

FOR REVIEW ONLY  
BY THE  
COMMITTEE

BATCH #

6

STARTING DATES \_\_\_\_\_

ENDING DATES \_\_\_\_\_



**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: [ATF](mailto:ATF)

**From:** Maines, Jason V.  
**Sent:** Thursday, November 18, 2010 2:09 PM  
**To:** Phoe-Group I; Phoe-Group II; Phoe-Group V; Phoe-Group VII; Phoe-Flagstaff; Phoe-Yuma  
**Subject:** Shotgun update

Afternoon everyone,

Recently Scott and I have redistributed the first batch of updated shotguns. We are in the process of collecting the rest of the shotguns to be updated. So far, these are the totals from the groups that we have collected. The 1<sup>st</sup> batch have been updated and redistributed. The 2<sup>nd</sup> batch are going to be taken up to Vang Comp either tomorrow or early next week. Hopefully this should cover all of the shotguns in the Phoenix groups.

GROUP	1 <sup>ST</sup> BATCH	2 <sup>ND</sup> BATCH
Group I	2 updated	2 going in for service
Group II	4 updated	1 going in for service
Group V	3 updated	2 going in for service
Group VII	3 updated	(GROUP INVENTORY COMPLETED)

Please check within your respective groups to make sure that all of the shotguns have been accounted for and updated. The update process is open for 8 weeks, however Scott and I would like to have all of the shotguns finished well before the holidays. For our folks in Yuma and Flagstaff, let Scott or I know how many shotguns you have and we will make arrangements to get them updated. The turn-around time for the update has been about 5 days, although next week may be slightly longer due to the holiday. Give Scott or I a call if you have any questions.

Have a good one

**Jason V. Maines**  
ATF - Phoenix V  
Direct (602) 776 5450  
Fax (602) 776 5349  
Cell (602) 803 6368

HOG-ATF A 001763

DOJ-FF-44896

**From:** ATF  
**Sent:** Thursday, November 18, 2010 4:37 PM  
**To:** Maines, Jason V.  
**CC:** ATF  
**Subject:** RE: Shotgun update

Why would we need shotguns, or any other long gun for that matter, if we watch 100s of firearms walk from Cabela's - GET IT STRAIGHT ROOKIE, ITS NOT CABELA'S, IT'S ATF TRADING COMPANY. Now get back to work and force somebody (other than me, by boring me to death) to commit suicide.

ATF

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: ATF

---

**From:** Maines, Jason V.  
**Sent:** Thursday, November 18, 2010 2:28 PM  
**To:** ATF  
**Subject:** RE: Shotgun update

You all might as well go to Cabela's, watch a couple other hundred guns walk, and buy those marshmallow guns because that is about all you are going to have when I get done hawking parts off of your shotguns!

PS, if that is Nicole Strong, tell her that Candace has her shotgun in her cubicle

Jason V. Maines  
ATF - Phoenix V  
Direct (602) 776 5450  
Fax (602) 776 5549  
Cell (602) 803 6368

---

**From:** ATF  
**Sent:** Thursday, November 18, 2010 2:22 PM  
**To:** Maines, Jason V.  
**Subject:** RE: Shotgun update

Listen here little v, you should not be sending out any e-mails until the moisture behind your ears dry. Joe says you should wait till you grow whiskers, and Nicole says wait till your potty trained. I hope you are learning under the tutelage of Scott, because it is apparent that you have no in depth knowledge of firearms, other than the business end. Mark had nothing to add...

ATF

**ATF**

Senior Special Agent - Bureau of ATF

HOG-ATF A 001764

DOJ-FF-44897

Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: ATF

---

**From:** Maines, Jason V.  
**Sent:** Thursday, November 18, 2010 2:09 PM  
**To:** Phoe-Group I; Phoe-Group II; Phoe-Group V; Phoe-Group VII; Phoe-Flagstaff; Phoe-Yuma  
**Subject:** Shotgun update

Afternoon everyone,

Recently Scott and I have redistributed the first batch of updated shotguns. We are in the process of collecting the rest of the shotguns to be updated. So far, these are the totals from the groups that we have collected. The 1<sup>st</sup> batch have been updated and redistributed. The 2<sup>nd</sup> batch are going to be taken up to Vang Comp either tomorrow or early next week. Hopefully this should cover all of the shotguns in the Phoenix groups.

<u>GROUP</u>	<u>1<sup>ST</sup> BATCH</u>	<u>2<sup>ND</sup> BATCH</u>
Group I	2 updated	2 going in for service
Group II	4 updated	1 going in for service
Group V	3 updated	2 going in for service
Group VII	3 updated	(GROUP INVENTORY COMPLETED)

Please check within your respective groups to make sure that all of the shotguns have been accounted for and updated. The update process is open for 8 weeks, however Scott and I would like to have all of the shotguns finished well before the holidays. For our folks in Yuma and Flagstaff, let Scott or I know how many shotguns you have and we will make arrangements to get them updated. The turn-around time for the update has been about 5 days, although next week may be slightly longer due to the holiday. Give Scott or I a call if you have any questions.

Have a good one

**Jason V. Maines**  
ATF - Phoenix V  
Direct (602) 776 5450  
Fax (602) 776 5549  
Cell (602) 803 6368

HOG-ATF A 001765

DOJ-FF-44898

**From:** ATF  
**Sent:** Thursday, January 27, 2011 3:40 PM  
**To:** ATF  
**Subject:** Re: [REDACTED]

Perfect!!!! Devil's. Check

\*\*\*\*\*

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 Controlled 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 ATF or the Department of Justice without express authorization is strictly prohibited.

