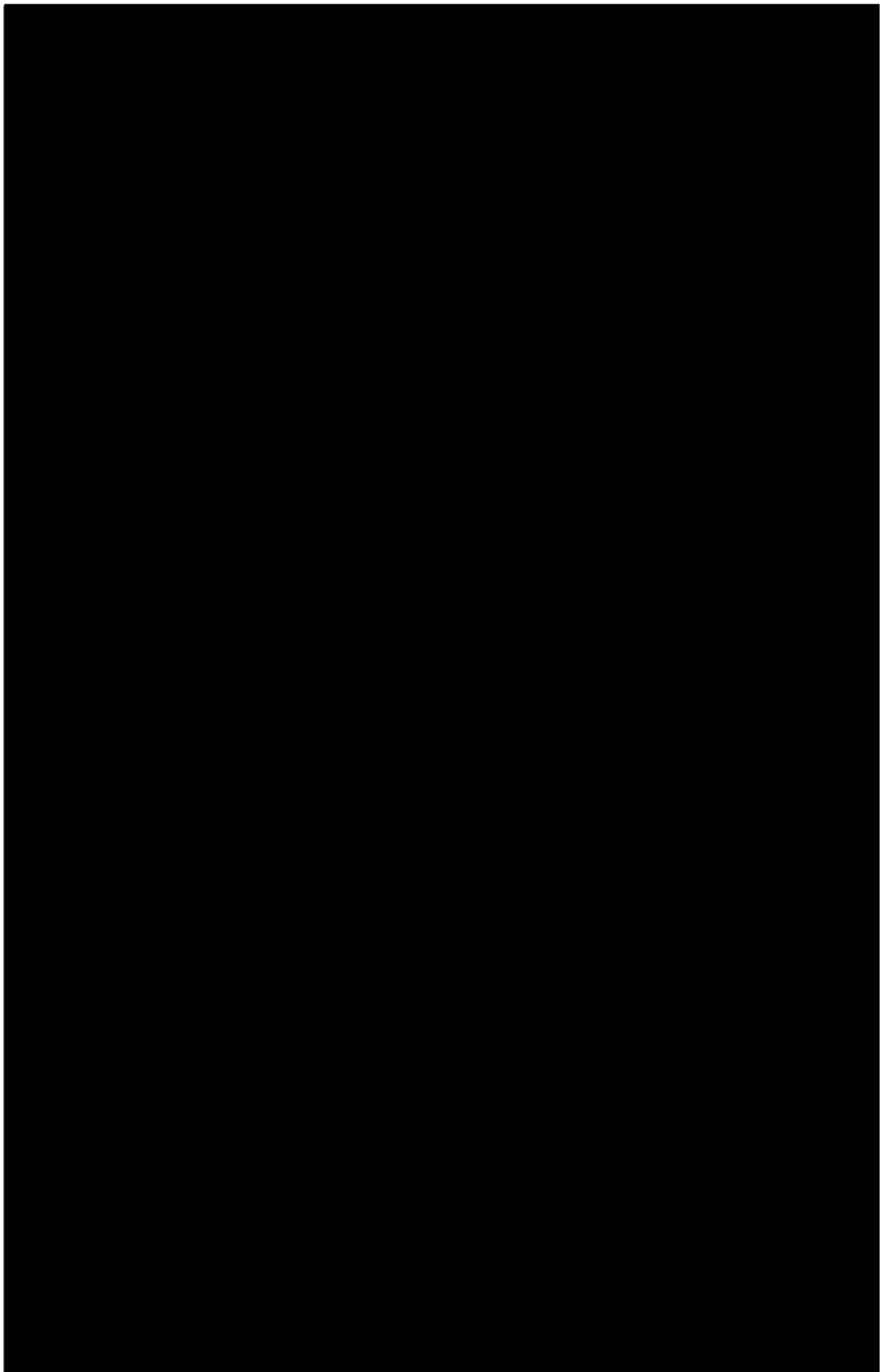
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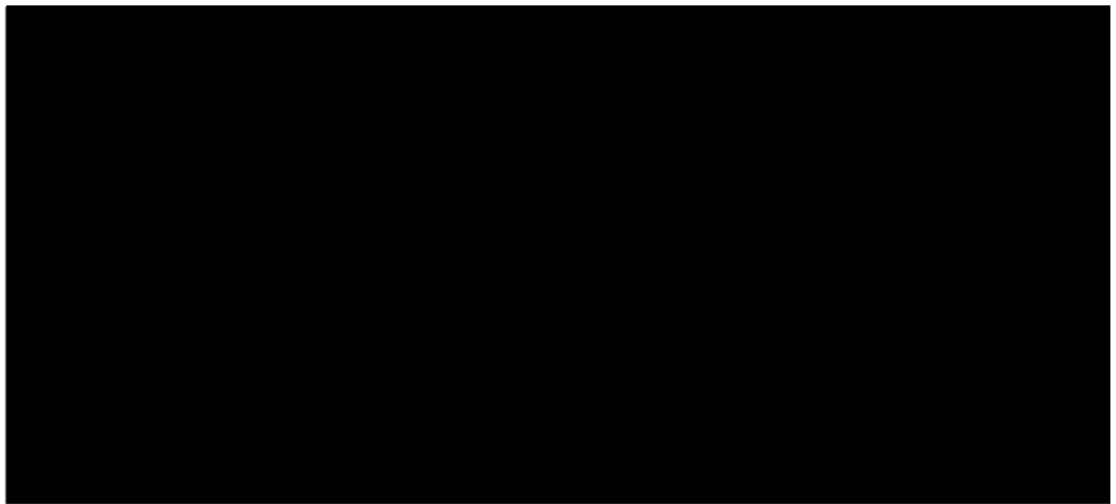
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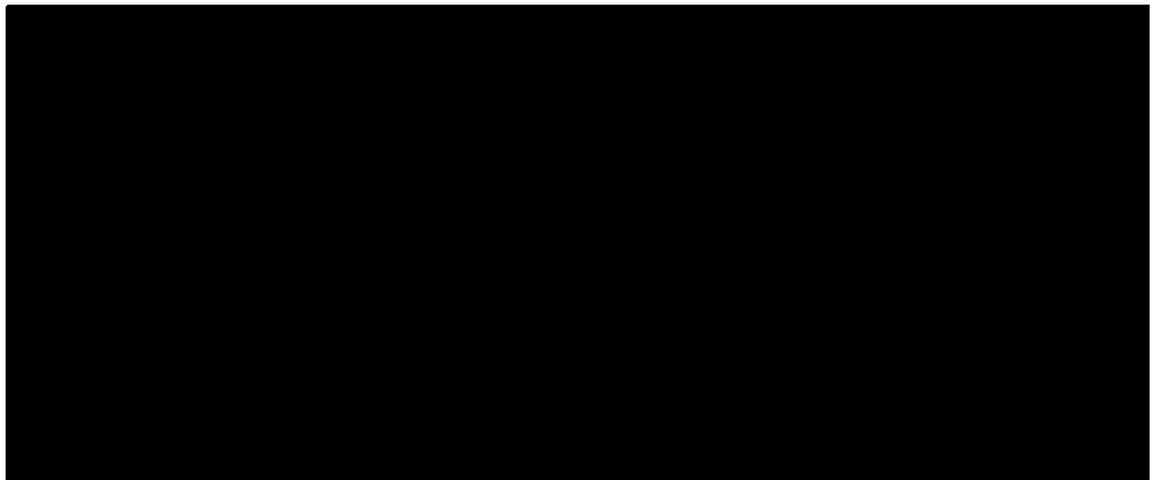


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20110224



**From:** (b) (7)(C)

**Sent:** Tuesday, March 22, 2011 8:18 AM

**To:** Axelrod, Matthew (ODAG) (SMO)

**Subject:** EAST AND FURIOUS 2/11/10 (b) (7)(E)

(b) (7)(E)

**Attachments:** Feb 11, 2010 (b) (7)(E)

(b) (7)(E)

I HAVE ALL OF THIS PRINTED FOR YOU. YOU CAN PICK IT UP TODAY AT THE MEETING.

(b) (7)(C)

Acting Chief of Staff  
Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

**From:** (b) (7)(C)  
**Sent:** Tuesday, March 22, 2011 8:14 AM  
**To:** Axelrod, Matthew (ODAG) (SMO)  
**Subject:** FAST AND FURIOUS OCDETF PROPOSAL  
**Attachments:** OCDETF PROPOSAL.pdf

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

**From:** (b) (7)(C)

**Sent:** Monday, March 21, 2011 12:06 PM

**To:** Axelrod, Matthew (ODAG) (SMO)

**Subject:** Fast and Furious T III QAffidavit Number 6

**Attachments:** TT # 6, affidavit.pdf; TT # 6, order and application.pdf

(b) (7)(C)

Acting Chief of Staff

Office of the Director

O: 202-648 (b) (7)(C)

C: (b) (7)(C)

HQ Room 5 S 100

**From:** (b) (7)(C)

**Sent:** Monday, March 21, 2011 12:05 PM

**To:** Axelrod, Matthew (ODAG) (SMO)

**Subject:** Fast and Furious TIII Affidavit #7

**Attachments:** TT # 7, Order and Application.pdf; TT # 7, Affidavit.pdf

(b) (7)(C)

Acting Chief of Staff

Office of the Director

O: 202-648 (b) (7)(C)

C: (b) (7)(C)

HQ Room 5 S 100



Office of the Attorney General  
Washington, D.C.

(b) (7) (E)



U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

MAY 14 1968

MEMORANDUM

(b) (7) (E)

(b) (7)(E)



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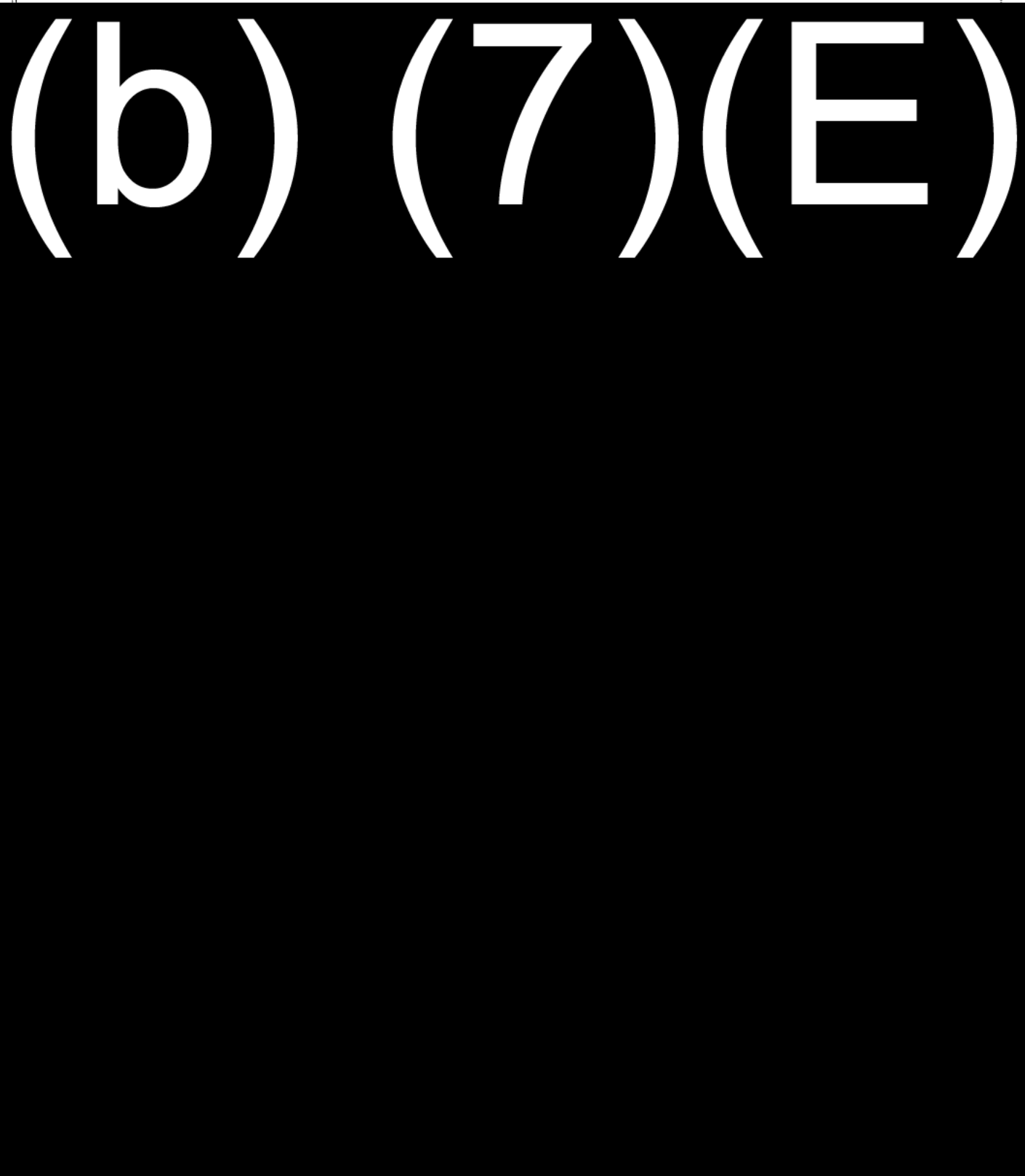




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**From:** (b) (7)(C)  
**Sent:** Friday, March 18, 2011 6:26 PM  
**To:** Axelrod, Matthew (ODAG) (SMO)  
**Subject:** Fast and Furious T III Affidavit 2 and 3  
**Attachments:** TT # 2 & TT # 3, Affidavit (Both on same document).pdf

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

**From:** (b) (7)(C)

**Sent:** Friday, March 18, 2011 6:25 PM

**To:** Axelrod, Matthew (ODAG) (SMO)

**Subject:** Fast and Furious T III Application and Order 2 and 3

**Attachments:** TT # 2 & TT # 3, Application and Order (Both on same document).pdf

(b) (7)(C)

Acting Chief of Staff

Office of the Director

O: 202-648 (b) (7)(C)

C: (b) (7)(C)

HQ Room 5 S 100



**From:** (b) (7)(C)

**Sent:** Friday, March 18, 2011 6:20 PM

**To:** Axelrod, Matthew (ODAG) (SMO)

**Subject:** Fast and Furious T III Affidavit 2 and 3

**Attachments:** TT # 2 & TT # 3, Affidavit (Both on same document).pdf; TT # 2 & TT # 3, Application and Order (Both on same document).pdf

(b) (7)(C)

Acting Chief of Staff

Office of the Director

O: 202-648-(b) (7)(C)

c (b) (7)(C)

HQ Room 5 S 100

**From:** (b) (7)(C)

**Sent:** Friday, March 18, 2011 6:19 PM

**To:** Axelrod, Matthew (ODAG) (SMO)

**Subject:** Fast and Furious T III Affidavit 4

**Attachments:** TT#4, Affidavit, Application, and Order (signed).pdf

(b) (7)(C)

Acting Chief of Staff

Office of the Director

O: 202-648 (b) (7)(C)

C: (b) (7)(C)

HQ Room 5 S 100

**From:** (b) (7)(C)  
**Sent:** Friday, March 18, 2011 6:18 PM  
**To:** Axelrod, Matthew (ODAG) (SMO)  
**Subject:** Fast and Furious T III Affidavit 1  
**Attachments:** TT # 1, Affidavit, Application & Order (signed).pdf

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

**From:** (b) (7)(C)

**Sent:** Friday, March 18, 2011 2:40 PM

**To:** Axelrod, Matthew (ODAG) (SMO)

**Subject:** (b) (7)(C)

**Attachments:** US v (b) (7)(C).pdf; FF MgtLog Pg4 (121709).pdf; FF FFL MediaRels SKMBT\_C25311021008250 (2).pdf; FF Memo DKB (b) (7)(C) Purchases.wpd

Matt:

Some additional documents.

