



PROJECT GUNRUNNER
A Cartel Focused Strategy
September 2010



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EXECUTIVE SUMMARY

ATF has a long and successful history of combating firearms-related violent crime. Key to this success has been our ability to effectively regulate the firearms industry and identify and investigate the illegal diversion of firearms from lawful commerce. Perhaps at no time in our history has the investigation of firearms trafficking schemes and networks been more important to public safety, and increasingly to national security, than now.

In response to the increased trafficking of firearms from the United States to Mexico, ATF developed Project Gunrunner, a firearms trafficking and firearms-related border violence strategy designed to deny drug trafficking organizations access to U.S. firearms. Initially implemented in our four primary Southwest border field divisions, Project Gunrunner has evolved into a national strategy as we have seen Mexican cartels reach further into the interior of the United States to acquire firearms in support of their lucrative drug trafficking operations.

It is important to note that this revised strategy does not replace Project Gunrunner. It is intended to complement Project Gunrunner and where appropriate clarify and expand Gunrunner capabilities and tactics.

This document is not intended to provide detailed guidance concerning how to conduct cross border trafficking investigations; but rather is intended to be used by ATF personnel to ensure that investigative activity aligns with ATF strategic goals. Personnel should refer to ATF orders and publications, such as the recently revised Firearms Trafficking Guide, as well as training provided by the Office of Training and Professional Development for specific tactical and investigative guidance.

Since 2006, there has been a significant increase in drug and firearms-related violence in Mexico and increasingly along our Southwest border. Governments on both sides of the border have begun to view the evolution of cartel inspired violence in terms of criminal activity that increasingly threatens the stability of the Mexican state. Impacting this trend along our Southwest border, particularly in the post-9/11 world, requires new energy, vision and creativity. Over the past few years the White House, the Departments of Justice and Homeland Security and even the U.S. Northern Command have developed various strategies and policies designed to leverage the full capabilities of the U.S. Government in this effort. It is essential that our efforts support the strategies and policies of the President and the Attorney General and where possible, complement the strategies of other agencies.

In response to the evolving nature of firearms and explosives trafficking and related violence along and across our Southwest border we have increased our resources along the border and in Mexico and placed greater national emphasis on suppressing the trafficking of firearms and explosives to Mexico. Additionally, we have increased our efforts to partner with the Government of Mexico and other law enforcement and intelligence agencies with shared responsibilities. As part of this process, we have deemed it necessary to revise both our Gunrunner strategy and the manner in which ATF headquarters monitors and supports certain field investigations.

While our strategy will remain multi-faceted and continue to include the inspection of licensed gun dealers and the targeting and arresting of straw purchasers, our revised approach will place greater emphasis on investigations that target specific cartels and the persons responsible for organizing and directing firearms trafficking operations in the United States. We have come to understand that we can best impact firearms trafficking to Mexico and Southwest border violence by linking our investigations to drug trafficking organizations and where possible to specific Mexican cartels. Our efforts will also be enhanced through increased coordination with our Federal counterparts.

Through analysis of Mexican crime gun traces and other intelligence data, it has been determined that the Gulf, the Zetas (once aligned with the Gulf Cartel), and the Sinaloa cartels are the criminal organizations most responsible for acquiring firearms in the United States to support their drug trafficking operations and where ATF can potentially have the greatest impact. Therefore, ATF Southwest border enforcement operations will place particular emphasis on the investigation of firearms and explosives trafficking operations organized, directed, and financed by these particular cartels.

Based on the areas in Mexico controlled by the Gulf, Zetas, and Sinaloa cartels; the locations of U.S.-sourced firearm recoveries in Mexico; and the U.S. locations where firearms recovered in Mexico are most often acquired, the Houston and Phoenix Field Divisions will be primarily responsible for investigating trafficking schemes associated with these cartels. However, this strategy is not intended to limit the initiative of any ATF field division and in fact recognizes the increasingly important role played by non-Southwest border field divisions in combating firearms and explosives trafficking to Mexico. As a result, all ATF field divisions are expected to initiate investigations on cartels and/or their surrogates operating in their geographic areas of responsibility; however, investigations pertaining to the Gulf, Zetas, and Sinaloa cartels must be deconflicted and closely coordinated with the Houston and Phoenix Field Divisions.

This approach requires conducting our border-related firearms and explosives investigations in a more creative and comprehensive manner by fully incorporating our agency's regulatory, investigative, analytical, technical, and legal capabilities and resources, as well as those available from other law enforcement agencies, particularly DEA. At the heart of this increased emphasis on cartel focused investigations is greater use of the Organized Crime Drug Enforcement Task Force (OCDETF) program and intelligence capabilities available from the El Paso Intelligence Center (EPIC) and the DEA Special Operations Division. Recent changes to OCDETF program policy encourage the use of OCDETF in firearms trafficking cases provided there is a nexus to high value drug trafficking targets.

Effective implementation (and documentation) of this strategy will enhance public safety and provide essential evidence of performance and accomplishments necessary to the continued growth and reputation of our agency. Although ATF headquarters possesses resources and capabilities necessary to the success of this strategy, success ultimately rests with the vigorous implementation of this strategy by field division and Mexico Country Office personnel at the front line of these operations.

Properly implemented, this revised strategy will improve data collection, analysis, and exploitation of information; employ a greater array of investigative resources, including greater utilization of the OCDETF program; improve sharing and leveraging of information available from other law enforcement agencies; improve investigative coordination and information sharing with the Government of Mexico; and place greater emphasis on multi-defendant conspiratorial cases that focus on persons who organize, direct, and finance cartel-related firearms and explosives trafficking operations.