---

**From:** ATF  
**To:** ATF  
**Sent:** Thu Jan 27 15:39:21 2011  
**Subject:** RE: [REDACTED]

BHHHAAAHHHHHHH – Another goat rope. It should be fun, I PROMISE that I will institute stereotypes from other parts of the country, especially Chicago!

Traffic stops on the 1<sup>st</sup> surveillance day – Check  
Contraband rips whenever they arise – Check  
Not letting guns walk – Check  
30 day or less up on the phones – Check, Check, and Check!

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: ATF

---

**From:** ATF  
**Sent:** Thursday, January 27, 2011 1:20 PM  
**To:** ATF  
**Subject:** [REDACTED]

She said Dave wants us to [REDACTED]!!!! Who's running the case?

**Special Agent:** ATF  
**Bureau of Alcohol, Tobacco, Firearms and Explosives**  
**Phoenix Group VII**  
**(602) 605-6504 (Desk)**  
**(602) 605-6500 (Fax)**  
**(602) 803-4103 (Cell)**

HOG-ATF A 001766

DOJ-FF-44899

**From:**  
**To:** Styers, Gary M.  
**Subject:** RE:

Well how did it turn out for you? Did you file a grievance or go through the employee relations branch? I am not expecting my evaluation to change via my meeting with the ASAC but rather to let his supervisor know what was going on. FYI -- my evaluation was an overall 5, and I had more 6s than 4s, but his comments throughout the evaluation were negative, personally biased, misleading, and outright lies. Unfortunately, I took a direct hit for Larry's proposition, even though I had nothing to do with it other than agreeing with the content.

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: **ATF**

**From:** Styers, Gary M.  
**Sent:** Thursday, October 28, 2010 10:50 AM  
**To:** **ATF**  
**Subject:** RE:

Had the same thing happen to me from my previous boss. It's not a personality evaluation it's all about work performance and your productivity. Ask to go over your eval with the ASAC, point for point. Stick with the fact that he has even seen you work outside the office, never gave you any direction on the negative things he cited nor ever gave you the opportunity to fix or address the issues. Let alone you weren't even aware of the issues he put in there. It's not supposed to be a popularity contest and you should be given the opportunity to correct any issues, but you can't when you didn't know they existed. Hope this helps. Good luck with that "lunkhead". Call me if you need any help.

G

**From:** **ATF**  
**Sent:** Thursday, October 28, 2010 12:42 PM  
**To:** Styers, Gary M.  
**Subject:**

Gary,

Got my evaluation back from Dave -- slammed me just like I thought he would. I refused to sign, requested a transfer, and told him I would be filing a grievance. He cited personal reason not performance reason in his negative comments throughout the evaluation.

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: **ATF**

HOG-ATF A 001767

DOJ-FF-44900

**From:** ATF  
**Sent:** Friday, October 29, 2010 11:26 AM  
**To:** ATF  
**Subject:** FW: Hey  
**Attachments:** Intraweb - Performance Appraisals.pdf

**Importance:** High

Here it is – the Intraweb is down now but I looked at it yesterday and saved the attachment (see/print above).

---

**From:** ATF  
**Sent:** Thursday, October 28, 2010 2:13 PM  
**To:** ATF  
**Subject:** Hey

From the home page, click “Top News” tab and the click page 3:

**Reminder: 2009 - 2010 Annual Performance Appraisals**

October 20, 2010

Attention all supervisors and managers:

The rating cycle of October 1, 2009 through September 30, 2010, has concluded. First level supervisors (also referred to as “Rating Officials”) who are responsible for preparing the performance appraisals must do so **by October 31, 2010**. Be sure to include input from previous supervisor(s) if you were not the employee’s supervisor for the entire appraisal period.

Too funny!

ATF Special Agent  
Phoenix, AZ  
24hr: (540) 537-0978

“We few, we happy few, we band of brothers; For he to-day that sheds his blood with me shall be my brother; be he ne’er so vile, this day shall gentle his condition; and gentlemen in England now-a-bed shall think themselves accurs’d they were not here, and hold their manhoods cheap whiles any speaks that fought with us upon Saint Crispin’s day.” -- William Shakespeare, *Henry V*



**From:** Styers, Gary M.  
**Sent:** Thursday, October 28, 2010 5:32 PM  
**To:** ATF  
**Subject:** RE:

Not so much.....

**From:** ATF  
**Sent:** Thursday, October 28, 2010 4:30 PM  
**To:** Styers, Gary M.  
**Subject:** RE:

I'm glad it worked out, maybe there is hope for me and Larry. And OCDETF has been a critical element since Dave came to Group VII -- haven't they updated your critical elements in Texas yet?

ATF

ATF

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: ATF

**From:** Styers, Gary M.  
**Sent:** Thursday, October 28, 2010 1:55 PM  
**To:** ATF  
**Subject:** RE:

The ASAC agreed with me in total and made my RAC change my eval. Since when has utilizing OCDETF been a critical element???

**From:** ATF  
**Sent:** Thursday, October 28, 2010 3:51 PM  
**To:** Styers, Gary M.  
**Subject:** RE:

Well how did it turn out for you? Did you file a grievance or go through the employee relations branch? I am not expecting my evaluation to change via my meeting with the ASAC but rather to let his supervisor know what was going on. FYI -- my evaluation was an overall 5, and I had more 6s than 4s, but his comments throughout the evaluation were negative, personally biased, misleading, and outright lies. I'll read it for you sometime -- but the overall theme was my inability to get along with fellow group VII agent(s) and my underuse of OCDETF??? (I am the case agent on one OCDETF case and a co-case on another pending one). Unfortunately, I took a direct hit for Larry's proposition, even though I had nothing to do with it other than agreeing with the content.