The 9<sup>th</sup> circuit case on 922(a)(6)

The memo by AUSA (b) (7)(C) documenting the contact with (b) (7)(C) on 12/17/09 and detailing the gun purchases by (b) (7)(C) (later connected to the homicide scene of Agent Terry) "FF Memo DKB (b) (7)(C) Purchases"

The related section of ATF's case management log documenting the same event "FF MgtLog Pg4"

The two press releases by the FFL regarding his role in this case "FF FFL MediaRels"

More to follow

(b) (7)(C)

Acting Chief of Staff

Office of the Director

O: 202-648 (b) (7)(C)

C: (b) (7)(C)

HQ Room 5 S 100

## Management Log for Case: 785115-10-0004

Case Title: CHAMBERS, Jacob, et al

Date: 03/18/2011

User: SLOWREY

Log Date	Log Type	Mgmt Log Text
12/11/2009	INVESTIGATIVE ACTIVITY	Rcvd fax from LWTC ref purchase by Alfredo Celis and Steward. Rvcd faxed invoice for Moore's 11/20 purchase at AGSI. Surv. conducted on Chambers and Patino after t/a purchases. 4473's obtained. Chambers, Patino Steward, Moore and Celis purchases sent to SGP. #4926
12/12/2009	INVESTIGATIVE ACTIVITY	F/a purchases by Avila, Steward, and Patino. 4473's obtained and f/a's sent to SGP. #4296
12/14/2009	INVESTIGATIVE ACTIVITY	STEWARDS 4473 from J&G for firearms purchases on 12/7/2009 and 12/08/2009.
12/14/2009	INTER AGENCY CONTACT	Notified via email and telephone by DEA SA's Lovette and Gomez ref Chambers tele. # hitting off current DEA T-3. SA English spoke with DEA case agent SA Gillespie and IA Smith ref case. Related to ATF case. #4926
12/15/2009	INVESTIGATIVE ACTIVITY	Provided Deltrari with receipts of firearm purchases by suspects in this case. Also, provided a list of suspect vehicles to Deltrari.
12/15/2009	ADMINISTRATIVE ACTIVITY	GS Voth - extend 5 day reporting deadline due to investigative status and priorities.
12/15/2009	MEETING/CONTACT (SE)	GS Voth, SA's English and MacAllister met with DEA personnel ref related focus on drug charges and ATF on t/a charges. #4926
12/16/2009	INVESTIGATIVE ACTIVITY	Received video surveillance of PATINO purchasing firearms from Cabela's Wholesale on 11/05/2009.
12/16/2009	INVESTIGATIVE ACTIVITY	Also received 4473's from Cabela's Wholesale in which STEWARD purchased a firearm on 08/06/2007 and LOWE purchased two firearms on 10/24/2008.
12/16/2009	INVESTIGATIVE ACTIVITY	SA's English and MacAllister went to J&G and met with Pres. of comp. Obtained paperwork related to new purchases identified and invoices for all previously identified purchases. Also obtained info. on # of AK-47 sent to FFL KNOPP. #4926
12/16/2009	INVESTIGATIVE ACTIVITY	Rcvd info from DEA TFO Soto ref possible transfer of f/a from Phx targets to MX courier. Surv conducted in the area of 43/Camelback (5105 N. 43rd Ave.) and 51st Ave./Southern (5137 Fraktur) but no transaction occurred. (English, MacAllister, Medina, Bogle, Richards, Kempa, Malmes, PPD; Moncrief, Caggiano, Coury, Smith, Olson, and Huntley, Glendale PD Special Investigation Unit) #4926
12/17/2009	STATE/LOCAL OVERTIME	On 12/16/2009, the following Task Force Officers used state/local overtime to assist ATF in Surveillance at 43 Ave and Camelback Road.
12/17/2009	AUSADA CONTACT	Sgt. Huntley 6.5 hrs TFO Olson 7 hrs TFO Caggiano 7 hrs TFO Moncrief 6 hrs TFO Coury 5 hrs TFO Smith 7 hrs
12/17/2009	INTER AGENCY CONTACT	Air Support PPD pilots Joe Hanss #4063 3 hrs Andrew Eagleton #5502 4 hrs Jesse Plath 3 hrs
12/17/2009	AUSADA CONTACT	AUSA Hurley and another AUSA along with GS Voth and S/A MacAllister met with FFL Andre Howard to discuss his role as an FFL during this investigation
12/17/2009	INTER AGENCY CONTACT	Spoke with IRS Agent Linda Wallace and set up a meeting for 12/23/09 regarding a potential IRS financial investigation involving the targets in this case
12/17/2009	INTER AGENCY CONTACT	On December 10, 2009, S/A MacAllister English and GS Voth met with ICE Agent Ed Hamel and Layne France regarding their participation in this case
12/18/2009	INVESTIGATIVE ACTIVITY	Received a CIA model GP1975 7.62 caliber rifle from FFL, Andre Howard S/N Z001502 with box and accessories to be utilized for enhanced surveillance techniques
12/21/2009	INVESTIGATIVE ACTIVITY	Provided Deltrari with up to date receipts of purchase.
12/23/2009	INTER AGENCY CONTACT	Met with IRS Agent Linda Wallace, PPD Det. Julio Caraballo, and Hollye Withers regarding prosecution opportunities for money laundering etc

Employee

**From:** (b) (7)(C)  
**Sent:** Thursday, March 17, 2011 5:37 PM  
**To:** Axelrod, Matthew (ODAG) (SMO)  
**Subject:** ATF Policy on Weapon Transfers  
**Attachments:** ATF O 3310.4B.pdf

Matt:

Attached is an excerpt from ATF Order 3310.4B - Firearms Enforcement Program that addresses weapon transfers. This has been policy since February of 1989. This is restated almost verbatim in several of the other documents I sent you earlier including the Firearms Trafficking Investigation Guide updated in 2010.

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

**From:** (b) (7)(C)  
**Sent:** Thursday, March 17, 2011 3:49 PM  
**To:** Axelrod, Matthew (ODAG) (SMO)  
**Subject:** Fast and Furious Indictment Attached  
**Attachments:** Fast and Furious Indictment.pdf

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

**From:** (b) (7)(C)  
**Sent:** Wednesday, March 16, 2011 11:47 AM  
**To:** Axelrod, Matthew (ODAG) (SMO)  
**Subject:** Project Gunrunner Briefing

Matt:

I'd like to pin down a date and time when we can provide you with a complete briefing on Project Gunrunner and Operation Fast and Furious. It's clear that the pace of developments dictates that this happen sooner rather than later. When you have a moment could you give me a call to work out a date?

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648-(b) (7)(C)  
C:(b) (7)(C)  
HQ Room 5 S 100



From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 3:26:08 PM  
To: Melson, Kenneth E.; Hoover, William J.  
Subject: (b) (7)(C) OIG complaint

3963

FYI

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Stinnett, Melanie S.  
To: (b) (7)(C)  
Cc: (b) (7)(C)  
Sent: Sat Mar 05 15:24:37 2011  
Subject: Re: Sunday Briefing Plans

(b) (7)(C)

(b) (7)(C) reached out to (b) (7)(C) at the OIG. (b) (7)(C) said that the OIG has not received a complaint from (b) (7)(C)

Mel

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Stinnett, Melanie S.  
Sent: Sat Mar 05 13:14:08 2011  
Subject: Fw: Sunday Briefing Plans

Mel:

Please handle the first part of the message below. We need answers before Monday morning. He has a 10:00 with the DAG Monday. Let me know if this cannot be accomplished.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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addressee(s) named above in connection with official business. This communication may contain Sensitive But Unclassified information that may be statutorily or otherwise 3964 prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited.

----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:56:47 2011  
Subject: Re: Sunday Briefing Plans

Please have Melanie contact her POC at OIG and ask them to provide us with the date (b) (7)(C) filed his Whistle blower complaints with them, for both the web filing and the telephonic filing, and if they can, the substance of the filings. Need to know how the complaint morphed over time.

Also, I need a chronology of when we first heard about his complaint (at HQ) and the dates of each Fox and CBS airing of the complaint and the dates of each Grassley letter and each of DOJ's responses and the date of our briefing to the sjc staff.

Did I already ask for a chronology of Fast and Furious from opening to closing, each (b) (7)(E) when the case went to the USAO and the date of the indictment and the guns purchased after we sent it to the USAO for indictment. Thanks

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Sat Mar 05 12:35:31 2011  
Subject: Fw: Sunday Briefing Plans

As requested

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Stinnett, Melanie S.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:28:43 2011

According to (b) (7)(C) the OIG has not notified our office of a complaint by (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Stinnett, Melanie S.  
Sent: Sat Mar 05 12:10:30 2011  
Subject: Fw: Sunday Briefing Plans

Mel:

Need an answer to director's question today please

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:07:54 2011  
Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way (b) (7)(C) complaint to OIG. Thanks. Ken

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)

3966

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: Hoover, William J.  
Sent: Fri Mar 04 22:19:02 2011  
Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.  
2p - Murder board Texas Cases with SAs (b) (7)(C)  
4:45 - Murder board Phoenix case with Newell, Needles, (b) (7)(C)

\*\*\*\*\*

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**From:** (b) (7)(C)  
**Sent:** Saturday, March 05, 2011 3:20 PM  
**To:** Melson, Kenneth E.  
**Subject:** Fw: One more Q?

(b) (7)(C)  
 Acting Chief of Staff  
 ATF Office of the Director  
 O: 202-648(b) (7)(C)  
 C: (b) (7)(C)

\*\*\*\*\*

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---

**From:** (b) (7)(C)  
**To:** (b) (7)(C)  
**Cc:** Boxler, Michael B.; Chait, Mark R.  
**Sent:** Sat Mar 05 14:50:41 2011  
**Subject:** FW: One more Q?

(b) (7)(C) - Answer to part of #3. (reference DOJ Crim Div Atty)

(b) (7)(C)  
 Chief, Firearms Operations Division  
 ATF HQ - Room 6.S.129  
 202.648(b) (7)(C) Cell (b) (7)(C)

---

**From:** Newell, William D.  
**Sent:** Saturday, March 05, 2011 2:41 PM  
**To:** (b) (7)(C)  
**Subject:** Re: One more Q?

There never was one for this case (Fast/Furious). AUSA (b) (7)(C) came out to work on the Tucson "Wide Receiver" OCDETF firearms case 2 years ago. There was a connection to Fast/Furious but minor. It involved our seizure of about 45 AKs on the Tohono Odhomo reservation.

\*\*\*\*\*

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**From:** (b) (7)(C)  
**To:** Newell, William D.

**Sent:** Sat Mar 05 14:13:36 2011  
**Subject:** One more Q?

Bill - One more question, if you know this? Thanks

----- Original Message -----

From: Melson, Kenneth E.

To: (b) (7)(C)

Sent: Sat Mar 05 13:20:30 2011

Subject: Re: Sunday Briefing Plans

One other date; when did the DOJ crim div atty get to Phoenix to work on the case?

(b) (7)(C)

Chief, Firearms Operations Division

ATF HQ - Room 6.S.129

202.648 (b) (7)(C) Cell (b) (7)(C)

From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 2:11:35 PM  
To: (b) (7)(C)  
Subject: Fw: Sunday Briefing Plans

3969

Can you guys answer paragraph 2?

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Sat Mar 05 13:15:06 2011  
Subject: Re: Sunday Briefing Plans

We are on it.

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:56:47 2011  
Subject: Re: Sunday Briefing Plans

Please have Melanie contact her POC at OIG and ask them to provide us with the date (b) (7)(C) filed his Whistle blower complaints with them, for both the web filing and the telephonic filing, and if they can, the substance of the filings. Need to know how the complaint morphed over time.

Also, I need a chronology of when we first heard about his complaint (at HQ) and the dates of each Fox and CBS airing of the complaint and the dates of each Grassley letter and each of DOJ's responses and the date of our briefing to the sjc staff.

Did I already ask for a chronology of Fast and Furious from opening to closing, each (b) (7)(E) when the case went to the USAO and the date of the indictment and the guns purchased after we sent it to the USAO for indictment. Thanks

ATF8-001-001-00010691



\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Sat Mar 05 12:35:31 2011  
Subject: Fw: Sunday Briefing Plans

As requested

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Stinnett, Melanie S.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:28:43 2011  
Subject: Re: Sunday Briefing Plans

According to (b) (7)(C) the OIG has not notified our office of a compliant by (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Stinnett, Melanie S.  
Sent: Sat Mar 05 12:10:30 2011  
Subject: Fw: Sunday Briefing Plans

Mel:

Need an answer to director's question today please

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)



\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:07:54 2011  
Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way (b) (7)(C) complaint to OIG. Thanks. Ken

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

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----- Original Message -----

From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: Hoover, William J.  
Sent: Fri Mar 04 22:19:02 2011  
Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.  
2p - Murder board Texas Cases with SAs (b) (7)(C)  
4:45 - Murder board Phoenix case with Newell, Needles, (b) (7)(C)

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From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 2:02:22 PM  
To: (b) (7)(C)  
Subject: Fw: Sunday Briefing Plans

3973

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 13:20:30 2011  
Subject: Re: Sunday Briefing Plans

One other date; when did the DOJ crim div atty get to Phoenix to work on the case?

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Sat Mar 05 13:15:06 2011  
Subject: Re: Sunday Briefing Plans

We are on it.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

ATF8-001-001-00010695

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:56:47 2011  
Subject: Re: Sunday Briefing Plans

3974

Please have Melanie contact her POC at OIG and ask them to provide us with the date (b) (7)(C) filed his Whistle blower complaints with them, for both the web filing and the telephonic filing, and if they can, the substance of the filings. Need to know how the complaint morphed over time.

Also, I need a chronology of when we first heard about his complaint (at HQ) and the dates of each Fox and CBS airing of the complaint and the dates of each Grassley letter and each of DOJ's responses and the date of our briefing to the sjc staff.

Did I already ask for a chronology of Fast and Furious from opening to closing, each (b) (7)(E) when the case went to the USAO and the date of the indictment and the guns purchased after we sent it to the USAO for indictment. Thanks

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Sat Mar 05 12:35:31 2011  
Subject: Fw: Sunday Briefing Plans

As requested

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Stinnett, Melanie S.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:28:43 2011  
Subject: Re: Sunday Briefing Plans

According to (b) (7)(C) the OIG has not notified our office of a complaint by (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00010696

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----- Original Message -----

From: (b) (7)(C)  
To: Stinnett, Melanie S.  
Sent: Sat Mar 05 12:10:30 2011  
Subject: Fw: Sunday Briefing Plans

Mel:

Need an answer to director's question today please

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:07:54 2011  
Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way (b) (7)(C) complaint to OIG. Thanks. Ken

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Chait, Mark R.