BACKGROUND

It is generally accepted that much of the firearms violence in Mexico and along the Southwest border is perpetrated by, or on behalf of, Mexican drug trafficking organizations (DTO). DTOs continue to vie for control of drug trafficking routes to the United States and in so doing, engage in acts of violence that are often perpetrated with firearms and ammunition acquired from the United States.

While the United States is not the only source of firearms and munitions used by the cartels, it has been established that a significant percentage of their firearms originate from gun stores and other sources in the U.S. Improvised explosive devices, military ordnance, and counterfeit firearms manufactured in clandestine facilities play an increasingly important role in emboldening Mexican cartels. Intelligence indicates these criminal organizations have tasked their money laundering, drug distribution, and transportation infrastructures with reaching into the United States to acquire firearms, ammunition, and the components necessary to modify firearms and/or construct improvised explosive devices. It is also well-established that firearms traffickers often use the same routes as drug traffickers. Increasingly, we find that Mexican cartels transport firearms and munitions into Mexico from Guatemala, situated on Mexico's southern border.

The analysis of trends based on seizures and human intelligence have provided some meaningful insights into the methods of acquisition and transportation utilized by the Mexican cartels. Furthermore, over the past few months enforcement strategies (and other guidance) that address firearms trafficking to Mexican cartels have been developed and released by the White House and the Department of Justice. It is essential that ATF efforts support strategies promoted by the White House and Department of Justice. An examination of these and other strategies reveals similarities among the strategies, but also suggests that some revisions to ATF's current strategy are necessary.

STRATEGY VERSUS PROGRAMS AND INITIATIVES

ATF has over time initiated a variety of enforcement programs, operations, and initiatives related to our overall efforts to suppress firearms and explosives trafficking across the U.S.-Mexico border. However, it is worth noting that these programs, operations, and initiatives are intended to advance the objectives of our Southwest border strategy---they are not in and of themselves strategies.

A recent example of an investigative initiative developed in support of Project Gunrunner (strategy) is the April 2009 Gunrunner Impact Team (GRIT) initiative. The GRIT, largely intelligence driven and investigative in nature, involved the deployment of approximately 100 investigative (special agents and industry operations investigators), analytical, and administrative personnel to Texas to target the persons, groups, and organizations responsible for the trafficking of firearms to Mexico from the Houston Field Division area of responsibility. Other important elements of GRIT included the inspection of numerous Southwest border FFLs and public service announcements designed to discourage the unlawful acquisition of firearms by straw purchasers.

An effective strategy should coordinate and direct all the resources of the organization toward the attainment of one or more specific goals. In this particular case, the goal of our Southwest border strategy is the suppression of firearms and explosives trafficking across the U.S.-Mexico border and firearms-related border violence.

Essential components of an effective strategy include a statement of the purpose and scope of the overall objectives, as well as a discussion of problems, risks, and threats the plan is intended to address. A strategy's effectiveness is also enhanced by a description of the agency's mission, key capabilities, and means of evaluating progress made against performance goals and measures.

PURPOSE AND SCOPE

ATF has been investigating firearms trafficking involving Mexico for many years; however, a detailed written strategy was not released until June 2007. The principal purpose of the strategy, known as Project Gunrunner, is the suppression of firearms and explosives-related violence in Mexico and along the Southwest border resulting from the illegal acquisition and movement of firearms, explosives, and improvised explosive devices from the United States.

The purpose of this document is to reiterate ATF's commitment to Project Gunrunner while directing a more focused investigative approach. Specifically, with this document ATF will emphasize targeting the drug cartels principally responsible for the illegal acquisition and trafficking of firearms from the United States to Mexico. This document is not intended to replace Project Gunrunner; nor is it intended to provide a comprehensive tactical blueprint for the investigation of cross border firearms trafficking schemes. Project Gunrunner is incorporated into this document in its entirety unless a specific portion is deleted or amended herein. Specific ATF capabilities and/or responsibilities are mentioned to highlight their importance to our efforts to suppress firearms and explosives trafficking to Mexico and to better leverage ATF capabilities.

This revised strategy acknowledges and incorporates an investigative approach already being implemented by several ATF field divisions and reiterates the primary responsibility of the field special agents in charge for effective implementation of the strategy. This document recognizes that Project Gunrunner is both an ATF strategy and a component of a larger U.S. Government counternarcotics strategy. Our success is contingent on the use of all appropriate regulatory, investigative, technical, intelligence, training, liaison, and public/industry outreach capabilities. However, the success of Gunrunner is also dependent on our ability to secure prosecution and sentences appropriate to the criminal conduct. Recognizing the nuances of current Federal firearms statutes and related sentencing guidelines, it is imperative that comprehensive, complex criminal investigations that link firearms trafficking organizations to drug trafficking activities and organizations be conducted in order to leverage the prosecutorial advantages afforded by a wider array of criminal and civil statutes.

Like ATF's national firearms trafficking strategy, Gunrunner envisioned achieving our goals by focusing on both market and source areas of firearms. However, insufficient ATF resources in Mexico; the difficulty of obtaining comprehensive and timely firearm recovery data; limited access to recovered firearms and persons arrested in Mexico; and the fact that trafficking scheme organizers frequently reside outside the United States, caused ATF to primarily focus limited investigative resources on persons who purchase firearms in the United States that are subsequently recovered in drug related incidents in Mexico. However, experience has taught that straw purchasers are infrequently prosecuted, receive sentences insufficient to deter others when prosecuted, and are easily replaced by scheme organizers.

