



Memorandum

To: Carol F. Ochoa, Assistant Inspector General and Sean O'Neill, Deputy Assistant Inspector General, Oversight and Review Division, Office of the Inspector General

From: Ann Birmingham Scheel, First Assistant U.S. Attorney and Lisa Jennis Settler, Assistant U.S. Attorney, District of Arizona

Subject: Response to Request for Documents and Information Relating to Operation Fast and Furious, a Firearms Trafficking Investigation

Date: April 27, 2011

In response to your request dated April 6, 2011, attached is a disc containing bate stamped pages OIG00001 through OIG02160. An email search request was provided to the Information Security Section at EOUSA, who will give the results directly to you. Those emails will supplement answers to questions 1, 2, 3, 5, 6, and 11. Additional tracking warrants, search warrants and pen and trap orders (in response to Question 8) will be provided in the near future.

Question 1: All records that pertain to, describe, or otherwise document the USAO's involvement in the development, creation, or implementation of the investigation referred to as Operation Fast and Furious.

Response: See bate stamped pages: OIG00001-OIG01131

Question 2: All records that pertain to, describe, or otherwise document communications or meeting concerning Operation Fast and Furious between the USAO and other governmental entities, including but not limited to ATF, the Department of Justice Criminal Division, and the Office of the Deputy Attorney General (ODAG) Organized Crime Drug Enforcement Task Force (OCDETF).

Response: See bate stamped pages: OIG01132001-OIG01131

Question 3: All records that pertain to, describe, or other wise document communications or meetings within the USAO concerning the status or process of Operation Fast and Furious, such as case statu reports or similar periodic updates, and briefings for the U.S. Attorney and other USAO management.

Response: See bate stamped pages: OIG01132-OIG01135

Question 4: All records that pertain to, describe, or otherwise document communications or meetings between the USAO and Federal Firearms Licensees (FFL), or their representatives, from October 1, 2009, to the present that relate to the conduct of Operation Fast and Furious. Please include in the response to this request, where possible, the FFL's business name and location, and identify the individual from the FFL or on behalf of the FFL with whom the USAO communicated.

Response: See bates stamped pages OIG01136-OIG01289 and OIG02156-OIG02160

Question 5: All records that pertain to, describe, or otherwise document communications between the USAO and the ATF during the conduct of Operation Fast and Furious relating to reports or other information indicating suspected illegal firearms purchases. Please include in the response any records specifically relating to the movement of suspected illegally purchased firearms from the United States to Mexico.

Response: See bates stamped pages: OIG01290-OIG01483

Question 6: All records that pertain to, describe, or otherwise document communications between the USAO and any governmental entities other than ATF - including but not limited to the Criminal Division, the ODAG, and the government of Mexico - during the course of Operation Fast and Furious relating to reports of or other information indicating suspected illegal firearms purchases. Please include in the response any records specifically relating to the movement of suspected illegally purchased firearms from the United States to Mexico.

Response: See bates stamped pages: OIG00001-OIG01135

Question 7: The application and supporting affidavits filed pursuant to Title 18, United States Code, Section 2518 in connection with Operation Fast and Furious. Please include in the response any reports filed with the court pursuant to 18 U.S.C. § 2518(6).

Response: See bates stamped pages: OIG00001-OIG01135 and OIG01354-OIG01483

Question 8: Any other affidavits filed in connection with Operation Fast and Furious, including but not limited to affidavits filed in support of search warrants, arrest warrants, and material witness warrants.

Response: See bates stamped pages: OIG01484-OIG02099

Question 9: Identify any cases the USAO declined for prosecution related to Operation Fast and Furious. Please include in the response the case number, the name of the case agent, and the reason for the declination.

Response: Our office has not declined prosecution on any cases related to Operation Fast and Furious.

Question 10: Identify any cases other than United States v. [ATF], et. al., Case No. CR-11-126-PHX-JAT, that the USAO accepted for prosecution related to Operation Fast and Furious. Please include in the response the case number, the name of the case agent, and the status of the case.

Response: Two cases were accepted for prosecution by our office that are related to Operation Fast and Furious. United States v. [ATF] CR-11-65-PHX-GMS, case agent: ATF Special Agent [ATF] This case was dismissed upon motion of the government on February 11, 2011, after [ATF] was indicted in CR-11-126-PHX-JAT on January 19, 2011. United States v. Veronica Ortiz and Stephanie Ortiz, CR-10-1324-PHX-SMM, case agent: ATF Special Agent [ATF] On April 25, 2011, both Ortiz sisters pled to one count of 18 U.S.C. Section 924(a)(1)(A), False Statement in Connection with the Acquisition of a Firearm. Defendants are set for sentencing on July 11, 2011, before the Honorable Stephen M. McNamee.

Question 11: Any prosecution memoranda drafted by USAO personnel arising out of Operation Fast and Furious.

Response: See bate stamped pages: OIG02100-OIG02103

Question 12: The date of which the USAO first presented evidence to a Federal Grand Jury in any case arising from or related to Operation Fast and Furious.

Response: Three cases were presented by the USAO to the Federal Grand Jury related to Operation Fast and Furious. In all three matters, the presentation date is the also the indictment date. United States v. [ATF], CR-11-65-PHX-GMS, indicted on January 11, 2011; United States v. Veronica Ortiz and Stephanie Ortiz, CR-10-1324-PHX-SMM, indicted on September 14, 2010; and United States v. [ATF], CR-11-126-PHX-JAT, indicted on January 19, 2011. See bate stamped pages: OIG02104-OIG02155

Question 13: All records that pertain to, describe, or otherwise document complaints about or objections to the conduct of Operation Fast and Furious made by an ATF or other government employee to the USAO.

Response: During the pendency of the investigation of Operation Fast and Furious through the takedown of the case on January 19, 2011, the USAO was unaware of any complaints about or objections regarding the conduct of Operation Fast and Furious made by an ATF or other government employee.