
From: Scheel, Ann (USAAZ)
To: Burton, Faith (SMO) (JMD)
CC: Burke, Dennis (USAAZ)
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Attachments: ATF Training Program24 August 20101.wpd

Faith-

We have spoken with our forfeiture attorney, Reid Pixler. He never received any complaints from ATF about Emory. At Emory's request, he spoke with Agents [REDACTED] **ATF** and (possibly) [REDACTED] **ATF** about seizures of weapons and administrative forfeitures. I am attaching his talking points from that meeting. Reid explained that they can seize if they have probable cause to believe that the gun was used in a violation of a federal gun statute, money laundering statute or drug statute, or if there are exigent circumstances, as is defined by case law.

Reid recalls [REDACTED] **ATF** telling him that they were having trouble getting probable cause on the gun statutes and Reid told them that they should also be looking at money laundering and drug trafficking. Reid also recalls spending a lot of time explaining that the pc needed was different than the pc for arrest. Agents needed pc that gun was used in the listed crimes or was proceeds from certain crimes.

Reid also had several conversations with ATF's Regional Counsel [REDACTED] **ATF** about seizures. Reid recalls they were very concerned about being sued for administrative forfeitures because they had been in the past. As you will notice, many of the talking points deal with their concerns about being sued.

I am still trying to see if we have any documentation regarding Emory's approval of seizures. As I said, Emory recalls only one time where he told agents not to seize and it was when the agents told him they did not think they had enough to seize and Emory agreed.

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