ATF

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel

HOG-ATF A 001769

DOJ-FF-44902

Email: **ATF**

---

**From:** Styers, Gary M.  
**Sent:** Thursday, October 28, 2010 10:50 AM  
**To:** **ATF**  
**Subject:** RE:

Had the same thing happen to me from my previous boss. It's not a personality evaluation it's all about work performance and your productivity. Ask to go over your eval with the ASAC, point for point. Stick with the fact that he has even seen you work outside the office, never gave you any direction on the negative things he cited nor ever gave you the opportunity to fix or address the issues. Let alone you weren't even aware of the issues he put in there. It's not supposed to be a popularity contest and you should be given the opportunity to correct any issues, but you can't when you didn't know they existed. Hope this helps. Good luck with that "lunkhead". Call me if you need any help.

G

---

**From:** **ATF**  
**Sent:** Thursday, October 28, 2010 12:42 PM  
**To:** Styers, Gary M.  
**Subject:**

Gary,

Got my evaluation back from Dave -- slammed me just like I thought he would. I refused to sign, requested a transfer, and told him I would be filing a grievance. He cited personal reason not performance reason in his negative comments throughout the evaluation.

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: **ATF**

**From:** ATF  
**Sent:** Thursday, November 04, 2010 6:58 PM  
**To:** ATF  
**Subject:** RE: ???

Not a all. Actually frickin AWESOME!!!!

**From:** ATF  
**Sent:** Thursday, November 04, 2010 12:26 PM  
**To:** ATF  
**Subject:** ???

Was this too much?

Marge,

Although it is generally against my nature to elevate matters and I prefer to handle them on my own, the nature and scope of this obligates me to honor your (as the G/S of Group IV) right of first refusal. In brief:

When initially briefed of my new assignment (present also was G/S ATF) I was instructed to clear out my cases and concentrate solely on the duties of my new mission. Additionally, my understanding was (as insomuch stated to me or perhaps, even directly so) that I was not to carry an ATF case load. A status which I believe you to be under the same understanding of?

Soon thereafter, I was able to conclude, or otherwise handle (pending property issues), my active investigations with the exception of two; one for which I was acting as the undercover on and the other requiring an additional interview.

On September 27<sup>th</sup>, 2010 – 3:30 pm, I sent the following email to Group VII G/S ATF

“ATF

Almost have all of my case stuff cleaned up. Probably best to transfer this to ATF (he was in it from the genesis and is co-case) so he can conduct the final interview on [REDACTED]. He and I are confident that nothing much to gain, but should be done before closed – just in case.

785115-10-0011 / [REDACTED]”

and (this same day) noted the case’s management log as follows:

“Due to ATF pending transfer out of Group VII, effective 10/01/10, S/A ATF request that case be reassigned to co-case agent ATF

Having heard nothing back from G/S ATF on this matter, written nor verbal, and his choosing to neither voice or, in anyway otherwise notify me of his objection to this request, I assumed the case would be transferred accordingly. However, upon conducting some case management in NFORCE yesterday, I recognized it as still being assigned to me and observed the following management log entry:

“10/04/2010 - GS ATF - SA ATF is transferred to Intel Group. As such this case will still be assigned to SA ATF until completed and closed. It will be managed under Intel moving forward.”

That being said, I yield to your discretion. However, if finding myself in your favor and it be allowed that I handle this matter, my immediate actions are these:

HOG-ATF A 001771

DOJ-FF-44904

1. To send the following correspondence to G/S [ATF]

"To: G/S [ATF]

Cc: Management Log / File Number: 785115-10-0011

Sir,

Absent any viable reasoning to the contrary or circumstances that I am unaware of, it is my continued belief that it is best for this case to be transferred to co-case S/A [ATF] (or secondly, another member of Group VII). Again, I respectfully request that said case be transferred.

S/A [ATF]"

2. Place the following entry in the management log:

"11/04/2010 – S/A [ATF] while not understanding the decision of G/S [ATF] again request that this case be transferred to co-case S/A [ATF] or, alternatively, another member of Group VII. ATF Phoenix – Group VII, owing its conception and genesis entirely to the Southwest Border Initiative and existing/operating solely to fulfill the mission (as authored by G/S [ATF] himself) of "Southwest Border "Gunrunner" investigations, which are those that involve trafficking of firearms to Mexico in an effort to stem the growing violence and associated criminal activity perpetrated by the Mexican drug cartels, along the Southwest Border.", is best suited to further this case to its ultimate conclusion; whatever that may be. This case ( [REDACTED] ), while meeting every element and mirroring the very definition of Southwest Border Gunrunner investigations, and others like it are precisely the reason to which Group VII owes its very existence and it clearly falls under their purview. Group VII, whose purpose and mission is so narrow in focus – so utterly finite is its singularity that there is the creation of a true rarity – an absolute, is specifically charged with the investigation of cases such as this one. So much so, so important to echelons at the highest seats of U.S. Government, as to effect procedure not only throughout, but well beyond that of the Phoenix Field Division. G/S [ATF] failure/refusal to fulfill the mission of Group VII does a disservice to the men and woman under his charge, the Phoenix Field Division, and ATF as a whole. His actions and decisions (in this incident alone), insubordinate to every intent/purpose/order/directive behind the creation of Group VII - tantamount to nonfeasance, clearly display his inability to adhere to even the most basic of leadership model, emphasis an overall lack of judgment and character, and call into question his readiness to be at the helm of Group VII, or any other."

