

ATF

From: **ATF**
Sent: Wednesday, May 12, 2010 9:17 AM
To: **ATF**
Subject: UC Case.

Trafficker: **ATF**
Not prohibited. CCH: **ATF**

CI and Straw Purchaser: **ATF**
No known CCH.

Other Straw Purchaser: **ATF**

Weapons: **ATF**

ATF / Special Agent / ATF - Phoenix Group VII
3010 N 2nd ST, Suite #301
Phoenix, AZ 85012
T: **ATF** / Fax: (602) 605-6500 / C: **ATF**

ATF

ATF

From:
Sent:
To:
Subject:

ATF
Thursday, May 20, 2010 11:38 AM
ATF
Case Summary.

File Number	Suspects	Firearms Types	Total Number of Firearms Trafficked	Number of Firearms Recovered	
785115-10-0020	ATF	ATF	ATF	ATF	ATF
785115-10-0011	ATF	ATF	ATF	ATF	ATF
785115-10-0003	ATF	ATF	ATF	ATF	ATF

ATF

n / Special Agent / ATF - Phoenix Group VII
3010 N 2nd ST, Suite #301

Phoenix, AZ 85012

Fax: (602) 605-6500 / C:

ATF

ATF

ATF

ATF

From:
Sent:
To:
Subject:

ATF

Monday, May 24, 2010 2:13 PM

ATF

RE: 785115-10-0020

ATF

ATF

I too believe this to be a great case with a tremendous amount of potential. Although we have discussed much of this, I wanted to take the time to ensure that it was all addressed.

I apologize for the NFORCE issues. Unfortunately, I allowed the quick pace at which the investigation took off, compiled with the hurdles of often having GRIT members utilizing my station to leave me playing catch up. Again, my apologies.

ATF

ATF

I appreciate your help and guidance on this,

ATF

ATF

Special Agent / ATF - Phoenix Group VII
3010 N 2nd ST, Suite #301

ATF

"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:

ATF

Sent: Wednesday, May 19, 2010 3:47 PM

To:

ATF

Subject: 785115-10-0020 I

ATF

ATF

First let me say that this is great case and worthy of your investigative efforts. However, at your earliest convenience we need to speak regarding this case. In reviewing the case in N-Force there are several concerns I have. Additionally, I note that there are several well written reports that have not been generated. Please generate, print, sign, and turn into me these reports ASAP. Also I note there is a audio recording that was made, yet under "Property in ATF Custody" there is nothing listed. Which

brings up the "Electronic Surveillance" issue. Please see the below cut-n-pasted order regarding approval/notification and entry of Electronic Surveillance.

ELECTRONIC SURVEILLANCE. The Electronic Surveillance folder keeps a record of each subject monitored during an ATF investigation. This critical information is used not only for investigative purposes, but also so that ATF can respond to Freedom of Information Act (FOIA) requests as required by law. Multiple surveillance subjects can be entered into one Electronic Surveillance Event using the relationship tab feature. Identify the primary subject of the intercept and then choose additional subjects from the Persons folder to relate to the event as a person under surveillance.

- a. The ATF approval authority for consensual monitoring is delegated to the respective RAC/GS. The approval may be made verbally and remains in effect for the life of the investigation. RAC/GS approval of electronic surveillance must be noted in the Management Log and should be entered by the supervisor.
- b. Notification of consensual monitoring should be made to the United States (U.S.) Attorney's Office for the Federal judicial district having jurisdiction over the investigation prior to monitoring any subject. The notification may be made verbally and remains in effect for the life of the investigation.
- c. Non-consensual monitoring shall be handled in accordance with ATF orders and Federal laws governing such conduct. Non-consensual monitoring is also required to be reported in the Electronic Surveillance folder.
- d. The RAC/GS shall ensure that all electronic interceptions are entered into N-Force within 5 business days. An ROI is also required to document the event in which the electronic monitoring occurred. All tapes, disks, or other media used to monitor the surveillance shall be entered as Electronic Intercept property into the Property in ATF Custody folder.

I appreciate your efforts on this case but we need to comply with the ATF Orders and Regulations as well. ATF Orders; 3530.2 Electronic Surveillance, 3400.1B Property Taken into Bureau Custody, 3111.1 Use of N-Force, and 3270.10C Law Enforcement Investigative Reports.