While our strategy will continue to include targeting persons who acquire firearms in a suspicious and/or unlawful manner, additional ATF investigative resources; improved

information sharing and data analysis capabilities; improved interagency cooperation (both domestic and international); and improved technology have resulted in our ability to place greater emphasis on the end users of trafficked firearms in the market area---the cartels and their confederates who organize the trafficking schemes and facilitate the movement of firearms across the U.S. Southwest border.

The primary goal of ATF’s Southwest border firearms trafficking strategy remains unchanged---to disrupt and dismantle the firearms trafficking organizations and networks responsible for trafficking firearms to Mexican cartels and cartel-related border violence.

CURRENT CARTEL AND FIREARMS TRAFFICKING STRATEGIES

The following identifies and summarizes key U.S. Government strategies intended to address firearms trafficking to Mexican drug cartels. They are listed and summarized in this document because it is essential that ATF's Southwest border strategy support and complement direction enunciated by the Department of Justice and the White House.

As previously indicated, ATF formally initiated Project Gunrunner in June 2007. Project Gunrunner called for increased collaboration and coordination with the Government of Mexico and U.S. law enforcement agencies; increased use of tracing and other sources of information; increased training to Mexican law enforcement agencies; a comprehensive plan for the inspection of licensed firearms dealers; closer investigative collaboration with Organized Crime Drug Enforcement Task Forces (OCDETF), OCDETF strike forces, and High Intensity Drug Trafficking Area (HIDTA) task forces; and FFL and public outreach/education.

On April 27, 2009, the Department of Justice released guidelines for the consideration of OCDETF designation in firearms related cases involving Mexican cartels. The memorandum identified firearms trafficking from the United States to Mexico as contributing to the escalating levels of cartel-related violence and as a particular concern for law enforcement on both sides of the border. The memorandum emphasized the important role that the OCDETF program plays in connection with the United States' government-wide efforts to stem the southbound smuggling of arms to Mexican drug trafficking organizations and stated that investigations principally targeting firearms trafficking are eligible for OCDETF designation if there is a sufficient nexus between the firearms and a major Mexican drug trafficking organization. It is not necessary that every OCDETF prosecution include specific drug charges, but every OCDETF prosecution must be drug-related. The specific charges may be firearms, explosives, or other non-drug violations as long as the targets have been identified as major drug violators and otherwise meet OCDETF standards.

In June 2009, the Office of National Drug Control Policy (ONDCP) released its National Southwest Border Counternarcotics Strategy. The strategy represents another key contribution to the U.S. response to the threat along the Southwest border. The strategy acknowledges the close link between drug trafficking and firearms trafficking and the increasing powerful nature and sophistication of the firearms acquired and used by Mexican drug trafficking organizations. In fact, Chapter 7 of the strategy is devoted to weapons and contains significant language pertaining to ATF investigative responsibilities and enforcement programs. The strategy includes the goals of improving intelligence and information sharing relating to weapons trafficking among Federal, State, local, and tribal law enforcement partners; increasing interdiction of illegal weapons shipments destined for Mexico; enhancing cooperation with international partners in weapons investigations; strengthening domestic coordination on weapons investigations and increasing the likelihood of successful Federal prosecution of weapons cases.

On June 25, 2009, ATF released a memorandum detailing a revised national firearms trafficking enforcement strategy focusing on among other things the identification and investigation of specific domestic trafficking corridors. While not a Southwest border focused document, the national firearms trafficking enforcement plan makes reference to Project Gunrunner and firearms trafficking cases with an international nexus. The document is referenced here since it provides guidance for conducting firearms trafficking investigations generally and may include information pertaining to investigative, technical, and preventive tactics that may be applicable when investigating matters related to the Southwest border.

On January 7, 2010, the Department of Justice reemphasized its commitment to combating firearms trafficking to Mexican cartels and the use of the OCDETF program as a means of disrupting the cartels by releasing its own strategy. The strategy is premised on the notion that a significant share of the violence, drug trafficking and corruption along the Southwest border is perpetrated by a relatively small number of hierarchical criminal organizations. The DOJ strategy concludes that “the most effective mechanism to attack those organizations is the use of intelligence-based, prosecutor-led multi-agency task forces that attack all levels of, and all criminal activities of, the operations of the organizations.” A significant component of the DOJ strategy pertains to attacking the southbound flow of firearms. The strategy states that “given the national scope of this issue, merely seizing firearms through interdiction will not stop firearms trafficking to Mexico. We must identify, investigate, and eliminate the sources of illegally trafficked firearms and the networks that transport them.” The DOJ strategy calls for closer collaboration between ATF and the efforts of multi-agency drug task forces along the border, including OCDETF strike forces. All ATF field divisions with an OCDETF strike force must consider assigning a complement of special agents to the multi-agency strike force and/or establishing a collocated ATF-led OCDETF group within the strike force.

Lastly, ATF’s 2010-2016 Strategic Plan provides broad direction intended to guide ATF operations over the next few years and includes information regarding ATF’s efforts to combat firearms trafficking, to include trafficking along and across the Southwest border. The document reiterates that one of ATF’s fundamental responsibilities is addressing the threat posed by firearms violence associated with drug trafficking and specifically the threat posed by Mexican based drug trafficking organizations that acquire firearms from the United States. The document summarizes a wide variety of ATF capabilities useful in suppressing firearms trafficking across the U.S.-Mexico border.

Additionally, in June 2009, ATF and Immigration and Customs Enforcement (ICE) initiated a Memorandum of Understanding (MOU) intended to address areas of mutual concern and responsibility. To the extent possible, this revised cartel focused strategy will conform to agreements between ATF and ICE and other law enforcement partners that may exist.