To: (b) (7)(C)

Cc: Hoover, William J.

Sent: Fri Mar 04 22:19:02 2011

Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.

2p - Murder board Texas Cases with SAs (b) (7)(C)

4:45 - Murder board Phoenix case with Newell, Needles, (b) (7)(C)

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From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 1:15:44 PM  
To: Chait, Mark R.; (b) (7)(C)  
Subject: Fw: Sunday Briefing Plans

3977

See part two below

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:56:47 2011  
Subject: Re: Sunday Briefing Plans

Please have Melanie contact her POC at OIG and ask them to provide us with the date (b) (7)(C) filed his Whistle blower complaints with them, for both the web filing and the telephonic filing, and if they can, the substance of the filings. Need to know how the complaint morphed over time.

Also, I need a chronology of when we first heard about his complaint (at HQ) and the dates of each Fox and CBS airing of the complaint and the dates of each Grassley letter and each of DOJ's responses and the date of our briefing to the sjc staff.

Did I already ask for a chronology of Fast and Furious from opening to closing, each (b) (7)(E) when the case went to the USAO and the date of the indictment and the guns purchased after we sent it to the USAO for indictment. Thanks

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Sat Mar 05 12:35:31 2011  
Subject: Fw: Sunday Briefing Plans

As requested

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

ATF8-001-001-00010699



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----- Original Message -----

From: Stinnett, Melanie S.  
 To: (b) (7)(C)  
 Sent: Sat Mar 05 12:28:43 2011  
 Subject: Re: Sunday Briefing Plans

According to (b) (7)(C) the OIG has not notified our office of a complaint by (b) (7)(C)

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----- Original Message -----

From: (b) (7)(C)  
 To: Stinnett, Melanie S.  
 Sent: Sat Mar 05 12:10:30 2011  
 Subject: Fw: Sunday Briefing Plans

Mel:

Need an answer to director's question today please

(b) (7)(C)

Acting Chief of Staff  
 ATF Office of the Director  
 O: 202-648-(b) (7)(C)  
 C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
 To: (b) (7)(C)  
 Sent: Sat Mar 05 12:07:54 2011  
 Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way complaint to OIG. Thanks. Ken

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

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To: (b) (7)(C)  
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12 noon - FO and Dir. Off. Prep all Cases with Case SAs.  
2p - Murder board Texas Cases with SAs (b) (7)(C)  
4:45 - Murder board Phoenix case with Newell, Needles, (b) (7)(C)

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From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 1:15:06 PM  
To: Melson, Kenneth E.  
Subject: Re: Sunday Briefing Plans

3980

We are on it.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:56:47 2011  
Subject: Re: Sunday Briefing Plans

Please have Melanie contact her POC at OIG and ask them to provide us with the date (b) (7)(C) filed his Whistle blower complaints with them, for both the web filing and the telephonic filing, and if they can, the substance of the filings. Need to know how the complaint morphed over time.

Also, I need a chronology of when we first heard about his complaint (at HQ) and the dates of each Fox and CBS airing of the complaint and the dates of each Grassley letter and each of DOJ's responses and the date of our briefing to the sjc staff.

Did I already ask for a chronology of Fast and Furious from opening to closing, each (b) (7)(E) when the case went to the USAO and the date of the indictment and the guns purchased after we sent it to the USAO for indictment. Thanks

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Sat Mar 05 12:35:31 2011  
Subject: Fw: Sunday Briefing Plans

As requested

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

ATF8-001-001-00010702

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----- Original Message -----

From: Stinnett, Melanie S.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:28:43 2011  
Subject: Re: Sunday Briefing Plans

According to (b) (7)(C) the OIG has not notified our office of a complaint by (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Stinnett, Melanie S.  
Sent: Sat Mar 05 12:10:30 2011  
Subject: Fw: Sunday Briefing Plans

Mel:

Need an answer to director's question today please

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:07:54 2011  
Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way (b) (7)(C) complaint to OIG. Thanks. Ken

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: Hoover, William J.  
Sent: Fri Mar 04 22:19:02 2011  
Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.  
2p - Murder board Texas Cases with SAs (b) (7)(C)  
4:45 - Murder board Phoenix case with Newell, Needles, (b) (7)(C)

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From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 1:14:08 PM  
To: Stinnett, Melanie S.  
Subject: Fw: Sunday Briefing Plans

3983

Mel:

Please handle the first part of the message below. We need answers before Monday morning. He has a 10:00 with the DAG Monday. Let me know if this cannot be accomplished.

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:56:47 2011  
Subject: Re: Sunday Briefing Plans

Please have Melanie contact her POC at OIG and ask them to provide us with the date (b) (7)(C) filed his Whistle blower complaints with them, for both the web filing and the telephonic filing, and if they can, the substance of the filings. Need to know how the complaint morphed over time.

Also, I need a chronology of when we first heard about his complaint (at HQ) and the dates of each Fox and CBS airing of the complaint and the dates of each Grassley letter and each of DOJ's responses and the date of our briefing to the sjc staff.

Did I already ask for a chronology of Fast and Furious from opening to closing, each (b) (7)(E) when the case went to the USAO and the date of the indictment and the guns purchased after we sent it to the USAO for indictment. Thanks

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Sat Mar 05 12:35:31 2011  
Subject: Fw: Sunday Briefing Plans

As requested

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director

ATF8-001-001-00010705

O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

3984

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----- Original Message -----

From: Stinnett, Melanie S.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:28:43 2011  
Subject: Re: Sunday Briefing Plans

According to (b) (7)(C) the OIG has not notified our office of a complaint by (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Stinnett, Melanie S.  
Sent: Sat Mar 05 12:10:30 2011  
Subject: Fw: Sunday Briefing Plans

Mel:

Need an answer to director's question today please

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:07:54 2011  
Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way (b) (7)(C) complaint to OIG. Thanks. Ken

ATF8-001-001-00010706



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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: Hoover, William J.  
Sent: Fri Mar 04 22:19:02 2011  
Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.  
2p - Murder board Texas Cases with SAs (b) (7)(C)  
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From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 12:35:31 PM  
To: Melson, Kenneth E.  
Subject: Fw: Sunday Briefing Plans

3986

As requested

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Stinnett, Melanie S.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:28:43 2011  
Subject: Re: Sunday Briefing Plans

According to (b) (7)(C) he OIG has not notified our office of a compliant by (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Stinnett, Melanie S.  
Sent: Sat Mar 05 12:10:30 2011  
Subject: Fw: Sunday Briefing Plans

Mel:

Need an answer to director's question today please

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00010708



----- Original Message -----  
From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:07:54 2011  
Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way (b) (7)(C) complaint to OIG. Thanks. Ken

\*\*\*\*\*

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----- Original Message -----  
From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----  
From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: Hoover, William J.  
Sent: Fri Mar 04 22:19:02 2011  
Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.  
2p - Murder board Texas Cases with SAs (b) (7)(C)  
4:45 - Murder board Phoenix case with Newell, Needles, (b) (7)(C)

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From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 12:35:07 PM  
To: Stinnett, Melanie S.  
Subject: Re: Sunday Briefing Plans

3988

Thanks

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Stinnett, Melanie S.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:28:43 2011  
Subject: Re: Sunday Briefing Plans

According to (b) (7)(C) the OIG has not notified our office of a compliant by (b) (7)(C)

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----- Original Message -----

From: (b) (7)(C)  
To: Stinnett, Melanie S.  
Sent: Sat Mar 05 12:10:30 2011  
Subject: Fw: Sunday Briefing Plans

Mel:

Need an answer to director's question today please

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00010710

----- Original Message -----  
From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:07:54 2011  
Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way (b) (7)(C) complaint to OIG. Thanks. Ken

\*\*\*\*\*

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----- Original Message -----  
From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----  
From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: Hoover, William J.  
Sent: Fri Mar 04 22:19:02 2011  
Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.  
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From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 12:10:30 PM  
To: Stinnett, Melanie S.  
Subject: Fw: Sunday Briefing Plans

3990

Mel:

Need an answer to director's question today please

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:07:54 2011  
Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way (b) (7)(C) complaint to OIG. Thanks. Ken

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00010712

----- Original Message -----

From: Chait, Mark R.

To: (b) (7)(C)

Cc: Hoover, William J.

Sent: Fri Mar 04 22:19:02 2011

Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.

2p - Murder board Texas Cases with SAs (b) (7)(C)

4:45 - Murder board Phoenix case with Newell, Needles, (b) (7)(C)

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From: (b) (7)(C)  
Sent: Saturday, March 05, 2011 12:10:08 PM  
To: Melson, Kenneth E.  
Subject: Re: Sunday Briefing Plans

3992

On it

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Sat Mar 05 12:07:54 2011  
Subject: Re: Sunday Briefing Plans

Would you have someone contact Melanie and ask her to check her staff to see if the DOJ OIG ever notified us in any way (b) (7)(C) complaint to OIG. Thanks. Ken

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 22:42:47 2011  
Subject: Fw: Sunday Briefing Plans

Fyi

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00010714

----- Original Message -----

From: Chait, Mark R.

3993

To: (b) (7)(C)

Cc: Hoover, William J.

Sent: Fri Mar 04 22:19:02 2011

Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.

2p - Murder board Texas Cases with SAs (b) (7)(C)

4:45 - Murder board Phoenix case with Newell, Needles, (b) (7)(C)

\*\*\*\*\*

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**Subject:** PreBrief Case File Review

**Location:** Director's Conference Room 5 S 100

**Start:** 3/6/2011 12:00 PM

**End:** 3/6/2011 2:00 PM

**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Required Attendees:** (b) (7)(C) Chait, Mark R.; Boxler, Michael B. (b) (7)(C)  
(b) (7)(C)  
(b) (7)(C) Hoover, William J.

**Resources:** Director's Conference Room 5 S 100

When: Sunday, March 06, 2011 12:00 PM-2:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: Director's Conference Room 5 S 100

Note: The GMT offset above does not reflect daylight saving time adjustments.

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

Pre meet to prep for Director's Briefing, Review Case Files, etc.



From: (b) (7)(C)  
Sent: Friday, March 04, 2011 10:42:47 PM  
To: Melson, Kenneth E.  
Subject: Fw: Sunday Briefing Plans

3998

Fyi

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: Hoover, William J.  
Sent: Fri Mar 04 22:19:02 2011  
Subject: Sunday Briefing Plans

12 noon - FO and Dir. Off. Prep all Cases with Case SAs.  
2p - Murder board Texas Cases with SAs (b) (7)(C)  
4:45 - Murder board Phoenix case with Newell, Needles, (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00010724

Subject: Updated: Director's Briefing on SWB Cases  
Location: Director's Conference Room

3999

Start: 3/6/2011 2:00 PM  
End: 3/6/2011 6:00 PM  
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: (b) (7)(C) Hoover, William J.; Melson, Kenneth E.;  
Chait, Mark R.; McDermond, James E.; (b) (7)(C)  
(b) (7)(C) Ford, Larry W.

Resources: Director's Conference Room

NOTE Date and time THIS IS A SUNDAY BRIEFING. This will be a detailed briefing on the ATF cases related to the homicide of ICE Special Agent Zapata in response to Sen. Grassley's latest letter

From: (b) (7)(C)  
Sent: Friday, March 04, 2011 10:32:26 PM  
To: Boxler, Michael B.  
Subject: Re: Updated: Director's Briefing on SWB Cases

4000

2 on sunday w director . Pre brief with texas agents at noon

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Boxler, Michael B.  
To: (b) (7)(C)  
Sent: Fri Mar 04 22:30:38 2011  
Subject: Re: Updated: Director's Briefing on SWB Cases

What time (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Boxler, Michael B.; Lauder, George H.  
Cc: Martin, Steve K.  
Sent: Fri Mar 04 22:21:44 2011  
Subject: Fw: Updated: Director's Briefing on SWB Cases

-----Original Message-----

To: Deputy Director William Hoover  
To: Kenneth E. Melson  
To: Mark Chait  
To: James McDermond  
To: (b) (7)(C)  
To: (b) (7)(C)  
To: (b) (7)(C)  
To: (b) (7)(C)  
Subject: Updated: Director's Briefing on SWB Cases  
Sent: Mar 4, 2011 10:17 PM

\*\*\*\*\*

NOTE Date and time THIS IS A SUNDAY BRIEFING. This will be a detailed briefing on the ATF

ATF8-001-001-00010726

(b) (7)(C)

Acting Chief of Staff

ATF Office of the Director

O: 202-648-(b) (7)(C)

C: (b) (7)(C)

\*\*\*\*\*

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From: (b) (7)(C)  
Sent: Friday, March 04, 2011 10:21:44 PM  
To: Boxler, Michael B.; Lauder, George H.  
CC: Martin, Steve K.  
Subject: Fw: Updated: Director's Briefing on SWB Cases

-----Original Message-----

To: Deputy Director William Hoover  
To: Kenneth E. Melson  
To: Mark Chait  
To: James McDermond  
To: (b) (7)(C)  
To: (b) (7)(C)  
To: (b) (7)(C)  
To: (b) (7)(C)  
Subject: Updated: Director's Briefing on SWB Cases  
Sent: Mar 4, 2011 10:17 PM

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

NOTE Date and time THIS IS A SUNDAY BRIEFING. This will be a detailed briefing on the ATF cases related to the homicide of ICE Special Agent Zapata in response to Sen. Grassley's latest letter

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*  
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Subject: Updated: Director's Briefing on SWB Cases  
Location: Director's Conference Room

4003

Start: 3/6/2011 2:00 PM  
End: 3/6/2011 6:00 PM  
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: Hoover, William J.; Melson, Kenneth E.; Chait, Mark R.;  
McDermond, James E.; (b) (7)(C)  
(b) (7)(C)

Resources: Director's Conference Room

NOTE Date and time THIS IS A SUNDAY BRIEFING. This will be a detailed briefing on the ATF cases related to the homicide of ICE Special Agent Zapata in response to Sen. Grassley's latest letter

Subject: Director's Briefing on SWB Cases  
Location: Director's Conference Room

4004

Start: 3/6/2011 2:00 PM  
End: 3/6/2011 6:00 PM  
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: Hoover, William J.; Melson, Kenneth E.; Chait, Mark R.;  
McDermond, James E.  
Resources: Director's Conference Room

NOTE Date and time THIS IS A SUNDAY BRIEFING. This will be a detailed briefing on the ATF cases related to the homicide of ICE Special Agent Zapata in response to Sen. Grassley's latest letter

From: (b) (7)(C)  
Sent: Friday, March 04, 2011 9:25:22 PM  
To: Chait, Mark R.  
Subject: Re: Houston and Dallas case related to Zapata

4005

Who will be here Sunday?