Thank you and I await your reply,  
John

[ATF] / Special Agent  
Phoenix, AZ  
24hr: (540) 537-0978

"We few, we happy few, we band of brothers; For he to-day that sheds his blood with me shall be my brother; be he ne'er so vile, this day shall gentle his condition; and gentlemen in England now-a-bed shall think themselves accurs'd they were not here, and hold their manhoods cheap whiles any speaks that fought with us upon Saint Crispin's day." -- William Shakespeare, *Henry V*

HOG-ATF A 001772

DOJ-FF-44905

**From:** Maines, Jason V.  
**Sent:** Tuesday, March 15, 2011 7:18 PM  
**To:** [REDACTED] ATF  
**Subject:** Re: Firearms cases

They just figured that out huh? They have to be the dumbest smart people I have ever met

\*\*\*\*\*

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.

---

**From:** [REDACTED] ATF  
**To:** [REDACTED] ATF; Cooper, Carey A. (FBI); Bogle, Andrew S.; Maines, Jason V.  
**Sent:** Tue Mar 15 19:15:37 2011  
**Subject:** Fw: Firearms cases

Wow!!!!

\*\*\*\*\*

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.

---

**From:** [REDACTED] ATF  
**To:** Phoe-Group VII  
**Sent:** Tue Mar 15 18:54:21 2011  
**Subject:** FW: Firearms cases

Please see attached below. Thanks

---

**From:** Needles, James R.  
**Sent:** Tuesday, March 15, 2011 3:42 PM  
**To:** [REDACTED] ATF; Ratliff, Mark D.; Palmer, Douglas R.; [REDACTED] ATF; Gonzales, Jake A.; Simpson, Kevin  
**Cc:** Atteberry, Thomas G.  
**Subject:** Firearms cases

As discussed on our conference call; any questions let me know.

---

**From:** Clemens, Shelley (USAAZ) [mailto:Shelley.Clemens@usdoj.gov]  
**Sent:** Thursday, March 10, 2011 7:42 AM  
**To:** Crocker, Richard L; Bartlett, S. Annette (FBI); Nallin, 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

HOG-ATF A 001773

DOJ-FF-44906

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

620-7340

**From:** ATF  
**Sent:** Tuesday, March 15, 2011 7:37 PM  
**To:** ATF  
**Subject:** Fw: Firearms cases

My response to the new policy, see below...

\*\*\*\*\*

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.

---

**From:** ATF  
**To:** ATF  
**Sent:** Tue Mar 15 19:18:20 2011  
**Subject:** Re: Firearms cases

Using prejudice and stereotypes from other parts of the country, yeah no sh\*t!!

\*\*\*\*\*

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.

---

**From:** ATF  
**To:** ATF; Cooper, Carey A. (FBI); Bogle, Andrew S.; Maines, Jason V.  
**Sent:** Tue Mar 15 19:15:37 2011  
**Subject:** Fw: Firearms cases

Wow!!!!

\*\*\*\*\*

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.

---

**From:** ATF  
**To:** Phoe-Group VII  
**Sent:** Tue Mar 15 18:54:21 2011  
**Subject:** FW: Firearms cases

Please see attached below. Thanks

---

**From:** Needles, James R.  
**Sent:** Tuesday, March 15, 2011 3:42 PM  
**To:** ATF; Ratliff, Mark D.; Palmer, Douglas R.; ATF; Gonzales, Jake A.; Simpson, Kevin  
**Cc:** Atteberry, Thomas G.

HOG-ATF A 001775

DOJ-FF-44908

**Subject:** Firearms cases

As discussed on our conference call; any questions let me know.

---

**From:** Clemens, Shelley (USAAZ) [mailto:Shelley.Clemens@usdoj.gov]

**Sent:** Thursday, March 10, 2011 7:42 AM

**To:** Crocker, Richard L; Bartlett, S. Annette (FBI); Nallin, 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

620-7340

HOG-ATF A 001776

DOJ-FF-44909



**From:** [REDACTED] ATF

**Sent:** Saturday, March 12, 2011 4:34 PM

**To:** Cooper, Carey A. (FBI)

**Subject:** Re:

U will b missed but we will survive. Besides I don't know much longer ill b in gr vii. Probably gonna request transfer next week

\*\*\*\*\*

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.

---

**From:** Cooper, Carey A.

**To:** [REDACTED] ATF

**Sent:** Sat Mar 12 16:28:27 2011

**Subject:** Re:

Hey [REDACTED] sorry at lunch not clear to talk...I'll fill you in, staffing issues not as easy as would seem. We r occdett bodies...criminal program demolished w/911 so squads very short, 5 separate career paths that are staffed & a lot of violations covered, you know how goes ...long story, too much for text! we'll chat!! Hugs

---

**From:** [REDACTED] ATF

**To:** Cooper, Carey A.

**Sent:** Sat Mar 12 16:10:53 2011

**Subject:** Re:

Well u kinda wanted to leave anyways so I guess this made it easier for you. Hopefully u can get to the squad u wanted to go to. I am surprised that fbi is claiming staffing shortages. There r probably more fbi sa in chicago than atf has nationwide...good luck 2 u and let me know if u need anything.

\*\*\*\*\*

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.