A CARTEL FOCUSED STRATEGY

Historically, ATF has placed much emphasis on the roles of the straw purchaser and the Federal firearms licensee in identifying and disrupting firearms trafficking schemes. However, straw purchasers by definition lack serious criminal records and therefore are frequently viewed as undesirable targets for criminal prosecution. Straw purchasers are also an easily replaced component of the trafficking scheme and the criminal laws that ATF generally relies upon to investigate and prosecute straw purchasers do not expose these violators to significant criminal penalties. This is particularly true when straw purchaser cases are presented for prosecution individually and not as part of a multi-defendant trafficking conspiracy case; or when there is little or no evidence that their unlawful acquisitions were financed by and intended to support a DTO.

Therefore, to more effectively disrupt firearms trafficking operations and to make our cases more appealing for criminal prosecution, greater emphasis will be placed on targeting the persons with greater responsibility for the trafficking schemes. In furtherance of this goal, we will attempt to conduct investigations focusing greater attention on the cartels that finance and direct these trafficking operations.

Straw purchasers will continue to be investigated and prosecuted according to their overall level of culpability and cooperation. Straw purchasers must be held accountable for their conduct and made ineligible to purchase or possess firearms in the future. However, straw purchasers should more frequently be viewed as persons whose conduct should be investigated as part of a larger conspiracy and as persons whose information, cooperation, and assistance should be exploited to the extent possible in furtherance of the ultimate goal of identifying key members of the trafficking enterprise and disrupting and/or dismantling of the trafficking operation.

FFLs remain both an important source of firearms (often unwittingly) to firearms traffickers and an investigative source of information. On occasion, FFLs become targets of criminal investigation and prosecution. When criminal wrongdoing by FFLs is suspected they will be aggressively investigated and recommended for prosecution. Corrupt FFLs constitute high-value targets due to the damage they cause and the special responsibility they hold to ensure that firearms are not illegally diverted from lawful commerce. The potential damage to public safety caused by even one corrupt FFL is difficult to calculate. In the meantime, we will continue to inspect FFLs who serve as a source of firearms to Mexican cartels according to an intelligence driven inspection plan and actively pursue investigative leads developed by industry operations investigators.

Additionally, we must not overlook the fact that firearms traffickers and other violent criminals also obtain firearms from secondary sources. While disrupting and/or dismantling secondary sources of crime guns present unique challenges, we should not overlook the benefits of doing so. Analysis of source location trace data for specific market areas, when adjusted for time-to-crime, may not only reveal actionable investigative leads, but also that secondary sources (e.g.,

gun shows, thefts and private sales) are a greater source of trafficked crime guns than licensed dealers.

This strategy will present certain challenges as some of the persons we seek to investigate, indict, and apprehend will reside outside the United States and/or may be priority targets of other U.S. law enforcement agencies. When appropriate, this strategy envisions that ATF will refer information and actionable intelligence to the Government of Mexico and/or other U.S. law enforcement agencies.

There are also 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 the DTOs. Examples include high volume trafficking investigations in which numerous diverted firearms identifiable with one or more purchasers are being used in violent crimes and recovered by law enforcement, and high volume trafficking investigations in which over an extended period ATF cannot reasonably determine where or to whom such firearms are being trafficked. SACs must closely monitor and approve such investigations, assessing the risks associated with prolonged investigation with limited or delayed interdiction. In some instances, the best answer may be to provide actionable intelligence to other law enforcement agencies and/or the Government of Mexico.

Our renewed efforts will require greater collaboration between ATF field divisions and other law enforcement and intelligence agencies and make greater use of the technical and analytical capabilities of DEA, EPIC, and others. While interviewing remains one of the most important investigative and information gathering techniques available to law enforcement, we must consider the benefits of making financial and telephone numbers/records analysis a regular part of our trafficking investigations.

MEXICAN CARTELS

This document is not intended to provide a detailed examination of the organizational structure or activities of the various Mexican DTOs. Numerous documents on this subject have been prepared by both U.S. Government agencies and non-governmental organizations, including ATF, over the past few years. The ATF (OSII) 2009 Project Gunrunner assessment of arms trafficking to Mexico includes detailed analysis of the significant activities of several DTOs, including notable seizure events. Given the fact that this revised strategy is intended to focus more attention on the persons and organizations with greatest responsibility for cross border firearms and explosives trafficking, a brief summary of the most significant cartels' activities is beneficial.

The status and viability of the major cartels has been impacted by the aggressive enforcement actions of the Mexican Government since the election of President Calderon, as well as the fighting among rival cartels over lucrative drug trafficking routes to the United States. It is a constant challenge to maintain an accurate picture of the cartels and the areas they control because their leaders are frequently arrested and killed, alliances are made and broken between cartels, and leaders within the organizations are challenged for control of the enterprise. Most credible sources, however, believe there are currently 6 or 7 major cartels. These are the Sinaloa cartel; the Gulf cartel; the Beltran Leyva cartel; the Arellano Felix cartel (Tijuana cartel); Vicente Carrillo Fuentes cartel (Juarez cartel); the Los Zetas cartel (which began as an enforcement arm for the Gulf cartel) and La Familia Michoacána cartel.

The OSII Southwest Border Field Intelligence Support Team (FIST) and EPIC have identified over 300 Mexican seizure events in 2009 that were linked to specific DTOs based upon reporting from open source and Mexican Governmental agencies. (It should be noted that information from these sources routinely contains conflicting data.) Texas was the top U.S. source state in 2009, with the purchase of 163 DTO-related firearms attributed to retail purchasers. Reporting identified the Gulf and Los Zetas cartels involvement in 117 Mexican seizure events in which they were named separately (Zetas 70%, Gulf 30%) and together with 892 firearms and 782 grenades recovered. Reporting identified the Sinaloa cartel's involvement in 45 seizure events in Mexico with 578 firearms and 60 grenades recovered; the Juarez cartel (including La Linea and Barrio Azteca) involvement in 24 seizure events with 64 firearms and 6 grenades recovered; the Tijuana cartel (and the El Teo component) involvement in 34 seizure events with 259 firearms and 4 grenades recovered; La Familia's involvement in 53 seizure events with 339 firearms and 68 grenades recovered; and the Beltran-Leyva Organization involvement in 30 seizure events in Mexico with 349 firearms and 78 grenades recovered.

