

**From:** Clemens, Shelley (USAAZ) [mailto: [REDACTED]]  
**Sent:** Thursday, March 10, 2011 7:42 AM  
**To:** Crocker, Richard L.; Bartlett, S. Annette (FBI); Naffin, Michael T.  
**Subject:** Firearms cases

Yesterday, we received a directive from the DAG, instructing on DOJ's policy regarding guns going south into Mexico. "We should not design or conduct undercover operations which include guns crossing the border. If we have knowledge that guns are about to cross the border, we must take immediate action to stop the firearms from crossing the border, even if that prematurely terminates or otherwise jeopardizes an investigation." This would include cases where we are working with the Mexican government to have them follow the vehicles once they are in Mexico in order to find the purchaser. If a vehicle is lost in surveillance, take all steps to notify the ports to be on the look out to stop the vehicle/person at the POE.

Please distribute this to your agents to ensure they are clear on this policy.

If you have any questions about this policy, please call me.

Thanks

Shelley Clemens  
[REDACTED]



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Assistant Director

Washington, DC 20236  
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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U.S. Department of Justice  
Criminal Division

Washington, D.C. 20530

MEMORANDUM

MAR 10 2010

TO: Paul M. O'Brien, Director  
Office of Enforcement Operations  
Criminal Division

ATTN: Emory Hurley

FROM: Lanny A. Breuer  
Assistant Attorney General  
Criminal Division

SUBJECT: Authorization for Interception Order Application

This is with regard to your recommendation that an appropriately designated official of the Criminal Division authorize an application to a federal judge of competent jurisdiction for an order under Title 18, United States Code, Section 2518, authorizing for [REDACTED] day period, the interception of wire communications.

[REDACTED]

Arizona, and accessed through international mobile subscriber identity [REDACTED] in connection with an investigation into possible violations of Title 18, United States Code, Sections 371, 554, 922, 924, 1343, and 1956; Title 21, United States Code, Sections 841, 846, 960, and 963; Title 22, United States Code, Section 2778; and Title 31, United States Code, Sections 5324 and 5332.

[REDACTED]

By virtue of the authority vested in the Attorney General of the United States by Section 2516 of Title 18, United States Code, the Attorney General has by Order Number 3055-2009, dated February 26, 2009, designated specific officials in the Criminal Division to authorize applications for court orders authorizing the interception of wire or oral communications. As a duly designated official in the Criminal Division, this power is exercisable by the undersigned. WHEREFORE, acting under this delegated power, the appropriately designated official authorizes the above-described application to be made by any investigative or law enforcement officer of the United States as defined in Section 2510(7) of Title 18, United States Code.

The authorization given is intended to apply not only to the target [REDACTED] listed above, but also to any other [REDACTED]

[REDACTED] within the [REDACTED] day period. The authorization is also intended to apply to [REDACTED] referenced above regardless of service provider, and to background conversations intercepted in the vicinity of [REDACTED] while [REDACTED] otherwise in use.

Lanny A. Breuer  
Assistant Attorney General  
Criminal Division

MAR 10 2010

Date

~~*Lanny A. Breuer*~~

~~LEWIS & CLARK  
ATTORNEYS AT LAW  
MEMPHIS, TENNESSEE~~

BRIEFING PAPER

Phoenix Field Division  
Phoenix Group VII (Guerrilla/Strike Force)  
785115-10-0004  
January 8, 2010

Background

1. This investigation has currently identified more than [ATF] individual connected straw purchasers. More suspects are being identified as the scope of the investigation expands. The straw-purchase suspects currently identified are associated with one another [REDACTED] [REDACTED] To date (September 2009 – present) this group has purchased in excess of 650 firearms (mainly AK-47 variants) for which they have paid cash totaling more than \$350,000.00.
2. To date there have been five (5) notable seizure events connected with this group, and approximately 53 firearms originally purchased by this group have been recovered. Three of these seizures have been in the Country of Mexico, one recovery in Douglas, AZ, and one recovery in Nogales, AZ. The U.S. recoveries were both believed to be destined for Mexico. It should be noted however that there has been one seizure in the Phoenix area related to the ongoing DBA narcotics trafficking investigation.

3. [REDACTED]

4. **ATF**

5. [REDACTED] ATF [REDACTED] ATF [REDACTED] ATF [REDACTED]

**ATF**

██████████ This is being coordinated out the Phoenix OCDETF Strike Force, of which Phoenix Group VII is a full-time member.

6.



7.

**ATF**

8. On January 5, 2010, ASAC ██████ GS ██████ and case agent SA ██████ met with AUSA Emory Hurley, who is the lead federal prosecutor on this matter. Investigative and prosecution strategies were discussed and a determination was made that there was