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: (b) (7)(C); Hoover, William J.; Boxler, Michael B.  
Sent: Fri Mar 04 21:24:02 2011  
Subject: Houston and Dallas case related to Zapata

This is the priority tomorrow. 5 three ring binders of timeline, BP, all ROIs and all other file documents. I would like these ready Sat night. Thank you guys.

\*\*\*\*\*

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ATF8-001-001-00010733



From: (b) (7)(C)  
Sent: Friday, March 04, 2011 9:17:47 PM  
To: Chait, Mark R.  
Subject: Fw: Meeting with DAG

4006

Call me when you come up for air. We need to have Dallas and Houston personnel here for Sunday. We need to be ready to brief at HQ by noon Sunday.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Hoover, William J.; Chait, Mark R.; (b) (7)(C)  
Sent: Fri Mar 04 21:07:26 2011  
Subject: Fw: Meeting with DAG

Dear All, we are treating this as a if it were a presentation to the President. I am working with (b) (7)(C) and both of us will be in on Sunday.

We did this case right so let's make sure we check all our traps put together a fact based and accurate summary for the Director and help him hit this out of the park.

(b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Fri Mar 04 20:42:17 2011  
Subject: Re: Meeting with DAG

Its always good to have more eyes on it. I want to make sure we have a clear picture of what the events were and that the SACs, case agents and FO know all the facts and relate them to us. I want to postpone staff until the afternoon and meet at 8:30 to allow me to ask questions about the events. We will have to postpone the webcast till later in the day. I would like the case agents available by phone to answer questions. Ken

\*\*\*\*\*

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ATF8-001-001-00010734

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 20:32:30 2011  
Subject: Re: Meeting with DAG

Understand Chait has the lead. Would you like me to work with them to ensure a quality product?

(b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C) Hoover, William J.; (b) (7)(C) Chait, Mark R.  
Sent: Fri Mar 04 19:56:22 2011  
Subject: Re: Meeting with DAG

Ok, after seeing the newest Grassley letter, I think for the 10:00 meeting on Monday I need a full timeline and summary in an easily viewable form concerning the arrest of the two groups in Tx involved in the guns seized in the Zapata case. I need it to be absolutely accurate with supporting documentation, and sufficient copies to leave with the DAG. I would like all the material emailed to me by 7:00 on Sunday evening. Please let me know who will take the lead on getting this info together. Ken

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 18:39:23 2011  
Subject: Re: Meeting with DAG

If you want or need anything before then please advise and I'll do my best to get it together.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.

To: (b) (7)(C) Hoover, William J.

Cc: (b) (7)(C)

Sent: Fri Mar 04 18:24:26 2011

Subject: Meeting with DAG

ODAG called and wants to meet with me at 10 on Monday morning. No topic mentioned. Please place on my calendar. Ken

\*\*\*\*\*

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From: (b) (7)(C)  
Sent: Friday, March 04, 2011 8:32:07 PM  
To: Chait, Mark R.  
Subject: Re: Meeting with DAG

4009

If I can help in any way just let me know. I'll do anything I can.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: Melson, Kenneth E.; Hoover, William J.  
Sent: Fri Mar 04 20:13:31 2011  
Subject: Re: Meeting with DAG

We will cover.

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Chait, Mark R.  
Sent: Fri Mar 04 20:07:03 2011  
Subject: Fw: Meeting with DAG

Are you going to take this or do I have to step up?

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00010737

----- Original Message -----

From: Melson, Kenneth E.

4010

To: (b) (7)(C) Hoover, William J.; (b) (7)(C) Chait, Mark R.

Sent: Fri Mar 04 19:56:22 2011

Subject: Re: Meeting with DAG

Ok, after seeing the newest Grassley letter, I think for the 10:00 meeting on Monday I need a full timeline and summary in an easily viewable form concerning the arrest of the two groups in Tx involved in the guns seized in the Zapata case. I need it to be absolutely accurate with supporting documentation, and sufficient copies to leave with the DAG. I would like all the material emailed to me by 7:00 on Sunday evening. Please let me know who will take the lead on getting this info together. Ken

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)

To: Melson, Kenneth E.

Sent: Fri Mar 04 18:39:23 2011

Subject: Re: Meeting with DAG

If you want or need anything before then please advise and I'll do my best to get it together.

(b) (7)(C)

Acting Chief of Staff

ATF Office of the Director

O: 202-648-(b) (7)(C)

C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.

To: (b) (7)(C) Hoover, William J.

Cc: (b) (7)(C)

Sent: Fri Mar 04 18:24:26 2011

Subject: Meeting with DAG

ODAG called and wants to meet with me at 10 on Monday morning. No topic mentioned. Please place on my calendar. Ken

\*\*\*\*\*

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express authorization is strictly prohibited.  
E

4011

From: (b) (7)(C)  
Sent: Friday, March 04, 2011 8:24:45 PM  
To: (b) (7)(C)  
Subject: Fw: Meeting with DAG

4014

FYI

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Chait, Mark R.  
To: (b) (7)(C)  
Cc: Melson, Kenneth E.; Hoover, William J.  
Sent: Fri Mar 04 20:13:31 2011  
Subject: Re: Meeting with DAG

We will cover.

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Chait, Mark R.  
Sent: Fri Mar 04 20:07:03 2011  
Subject: Fw: Meeting with DAG

Are you going to take this or do I have to step up?

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00010742



----- Original Message -----

From: Melson, Kenneth E.

4015

To: (b) (7)(C) Hoover, William J.; (b) (7)(C) Chait, Mark R.

Sent: Fri Mar 04 19:56:22 2011

Subject: Re: Meeting with DAG

Ok, after seeing the newest Grassley letter, I think for the 10:00 meeting on Monday I need a full timeline and summary in an easily viewable form concerning the arrest of the two groups in Tx involved in the guns seized in the Zapata case. I need it to be absolutely accurate with supporting documentation, and sufficient copies to leave with the DAG. I would like all the material emailed to me by 7:00 on Sunday evening. Please let me know who will take the lead on getting this info together. Ken

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)

To: Melson, Kenneth E.

Sent: Fri Mar 04 18:39:23 2011

Subject: Re: Meeting with DAG

If you want or need anything before then please advise and I'll do my best to get it together.

(b) (7)(C)

Acting Chief of Staff

ATF Office of the Director

O: 202-648-(b) (7)(C)

C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.

To: (b) (7)(C) Hoover, William J.

Cc: (b) (7)(C)

Sent: Fri Mar 04 18:24:26 2011

Subject: Meeting with DAG

ODAG called and wants to meet with me at 10 on Monday morning. No topic mentioned. Please place on my calendar. Ken

\*\*\*\*\*

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ATF8-001-001-00010743



express authorization is strictly prohibited.  
E

4016

From: (b) (7)(C)  
Sent: Friday, March 04, 2011 8:07:03 PM  
To: Chait, Mark R.  
Subject: Fw: Meeting with DAG

4022

Are you going to take this or do I have to step up?

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C) Hoover, William J.; (b) (7)(C) Chait, Mark R.  
Sent: Fri Mar 04 19:56:22 2011  
Subject: Re: Meeting with DAG

Ok, after seeing the newest Grassley letter, I think for the 10:00 meeting on Monday I need a full timeline and summary in an easily viewable form concerning the arrest of the two groups in Tx involved in the guns seized in the Zapata case. I need it to be absolutely accurate with supporting documentation, and sufficient copies to leave with the DAG. I would like all the material emailed to me by 7:00 on Sunday evening. Please let me know who will take the lead on getting this info together. Ken

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 18:39:23 2011  
Subject: Re: Meeting with DAG

If you want or need anything before then please advise and I'll do my best to get it together.

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited. 4023

----- Original Message -----

From: Melson, Kenneth E.

To: (b) (7)(C) Hoover, William J.

Cc: (b) (7)(C)

Sent: Fri Mar 04 18:24:26 2011

Subject: Meeting with DAG

ODAG called and wants to meet with me at 10 on Monday morning. No topic mentioned. Please place on my calendar. Ken

\*\*\*\*\*

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From: (b) (7)(C)  
Sent: Friday, March 04, 2011 7:49:56 PM  
To: Melson, Kenneth E.  
Subject: Re: Meeting with DAG

4024

I disagree.

If you go into the meeting expecting to be fired and have not prepared you probably will be.

What happens if you walk in unprepared and he asks you what you are doing and you have no response - you surely will be.

You haven't backed away from a tough situation yet - why start now?

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C)  
Sent: Fri Mar 04 19:38:16 2011  
Subject: Re: Meeting with DAG

Thanks, but I think he is just going to fire me, so no need to prepare.

\*\*\*\*\*

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----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.  
Sent: Fri Mar 04 18:39:23 2011  
Subject: Re: Meeting with DAG

If you want or need anything before then please advise and I'll do my best to get it together.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

ATF8-001-001-00010752

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----- Original Message -----

From: Melson, Kenneth E.

To: (b) (7)(C); Hoover, William J.

Cc: (b) (7)(C)

Sent: Fri Mar 04 18:24:26 2011

Subject: Meeting with DAG

ODAG called and wants to meet with me at 10 on Monday morning. No topic mentioned. Please place on my calendar. Ken

\*\*\*\*\*

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From: (b) (7)(C)  
Sent: Friday, March 04, 2011 6:39:23 PM  
To: Melson, Kenneth E.  
Subject: Re: Meeting with DAG

4026

If you want or need anything before then please advise and I'll do my best to get it together.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C) Hoover, William J.  
Cc: (b) (7)(C)  
Sent: Fri Mar 04 18:24:26 2011  
Subject: Meeting with DAG

ODAG called and wants to meet with me at 10 on Monday morning. No topic mentioned. Please place on my calendar. Ken

\*\*\*\*\*

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ATF8-001-001-00010754

From: (b) (7)(C)  
Sent: Friday, March 04, 2011 6:34:52 PM  
To: (b) (7)(C)  
Subject: Fw: Meeting with DAG

4027

I reached out to Michalic - he's going to try and get some intel.

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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----- Original Message -----

From: Melson, Kenneth E.  
To: (b) (7)(C) Hoover, William J.  
Cc: (b) (7)(C)  
Sent: Fri Mar 04 18:24:26 2011  
Subject: Meeting with DAG

ODAG called and wants to meet with me at 10 on Monday morning. No topic mentioned. Please place on my calendar. Ken

\*\*\*\*\*

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ATF8-001-001-00010755

**From:** (b) (7)(C)  
**Sent:** Friday, March 04, 2011 8:28 AM  
**To:** Hoover, William J.  
**Subject:** RE: DRAFT TPs: Public Integrity/LATimes/CBS

Attachment?

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648-(b) (7)(C)  
C (b) (7)(C)  
HQ Room 5 S 100

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**From:** Hoover, William J.  
**Sent:** Friday, March 04, 2011 7:09 AM  
**To:** Melson, Kenneth E.; (b) (7)(C)  
**Subject:** FW: DRAFT TPs: Public Integrity/LATimes/CBS

I apologize to each of you. I failed to cc you this morning when I sent this to Kevin. Didn't we just leave here!

Billy

William J. Hoover  
Deputy Director  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
O) 202-648-8710

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**From:** O'Reilly, Kevin M. [mailto:(b) (7)(C)]  
**Sent:** Friday, March 04, 2011 6:30 AM  
**To:** Hoover, William J.  
**Cc:** Chait, Mark R.; Newell, William D.  
**Subject:** Re: DRAFT TPs: Public Integrity/LATimes/CBS

Billy,

Thanks, this is great.

Will follow up this AM.

Kevin M O'Reilly  
Director  
North American Affairs  
National Security Staff



(b) (7)(C)

---

**From:** Hoover, William J. (b) (7)(C)  
**To:** O'Reilly, Kevin M.  
**Cc:** Chait, Mark R. (b) (7)(C) Newell, William D. <(b) (7)(C)>  
**Sent:** Fri Mar 04 06:23:14 2011  
**Subject:** FW: DRAFT TPs: Public Integrity/LATimes/CBS

Kevin,

The attached talking points cover the topics which have been points of contention the past several weeks. Please let me know if you need any further. We are happy to assist in any way.

Billy

William J. Hoover  
Deputy Director  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
O) 202-648-8710

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From: (b) (7)(C)  
Sent: Thursday, March 03, 2011 10:02:18 PM  
To: Chait, Mark R.  
Subject: Op plan

4030

You might want to ask for the op plans on the PHX case where the guns were let go. Was it planned? Who wrote the op plan? Answers might be real interesting

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00010835

**From:** (b) (7)(C)  
**Sent:** Wednesday, March 02, 2011 9:47 PM  
**To:** Chait, Mark R.; (b) (7)(C)  
**Subject:** Fw: Gunrunner Stats  
**Attachments:** Gunrunner Summary 2006 to 2010.xlsx

Swb stats

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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**From:** (b) (7)(C)  
**To:** (b) (7)(C)  
**Sent:** Wed Mar 02 13:53:10 2011  
**Subject:** RE: Gunrunner Stats

In an effort to stem further incremental requests -- see attached summary

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

---

**From:** (b) (7)(C)  
**Sent:** Wednesday, March 02, 2011 9:34 AM  
**To:** (b) (7)(C)  
**Subject:** RE: Gunrunner Stats

10-4, thanks..

(b) (7)(C)  
ATF National Coordinator  
Southwest Border/Project Gunrunner

(202) 648-(b) (7)(C)  
(b) (7)(C) cell

---

**From:** (b) (7)(C)  
**Sent:** Wednesday, March 02, 2011 9:34 AM  
**To:** (b) (7)(C)  
**Subject:** Re: Gunrunner Stats

At DOJ until about 1230. I'll answer when I return.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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**From:** (b) (7)(C)  
**To:** (b) (7)(C)  
**Sent:** Wed Mar 02 09:09:38 2011  
**Subject:** FW: Gunrunner Stats

Another request from DOJ.

(b) (7)(C)

ATF National Coordinator

Southwest Border/Project Gunrunner

(202) 648-(b) (7)(C)

(b) (7)(C) cell

---

**From:** Johnston, Deborah A. (ODAG) [mailto:(b) (7)(C)]  
**Sent:** Wednesday, March 02, 2011 8:59 AM  
**To:** (b) (7)(C)  
**Subject:** Gunrunner Stats

(b) (7)(C) NSS is looking for our Gunrunner stats for 2008. Can please you provide the total number of firearms seized and defendants charged for 2008?