AREAS OF CARTEL INFLUENCES IN MEXICO



The previously mentioned GRIT initiative uncovered numerous firearms trafficking operations connected to the Gulf and Zetas cartels. The rings typically involved one or more individuals recruiting several straw purchasers to acquire large quantities of firearms from multiple FFLs or gun shows with the intention of trafficking the firearms to Mexico. In some cases the individuals participating in these schemes did so with the knowledge and cooperation of a corrupt FFL.

Based on the preceding analysis and other considerations, including the alignment of the areas controlled by the cartels with the four ATF Southwest border field divisions and overall trace data, the primary targets of this strategy will be the Gulf, Zetas, and Sinaloa cartels.

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES

This strategy requires that firearms trafficking investigations be conducted in a thorough and comprehensive manner. A key component of this strategy is to make greater use of the OCDETF program as indicated in the Associate Deputy Attorney General's memorandum of April 27, 2009; the June 2009 ONDCP National Southwest Border Counternarcotics Strategy and the January 7, 2010 Department of Justice strategy.

Firearms related OCDETF cases will by their very nature require the support and participation of other law enforcement agencies, particularly DEA, and involve priority/high-value drug trafficking targets; be conspiratorial in nature; involve multiple suspects and a reasonably large number of known or suspected trafficked firearms. However, to ensure that the OCDETF program remains an investigative tool available to conduct firearms related investigations, it should only be utilized when appropriate.

Firearms trafficking investigations involving Mexican cartels often originate as a result of seizure events in Mexico and/or at the border. Relevant sources of information and investigative leads involving firearms trafficked to Mexican cartels include the ATF Mexico Country Office; ATF Border Liaison Officers; the Government of Mexico; FFLs; confidential informants; cooperating defendants (straw purchasers and detained transporters); the National Tracing Center; the Violent Crime Analysis Branch; EPIC; OSII and Field Intelligence Groups; other law enforcement agencies and open source information. All deconfliction systems, including those managed by regional HIDTAs and State Fusion Centers, should be aggressively utilized to ensure proper coordination with other law enforcement agencies.

When firearms recoveries, seizures and purchase data reveal common and/or significant sources of trafficked firearms, particularly over a relatively short period of time, every effort should be made to investigate the persons responsible for directing, financing, acquiring and transporting the firearms as part of a single investigation. Some trafficking schemes cross ATF field division areas of responsibility and therefore will require greater inter-division communication, coordination, and cooperation. Timely and rigorous deconfliction protocols must be observed to identify and/or avoid more than one ATF field division actively investigating the same target(s). Absent unique circumstances, such investigations should be consolidated. Such decisions should be made by mutual agreement of field special agents in charge after consultation with Federal prosecutors. In limited instances, ATF headquarters (Field Operations) will recommend or direct the consolidation and lead division of such cases in the best interest of a particular investigation, prosecution strategy, or multi-agency/bilateral enforcement initiative.

This strategy is not intended to limit the investigative initiative of any ATF field division. In fact, this strategy recognizes the important role played by all ATF field divisions in combating firearms trafficking generally and the increasingly important role played by a number of non-Southwest border field divisions in reducing firearms and explosives trafficking across the U.S.-Mexico border. However, this strategy recognizes the fact that the Gulf, Zetas, and Sinaloa

cartels are the primary recipients of firearms unlawfully acquired in the United States, and the leading roles played by the Houston and Phoenix Field Divisions in combating cross border

firearms trafficking by concentrating their investigative efforts on firearms and explosives trafficking and violent crime investigations involving the Gulf, Zetas, and Sinaloa cartels.

All field divisions are encouraged to initiate firearms related OCDETF investigations targeting Mexican cartels; however, investigations involving the Gulf, Zetas, and Sinaloa cartels shall be deconflicted and closely coordinated with the Houston and Phoenix Field Divisions. As previously indicated, when multiple division investigations of Mexican cartels are sufficiently related, the cases should be consolidated. The field division deemed to be in the best position to bring the case to a successful conclusion should lead the consolidated investigation.

The success of this strategy will require cooperation and coordination among the various field divisions.

HEADQUARTERS OVERSIGHT AND COORDINATION

ATF is in the process of revising Bureau policy pertaining to cases deemed significant/sensitive and those with national implication. Existing criteria for such cases include investigations with potential for diplomatic or international implications and investigations that are likely to cause contact with headquarters by the news media and/or a major political figure. Clearly, many cases involving firearms trafficking to Mexican drug cartels meet these criteria. Additionally, current ATF policy recognizes that some investigations may be national and therefore inter-divisional in scope.

To ensure that this strategy is properly implemented and coordinated, ATF headquarters is establishing a mechanism to monitor and, where appropriate, coordinate investigations targeting Mexican cartels. Given the large number of Southwest border investigations that are active at any given time, ATF headquarters will only monitor those deemed significant or sensitive. OCDETF investigations, investigations that target specific cartels or significant elements of cartel-related firearms trafficking organizations, and/or investigations that involve the use of court authorized monitoring of conversations or other potentially sensitive investigative techniques will be designated significant/sensitive. As such, the headquarters program manager will be given full access to monitored investigations in the ATF case management system, to include cases governed by Rule 6 of the Federal Rules of Criminal Procedure.