ATF
Group Supervisor
Phoenix Group VII

ATF

ATF

ATF

From:
Sent: Thursday, May 27, 2010 12:51 PM
To: ATF
Subject: Vers - 3.0
Attachments: PROPOSED UNDERCOVER.docx

ATF

Special Agent / ATF - Phoenix Group VII

5010 N 2nd ST, Suite #301

Phoenix, AZ 85012

ATF

508 / Fax: (602) 605-6500 / C:

ATF

"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*

ATF

ATF

ATF

ATF

DP

ATF

ATF

ATF

ATF

ATF

ATF

DP

ATF

From: **ATF**
Sent: Thursday, June 03, 2010 11:21 AM
To: **ATF**
Subject: RE: I know you love the ATF Orders...

Do the orders define a "day"? Is it; a calendar day? A business day or work day (and if so – how do holidays and leave fit into those equations)? An Earth day (because a day on Venus takes 243 Earth days which would mean that I have plenty of time)?

ATF

/ Special Agent / ATF - Phoenix Group VII
3010 N 2nd ST, Suite #301

ATF

Phoenix, AZ 85012
Fax: (602) 605-6500 / C: (54

ATF

"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: **ATF**
Sent: Thursday, June 03, 2010 10:35 AM
To: **ATF**
Subject: I know you love the ATF Orders...

ATF Order 3400-123 (c):

- a. Storage of Currency. The security, budgetary, and accounting problems caused by keeping large amounts of cash has caused great concern within the Department of Justice and Congress. All currency, foreign or domestic, taken into custody, whether subject to forfeiture, abandoned, or seized as evidence shall be converted into a cashier's check or money order payable to ATF in U.S. dollars. The check or money order will then be forwarded to the Asset Forfeiture and Seized Property Branch via overnight courier within 5 days of being taken into Bureau custody so that it can be deposited into the appropriate suspense account.

This is not to "set you up" it is just to ensure that you are aware of the ATF Order/policy when dealing with cash...

ATF

Group Supervisor

ATF

ATF

From: **ATF**
Sent: Tuesday, June 08, 2010 8:37 AM
To: **ATF**
Subject: RE: write up for ASAC

Is this OK?

ATF, DP

ATF

Special Agent / ATF - Phoenix Group VII
3010 N 2nd ST, Suite #301

ATF

Phoenix, AZ 85012
Fax: (602) 605-6500 / C:

ATF

"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: **ATF**
Sent: Monday, June 07, 2010 5:32 PM
To: **ATF**
Subject: write up for ASAC

ATF

In all seriousness can you please provide me a short written summary hitting the high points of your ongoing case. ASAC Needles wants to be able to brief the Director while he is in town. Please have to me be noon Tuesday, June 8th.

Thanks,

ATF

Group Supervisor

ATF Operational Plan

FILE COPY

Case Number 785115-10-0020	Field Office/Group Phoenix Field Division Group VII	Case Agent ATF	
Operation Date and Time	Operation Date and Time	Staging Area Date and Time	Staging Area Location
ATF			
Type of Operation			
<input checked="" type="checkbox"/> Vehicle Stop <input checked="" type="checkbox"/> U/C Operation	<input checked="" type="checkbox"/> Arrest Warrant <input checked="" type="checkbox"/> Search Warrant	<input checked="" type="checkbox"/> ATF <input type="checkbox"/> Other	ATF
Target Location/Assessment			Telephone Number
Address ATF			
Description and GPS Coordinates (if applicable) ATF			
<input checked="" type="checkbox"/> Physical Fortifications	<input checked="" type="checkbox"/> Countersurveillance	<input type="checkbox"/> Animals	
<input checked="" type="checkbox"/> Explosives	<input checked="" type="checkbox"/> High Crime Area	<input type="checkbox"/> Close Proximity to Schools	
<input type="checkbox"/> Children Present	<input type="checkbox"/> Approach Difficulties	<input type="checkbox"/> Vehicular Traffic Difficulties	
<input type="checkbox"/> High Level of Foot Traffic	<input type="checkbox"/> Location Frequented By Public	<input checked="" type="checkbox"/> ATF	<input type="checkbox"/> Chemical/Bio Hazards
Type of Door	ATF	<input type="checkbox"/> Firearms Present at Target Location	
Occupants	ATF	<input type="checkbox"/> Opens: Right or Left	
Operation Objectives ATF			