Thanks

Debbie

Deborah A. Johnston

Associate Deputy General

950 Pennsylvania Ave. NW Rm 4116

Washington, DC 20530






(b) (7)(C)

Data	Referral FY					
	2006	2007	2008	2009	2010	Grand Total
<b>Cases Recommended for Prosecution</b>	<b>130</b>	<b>189</b>	<b>255</b>	<b>342</b>	<b>206</b>	<b>1,122</b>
Percent of All Cases Recommended	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Cases Accepted for Prosecution	95	137	183	213	125	753
Percent of Cases Accepted for Prosecution	73.08%	72.49%	71.76%	62.28%	60.68%	67.11%
Cases Declined	30	40	51	61	24	206
Percent of Cases Declined	23.08%	21.16%	20.00%	17.84%	11.65%	18.36%
Cases Pending A Prosecutorial Decision	5	12	21	68	57	163
Percent of Cases Pending a Prosecutorial Decision	3.85%	6.35%	8.24%	19.88%	27.67%	14.53%
Cases With Arrests	99	139	194	233	123	788
Cases With Indictments	93	136	181	205	114	729
Cases With Convictions	85	114	141	157	42	539
Cases With Sentencing	83	108	137	136	29	493
<b>Defendants Recommended for Prosecution</b>	<b>285</b>	<b>437</b>	<b>527</b>	<b>700</b>	<b>502</b>	<b>2,451</b>
Defendants Accepted for Prosecution	216	313	385	460	332	1,706
Percent of Defendants Accepted for Prosecution	75.79%	71.62%	73.06%	65.71%	66.14%	69.60%
Defendants Declined	61	89	95	94	43	382
Percent of Defendants Who Are Declined	21.40%	20.37%	18.03%	13.43%	8.57%	15.59%
Defendants Pending A Prosecutorial Decision	8	35	47	146	127	363
Percent of Defendants Pending a Prosecutorial Decision	2.81%	8.01%	8.92%	20.86%	25.30%	14.81%
Defendants Arrested	224	317	409	473	309	1,732
Defendants Indicted	217	313	375	434	288	1,627
Defendants Convicted	168	237	291	309	104	1,109
Percent of All Defendants Recommended for Prosecution Who are Convicted	58.95%	54.23%	55.22%	44.14%	20.72%	45.25%
Percent of Indicted Defendants Who Are Convicted	77.42%	75.72%	77.60%	71.20%	36.11%	68.16%
Defendants Sentenced to Prison	139	198	230	194	48	809
Total Prison Months Sentenced	14,264	23,536	20,755	17,383	8,389	84,327
<b>Average Prison Sentence (In Months)</b>	<b>102.62</b>	<b>118.87</b>	<b>90.24</b>	<b>89.60</b>	<b>174.77</b>	<b>104.24</b>
Defendants Sentenced to Probation	52	49	86	56	17	260
Total Probation Months Sentenced	1,452	2,105	4,211	1,799	513	10,080
Average Probation Sentence (In Months)	27.92	42.96	48.97	32.13	30.18	38.77
Life Sentence Received	0	0	0	0	0	0

Death Sentence Received	0	0	0	0	0	0
<b>Firearms Trafficking Cases Recommended for Prosecution</b>	<b>64</b>	<b>111</b>	<b>126</b>	<b>172</b>	<b>111</b>	<b>584</b>
Firearms Trafficking Cases as a Percent of All Cases Recommended	49.23%	58.73%	49.41%	50.29%	53.88%	52.05%
<b>Firearms Trafficking Defendant Recommended</b>	<b>163</b>	<b>315</b>	<b>323</b>	<b>457</b>	<b>315</b>	<b>1,573</b>
Firearms Trafficking Defendants Convicted	96	172	175	168	58	669
Percent of Firearms Trafficking Defendants Recommended for Pros Who Are Convicted	58.90%	54.60%	54.18%	36.76%	18.41%	42.53%
Estimated Number of Guns Trafficked	3,685	2,403	3,465	4,940	4,221	18,714
<b>Gang Cases Recommended for Prosecution</b>	<b>38</b>	<b>54</b>	<b>80</b>	<b>117</b>	<b>63</b>	<b>352</b>
Gang Related Cases as a Percent of All Cases Recommended for Prosecution	29.23%	28.57%	31.37%	34.21%	30.58%	31.37%
<b>Gang Related Defendants Recommended for Prosecution</b>	<b>144</b>	<b>205</b>	<b>216</b>	<b>297</b>	<b>209</b>	<b>1,071</b>
Gang Related Defendant Convicted	71	115	116	124	41	467
Percent of Gang Defendants Recommended for Prosecution Who are Convicted	49.31%	56.10%	53.70%	41.75%	19.62%	43.60%
<b>Rounds of Ammunition Taken Into Evidence</b>	<b>125,491</b>	<b>99,195</b>	<b>121,054</b>	<b>433,654</b>	<b>407,187</b>	<b>1,186,581</b>
<b>Number of Firearms Taken Into Evidence</b>	<b>1,427</b>	<b>1,375</b>	<b>2,288</b>	<b>1,638</b>	<b>2,970</b>	<b>9,698</b>

**From:** (b) (7)(C)  
**Sent:** Monday, February 28, 2011 2:00:37 PM  
**To:** Burrows, Charlotte (SMO); Michalic, Mark (ODAG)  
**Subject:** RE: Need a little help.

**Attachments:** grassley aff 2411.pdf; 2011-01-27 Letter to ATF.PDF; 2011-01-31 Letter to ATF.PDF; 2011-02-09 Letter to DOJ.PDF; 2011-02-16 Letter to DOJ.PDF

				
2011-02-16 Letter to DOJ.PDF (109 kB)	2011-02-09 Letter to DOJ.PDF (564 kB)	2011-01-31 Letter to ATF.PDF (155 kB)	2011-01-27 Letter to ATF.PDF (169 kB)	grassley aff 2411.pdf (399 kB)

This is everything we have. I am aware that there is another response in draft that is being coordinated by OLA. I (we) do not have the latest version to my knowledge

(b) (7)(C)

Acting Chief of Staff  
 Office of the Director  
 O: 202-648-(b) (7)(C)  
 C: (b) (7)(C)  
 HQ Room 5 S 100

---

**From:** Burrows, Charlotte (SMO) [mailto:Charlotte.Burrows@usdoj.gov]  
**Sent:** Monday, February 28, 2011 11:06 AM  
**To:** Michalic, Mark (ODAG); (b) (7)(C)  
**Subject:** RE: Need a little help.

Thanks, Mark. (b) (7)(C) we're looking for the letters to and from Sen. Grassley on Operation Gunrunner. We're also trying through Exec Sec, but since we need to get a response this a.m. if possible, thought you all might be able to do this more quickly.

Please let me know if you have any questions.

Charlotte

---

**From:** Michalic, Mark (ODAG)  
**Sent:** Monday, February 28, 2011 11:03 AM  
**To:** (b) (7)(C) (ATF)  
**Cc:** Burrows, Charlotte (SMO)  
**Subject:** Need a little help.

Good morning, (b) (7)(C)

Charlotte Burrows (from our office and cc'd here) is pulling together all the Grassley correspondence and was looking for a POC at ATF to help with this project. I believe that you would be a good initial starting place and ask that you point her to the right person within HQ.

I appreciate your help with this matter and please don't hesitate to call if you need anything further.

Mark



# United States Senate

WASHINGTON, DC 20510

February 9, 2011

## Via Electronic Transmission

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Attorney General Holder:

During our meeting on January 31, I provided you with copies of my recent letters to Acting ATF Director Kenneth E. Melson. I had received serious allegations from ATF whistleblowers. ATF agents told my staff that the agency allowed the sale of assault rifles to known and suspected straw purchasers for an illegal trafficking ring near the southwest border. Authorities allegedly recovered two of those weapons at the scene of a fire near the southwest border on December 14, 2010. Customs and Border Protection Agent Brian Terry lost his life in that fire and may have been killed with one of those two rifles. That is why I requested nearly two weeks ago that the ATF brief my staff as soon as possible.

Unfortunately, the reaction to my request has, so far, been little more than delay and denial. I finally received a letter at close of business on Friday, February 4, in response to my request. It came not from the ATF, but from the Justice Department. In that letter, the Department categorically denied that the ATF “knowingly allowed the sale of assault weapons to a straw purchaser...” The Department said the ATF makes “every effort to interdict weapons that have been purchased illegally and prevent their transportation into Mexico.”

However, as I explained in my initial letter to Acting Director Melson, the allegations I received are supported by documentation. It is already public record that federal agents arrested Jaime Avila on December 15, 2010—the very same day that CBP Agent Terry died. The ATF had been tracking Avila’s firearms purchases because Avila was a suspected trafficker since at least November 2009.<sup>1</sup> According to the whistleblowers, at least one gun dealer wanted to stop participating in sales like those to Avila sometime around October 2009. However, the ATF allegedly encouraged the dealer to continue selling to suspected traffickers and asked the dealer to forward information about the sales to the Bureau.

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<sup>1</sup> Bureau of Alcohol, Tobacco, and Firearms, “Multiple Sale Summary,” Nov 25, 2009 (Attachment 1).

The dealer who sold the weapons allegedly recovered at the scene of Agent Terry's death met with both ATF representatives and Assistant U.S. Attorneys as early as December 17, 2009 to "discuss his role as [a Federal Firearms Licensee] FFL during this investigation."<sup>2</sup> On January 9, 2010, Jaime Avila bought three more firearms at the same Glendale, Arizona gun dealer and his purchase was entered into an ATF database two days later.<sup>3</sup> By January 13, ATF added Avila to a suspect person database for the investigation.<sup>4</sup> On January 14, ATF entered the firearms Avila purchased five days earlier into the National Tracing Center's Suspect Gun Database.<sup>5</sup>

On January 16, 2010, Avila bought three AK-47 variant, Romanian WASR-10 assault rifles from the same dealer with the serial numbers 1983AH3977, 1979IS1530, and 1971CZ3775.<sup>6</sup> ATF entered these weapons into the National Tracing Center's Suspect Gun Database three days later.<sup>7</sup> Over the next several months, ATF continued to track Avila's multiple firearms purchases in near real-time, including two purchases of .50 caliber rifles in June 2010.<sup>8</sup>

After the shooting of CBP Agent Terry, law enforcement officials recovered from the scene two assault rifles.<sup>9</sup> On December 16, 2010, ATF's trace results confirmed that serial numbers 1983AH3977 and 1971CZ3755 match two of the three rifles purchased by Avila and tracked by the ATF nearly a year earlier.<sup>10</sup> In addition to these specific weapons, the indictment of Avila and others references approximately 769 firearms. Of those, the indictment refers to the recovery of only about 103 weapons. So, where are the other approximately 666 weapons referenced in the indictment? Why did the ATF not seize them?

The Justice Department's reply asked that Committee staff stop speaking to law enforcement personnel about these matters. However, if not for the bravery and patriotism of law enforcement personnel who were willing to put their careers on the line, this Committee would have been forced to rely on nothing more than rumors in the blogosphere and a Justice Department denial to resolve these allegations. We need more than that. To be an effective check on Executive Branch power, we need cold, hard facts. We will seek them from whatever source is necessary.

Unfortunately, the Justice Department's letter suggested that my attempts to seek information about these matters might be politically motivated. I understand the Department needs to "protect ... law enforcement personnel ... from inappropriate

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<sup>2</sup> Bureau of Alcohol, Tobacco, and Firearms, "Management Log for Case: 785115-10-[redacted]," Dec 17, 2009 (Attachment 2).

<sup>3</sup> Bureau of Alcohol, Tobacco, and Firearms, "Multiple Sale Summary," Jan 11, 2010 (Attachment 3).

<sup>4</sup> E-mail from ATF Program Analyst to ATF Agents, Jan 13, 2010 (Attachment 4).

<sup>5</sup> Bureau of Alcohol, Tobacco, and Firearms, "Suspect Gun Summary," Jan 14, 2010 (Attachment 5).

<sup>6</sup> Bureau of Alcohol, Tobacco, and Firearms, "Suspect Gun Summary," Jan 19, 2010 (Attachment 6).

<sup>7</sup> Id.

<sup>8</sup> Bureau of Alcohol, Tobacco, and Firearms, "Suspect Gun Summary," Jun 8 and Jun 16, 2010 (Attachment 7).

<sup>9</sup> Bureau of Alcohol, Tobacco, and Firearms, "Significant Information Report," Dec 16, 2010 (Attachment 8).

<sup>10</sup> Bureau of Alcohol, Tobacco, and Firearms, "Firearms Trace Summaries," Dec 16, 2010 (Attachment 9).

political influence.”<sup>11</sup> However, there is a difference between inappropriate political influence and appropriately holding officials accountable to the American people. I try to conduct non-partisan oversight of the Executive Branch. Regardless of which party controls the White House or the Congress, I do my best to ask tough questions. If you have any evidence that there is anything “inappropriate” about my motives in this matter, please let me know. Otherwise, I respectfully request that the Department avoid such implications in the future.

Finally, I want to share with you a portion of an e-mail from Carolyn Terry, Agent Terry’s stepmother. She wrote yesterday:

It’s hard to accept that our son was shot and murdered with a gun that was bought in the U.S. We have not had any contact from the Border Patrol or any other agents since returning home on the 22nd of [January]. Our calls are not returned. I truly feel that our son’s death is a cover-up and they hope that we will go away. That will not happen. We want to know who allowed the sale of that gun that murdered our son. Any help will [be] appreciated. We are the victims of this case and we want some answers.<sup>12</sup>

The Terry family deserves answers. The whistleblowers have expressed a desire to honor Agent Terry’s memory by disclosing this information. The Justice Department should work to do the same. The best way to honor his memory is to come clean.

Sincerely,



Charles E. Grassley  
Ranking Member

cc: The Honorable Patrick Leahy  
Chairman  
United States Senate Committee on the Judiciary

The Honorable Robert S. Mueller, III  
Director  
Federal Bureau of Investigation

Kenneth E. Melson  
Acting Director  
Bureau of Alcohol, Tobacco, Firearms, and Explosives

The Honorable Alan D. Bersin  
Commissioner  
United States Customs and Border Protection

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<sup>11</sup> Letter from the Justice Department to Senator Charles E. Grassley, Jan 31, 2011.

<sup>12</sup> E-mail from Carolyn Terry, Feb 8, 2011.