The monitoring and coordinating of Southwest border investigations will be the responsibility of the recently established Firearms Operations Division. Additional responsibilities include reviewing investigative and significant incident reports; assisting in the identification of other ATF field divisions that may have an interest in the monitored investigation; communicating with field divisions and headquarters offices, particularly OSII and the Office of International Affairs; serving as a conduit for the sharing of investigative reports and information; and providing written and/or oral briefings for Field Operations executives and other members of the ATF executive staff.

OSII will be responsible for the oversight of the intelligence component of this strategy and will work closely with the Firearms Operations Division regarding the analysis and dissemination of information. Likewise, the Office of International Affairs will remain responsible for supervising ATF operations in Mexico.

In short, the Firearms Operations Division will serve as the primary headquarters point of contact and resource for monitored Southwest border cartel related investigations.

THE MEXICO COUNTRY OFFICE

The ATF Mexico Country Office (MCO), a component of the Office of International Affairs (IAO), is an essential element of the Gunrunner strategy. The MCO, headquartered in the U.S. Embassy in Mexico City, includes ATF personnel posted in U.S. Consulates in Monterrey, Tijuana, Ciudad Juarez, Hermosillo, Guadalajara and Merida, and is the primary point of information collection and analysis, coordination, and liaison for ATF activities in Mexico.

Recently, the Office of International Affairs developed an operations plan for the MCO. Stated goals include increasing the number of timely, complete, and accurate firearms traces initiated by the Government of Mexico; participation in a vetted unit program sponsored by the DEA; improved coordination, communication, and intelligence sharing concerning firearms seizures between ATF and Mexican law enforcement authorities; improved coordination and documentation of investigations, training, and other assistance to Mexican law enforcement authorities; and reorganization and expansion of the Mexico Country Office.

No ATF activity shall be conducted in Mexico without prior headquarters IAO approval and coordination with the MCO. The controlled movement of firearms, ammunition, explosives, explosives devices, and/or components or non-functional “props” of such items across the U.S.-Mexico border from the United States shall be coordinated with and approved in advance by Bureau headquarters and the MCO.

The MCO in turn shall ensure that ATF headquarters and the principal Southwest border field divisions are kept apprised of significant events occurring in Mexico related to ATF jurisdiction. The MCO is responsible for facilitating requests for information, evidence, and/or assistance between ATF domestic offices and the Government of Mexico. However, requests for documents or other evidence from Mexican authorities required for prosecution in the United States shall be submitted through the Mutual Legal Assistance Treaty. Such requests shall be initiated by the local United States Attorney’s Office and be processed through the Department’s Office of International Affairs.

In support of this strategy, while the MCO will continue to facilitate the exchange of investigative information to Bureau headquarters and domestic ATF offices on all criminal organizations in Mexico, it will focus on the activities of the Gulf, Zetas, and Sinaloa cartels and provide information as appropriate concerning these organizations to Bureau headquarters and the Houston and Phoenix Field Divisions.

As a result of the increased use of explosives by the DTOs against the Mexican military and Mexican law enforcement, in July 2009, ATF and the Government of Mexico entered into a trial mutual assistance protocol to create the Combined Explosive Investigative Team (CEIT). ATF’s partnership with PGR, CENAPI, SEDENA, SEMAR, and the U.S. Defense Attaches’ Office assists the Government of Mexico with its responses to seizures of military and homemade grenades to determine the source, identify suspects, and to provide assistance with post-blast

investigations. ATF has assisted Mexico in identifying foreign military ordnance recovered from and used by DTOs and cartels in Mexico. Prior to such assistance, most of the recovered

military ordnance were incorrectly identified by Mexico as coming directly from the U.S., when in fact most have come from Central American countries and much is of non-U.S. manufacture. When requested, explosives evidence is shipped to the ATF National Laboratory for examination. ATF is also providing Mexican officials training in explosives identification, evidence collection, and post-blast investigation.

BORDER LIAISON AND EXPLOSIVES ENFORCEMENT OFFICERS

ATF currently deploys Border Liaison Officers (BLO) and Explosives Enforcement Officers in the four principal Southwest border field divisions. BLOs work under the supervision of the special agent in charge and are an essential component of ATF information collection and analysis capabilities and the dissemination of actionable intelligence. ATF has established BLOs in the following field offices for the respective points of entry: San Diego (Tijuana), El Centro (Mexicali), Yuma (San Luis Colorado), Tucson (Nogales), El Paso (Ciudad Juarez), Laredo (Nuevo Laredo), McAllen (Reynosa), and Brownsville (Matamoros).

In coordination with the Mexico Country Office, BLOs are permitted to operate in Mexico and often respond to the scene of firearm and explosive recovery incidents and arrests. In some instances, BLOs serve as a force multiplier for the MCO and may be the first ATF responder to recovery and arrest incidents, thus providing timely and essential investigative and technical assistance to Mexican law enforcement and/or military authorities. The BLOs additionally serve as ATF's principal liaison to other key U.S. law enforcement agencies operating in the vicinity of the Southwest border and provide training to counterparts in Mexico. Due to the increasing importance of the BLO position, each field division with a BLO will ensure that an alternate or backup BLO is selected and trained.

BLO activities in Mexico shall be coordinated with the MCO. Information collected by BLOs shall be disseminated to both the MCO and appropriate field intelligence groups.

EEOs work for the Arson and Explosives Program Division, Explosives Technology Branch and provide vital explosives technical assistance to domestic and international investigative operations. Given the significant increase in incidents pertaining to the use, recovery, and trafficking of explosives; improvised explosive devices; and IED components it is essential that EEO capabilities be more fully incorporated into Southwest border operations. An EEO has been assigned to the MCO in Mexico City. At this time, Southwest border area EEOs are designated to support Mexican authorities and the MCO in relation to explosives investigations, including participation on Combined Explosive Investigative Teams.