ATF

TS

Suspect Information (Complete one for each suspect-additional Suspect Information forms are located at the end of this document)

Suspect's Name	Date of Birth	Race	Sex
ATF			

Aliases

Description/Characteristics (Height, Weight, Scars, Marks, Tattoos, Language proficiency, etc.)

ATF

Other Addresses Used	Work Address and Telephone Number
ATF	ATF

Suspect(s) Known To Be Armed Yes No Photograph Attached Yes No

Arrests	Arrests and Convictions	History of Violence	FBI Number
ATF	ATF	ATF	ATF

Describe:

Additional Information	Substance Abuse	Specialized Training
Mental Illness	Anti-government	Other
ATF	ATF	ATF

Suspect Vehicles	Year	Make	Model	Color	License (State)	Other
------------------	------	------	-------	-------	-----------------	-------

ATF

Undercover/Informant Information

Name	Electronic Equipment	Radio Frequency	Vehicle Description	Description/Clothing
ATF				

Bust Signals

Primary	Secondary	Trouble/Rip Off	Trouble/Rip Off
ATF			

Pager Signal (Emergency)	Pager Signal (Wire not working)	Pager Signal (Nonemergency - leave now)
N/A	N/A	N/A

ATF

Personnel and Assignments

	Radio	Pager or Cell Phone	Vehicle Call Sign	Assignment (Primary/Secondary)	Specialized Equipment
<h1>ATF</h1>					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					

ATF

THIS OPERATIONAL PLAN IS A GUIDELINE THAT WILL BE FOLLOWED UNLESS CIRCUMSTANCES AND/OR SUSPECT(S) OR SUBJECT(S) DICTATE THAT THE TEAM ALTER THE PLAN IN A SAFER MANNER. THIS DECISION WILL BE MADE DURING THE OPERATION AND WILL BE BASED ON THE INFORMATION AVAILABLE AT THE TIME. USE ATTACHMENTS AS NECESSARY.

Telephone Numbers

Police Department Local Number	RAC/G.S. (Cellular phone)	Case Agent
911	ATF	ATF

Emergency Information

Nearest Hospital/Trauma Center	Address	Emergency Room Telephone Number(s)
ATF	ATF	911
		Life Flight Telephone Number(s)
		911

Command Post

Location	Telephone Number	Radio Frequency	Coordinator

ATF Area Map/Diagram of Location Attached	ATF ATF Firearms/Use of Force Policy Attached	ATF Hel Group Contacted
---	---	-------------------------

ATF

acted	Date
	6-1-10
	Date
	6-1-10

Use of Deadly Force Policy

General Principles

1. Law enforcement officers of the Department of Justice may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.
 - A. Deadly force may not be used solely to prevent the escape of a fleeing suspect.
 - B. Firearms may not be fired solely to disable moving vehicles.
 - C. If feasible and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.
 - D. Warning shots are not permitted outside of the prison context.
 - E. Officers will be trained in alternative methods and tactics for handling resisting subjects which must be used when the use of deadly force is not authorized by this policy.

Emergency Driving and Pursuit Driving Policy

Except under extraordinary circumstances, HIGH SPEED PURSUITS are expressly prohibited. Circumstances that may necessitate a high-speed pursuit or emergency response may include, but are not limited to, the threat of serious bodily injury or death to an agent or other party.

The following factors should be considered before driving at high speed or engaging in maneuvers that place anyone at risk of death or injury.

1. Severity of the offense or emergency
2. Probability of apprehending the violator (s) at a later time.
3. Weather and road conditions.
4. Availability of emergency equipment.

If the potential outweighs the benefits, the pursuit or response will not be initiated or will be terminated.

The use of roadblocks or ramming to stop a vehicle is a seizure under the fourth amendment, and must also be considered the potential use of deadly force, and therefore, should only be attempted when the use of such force is justified.