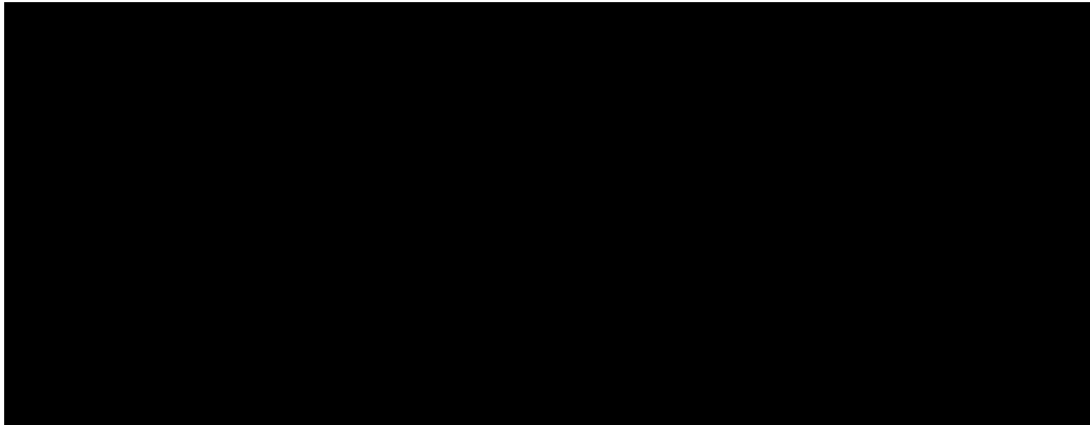
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gathered. This investigation was briefed to United States Attorney Dennis Burke, who concurs with the assessment of his line prosecutors and

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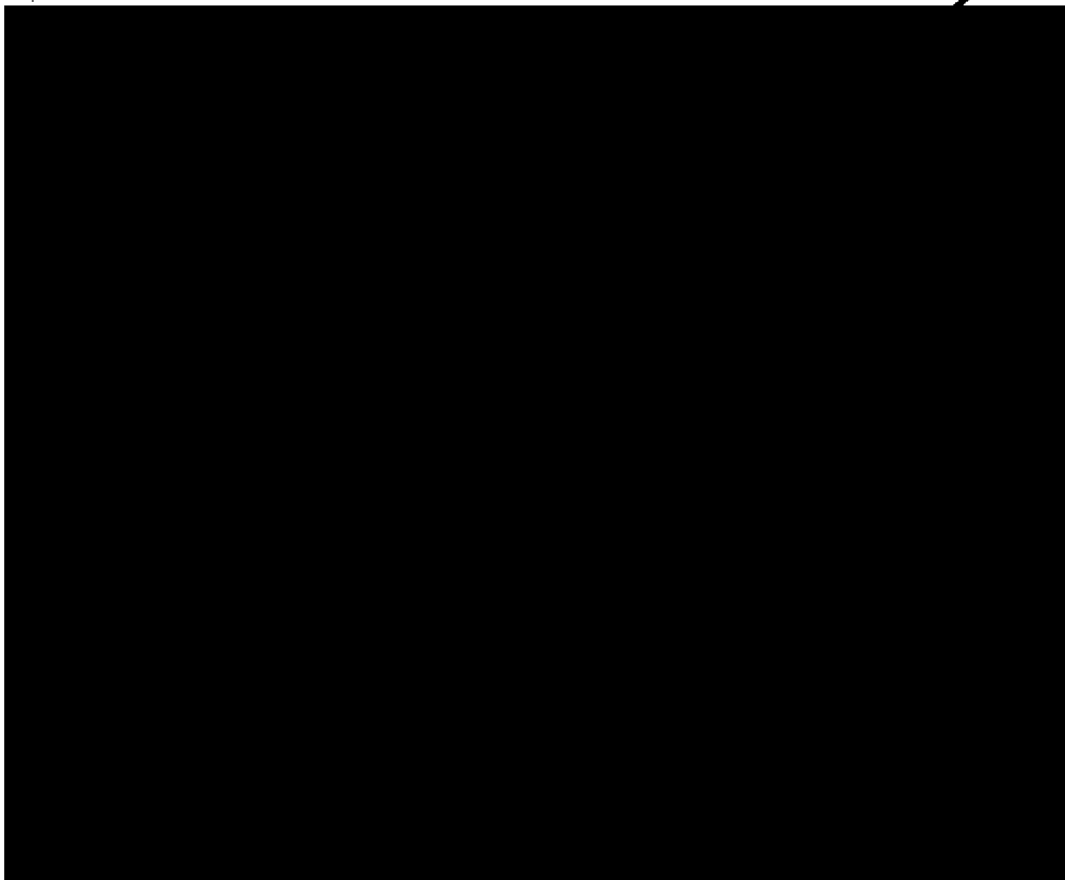
9.



10. A joint strategy/deconfliction meeting is planned for Friday, January 15, 2010, with representatives from ICB, DEA, and ATF. This investigation, as well as other ongoing investigations, will be briefed to all present. It should be noted that deconfliction in the OCDETF Strike Force is not the issue, rather there are several Arizona ICE offices involved in this investigation due to the location of the firearms seizures and coordination between the various ICE offices has been problematic. Even though ICE has a group at

the OCDETF Strike Force the other ICE offices in Arizona are under different ASACs and that has created a coordination issue amongst all parties involved. Phoenix SAC Newell has previously requested that ICE coordinate all their investigative activity out of the OCDETF Strike Force, of which ICE is a member, in order to eliminate the requirement of the ATF Strike Force to try to coordinate with several different ICE offices. This will be discussed at the January 15 meeting.

Investigative Techniques a/o Efforts Used to Date



Investigative Strategy

12. This investigation is currently being conducted in conjunction with the Phoenix DEA OCDETF strike force. ATF Phoenix VII is the lead investigating enforcement group in the firearms trafficking portion of this investigation. A formal OCDETF proposal is completed and will be presented on January 26, 2009, in furtherance of this investigation. It is unknown at this time what direct connection exists between these straw-purchasers and the drug trafficking organizations (DTOs) of Mexico.

13.

**ATF**

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