BORDER VIOLENCE, VCITS AND GANGS

Sometimes overlooked in our efforts to suppress firearms and explosives trafficking across the U.S.-Mexico border is that a key component of Project Gunrunner is the investigation and suppression of drug related border violence. ATF has been involved in a number of successful border violence enforcement initiatives, including those designed to combat gang violence, kidnappings, and home invasions fueled by the presence of drugs trafficked from Mexico and/or perpetrated by gangs affiliated with Mexican drug cartels. Examples include ATF participation in OCDETF strike force groups in Houston and Phoenix, and ATF's Project Gideon, a proactive home invasion/robbery undercover scenario targeting armed violent offenders and criminal groups. These efforts should continue and be expanded as part of this revised strategy.

Related to our efforts to suppress border related violence is our Violent Crime Impact Team (VCIT) initiative. Our VCIT initiative appears prominently in the ONDCP National Southwest Border Counternarcotics Strategy. VCITs are designed to proactively target the persons and gangs most responsible for firearms-related violent crime in select neighborhoods or sections of communities experiencing an increase in such criminal activity. VCIT groups have been established in thirty-one locations, including Houston and Laredo, Texas; and Tucson and Mesa, Arizona.

Integration of our gang enforcement activities with the drug-related border violence reduction component of our Gunrunner strategy is essential to achieving our strategic goals. Recent reports issued by the National Drug Intelligence Center (NDIC) and the National Gang Intelligence Center (NGIC) reveal a growing association between U.S.-based gangs and Mexican drug trafficking organizations. Mexican DTO's are increasingly using this association to support their drug and firearms trafficking operations. According to the NDIC, gangs recruited by DTO's to transport and distribute drugs are increasingly being used to acquire and transport firearms on their behalf and to protect their drug shipments. Some of these U.S.-based gangs have known associations with a number of Mexican cartels including the Gulf, Zetas, and Sinaloa cartels.

Although our VCIT initiative is not a pure gang enforcement strategy, it is flexible enough to include the targeting of violent gangs as a performance goal provided other VCIT guidance is met. Where VCIT enforcement groups exist along the Southwest border every effort should be made to ensure that the persons, gangs, and activities targeted are related to the activities of Mexican drug cartels. Likewise, in areas where VCIT groups do not exist, special agents in charge are strongly encouraged to target street gangs with a nexus to Mexican cartels, particularly the Sinaloa, Gulf, and Zetas. Where resources are an obstacle, SACs are encouraged to establish or participate in cartel related border violence task forces.

Future decisions about the establishment of VCIT groups along the Southwest border will be based on proposals to reduce firearms-related violence associated with Mexican drug cartels.

INFORMATION COLLECTION, MANAGEMENT AND EXPLOITATION

ATF's investigative efforts are largely intelligence driven. Directly related to our ability to identify cartel members and other persons with greater responsibility for trafficking firearms to Mexico is our ability to capture, exploit, and share information. The thoroughness with which we collect and document information is also vital to our ability to properly analyze data and produce timely investigative leads. Properly populating data fields in the ATF case management system is equally vital to our success.

Understanding the manner in which information flow should normally occur and the variety of intelligence resources available to ATF is also essential to our ability to properly address cross border firearms trafficking and related border violence.

Although ATF will continue to exploit a variety of sources of information, our most vital collection source remains our investigative personnel. As a result, it is essential that information be collected in accordance with the OSII collection plan and that case information be documented in accordance with Bureau policy. Proper documentation of investigative findings allows ATF to report to a variety of agencies with oversight responsibility and provides Bureau headquarters with vital statistical data for inclusion in budgetary and other documents. However, most importantly our investigative reports are essential to the successful prosecution of defendants and allows for the sharing and exploitation of information in our possession.

Information impacting our operations in Mexico shall be shared with the MCO. In most cases, information collected in Mexico will originate with the MCO. Information collected by BLO's responding to incidents in Mexico or obtained as a result of their liaison duties with counterparts in Mexico shall be shared with the MCO and OSII in a timely manner.

The division field intelligence group (FIG) is responsible for managing the flow of information/intelligence into and out of the field division (laterally to offices within the division, through the chain-of-command to ATF Headquarters, and externally to other domestic law enforcement and intelligence partners). FIGs analyze, disseminate, track and audit information and intelligence inside and outside the division and function as a clearinghouse for information from numerous ATF enforcement programs (e.g., NICS/Brady, NIBIN, NTC trace and multiple sale data, thefts and recoveries involving FFLs and FELs, etc). FIGs additionally establish and maintain partnerships with Federal, State, and local law enforcement partner intelligence components within their geographical areas of responsibility (to include regional information sharing systems and fusion centers) in support of the Bureau's mission.

Actionable information obtained by the MCO, BLOs or other Bureau components shall be immediately shared with the appropriate field division, enforcement group, and FIG. The MCO and/or BLO shall also provide information of a non-urgent nature to the appropriate FIG, OSII, and EPIC.

Information collected and analyzed by field intelligence groups shall be shared with OSII's Field Intelligence Support Branch and other field intelligence groups.

Information obtained and analyzed by OSII shall be disseminated to field components and the MCO as appropriate.

This revised strategy calls for greater use of underutilized intelligence and analytical resources such as EPIC, the OCDETF Fusion Center, and the DEA Special Operations Division.