---

**From:** Cooper, Carey A.

**To:** [REDACTED] ATF

**Sent:** Sat Mar 12 16:00:34 2011

**Subject:** Re:

Hey big [REDACTED] I replied to your txt, you must not have received it... Thanks...I'm pretty disappointed in how it turned out & the unfortunate circumstances surrounding our presence there since inception, though I can't say I'm surprised they pulled us. I'll fill you in when we all get together...& it's definitely nothing to do with F&F, just our agency issues, staffing, etc...I'll still be working the two cases w/you guys, they committed to keeping me attached for both. & depending on where I end up, hopefully I will continue to work more cases w/u guys ;) thinking could have good nexus to maintain if it all pans out ok... I'm trying to remain positive for now, as all hasn't shaken out yet. I really enjoy working w/you guys, so you're not getting rid of me just yet lol! We'll catch up & I'll give you the 411...it's been a long dramatic week lol! Don't fret on the other stuff & try to breathe & enjoy your weekend!! We'll get it all set & will smooth out!

---

HOG-ATF A 001777

DOJ-FF-44910

**From:** ATF  
**To:** Cooper, Carey A.  
**Sent:** Sat Mar 12 10:55:27 2011  
**Subject:**

Coop,

I tried texting u but I don't know if it was sent. I am truly sorry they r pulling u guys out of the strike force. we should all try to get together soon. I have no doubt the final straw was atf's failure with the f and f. ATF

\*\*\*\*\*

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.

---

\*\*\*\*\* 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.

---

\*\*\*\*\* 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.

**From:** ATF  
**Sent:** Friday, March 04, 2011 5:33 PM  
**To:** Jewell, James D.  
**Subject:** RE: question

Well, John challenged anybody to prove what he said to be wrong. That is a pretty strong statement.

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: Olindo.Casa@atf.gov

---

**From:** Jewell, James D.  
**Sent:** Friday, March 04, 2011 3:30 PM  
**To:** ATF  
**Subject:** RE: question

Ok, there are lots of rumors, I wish there was a strong/truthful explanation, or this is going to drag out and be very bad.

**James Jewell**

(602)776-5462 - Office  
(602)541-9757 - Cell

Phx III IO  
Seal

---

**From:** ATF  
**Sent:** Friday, March 04, 2011 3:24 PM  
**To:** Jewell, James D.  
**Subject:** RE: question

Sorry, can't comment on that, but John had some valid points.

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: ATF

---

**From:** Jewell, James D.  
**Sent:** Friday, March 04, 2011 3:23 PM  
**To:** ATF  
**Subject:** FW: question

HOG-ATF A 001779

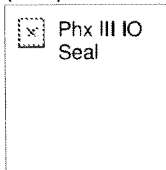
DOJ-FF-44912

So is what John is saying true, I am hearing that Agent Terry was killed by a handgun and possibly friendly fire, and the firearms were not part of **ATF** case.

## James Jewell

(602)776-5462 - Office

(602)541-9757 - Cell



---

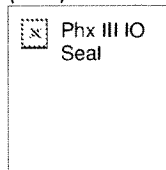
**From:** Jewell, James D.  
**Sent:** Friday, March 04, 2011 3:12 PM  
**To:** **ATF**  
**Subject:** RE: question

This is not what it was like when we had Chris Sadowski as our SAC or even with Virginia O'Brien. There is too much self promotion here among other problems, I want to be an IOI again, I want out of Intel.

## James Jewell

(602)776-5462 - Office

(602)541-9757 - Cell



---

**From:** **ATF**  
**Sent:** Friday, March 04, 2011 3:06 PM  
**To:** Jewell, James D.  
**Subject:** RE: question

Is it too late to be an IOI again? I thought that Chicago was bad...

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: Olindo.Casa@atf.gov

---

**From:** Jewell, James D.  
**Sent:** Friday, March 04, 2011 2:15 PM  
**To:** **ATF**  
**Subject:** question

How are thing in Group VII?

Interesting how one followed the other.

HOG-ATF A 001780

DOJ-FF-44913

<http://www.cbsnews.com/stories/2011/03/03/eveningnews/main20039031.shtml>

 ATF

# Official Statement

Public Affairs Division – Washington, DC

At The Frontline Against Violent Crime

For Immediate Release  
March 3, 2011  
[www.atf.gov](http://www.atf.gov)

FY-11-10  
Contact: ATF Public Affairs Division  
(202) 648-8500

## **ATF TO REVIEW FIREARMS TRAFFICKING STRATEGY**

WASHINGTON – The following statement is from Kenneth E. Melson, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives:

“The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will ask a multi-disciplinary panel of law enforcement professionals to review the bureau’s current firearms trafficking strategies employed by field division managers and special agents. This review will enable ATF to maximize its effectiveness when undertaking complex firearms trafficking investigations and prosecutions. It will support the goals of ATF to stem the illegal flow of firearms to Mexico and combat firearms trafficking in the United States.”

###

HOG-ATF A 001781

DOJ-FF-44914

**From:** [ATF]  
**Sent:** Wednesday, October 27, 2010 2:11 PM  
**To:** [ATF]  
**Subject:** RE: HR Connect

Nice.

---

**From:** [ATF]  
**Sent:** Wednesday, October 27, 2010 11:01 AM  
**To:** [ATF]  
**Subject:** FW: HR Connect

[ATF], my retort --  
(Please delete upon reading)

[ATF]

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: [ATF]

---

**From:** [ATF]  
**Sent:** Wednesday, October 27, 2010 10:57 AM  
**To:** [ATF]  
**Subject:** RE: HR Connect

Copy. I would like to meet with you at your convenience on or before November 10, 2010, so that I could meet the administrative time frames for filing a grievance.