# ATTACHMENT 1

Employee 3

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER  
Phone: (800) [REDACTED] Fax: (800) [REDACTED]



**(b) (3) (P.L. 111-117)**

FOR OFFICIAL USE ONLY

ATF8-001-001-00011124

# ATTACHMENT 2



# ATTACHMENT 3



Employee 3

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

NATIONAL TRACING CENTER

Phone: (800) [REDACTED] Fax: (800) [REDACTED]



**(b) (3) (P.L. 111-117)**

FOR OFFICIAL USE ONLY

ATF8-001-001-00011128

# ATTACHMENT 4

[REDACTED]

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From: [REDACTED]  
Sent: Wednesday, January 13, 2010 10:39 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Suspect Person Entries - IN# 785115-10-[REDACTED] (VCAB#[REDACTED])  
Attachments: Suspect Person Entries - IN# 785115-10-[REDACTED] (VCAB#[REDACTED]).pdf; FTS Queries - IN# 785115-10-[REDACTED] (VCAB#[REDACTED]).pdf; OSII-Survey Form (3) (2).pdf; FIREARMSDATARESTRICTIONS - FY09.pdf

Dear [REDACTED]

**(b) (3) (P.L. 111-117)**

Last Name	First Name	Middie Name	DOB	Traces	Multiple Sale Reports	# of Firearms in M/S	Suspect Gun Reports	# of Suspect Guns
-----------	------------	-------------	-----	--------	-----------------------	----------------------	---------------------	-------------------

**(b) (3) (P.L. 111-117)**

**(b) (3) (P.L. 111-117)**

*Please be advised that the Consolidated Appropriations Act of 2009, Public L. 111-8, which became effective on March 12, 2009, restricts the disclosure of any part of the contents of the Firearms Tracing System or any information required to be kept by Federal Firearms Licensees pursuant to 18 USC 923(g), or required to be reported pursuant to 18 USC 923(g)(3) and 923(g)(7).*

*The information, which is being provided per your request, is for official law enforcement use only and may only be disseminated by the Bureau of Alcohol, Tobacco, Firearms and Explosives to a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution; or a Federal agency for a national security or intelligence purpose. This disclosure restriction shall not be construed to prevent the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or the publication of statistical aggregate data regarding firearms traffickers and trafficking channels, firearms misuse, felons, and trafficking investigations. If you have questions regarding these restrictions please contact ATF legal counsel prior to disclosing any of the information provided in this correspondence outside of ATF.*

**Please complete the attached OSII Customer Satisfaction Survey form. Click on the "Mail" box located at the bottom of the form and then click on "Send".**

Sincerely,

[REDACTED]  
Program Analyst  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Office of Strategic Intelligence and Information  
Violent Crime Intelligence Division  
Violent Crime Analysis Branch  
Main Office #: (304) [REDACTED]  
Direct #: (304) [REDACTED]  
Fax #: (304) [REDACTED]

# ATTACHMENT 5

Employee 3

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER

Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]



**(b) (3) (P.L. 111-117)**

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ATF8-001-001-00011133

# ATTACHMENT 6

Employee 3

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER



Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]

**(b) (3) (P.L. 111-117)**

FOR OFFICIAL USE ONLY



# ATTACHMENT 7

Employee 3

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER

Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]



**(b) (3) (P.L. 111-117)**



FOR OFFICIAL USE ONLY

Employee 3

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

NATIONAL TRACING CENTER

Phone: (301) [REDACTED] Fax: (301) [REDACTED]



**(b) (3) (P.L. 111-117)**

FOR OFFICIAL USE ONLY

ATF8-001-001-00011138

# ATTACHMENT 8



# ATTACHMENT 9

Employee 3

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

NATIONAL TRACING CENTER

Phone:(800) [REDACTED] Fax:(800) [REDACTED]

Print Date: [REDACTED]



**(b) (3) (P.L. 111-117)**

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ATF8-001-001-00011142

Employee 3

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

NATIONAL TRACING CENTER

Phone: (800) [REDACTED] Fax: (800) [REDACTED]



**(b) (3) (P.L. 111-117)**

FOR OFFICIAL USE ONLY

ATF8-001-001-00011143



**From:** (b) (7)(C)  
**Sent:** Monday, February 28, 2011 2:00 PM  
**To:** (b) (7)(C)  
**Subject:** RE: Per your request

Thanks

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648 (b) (7)(C)  
C (b) (7)(C)  
HQ Room 5 S 100

---

**From:** (b) (7)(C)  
**Sent:** Monday, February 28, 2011 1:58 PM  
**To:** (b) (7)(C)  
**Cc:** McDermond, James E.; (b) (7)(C)  
**Subject:** Per your request

I thinks that is everything.

(b) (7)(C)  
*DOJ- Bureau of Alcohol, Tobacco, Firearms & Explosives*  
*Chief - Office of Legislative Affairs*  
(b) (7)(C) (mobile1)  
(b) (7)(C) (mobile2)  
202.648.(b) (7)(C) (office)  
202.648.9708 (fax)

**From:** (b) (7)(C)  
**Sent:** Monday, February 28, 2011 1:58 PM  
**To:** (b) (7)(C)  
**Subject:** FW: Contingency Plan for any Absence of Appropriations

May I have your thoughts regarding your staffs please?

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648-(b) (7)(C)  
C (b) (7)(C)  
HQ Room 5 S 100

---

**From:** Stucko, Audrey M.  
**Sent:** Monday, February 28, 2011 1:24 PM  
**To:** Holgate, Rick; Michalic, Vivian B.; Herbert, Arthur W.; Chait, Mark R.; Ford, Larry W.; Stinnett, Melanie S.; Rubenstein, Steve R. (b) (7)(C); McDermond, James E.  
**Cc:** (b) (7)(C)  
**Subject:** Contingency Plan for any Absence of Appropriations

As discussed this morning, this is the exception (those folks who came to work) breakdown that the other DOJ components lived by during the last shutdown in 1995:

Special Agents/Attorneys—99% of SA/Atty Population  
Intel Analysts—100% (previously reported as 60) of this population  
Support (all other positions not listed above)—60% of this population

Please forward your recommendations concerning the percentage of folks in your directorate that you would like to classify as essential, thereby requiring them to come to work during any absence of appropriations. Feel free to use the categories above or amend them as you see fit. We do want to stay at a somewhat high level so that there is some flexibility. As I mentioned earlier I will need this information today as the Department has given a very short turn around. Thanks.

(b) (7)(C) can you cover the response for the Director's office.

**From:** (b) (7)(C) [REDACTED]  
**Sent:** Friday, February 25, 2011 5:53 PM  
**To:** (b) (7)(C) [REDACTED]  
**Subject:** 2-25-11 GunrunnerStatement djw 110225 cap  
**Attachments:** 2-25-11 GunrunnerStatement djw 110225 cap.docx



## Gunrunner Statement

(2/25/2011)

The death of CBP Agent Brian Terry was a tragic loss and our hearts and prayers go out to Agent Terry's family, his fellow Border Patrol Agents, and to the rest of the law enforcement community. The FBI and the United States Attorney's Office in Arizona are working tirelessly to bring the murderers to justice. ATF made, and continues to make all information known to us that has any possible link to this investigation available to the FBI and U.S. Attorney

- Since its 2006 inception, ATF's *Project Gunrunner* investigations have seized in excess of 10,000 firearms and 1.1 million rounds of ammunition destined for Mexico. Today, there are over 4,600 open *Project Gunrunner* investigations throughout the United States looking into the firearm traffickers that facilitate violence in Mexico. For anyone to say ATF knowingly let illegal firearms trafficking occur is plainly irresponsible and wrong.
- ATF is dedicated to the mission of stemming illegal commerce in firearms both domestically and internationally, and in no way sanctions the illegal sale of firearms or transfer of firearms for illegal purposes. Additionally, ATF has not and will not knowingly allow guns to cross illegally to Mexico.

At any time, a law abiding citizen can walk into a federal firearms licensee, or licensed gun dealer, and purchase one or more firearms, including semiautomatic versions of the AK-47 and AR-15 in any quantity, without any special requirement from the federal government. A private sale of one or more firearms to a law abiding citizen does not require any federal government paperwork or background checks. The lawful purchase and possession of a large number of firearms is not illegal, so ATF must constantly balance individuals' 2<sup>nd</sup> Amendment rights against the need to stem the flow of firearms into criminal hands. In a firearms trafficking case, we must prove that the purchasers intentionally falsified the firearms transfer record (ATF Form 4473) or acted as straw purchaser. The 4473 asks "Are you the actual transferee/buyer of the firearms (s) listed on this form?" It is important to note that a straw purchase is, on its face, an apparently legal transaction. It is not until the disposition of the firearm by the initial purchaser is known that evidence of criminal conduct may become evident. The fact that an individual purchased weapons as a straw on one occasion does not, standing alone, establish probable cause to conclude that he is acting as a straw in making other purchases.

###

Cleared by:

ODir: WWhoover 2/25/2011  
PGA/PAD: (b) (7)(C) 2/25/2011  
PGA/PAD: (b) (7)(C) 2/25/2011  
PGA/PAD: (b) (7)(C) 2/24/2011

**From:** (b) (7)(C) [REDACTED]  
**Sent:** Friday, February 25, 2011 5:29 PM  
**To:** Melson, Kenneth E.  
**Subject:** 2-25-11 GunrunnerStatement djw 110225 cap  
**Attachments:** 2-25-11 GunrunnerStatement djw 110225 cap.docx

Sir:

Suggested rewrite for your review and approval

Bureau of Alcohol, Tobacco, Firearms and Explosives

**ATF****Key Messages/Talking Points**Not for Public Dissemination/For Internal Use Only  
At The Frontline Against Violent Crime Public Affairs Division - Washington, DC**Gunrunner Statement**

(2/25/2011)

- \* The death of CBP Agent Brian Terry was a tragic loss and our hearts and prayers go out to Agent Terry's family, his fellow Border Patrol Agents, and to the rest of the law enforcement community. The FBI and the United States Attorney's Office in Arizona are working tirelessly to bring the murderers to justice. ATF made, and continues to make all information known to us that has any possible link to this investigation available to the FBI and U.S. Attorney.
- ~~For anyone to say ATF knowingly let illegal firearms trafficking to occur is plain irresponsible and wrong.~~ Since its 2006 inception, ATF's *Project Gunrunner* investigations have seized in excess of 10,000 firearms and 1.1 million rounds of ammunition destined for Mexico. Today, there are over 4,600 open *Project Gunrunner* investigations throughout the United States looking into the firearm traffickers that facilitate violence in Mexico. For anyone to say ATF knowingly let illegal firearms trafficking occur is plainly irresponsible and wrong.
  - ATF is dedicated to the mission of stemming ~~the illegal flow of illegal commerce in~~ firearms both domestically in the United States and internationally, and in no way sanctions the illegal sale of firearms or transfer of firearms for illegal purposes. Additionally, ATF has not and will not knowingly allow guns to cross illegally to Mexico.
- \* At any time, a law abiding citizen can walk into a federal firearms licensee, or licensed gun dealer, and purchase one or more firearms, including semiautomatic versions of the AK-47 and AR-15 variants ~~in any quantity, without any special requirement from the federal government.~~ A private sale of one or more firearms to a law abiding citizen does not require any federal government paperwork or background checks. The lawful legal purchase and possession of a large number of firearms is not illegal, so ATF must constantly balance individuals' 2<sup>nd</sup> Amendment rights against the need to stem the flow of firearms into criminal hands. In a firearms trafficking case, we must prove that the purchasers intentionally falsified the firearms transfer record (ATF Form 4473) or acted as straw purchaser. The 4473 asks "Are you the actual transferee/buyer of the firearms (s) listed on this form?" It is important to note that a straw purchase is, on its face, an apparently legal transaction. It is not until the disposition of the firearm by the initial purchaser is known that evidence of criminal conduct may become evident. The fact that an individual purchased weapons as a straw on one occasion does not, standing alone, establish probable cause to conclude that he is acting as a straw in making other purchases.

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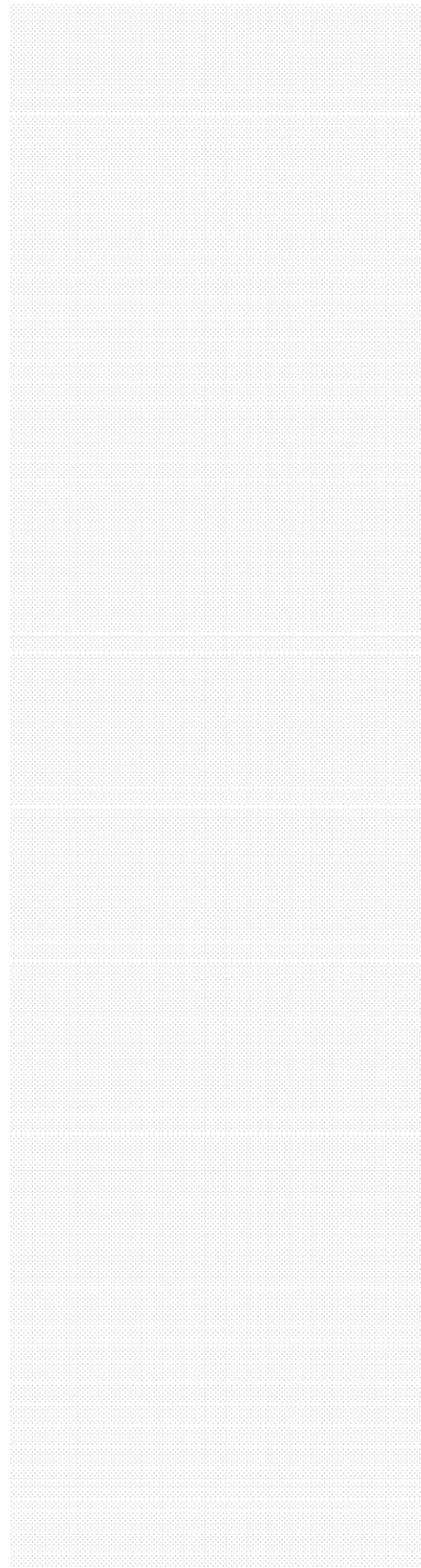


2

###

Cleared by:

ODir: WWhoover 2/25/2011  
PGA/PAD: (b) (7)(C) 2/25/2011  
PGA/PAD: (b) (7)(C) 2/25/2011  
PGA/PAD: (b) (7)(C) 2/24/2011



**From:** (b) (7)(C)  
**Sent:** Thursday, February 24, 2011 7:54 PM  
**To:** Hoover, William J.  
**Subject:** Re: Calderon to the White House

Y entonces todo de ese golpeo el ventilador -  
And then all of this hit the fan

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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---

**From:** Hoover, William J.  
**To:** Melson, Kenneth E.; Smith, Brad (ODAG)  
**Cc:** (b) (7)(C)  
**Sent:** Thu Feb 24 19:43:43 2011  
**Subject:** FW: Calderon to the White House

FYII

Billy

William J. Hoover  
Deputy Director  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
O) 202-648-8710

\*\*\*\*\* NOTICE: This electronic transmission is confidential and intended only for the person(s) to whom it is addressed. If you have received this transmission in error, please notify the sender by return e-mail and destroy this message in its entirety (including all attachments).

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**From:** Aguilar, Rita C. (SMO) [mailto:(b) (7)(C)]  
**Sent:** Thursday, February 24, 2011 7:42 PM  
**To:** (b) (7)(C); Weich, Ron (SMO); Agrast, Mark D. (SMO); Burton, Faith (SMO); Gaston, Molly (SMO); McDermond, James E.; Hoover, William J.; (b) (7)(C); Wade, Jill C (SMO)  
**Cc:** Gonzales, Mary  
**Subject:** Re: Calderon to the White House

Adding Mary. Here's the WH announcement.

THE WHITE HOUSE

---

FOR IMMEDIATE RELEASE

February 23, 2011

Readout of President Obama's Call with the President of Mexico

President Obama spoke with President Felipe Calderón Hinojosa this evening and thanked him for Mexican efforts to bring to justice the murderers of Immigration and Customs Enforcement Special Agent Jaime Zapata, including the arrest today of one of his alleged killers.

The President said neither the United States nor Mexico could tolerate violence against those who serve and protect our citizens, as Special Agent Zapata did so selflessly through his own life. President Obama said he looked forward to welcoming President Calderón to the White House on Thursday, March 3, to discuss our important bilateral relationship and key global issues.