In any type of driving, agents must have the utmost regard and respect for the safety of others.

ATF

From:
Sent:
To:
Subject:
Attachments:

ATF

2010 12:51 PM

ATF

PROPOSED UNDERCOVER.docx

ATF

Special Agent / ATF - Phoenix Group VII
100 N 2nd ST, Suite #301
Phoenix, AZ 85012

ATF

Fax: (602) 605-6500 / C

ATF

"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*

ATF

ATF

ATF

ATF

ATF

ATF

ATF

ATF

DP

FIREARMS ENFORCEMENT PROGRAM

FOREWORD

To: All Law Enforcement Personnel

1. PURPOSE. This order provides guidelines for the implementation of the Bureau's Firearms Enforcement Program under the Gun Control Act of 1968 (GCA), as amended, and the National Firearms Act (NFA), as amended
2. CANCELLATION. ATF O 3310.4A, Firearms Enforcement Program, dated March 25, 1981; ATF O 7520.1, Procedures for Tracing Firearms, dated August 2, 1976; ATF O 3310.5B, Guidelines Regarding Federal Firearms Licensee Investigations and Investigations at Gun Shows and Flea Markets, dated July 18, 1985; ATF O 7500.1, Firearms Technology Branch Procedures, dated May 16, 1977; ATF O 7540.2, Classification of Belgian FN Light Automatic Carbine (CAL), Caliber 5.56mm (.223), dated June 24, 1982; and ATF O 7540.1A, Classification of Belgian FN Light Semiautomatic Rifle (FAL), Caliber 7.62mm, dated October 29, 1979, are canceled.

Stephen E. Higgins
Director

referral of information to the Chief, Firearms Enforcement Division who will subsequently disseminate this information to the Chief, Firearms and Explosives Regulatory Division.

146. PROJECT LEAD SECURITY. Project LEAD is the exclusive property of ATF. Distribution of Project E-LEAD software outside of ATF is strictly prohibited. All offices are re encouraged to work with and share information/investigative leads with other Federal, State, and local law enforcement agencies; however, Project LEAD software and data extract disks are the property of ATF and cannot be released outside the agency. When Project LEAD disks are not in use, the RAC/GS or Project LEAD coordinator shall ensure all disks are stored in a locked file. Computers with Project LEAD information shall not be left on while unattended for any period of time. Information concerning private individuals is contained in Project LEAD, and this information must be protected against unwarranted dissemination.
147. COORDINATION OF PROJECT LEAD INFORMATION WITH REGULATORY ENFORCEMENT. Project LEAD primarily focuses on recurring trends and patterns that may indicate illegal firearms trafficking activity by unlicensed individuals, however, should any CE operator of Project LEAD discover information concerning licensed firearms dealers that may have value to RE's inspection efforts, this information should be forwarded to the area RE FTC via ATF F 5000.21 as soon as possible. This information may be useful to RE when used in conjunction with more detailed FFL information available through a QMF run.
148. "WEAPONS TRANSFERS"
- a. Considerations. During the course of illegal firearms trafficking investigations, special agents may become aware of, observe, or encounter situations where an individual(s) will take delivery of firearms, or transfer firearm(s) to others. In these instances, the special agent may exercise the following options:
- (1) In cases where probable cause exists to believe a violation of law has occurred and the special agent determines there is a need to intervene in the weapons transfer (e.g., the recipient of the firearms is a known felon; it is known the firearms will be used in crime of violence), the special agent shall do so but should place concerns for public safety and the safety of the involved special agents as the primary determining factor in exercising this option.
 - (2) In other cases, immediate intervention may not be needed or desirable, and the special agent may choose to allow the transfer of firearms to take place in order to further an investigation and allow for the identification of additional coconspirators who would have continued to operate and

illegally traffic firearms in the future, potentially producing more armed crime.

- b. Alternative Intervention Methods. In the event it is determined by the special agent that a weapons transfer should not take place, the special agent may consider alternative methods of intervention other than arrest and/or search warrants that will prevent the culmination of the weapons transfer but allow the investigation to continue undetected. These alternative methods are considered to be a course of action that must be approved by the RAC/GS or SAC as previously noted. These alternative interventions may include, but are not limited to:

- (1) A traffic stop (supported by probable cause to search or supported by a traffic violation allowing for plain view observations) by a State or local marked law enforcement vehicle that would culminate in the discovery and retention of the firearms.