Thanks,

[ATF]

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: [ATF]

---

**From:** [ATF]  
**Sent:** Wednesday, October 27, 2010 10:49 AM  
**To:** [ATF]  
**Subject:** RE: HR Connect

[ATF]

10-4. You obviously have the right to refuse to sign the evaluation. We will have a meeting upon my return to Phoenix,

HOG-ATF A 001782

DOJ-FF-44915

if it involves being transferred to another group it may require ASAC level involvement for a decision such as this.

Thanks!

**ATF**

Group Supervisor  
Phoenix Group VII  
602-541-1148

---

**From:** ATF  
**Sent:** Wednesday, October 27, 2010 9:41 AM  
**To:** ATF  
**Subject:** RE: HR Connect

I am sure you have seen by now I have refused to sign the evaluation. When you return, I would like to have a serious conversation regarding being transferred to another group within this division.

**ATF**

**ATF**

Senior Special Agent - Bureau of ATF  
Phoenix Group VII  
602-776-5469 - Office  
312-735-4670 - Nextel  
Email: ATF

---

**From:** ATF  
**Sent:** Wednesday, October 27, 2010 8:54 AM  
**To:** Phoe-Group VII; ATF  
**Subject:** HR Connect

To all;

By now I think your evaluations should be available for you to view and "acknowledge" in HR Connect. I would like to be able to discuss these with you upon my return from Washington DC. In the meantime please go into HR Connect and "acknowledge" your evaluation by COB, tomorrow, Thursday, October 28, 2010.

Thanks for all of your hard work this past year, it is truly appreciated. If you have any questions or concerns please send me an e-mail as my phone is off during class.

**ATF**

Group Supervisor  
Phoenix Group VII  
602-541-1148

HOG-ATF A 001783

DOJ-FF-44916

**Project Gunrunner**  
**Talking Points Prepared for Director Melson**  
**For the Border and Immigration Law Subcommittee Meeting**  
**Wednesday, November 17, 2010**  
**Washington, DC**

**Background:**

- Through Project Gunrunner, implemented in 2006 as ATF's southwest border strategy, ATF works in conjunction with its domestic and international law enforcement partners to identify, disrupt and dismantle the firearms trafficking infrastructure of criminal organizations operating in Mexico, along the border, and other areas in the U.S.
- The cornerstone of Project Gunrunner is intelligence-driven firearms trafficking investigations. ATF gathers intelligence from FFL's, ballistic and forensic analysis, and tracing data, in addition to using traditional intelligence sources and methods. This information is shared with our partners from DEA, ICE, CBP, and our Mexican counterparts to form a multi-layered approach to disrupting firearms trafficking and drug-related violence.
- Gun trafficking to Mexico is a nationwide problem, and Project Gunrunner has targeted and prosecuted firearms trafficking organizations in all parts of the United States, from Minnesota to Florida to all our border states, where ATF criminal intelligence and tracing data has provided valuable leads used in identifying individuals and organizations providing firearms to the Mexican drug cartels.
- Project Gunrunner's objective is to deny Mexican drug cartels the "tools of the trade," which they employ to murder civilians, as well as political and law enforcement figures, in order to strengthen their grip on the lucrative drug and firearms routes into and out of the United States.
- To this end, the Administration has looked to ATF to find solutions to shut down the firearms trafficking organizations affiliated with the Mexican cartels, and to reduce the violence associated with cartel activity on both sides of the border.
- ATF has, based on its combined regulatory and criminal enforcement authorities, the unique expertise required to investigate domestic and international weapons trafficking, and the unparalleled capabilities and resources to develop actionable intelligence regarding the illegal trafficking of firearms and explosives.
- These resources are all brought to bear in Project Gunrunner.



### Statistics:

- Today, there are nearly 4,500 active Project Gunrunner investigations throughout the United States.
- Since its inception in 2006, ATF's Project Gunrunner investigations have seized over 10,000 firearms and nearly one million rounds of ammunition destined for Mexico.
- **In fiscal year 2009 ATF referred 355 cases and 686 defendants for prosecution under Project Gunrunner.**
- For FY 2010 (through the end of the 3<sup>rd</sup> quarter) IOIs in the 4 SWB field divisions (Dallas, Houston, Phoenix and Los Angeles) reviewed approximately 285,744 ATF Forms 4473 and made 359 investigative referrals to criminal enforcement and other state and local agencies.

### Expansion:

- In 2009, ATF established new offices dedicated to Project Gunrunner firearms trafficking investigations in McAllen, Texas, El Centro, California, and Las Cruces, New Mexico, including a satellite office in Roswell, New Mexico. ATF also added new Gunrunner teams in Phoenix and Houston.
- In September 2010, ATF announced plans to expand its Project Gunrunner footprint by opening additional Gunrunner offices in Sierra Vista, AZ; Brownsville and Dallas, TX; Unrelated Oklahoma City, OK; Atlanta, GA; and Miami, FL.
- These new Gunrunner offices are based both on ATF tracing and intelligence data, and that of National Drug Intelligence Center (NDIC) data confirming Mexican cartel centers of activity in the United States.
- As of August 2010, ATF has 224 special agents, 165 IOIs and 32 support staff assigned to Project Gunrunner in the four contiguous Southwest Border States. Additional expansion plans for Mexico include the opening of three new offices in Hermosillo, Guadalajara and Mérida, and adding additional investigative and analytical staff to the ATF Country Office in Mexico City.
- ATF plans to upgrade the Country Attaché in Mexico City, to an SES 1811 position.
- The elevation of this Country Attaché, the ongoing expansion of ATF offices and personnel in Mexico, and a reorganization of the MCO to more closely resemble the structure of a domestic field division, will allow ATF to more effectively fulfill its mission as the primary U.S. agency responsible for stopping the illegal flow of firearms from the U.S. to Mexico. The SES-level Attaché will work closely with ATF

International Affairs Office, the Southwest Border SACs, Mexican military and law enforcement officials, and others on matters pertaining to firearms trafficking to Mexico.