###

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**From:** (b) (7)(C) (ATF)  
**Sent:** Thursday, February 24, 2011 07:15 PM  
**To:** Weich, Ron (SMO); Agrast, Mark D. (SMO); Burton, Faith (SMO); Gaston, Molly (SMO); McDermond, James E. (ATF); Hoover, William J. (ATF); (b) (7)(C) (ATF); Wade, Jill C (SMO); Aguilar, Rita C. (SMO)  
**Subject:** Calderon to the White House

Saw a Politico blurb that Calderon is coming to the White House next week to talk border violence. First I had heard of it. Combined with the AG Budget hearing, I just wanted everyone to be aware and consider how our Grassley (and potentially Traver Nom) issues could be impacted by this visit and press around the same.

\*\*\*\*\*

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## Agenda

### ATF Monthly Meeting with the Deputy Attorney General

February 17, 2011

- Introductions
- Firearms Issues
  - Demand Letter 3 – Reporting Multiple Sales of Certain Long Guns
    - Overview
    - Current Status
    - Appropriations Language
  - Fast and Furious
    - The Case
    - The link to Agent Terry
    - The Grassley Letters
  - Airsoft – Toy guns that are guns.
    - The Issue
    - The rulings
    - Enforcement action
  - Re importation of Korean M1 Garands, M1 Carbines, and 1911's
    - The Issue
    - Our position
- ESF 13
  - How we got here
  - Pending reprogramming request and Long Term Funding
  - National Level Exercise in May
- Tobacco Diversion
  - PACT act ruling
- FY 11 Budget
  - Actions to date
    - Budget reductions
    - ATF Save Initiative – site launched, ideas are coming in
      - Numbers
      - A few of the ideas
  - Current status
  - Reprogramming request
- FY 12 Budget
  - Staffing reductions to meet funding level
  - NIBIN
- UFMS

Employee 3

4082

**From:** (b) (7)(C)  
**Sent:** Wednesday, February 16, 2011 12:53 PM  
**To:** (b) (7)(C)  
**Subject:** ATF ODAG Agenda 2 17 11  
**Attachments:** ATF ODAG Agenda 2 17 11.docx

Your thoughts?

(b) (7)(C)

## Agenda

### ATF Monthly Meeting with the Deputy Attorney General

February 17, 2011

- Introductions
- Firearms Issues
  - Demand Letter 3 – Reporting Multiple Sales of Certain Long Guns
    - Overview
    - Current Status
    - Appropriations Language
  - Fast and Furious
    - The Case
    - The link to Agent Terry
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    - The Issue
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    - ATF Save Initiative – site launched, ideas are coming in
      - Numbers
      - A few of the ideas
  - Current status
  - Reprogramming request
- FY 12 Budget
  - Staffing reductions to meet funding level
  - NIBIN
- UFMS

From: (b) (7)(C)  
Sent: Employee 3, March 24, 2011 7:40:56 PM  
To: (b) (7)(C)  
Subject: Re: What's the problem?

4084

Really? So you had no part in this?

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

----- Original Message -----  
From: (b) (7)(C)  
To: (b) (7)(C)  
Sent: Thu Mar 24 19:39:49 2011  
Subject: Re: What's the problem?

I had no concerns at all. Not my lane.

\*\*\*\*\*  
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----- Original Message -----  
From: (b) (7)(C)  
To: (b) (7)(C)  
Sent: Thu Mar 24 19:10:25 2011  
Subject: What's the problem?

I understand you are concerned that (b) (7)(C) provided data regarding the number of traces from Mexico to the US Attorney in AZ. I further understand that you both made an issue out of making us contact them and tell them not to use the data. Guys I just don't get your concern. The USAO is working with us to try and cool DOJ and the Hill down and we are being difficult about sharing data that helps that argument? I'm going to chose to think that you are unaware of the fact that we are working closely with them and had agreed in emails between DOJ, the USAO, the Director, Billy and me to do so. What issue am I missing?

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*  
NOTICE: This e-mail message and any attached files are intended solely for the use of the addressee(s) named above in connection with official business. This communication may contain Sensitive But Unclassified information that may be statutorily or otherwise prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited.

ATF8-001-001-00011609

From: (b) (7)(C)  
Sent: Monday, March 24, 2011 7:10:25 PM  
To: (b) (7)(C)  
Subject: What's the problem?

4085

I understand you are concerned that (b) (7)(C) provided data regarding the number of traces from Mexico to the US Attorney in AZ. I further understand that you both made an issue out of making us contact them and tell them not to use the data. Guys I just don't get your concern. The USAO is working with us to try and cool DOJ and the Hill down and we are being difficult about sharing data that helps that argument? I'm going to chose to think that you are unaware of the fact that we are working closely with them and had agreed in emails between DOJ, the USAO, the Director, Billy and me to do so. What issue am I missing?

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)



**Department of Justice**  
**EXECUTIVE SECRETARIAT**  
**CONTROL SHEET**

**DATE OF DOCUMENT:** 03/09/2011                      **WORKFLOW ID:** 2317223  
**DATE RECEIVED:** 03/10/2011                      **DUE DATE:** 3/24/2011

**FROM:**                      The Honorable Lamar Smith  
                                    Chairman  
                                    Committee on the Judiciary  
                                    U.S. House of Representatives  
                                    Washington, DC 20515

**TO:**                              AG

**MAIL TYPE:**                      Congressional Priority

**SUBJECT:**                      (Copy rec'd via email from OLA) Expressing concerns about allegations that ATF's Operation Gunrunner may have been complicit in the illegal transfer of firearms into Mexico. Requesting a response to the enclosed questions by 03/18/2011. Ltr also signed by 13 other MCs. See WF 2300644 and other related corres in ES.

**DATE ASSIGNED**  
03/11/2011

**ACTION COMPONENT & ACTION REQUESTED**  
ATF  
Prepare response for AAG/OLA signature.

**INFO COMPONENT:**              OAG, OAG (Wilkinson), ODAG, CRM, EOUSA, OIG, FBI, OLA

**COMMENTS:**

**FILE CODE:**

**EXECSEC POC:**                      Erika Thompson: 202-616-0070

LAMAR S. SMITH, Texas  
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ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

March 9, 2011

REC'D  
DEPT OF JUSTICE  
EXECUTIVE SECRETARIAT  
2011 MAR 10 AM 11:10

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Attorney General Holder,

We write to express our concerns about allegations that the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) Operation Gunrunner may have been complicit in the illegal transfer of firearms into Mexico. According to media reports, the Phoenix-based program known as "Fast and Furious" intentionally allowed straw buyers for criminal organizations to purchase thousands of guns so that ATF could track them across the border.

We find it ironic that the government allowed guns to be trafficked into Mexico as part of a program designed to stop guns from being trafficked into Mexico. We are also troubled that ATF engaged in activities that may have facilitated the transfer of guns to violent drug cartels while simultaneously attempting to restrict lawful firearms sales by border-area firearms dealers. In December, ATF sought to impose additional reporting requirements on semi-automatic rifles, a proposal that we strongly oppose.

The program resulted in a large flow of weapons across the border to Mexico. According to the Center for Public Integrity, ATF allowed nearly 2,000 guns—valued at over one million dollars—to cross the border to known criminal organizations.<sup>1</sup> As would be expected, many of the guns were used in violent crimes. Worse, two guns from the program were found at the murder scene of Customs and Border Protection Agent Brian Terry in December.

<sup>1</sup> John Solomon, David Heath, and Gordon Witkin, *ATF Let Hundreds of U.S. Weapons Fall into Hands of Suspected Mexican Gunrunners*, The Center for Public Integrity (March 3, 2011), available at <http://www.publicintegrity.org/articles/entry/2976/>.

ATF's strategy to allow weapons to flow into the hands of criminals carried serious and obvious risks. More disturbing, however, is that ATF appears to have accepted these risks without due regard for the consequences

ATF initiated Operation Gunrunner after the Department of Justice Inspector General (IG) criticized the ATF's gun tracing ability. In a 2010 report, the IG wrote:

Despite the increased activity related to Project Gunrunner, ATF is not using intelligence effectively to identify and target firearms trafficking organizations operating along the Southwest border and in Mexico. Moreover, ATF's expansion of its automated system (eTrace) to trace guns seized in Mexico has yielded very limited information of intelligence value.<sup>2</sup>

In addition, there seems to have been little effective coordination between ATF and the Department as a whole. While guns continued to cross the border, the Department was apparently slow to approve wiretaps and to bring prosecutions. Internal ATF documents show that ATF's supervisors became increasingly concerned about the pace of the investigations. It was only this January, 15 months after ATF initiated the program and a month after agent Terry's murder, that the Department finally issued its first indictment based on evidence from the program.

We commend your request that the Department's Inspector General investigate these allegations. In the meantime, we ask that the Department respond to the following questions:

1. How many weapons have been allowed to pass to Mexico under the program known as "Fast and Furious"? Is the program still active?
2. Who at ATF Headquarters approved the program?
3. Who in the U.S. Attorney's Office for the District of Arizona approved the program? On what authority did the Office approve the program?
4. Did ATF or the U.S. Attorney's Office in Phoenix coordinate the "Fast and Furious" program with the Department? Did the Department approve the strategy?
5. What changes or improvements has ATF made to its eTrace program and its ability to use intelligence to target gun trafficking organizations in general?
6. Does ATF view the "Fast and Furious" program as a success?

Thank you for your attention to this matter. We respectfully request that the Department respond to these questions by Friday, March 18, 2011.

Sincerely,

---

<sup>2</sup> Review of ATF's Project Gunrunner, U.S. Dept. of Justice Office of the Inspector General, p. vi (2010), available at <http://www.justice.gov/oig/reports/ATF/e1101.pdf>.

Lamar Smith

Leahm

Tom Marino

Frey Gordon

Judy Hoke

Elm Gallegly

~~ATM~~

Jim Scurran

Paul G. Ryan

Tom Goff

Frank Starks

Bob Goodlatte

Howard Coble

Steve King

cc: The Honorable John Conyers, Jr.

**Myies, Tonia (JMD)**

---

**From:** McKay, Shirley A (SMO)  
**Sent:** Thursday, March 10, 2011 9:21 AM  
**To:** DOJExecSec (JMD)  
**Cc:** Tolson, Kimberly G (JMD); Wells, Barbara A (JMD)  
**Subject:** FW: Letter to General Holder  
**Attachments:** 3.9.11 HJC Gunrunner Letter.pdf

**Importance:** High

Pis log the attached ltr. Thanks.

**From:** Agrast, Mark D. (SMO)  
**Sent:** Wednesday, March 09, 2011 7:13 PM  
**To:** McKay, Shirley A (SMO); Kralovec, Jamie (JMD)  
**Cc:** Weich, Ron (SMO); Burton, Faith (SMO); Gaston, Molly (SMO)  
**Subject:** FW: Letter to General Holder

Shirley/Jamie,

Please log in and assign.

Mark

**From:** Lynch, Caroline [<mailto:Caroline.Lynch@mail.house.gov>]  
**Sent:** Wednesday, March 09, 2011 5:30 PM  
**To:** Agrast, Mark D. (SMO)  
**Cc:** Hertling, Richard; Jezierski, Crystal  
**Subject:** Letter to General Holder

Mark – attached please find a letter to General Holder. Thanks.

*Caroline G. Lynch*  
Chief Majority Counsel  
Subcommittee on Crime, Terrorism & Homeland Security  
House Committee on Judiciary  
B-370 Rayburn House Office Building  
Washington, D.C. 20515  
(202) 225-5727  
(202) 225-3672 (fax)

1. How many weapons have been allowed to pass to Mexico under the program known as "Fast and Furious"? Is the program still active?

Moreover, the allegation that the "Fast and Furious" investigation somehow caused a "large flow of weapons across the border to Mexico," is mistaken. "Fast and Furious" did not involve agents watching as guns crossed into Mexico. This investigation did not include any planned or attempted controlled delivery of firearms to Mexico. It was not part of the investigation to permit guns to pass through any Port of Entry into Mexico. Indeed, this investigative team was keenly aware of the difficulty in gathering evidence that is located or recovered in Mexico and the difficulty in conducting coordinated interdiction efforts south of the border. Simply put, illegal arms traffickers delivered those weapons to Mexico -- despite efforts by U.S. law enforcement to stop them.

Of the XXXX guns involved in F&F

Xxx before suspects identified

Xxx recovered by LE/ATF

Xxx recovered by Mexico

Of the xxx remaining, the sale of xxx guns occurred prior to ATF having knowledge of the sale

We continue to work on discerning the number of guns we had under surveillance at the time of purchase and did not interdict.

2. Who at ATF Headquarters approved the program?
3. Who in the U.S. Attorney's Office for the District of Arizona approved the program? On what authority did the Office approve the program?

Defer to the District of Arizona for this response.

4. Did ATF or the U.S. Attorney's Office in Phoenix coordinate the "Fast and Furious" program with the Department? Did the Department approve the strategy?
5. What changes or improvements has ATF made to its eTrace program and its ability to use intelligence to target gun trafficking organizations in general?

You have also asked for information about eTrace, an important tool in ATF's work to dismantle gun trafficking. eTrace is an Internet-based system that allows participating law enforcement agencies to submit firearm traces to the ATF National Tracing Center. Authorized users can receive firearm trace results electronically, search a database of all firearm traces submitted by their individual agency, and perform analytical functions. In the last year, eTrace has gained strong new features. eTrace now accommodates data in Spanish, gives translations, and allows users to better sort and search additional data elements and images to improve weapons tracing. In the next 24 months, planned enhancements

to eTrace will improve ATF's ability to monitor and map gun tracing data in real time and to share information with other federal agencies, as well as with state and local law enforcement.

6. Does ATF view the "Fast and Furious" program as a success?

The Fast and Furious investigation meets and exceeds the objectives of the US government strategies





LAMAR S. SMITH, Texas  
CHAIRMAN

Employee 3  
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ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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March 9, 2011

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Attorney General Holder,

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We find it ironic that the government allowed guns to be trafficked into Mexico as part of a program designed to stop guns from being trafficked into Mexico. We are also troubled that ATF engaged in activities that may have facilitated the transfer of guns to violent drug cartels while simultaneously attempting to restrict lawful firearms sales by border-area firearms dealers. In December, ATF sought to impose additional reporting requirements on semi-automatic rifles, a proposal that we strongly oppose.

The program resulted in a large flow of weapons across the border to Mexico. According to the Center for Public Integrity, ATF allowed nearly 2,000 guns—valued at over one million dollars—to cross the border to known criminal organizations.<sup>1</sup> As would be expected, many of the guns were used in violent crimes. Worse, two guns from the program were found at the murder scene of Customs and Border Protection Agent Brian Terry in December.

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2011 MAR 10 12:23  
JOHN CONYERS, JR., Michigan  
RANKING MEMBER

4097  
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JERARD D. NADEAU, New York  
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JUDY CHU, California  
TED DEUTCH, Florida  
LINDA Y. SANCHEZ, California  
DEBBIE WASSERMAN SCHULTZ, Florida

REC'D  
DEPT OF JUSTICE  
EXECUTIVE SECRETARIAT  
2011 MAR 10 AM 11:10

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Lamar Smith

Leahm

Tom Marino

Frey Gordon

Judy Hoke

Elm Gallegly

~~Attn~~

Jim Scurran

Paul G. Ryan

Tom Goff

Frank Starks

Bob Goodlatte

Howard Coble

Steve King

cc: The Honorable John Conyers, Jr.