ATF

ATF

- (2) If the firearms are being shipped out of the United States via a common carrier via checked luggage or freight, the firearms may be seized/or recovered by the special agents, in coordination with the U.S. Customs Service under border search authority, without detection by the traffickers. This

ATF

- (3) If the firearms are being shipped via the U.S. mail, coordination with the U.S. postal inspectors will assist the special agents in recovery of the firearms without detection

by the traffickers.

ATF

ATF

- (4) If the special agent chooses to arrest the individual(s) with the firearm(s), the possibility exists that a debriefing of this individual will yield other members of the organization or the

ATF

149. FEDERAL FIREARMS LICENSEES (FFLS). This paragraph sets forth policy and procedures for obtaining licensee warrants and conducting criminal investigations of licensed persons, their agents or employees, and business entities engaged in the firearms business.
- a. In passing the GCA, as amended, Congress declared that the purpose of the act was to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence while not placing undue Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms for lawful activity.
- b. ~~Most persons licensed to engage in the firearms business are pursuing their interests for lawful purposes. It is the policy of ATF to initiate criminal investigations of licensees only when there is reason to believe that they are engaged in criminal activity such as dealing in stolen/contraband firearms or ammunition, knowingly supplying firearms to criminals, terrorists, gang offenders, or juveniles, or engaged in such willful and flagrant violations that it can be reasonably assumed that the firearms will find their way into the hands of criminals, terrorists, gang offenders, or juveniles.~~
- (1) The GCA provides misdemeanor penalties for licensees who make false statements or representations with respect to information required in their records (18 U.S.C. § 922(m)). The successful use of misdemeanor charges enhances licensee denials or revocations. In cases of flagrant and willful violations of recordkeeping requirements that can be shown to pose a genuine threat to the public safety, the licensee should be recommended for felony prosecution under 18 U.S.C. § 922(b)(5) and/or 18 U.S.C. § 1001.

- (2) Where evidence supporting prosecution does not meet established prosecutorial thresholds or the violations are minor or technical in nature, the information shall be referred, through the SAC, to the appropriate RE DD for administrative action.
 - (3) Where CE is notified by RE that it has attempted to acquire the records of an FFL who has terminated his/her business, failed to renew his/her license, or failed to respond to official correspondence for license renewal, CE efforts should be made and coordinated with RE to obtain the FFL's records and forward them to the NTC Out-of-Business Records Center in Falling Waters, West Virginia.
- c. Most licensees cooperate with ATF in exercising lawful inspection access to their premises. When a licensee refuses voluntary inspection and requires a warrant, the special agent shall obtain one in conformance with this chapter. If, after the warrant is obtained, the licensee continues to refuse ATF access to records and inventory, the special agent shall advise the licensee of the following statutes:
- (1) 18 U.S.C. § 1509 Obstruction of court orders (misdemeanor).
 - (2) 18 U.S.C. § 111 Obstruction of a Federal agent (felony).
 - (3) 18 U.S.C. §§ 923(g)(1)(B) and 924(a)(1)(D) Obstructing the examination of inventory and records (felony).
- d. Where the licensee continues to refuse admittance to the business premises, the special agent is precluded from using force to gain entrance under an Inspection or Reasonable Cause Warrant. However, the special agent may summarily arrest the licensee or choose to initiate contempt proceedings and/or coordinate a licensee revocation with RE at a later date. The possibility of summary arrest must be discussed with the SAC prior to execution of an Inspection or Reasonable Cause Warrant.

150. WARRANTLESS INSPECTIONS.

- a. The GCA places certain restrictions on ATF's ability to inspect the inventory and records of a licensee, whether at the licensed premises or authorized gun shows. A warrant is required to conduct an inspection EXCEPT under the following conditions:
- (1) Inspection to Ensure Compliance With the Recordkeeping Requirement. This inspection may be conducted without prior notice, but ATF is limited to only ONE INSPECTION FOR ANY 12-MONTH PERIOD DURING BUSINESS HOURS.