### **Investigative Successes**

#### **Houston GRIT**

- In April 2009, ATF developed the Gun Runner Impact Team (GRIT) initiative as a supplemental initiative 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, focused on investigating a large number of firearms trafficking leads based on trace information from firearms recovered in Mexico, the majority of which are sourced in the Houston Field Division area. In support of GRIT, ATF deployed approximately 100 law enforcement, industry operations, analytical, legal, technical and administrative support personnel, investigative equipment, and other resources to the Houston Field Division for 120 days.
- As of August 29, 2009, the Houston GRIT initiative had successfully investigated over 700 existing leads and developed over 400 new leads during the operation, for a total of over 1,100 leads investigated. **A total of 276 new criminal cases were initiated; 103 of these cases were referred for prosecution** including 72 firearms trafficking cases. The total cases involved **189 defendants**, of which 150 were associated with trafficking cases with an estimated 644 firearms trafficked. As a result of the GRIT initiative, ATF seized 443 firearms, 141,442 rounds of ammunition, three blasting caps, \$165,234 in currency, over 5 kilograms of cocaine, 2 grams of methamphetamine, and 1,500 pounds of marijuana. ATF also provided information to Federal, State, and local law enforcement partners that resulted in the seizure of an additional 171 firearms, for a total of 614 firearms removed from the streets.
- During the initiative, Industry Operations Investigators completed nearly 1,100 inspections, issued over 440 violations, and recommended 78 adverse actions. They provided FFLs with ATF publications about firearms trafficking along the Southwest Border, nonimmigrant aliens purchasing firearms and ammunition, and how to identify suspicious buyers that may be straw purchasers or traffickers. In this regard, Project Gunrunner dovetailed perfectly with ATF's "*Don't Lie for the Other Guy*" informational campaign.

#### **Phoenix GRIT:**

- In May 2010, ATF deployed approximately 80 special agents, industry operations investigators, intelligence research specialists, and support personnel to the Phoenix Field division for a 100-day GRIT operation. These personnel were deployed in order to have an immediate and significant impact on the escalating violence related to the trafficking of firearms from Arizona into Mexico. The GRIT personnel, combined with Phoenix Field Division (PFD) personnel, multiplied ATF's ability to bring together its firearms trafficking investigative expertise, along with its regulatory authority and strategic partnerships to combat violence along the Southwest Border.

- As a result of the GRIT initiative, the Phoenix Field Division generated over **174 cases**. A total of 27 cases and **66 defendants were forwarded for prosecution** during the GRIT initiative. ATF seized 1,285 firearms, 71,774 rounds of ammunition, 2 blasting caps, 11 silencers, \$7,763.00 in currency, and a substantial amount of narcotics.
- ATF Industry Operations Investigators (IOI's) were able to inspect virtually every FFL who had not been inspected in the Phoenix's Maricopa County and the Tucson areas within the past five years. ATF IOIs completed 806 inspections, recommended 110 adverse actions, reviewed 56,117 transaction forms, verified FFL records for 43,359 firearms, and made 108 referrals to law enforcement. A total of 69 FFLs surrendered their license during this period.

### **Operation Gideon II:**

- ATF designated San Diego, California for deployment of this initiative for a 100-day period beginning on June 1, 2010. The focus of this concentrated initiative involved the infiltration by undercover agents of established firearms and/or narcotics trafficking organizations operating on behalf of Mexican-based DTOs. Enforcement efforts were strategically directed at identifying and prosecuting individuals who were predisposed to commit home invasion type robberies and traffic in illegal firearms.
- Operation Gideon II resulted in the safe execution of 98 undercover operations. From these operations, 41 investigations were initiated resulting in the arrest of 44 suspects. **Thirty-nine suspects were recommended for federal prosecution** and five suspects were recommended for state prosecution. Twenty firearms, 18.5 pounds of methamphetamine, 6.5 ounces of cocaine, 100 grams of crack cocaine, bullet proof vests, masks, gloves and restraining instruments (i.e. flexcuffs) were seized during the course of this operation.

### **Deployment of eTrace in Mexico**

- eTrace provides for the electronic exchange of crime gun incident-related data in a secure Web-based environment. eTrace allows law enforcement officials to electronically submit their trace requests to ATF, monitor the progress of traces, retrieve completed trace results, and to query firearm trace related data in a real-time environment.
- Over 50 countries around the world trace firearms through ATF, and approximately 30 countries utilize the full benefits of eTrace.
- In December 2009, ATF deployed a Spanish version of eTrace to Mexico. This will improve Mexico's law enforcement tracing results and will assist Mexican authorities in developing investigative leads in their native language.

- In addition, eTrace will enable ATF and Mexican authorities to timely share intelligence and investigative leads, and undertake joint action in the investigations of cross-border firearms traffickers.
- ATF continues to work with the Government of Mexico to make firearms tracing in that country more comprehensive, thereby ensuring the accurate tracing of all known recovered/seized firearms.
- In addition to the deployment of eTrace, ATF concurrently is providing capacity building training to Mexican authorities, specific to their needs. These initiatives include:
  1. Firearms and explosives identification training
  2. Post-blast investigation and render safe explosives training
  3. Serial number restoration
  4. Canine operations training
- Since 2009 ATF has tripled its staffing in Mexico, to include opening five additional offices in U.S. consulates.