**Myies, Tonia (JMD)**

---

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**Sent:** Thursday, March 10, 2011 9:21 AM  
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**Cc:** Tolson, Kimberly G (JMD); Wells, Barbara A (JMD)  
**Subject:** FW: Letter to General Holder  
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**Importance:** High

Pis log the attached ltr. Thanks.

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**Sent:** Wednesday, March 09, 2011 7:13 PM  
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**Subject:** FW: Letter to General Holder

Shirley/Jamie,

Please log in and assign.

Mark

**From:** Lynch, Caroline [<mailto:Caroline.Lynch@mail.house.gov>]  
**Sent:** Wednesday, March 09, 2011 5:30 PM  
**To:** Agrast, Mark D. (SMO)  
**Cc:** Hertling, Richard; Jezierski, Crystal  
**Subject:** Letter to General Holder

Mark – attached please find a letter to General Holder. Thanks.

*Caroline G. Lynch*  
Chief Majority Counsel  
Subcommittee on Crime, Terrorism & Homeland Security  
House Committee on Judiciary  
B-370 Rayburn House Office Building  
Washington, D.C. 20515  
(202) 225-5727  
(202) 225-3672 (fax)

Subject: Accepted: Pre-mtg. on IG Review of Certain Firearms Trafficking  
Investigation  
Employee 3  
Location: DCR 5S.105

4101

Start: 3/24/2011 2:00 PM  
End: 3/24/2011 3:00 PM  
Show Time As: Busy

Recurrence: (none)

Required Attendees: Melson, Kenneth E.  
Resources: DCR 5S.105

From: (b) (7)(C)  
Sent: Monday, March 21, 2011 4:42:05 PM  
To: (b) (7)(C)  
Subject: RE: What's up

4102

Lots:

Ambassador Pascual resigned  
Newell report to Mexico delayed at least to mid September  
Briefing to DOJ an Fast and Furious tomorrow from 11 to 2 here  
Big payroll mistake affects our people in Mexico, we have been paying many a differential they are not entitled to. Some very unhappy campers in Mexico right now.  
OIG has announced formally they are starting in on Fast and Furious  
Killing trees at a ferocious pace sending docs to Axelrod and getting ready for OIG  
Demand Three being revisited for the 8,000th time because New Mexico is not a top four source state in FY 2010  
Lots of responses to the SAVE Council ideas received

Normal day around here

(b) (7)(C)

Acting Chief of Staff  
Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

-----Original Message-----

From: (b) (7)(C)  
Sent: Monday, March 21, 2011 3:54 PM  
To: (b) (7)(C)  
Subject: What's up

Seems very quiet. Anything going on?

(b) (7)(C)

\*\*\*\*\*

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Subject: Accepted: Conference Call w/Ambassador Carlos Pacquale  
Location: Employee 3 Acting Dir. off.

4103

Start: 3/22/2011 12:00 PM  
End: 3/22/2011 12:30 PM  
Show Time As: Busy

Recurrence: (none)

Required Attendees: Melson, Kenneth E.  
Resources: Acting Dir. off.

**From:** (b) (7)(C)  
**Sent:** Monday, March 21, 2011 12:17 PM  
**To:** Sternberg-Greller, Tamara N (Mexico City)  
**Subject:** RE: Call with Director Melson

Thanks Tamara. I appreciate your help with this.

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

---

**From:** Sternberg-Greller, Tamara N (Mexico City) [mailto:Sternberg-GrellerTN@state.gov]  
**Sent:** Monday, March 21, 2011 12:10 PM  
**To:** (b) (7)(C)  
**Subject:** Re: Call with Director Melson

(b) (7)(C)

That is fine with the Amb. We will pull him out of the internal mtg when the Director calls.

Thanks.

---

This message has been sent via BlackBerry

---

---

**From:** (b) (7)(C)  
**To:** Sternberg-Greller, Tamara N (Mexico City)  
**Sent:** Mon Mar 21 08:49:34 2011  
**Subject:** RE: Call with Director Melson

Tamara:

The Director would like to obtain the Ambassador's thoughts regarding sending Mr. Newell to Mexico at this time. Director Melson thinks the call should not take more than about 10 minutes.

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

---

**From:** Sternberg-Greller, Tamara N (Mexico City) [mailto:Sternberg-GrellerTN@state.gov]  
**Sent:** Monday, March 21, 2011 10:30 AM  
**To:** (b) (7)(C)  
**Subject:** Re: Call with Director Melson

Hi (b) (7)(C)



The AMB is supposed to be in a meeting at that time, but it is an internal one. Let me ask him and I will let you know. Do you know the topic of the call?

Thanks.

---

This message has been sent via BlackBerry

---

---

**From:** (b) (7)(C)  
**To:** Sternberg-Greller, Tamara N (Mexico City)  
**Sent:** Mon Mar 21 08:24:34 2011  
**Subject:** RE: Call with Director Melson

Tamara:

The Director has to attend a meeting called by the Attorney General for 10:00 tomorrow. Can we move his conference call with the Ambassador back to 12:00 EST, 10:00 your time?

Sorry for the inconvenience.

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 5 100

---

**From:** Sternberg-Greller, Tamara N (Mexico City) [mailto:Sternberg-GrellerTN@state.gov]  
**Sent:** Saturday, March 19, 2011 11:42 AM  
**To:** (b) (7)(C)  
**Subject:** RE: Call with Director Melson

Hi (b) (7)(C)

Just one last reminder about the time change – we are still in daylight savings, so we are 2 hours behind DC right now.

Thanks.

---

**From:** (b) (7)(C)  
**Sent:** Friday, March 18, 2011 7:42 PM  
**To:** Sternberg-Greller, Tamara N (Mexico City)  
**Subject:** Re: Call with Director Melson

We will call down to the Ambassador. Enjoy the weekend

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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---

**From:** Sternberg-Greller, Tamara N (Mexico City)

**To:** (b) (7)(C)

**Sent:** Fri Mar 18 21:39:46 2011

**Subject:** RE: Call with Director Melson

Fantastic! I'm not usually the one who does these things (AMB's secretary is out for the week, leaving the much less technically competent me in charge), so who calls who, and which number should we use?

Thank you so much for your flexibility – we appreciate it.

This email is UNCLASSIFIED.

---

**From:** (b) (7)(C)

**Sent:** Friday, March 18, 2011 7:38 PM

**To:** Sternberg-Greller, Tamara N (Mexico City)

**Subject:** Re: Call with Director Melson

Yes. We will rearrange his schedule to make that work.

(b) (7)(C)

Acting Chief of Staff

ATF Office of the Director

O: 202-648 (b) (7)(C)

C: (b) (7)(C)

\*\*\*\*\*

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---

**From:** Sternberg-Greller, Tamara N (Mexico City)

**To:** (b) (7)(C)

**Sent:** Fri Mar 18 21:35:44 2011

**Subject:** RE: Call with Director Melson

Yes, the AMB would like a call for Tues at 8 am our time, however, we are closed Monday for a federal Mexican holiday and will not be in the office to arrange (and I will be in a place with likely poor cell reception for the long weekend). I'd like to set it up now if possible – will the Director be available to speak to the AMB then?

This email is UNCLASSIFIED.

---

**From:** (b) (7)(C)  
**Sent:** Friday, March 18, 2011 7:31 PM  
**To:** Sternberg-Greller, Tamara N (Mexico City)  
**Subject:** Call with Director Melson

Tamara:

I am Director Melson's Chief of Staff. Director Melson has been in email contact with the Ambassador today. The Ambassador indicated to him that he was unavailable on Monday and requested we arrange a call for Tuesday. Has this changed? If so, please advise and we will make every effort to accommodate your request.

Feel free to call me on the cell number below if we need to speak before Monday.

Warm regards,

(b) (7)(C)

Acting Chief of Staff

ATF Office of the Director

O: 202-648 (b) (7)(C)

C: (b) (7)(C)

\*\*\*\*\*

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**From:** (b) (7)(C)  
**Sent:** Monday, March 21, 2011 12:17 PM  
**To:** (b) (7)(C)  
**Subject:** FW: Call with Director Melson

Confirmed for 12:00

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

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**From:** Sternberg-Greller, Tamara N (Mexico City) [mailto:Sternberg-GrellerTN@state.gov]  
**Sent:** Monday, March 21, 2011 12:10 PM  
**To:** (b) (7)(C)  
**Subject:** Re: Call with Director Melson

(b) (7)(C)

That is fine with the Amb. We will pull him out of the internal mtg when the Director calls.

Thanks.

---

This message has been sent via BlackBerry

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**From:** (b) (7)(C)  
**To:** Sternberg-Greller, Tamara N (Mexico City)  
**Sent:** Mon Mar 21 08:49:34 2011  
**Subject:** RE: Call with Director Melson

Tamara:

The Director would like to obtain the Ambassador's thoughts regarding sending Mr. Newell to Mexico at this time. Director Melson thinks the call should not take more than about 10 minutes.

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648-(b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 S 100

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**From:** Sternberg-Greller, Tamara N (Mexico City) [mailto:Sternberg-GrellerTN@state.gov]  
**Sent:** Monday, March 21, 2011 10:30 AM  
**To:** (b) (7)(C)  
**Subject:** Re: Call with Director Melson

Hi (b) (7)(C)

The AMB is supposed to be in a meeting at that time, but it is an internal one. Let me ask him and I will let you know. Do you know the topic of the call?

Thanks.

---

This message has been sent via BlackBerry

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**From:** (b) (7)(C)  
**To:** Sternberg-Greller, Tamara N (Mexico City)  
**Sent:** Mon Mar 21 08:24:34 2011  
**Subject:** RE: Call with Director Melson

Tamara:

The Director has to attend a meeting called by the Attorney General for 10:00 tomorrow. Can we move his conference call with the Ambassador back to 12:00 EST, 10:00 your time?

Sorry for the inconvenience.

(b) (7)(C)  
Acting Chief of Staff  
Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)  
HQ Room 5 5 100

---

**From:** Sternberg-Greller, Tamara N (Mexico City) [mailto:Sternberg-GrellerTN@state.gov]  
**Sent:** Saturday, March 19, 2011 11:42 AM  
**To:** (b) (7)(C)  
**Subject:** RE: Call with Director Melson

Hi (b) (7)(C)

Just one last reminder about the time change – we are still in daylight savings, so we are 2 hours behind DC right now.

Thanks.

---

**From:** (b) (7)(C)  
**Sent:** Friday, March 18, 2011 7:42 PM  
**To:** Sternberg-Greller, Tamara N (Mexico City)  
**Subject:** Re: Call with Director Melson

We will call down to the Ambassador. Enjoy the weekend

(b) (7)(C)  
Acting Chief of Staff  
ATF Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)



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**From:** Sternberg-Greller, Tamara N (Mexico City)

**To:** (b) (7)(C)

**Sent:** Fri Mar 18 21:39:46 2011

**Subject:** RE: Call with Director Melson

Fantastic! I'm not usually the one who does these things (AMB's secretary is out for the week, leaving the much less technically competent me in charge), so who calls who, and which number should we use?

Thank you so much for your flexibility – we appreciate it.

This email is UNCLASSIFIED.

---

**From:** (b) (7)(C)

**Sent:** Friday, March 18, 2011 7:38 PM

**To:** Sternberg-Greller, Tamara N (Mexico City)

**Subject:** Re: Call with Director Melson

Yes. We will rearrange his schedule to make that work.

(b) (7)(C)

Acting Chief of Staff

ATF Office of the Director

O: 202-648 (b) (7)(C)

C: (b) (7)(C)

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**From:** Sternberg-Greller, Tamara N (Mexico City)

**To:** (b) (7)(C)

**Sent:** Fri Mar 18 21:35:44 2011

**Subject:** RE: Call with Director Melson

Yes, the AMB would like a call for Tues at 8 am our time, however, we are closed Monday for a federal Mexican holiday and will not be in the office to arrange (and I will be in a place with likely poor cell reception for the long weekend). I'd like to set it up now if possible – will the Director be available to speak to the AMB then?

This email is UNCLASSIFIED.

---

**From:** (b) (7)(C)  
**Sent:** Friday, March 18, 2011 7:31 PM  
**To:** Sternberg-Greller, Tamara N (Mexico City)  
**Subject:** Call with Director Melson

Tamara:

I am Director Melson's Chief of Staff. Director Melson has been in email contact with the Ambassador today. The Ambassador indicated to him that he was unavailable on Monday and requested we arrange a call for Tuesday. Has this changed? If so, please advise and we will make every effort to accommodate your request.

Feel free to call me on the cell number below if we need to speak before Monday.

Warm regards,

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
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From: (b) (7)(C)  
Sent: Employee 3 March 20, 2011 5:22:16 PM  
To: Hoover, William J.  
Subject: Re: Conference Call with Ambassador Pasquale

4114

I heard back from the Ambassador's assistant. Apparently Ken asked for the call. No agenda items on their end.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

----- Original Message -----

From: Hoover, William J.  
To: (b) (7)(C)  
Sent: Fri Mar 18 23:36:01 2011  
Subject: Re: Conference Call with Ambassador Pasquale

Is there a topic?

Billy

William J. Hoover  
Deputy Director  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
O) 202-648-8710

----- Original Message -----

From: (b) (7)(C)  
To: Melson, Kenneth E.; Hoover, William J.; (b) (7)(C)  
Sent: Fri Mar 18 21:49:01 2011  
Subject: Conference Call with Ambassador Pasquale

Set for Tuesday 3/22 at 10 our time (8 Mexico time). We are to call there.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648 (b) (7)(C)  
C: (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00011663

From: (b) (7)(C)  
Sent: Employee 3, March 20, 2011 9:28:09 AM  
To: Hoover, William J.; Melson, Kenneth E.  
Subject: Pascual Resigned

4115

I may be the last to know - Pascual resigned yesterday. Article in today's clips.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director  
O: 202-648- (b) (7)(C)  
C: (b) (7)(C)

From: (b) (7)(C)  
Sent: Employee 3 March 18, 2011 9:49:01 PM  
To: Melson, Kenneth E.; Hoover, William J.; (b) (7)(C)  
Subject: Conference Call with Ambassador Pasquale

4116

Set for Tuesday 3/22 at 10 our time (8 Mexico time). We are to call there.

(b) (7)(C)

Acting Chief of Staff  
ATF Office of the Director

O: 202-648-(b) (7)(C)

C: (b) (7)(C)

\*\*\*\*\*

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ATF8-001-001-00011665

From: (b) (7)(C)  
Sent: Employee 3 March 18, 2011 9:31:20 PM  
To: 'Sternberg-grellertn@state.gov'  
Subject: Call with Director Melson

4117

Tamara:

I am Director Melson's Chief of Staff. Director Melson has been in email contact with the Ambassador today. The Ambassador indicated to him that he was unavailable on Monday and requested we arrange a call for Tuesday. Has this changed? If so, please advise and we will make every effort to accommodate your request.

Feel free to call me on the cell number below if we need to speak before Monday.

Warm regards,

(b) (7)(C)

Acting Chief of Staff

ATF Office of the Director

O: 202-648-(b) (7)(C)

C: (b) (7)(C)

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ATF8-001-001-00011666