#### **Explosives Investigation and Collaboration**

- Mexican cartels are more frequently resorting to the placement of vehicle-borne improvised explosive devices (VBIED's) or other sophisticated explosive devices designed to target and kill law enforcement first responders.
- ATF has partnered with the Government of Mexico to form the **Combined Explosives Investigation Team (CEIT)**. This effort leverages ATF's world-class expertise in explosive incident investigations whereby a joint response to explosive scenes or recoveries can result in the timely and proper post-blast investigation and collection of vital evidence.
- ATF personnel attached to the CEIT's are specialist Explosive Enforcement Officers (EEO's), physically located in various U.S. consular offices throughout Mexico. This allows broader coverage and a more rapid response wherever the scenes may be.

#### **Dialogue On Working With the U.S. Attorney Offices**

- ATF surveyed its four Southwest border field divisions (Dallas, Houston, Phoenix, and Los Angeles) to gather information regarding opportunities for improving prosecutorial support for firearms trafficking investigations and identified best practices.
- 
- ATF is keenly aware of the resource difficulties of the respective U.S. Attorney's Offices, however, given the invitation to open a dialogue on how the USAO's could better support ATF and Project Gunrunner, the following points are offered:

- In Arizona, there has been a reluctance to charge straw purchasers due to the “corpus delicti” issue. USAO opinion is that since the guns are in Mexico the primary “evidence” of the crime for jury appeal purposes is no longer available for introduction in judicial proceedings in U.S. ATF has suggested that with a confession, FFL testimony, ATF F 4473, and the ability of an ATF agent to testify to the existence of the firearm(s) in Mexico, we meet the burden of proof. The USAO and ATF have disagreed over the 9<sup>th</sup> Circuit case law (Lopez-Alvarez, 1992), which we feel supports our point of view. ATF recently had a favorable ruling by a Federal Judge in Las Cruces in a straw purchasing case that allowed ATF to testify that the gun(s) we alleged were straw purchased did in fact end up in Mexico (recovery circumstance could not be discussed due to prejudicial issues). The USAO has admitted it has been very conservative on this issue and has discussed loosening its guidelines.
- Straw purchaser prosecutions (under 922(a)(6)) not actively pursued - It basically has boiled down to the “sexiness” of these cases against non-prohibited persons and a reluctance to prosecute them. Other factors may include a lack of knowledge as to the impact of a single straw purchaser to a larger trafficking organization, low sentencing guidelines for non-prohibited straw purchasers, or a lack of USAO manpower. Straw purchasers are often used as witnesses and not prosecuted, but prosecuting them might serve as a deterrent to others. (ATF internal guidance has directed the field to aggressively pursue the evidentiary nexus between straw purchasers and other traffickers to the violent crimes of the criminals, gangs, drug trafficking organizations and cartels they arm, in order to enhance their prosecutive merit.
- The “dealing without a license” charge is rarely prosecuted, and the middleman who induced straw purchasers to make the purchase should be prosecuted. Most of the time, that person is not prohibited and falls below the guidelines, or it is required that he take the guns across the border, which then becomes an export/smuggling charge for ICE.
- ATF and ICE may receive differing responses for similar cases at the USAO depending on whether they bring their cases to the same division within the USAO. For example, ICE generally seems to have better success by **not** going through the General Crimes Division as ATF typically does.
- Need to prosecute persons who knowingly provide firearms to illegal aliens, which often occurs at gun shows and flea markets.
- Suggest that each USAO prosecuting ATF SWB cases designate SWB/Gunrunner AUSA(s) similar in nature to the previously appointed PSN Attorneys. This would ensure continuity, greater commitment, and expertise. Allow ATF division and Headquarters Counsel to coordinate on national SWB prosecution efforts (best practices) and provide training on ATF case law to AUSAs. Such AUSAs would become a bigger part of the Gunrunner team and coordinated efforts. Have designated AUSAs attend ATF sponsored training related to firearms trafficking investigations and prosecutions.

- USAOs should either assign AUSAs to handle requests of agents working trafficking cases, or be willing to assign AUSAs to specific investigations earlier. AUSAs are needed to facilitate a lot of pre-prosecution investigative efforts. Agents often require financial, mortgage, business and tax records in trafficking investigations, and need assistance in getting grand jury subpoenas expeditiously.
- AUSAs should be more willing to utilize grand jury subpoenas for witnesses who are refusing or reluctant to answer questions from law enforcement and to charge witnesses for false statements to federal investigators.
- USAOs should be cognizant that firearms are often trafficked across the border in small numbers by individuals, and not set unrealistic thresholds for individual firearms traffickers to be prosecuted. If prosecution thresholds are established, be consistent in applying that standard. (See earlier comment regarding ATF's efforts to link traffickers to the crimes of violent organizations and gangs they arm.)
- Be more aggressive in issuing search and arrest warrants for traffickers and people used to facilitate these crimes, including FFLs. Be willing to accept and move quickly on complaints on straw purchasers and others caught "in the act" of trafficking to enhance our chances of gaining cooperation before a "cartel attorney" shows up to represent them. Allow defendants lacking jury appeal to plead to probation to gain cooperation.
- Utilize available sentencing enhancements based on the volume of firearms trafficked.