In support Southwest border strategies, ATF is significantly increasing its staffing at the El Paso Intelligence Center (EPIC). As of July 6, 2010, ATF is leading EPIC's newly formed Firearms and Explosives Trafficking (FET) Unit and awaiting dedicated personnel from DEA, CBP, and ICE. ATF's mission at EPIC is now two-fold; run the traditional Gun Desk and provide collection management and analysis of firearms and explosives seizure data from Mexico. EPIC's FET Unit essentially functions as the U.S. Government's clearinghouse of information pertaining to known or suspected trafficked firearms to Mexico. It conducts suspect criminal history and other data base inquiries; initiates and accesses firearms trace requests/results; analyzes and disseminates open source information; receives and disseminates information to other agencies with drug trafficking and/or Southwest border responsibilities; and conducts limited regional analysis. It facilitates connectivity to all other EPIC investigative, technical, and analytical capabilities. ATF is expanding its mission to include tactical support to operations, with a special agent being assigned to the EPIC TACOPS Unit, to coordinate ground tracking, aviation tracking, and communications intercepts.

The OCDETF Fusion Centers gather, store, and analyze all-source drug and drug-related financial investigative information and intelligence to support coordinated, multijurisdictional investigations. ATF both staffs and contributes information in the form of investigative reports pertaining to OCDETF and drug-related investigations to the OCDETF Fusion Center. As a result, the Fusion Center allows for the searching of ATF and other participating agency investigative reports for information pertaining to specific targets. In an effort to better leverage the analytical capabilities of the Fusion Center and contribute information that may be used by other participating law enforcement agencies, all ATF investigations pertaining to the Southwest border will be shared with the OCDETF Fusion Center, regardless of whether the ATF case qualifies as a significant/sensitive investigation.

The DEA Special Operations Division is primarily responsible for exploiting signal intelligence (i.e. telephone toll records). Given the number of DEA Title III's in existence at any given time and the relationship between drug and firearms along the Southwest border, there is a high probability that information developed during an ATF investigation will connect in some fashion to an existing DEA investigation. Therefore, telephone numbers developed during the course of an ATF investigation (e.g., pen register; subpoena; Title III phone data; witness information) should be provided to the DEA SOD through the appropriate ATF field intelligence group in an effort to determine their possible relationship to other on-going drug-related investigations.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The cooperation and assistance of State and local law enforcement agencies, particularly those responsible for patrolling key interstate highways that connect firearm source locations and the Southwest border, is another important component of this comprehensive strategy. In fact, effective collaboration with State and local law enforcement agencies on a variety of ATF responsibilities is one of the historical cornerstones of our success as an agency. This is no less true when considering our ability to suppress firearms trafficking, generally and cross border firearms trafficking, specifically. State and local police officers properly trained in ATF jurisdiction; firearms trafficking schemes, including information pertaining to methods of acquisition, transportation and concealment; trafficking corridors; and firearms specific interviewing techniques would likely provide vital intelligence and investigative leads.

The lawful detention of trafficking participants and their subsequent and timely interview by ATF would likely result in increased seizure of firearms and ammunition intended for Mexican drug cartels; assist with narrowing current intelligence gaps by achieving a better understanding of trafficking trends and methods of operation; and serve as the predicate for initiating trafficking investigations that may otherwise go unaddressed. In fact, ATF has already benefited from partnering with State and local law enforcement agencies in cross border firearms trafficking enforcement operations and from the referral of information derived from vehicle stops unrelated to a particular ATF investigation.

Special agents in charge are strongly encouraged to work with State and local law enforcement agencies in their areas of operations as discussed above and to incorporate State and local law enforcement agencies into investigative and enforcement operations when appropriate.

ATF headquarters elements will be responsible for developing more comprehensive and formal State and local training programs, such as complex investigations and Southwest border oriented firearms trafficking seminars in partnership with other Federal law enforcement agencies and organizations such as the International Association of Chiefs of Police. ATF is currently developing a comprehensive ATF task force officer training course related to our DOJ asset forfeiture funded Joint Law Enforcement Operations program.

DOJ ASSISTANCE AND PROSECUTION STRATEGY

Although it is expected that cases investigated as part of this strategy will be prosecuted by the appropriate local United States Attorney, DOJ has shown interest and support of the approach outlined in this document and has designated a Criminal Division attorney to serve as the Department's liaison to ATF. In some cases, the Criminal Division may become directly involved in the prosecution of OCDETF and cartel focused cases.

Whenever feasible, we will seek to prosecute defendants in the United States and when necessary, we will attempt to secure the presence of Mexican nationals in the United States through extradition. However, it is reasonable to assume that the extradition process, once begun, may take many months to conclude and that in some cases the U.S. Government will not be able to secure the presence of Mexican nationals in the United States for trial. As a result, prosecution under Article IV of the Mexican Federal Penal Code may be the best option available. Article IV allows for the prosecution of Mexican nationals who commit crimes outside the national borders of Mexico. In order to be prosecuted under this provision of Mexican law, the accused must be in the Republic of Mexico, the accused cannot have been tried in the country where the criminal offense was committed, and the crime committed in the United States must also be a crime in the Republic of Mexico. The Mexican system of criminal justice is very different than that in the United States. No trial by jury system exists and witnesses are seldom called to testify. Trial judges make decisions based on a careful study of the evidence presented.

The States Attorney Generals for Texas, California, New Mexico, and Arizona have established Article IV units and may serve as a resource should Article IV prosecutions be contemplated. A potential Article IV prosecution may require that U.S. law enforcement agents collect evidence in a manner somewhat different than is customary in the United States. Any consideration of prosecution of Mexican nationals under Article IV will require close coordination with ATF headquarters and the U.S. Department of Justice.

PERFORMANCE GOALS AND PERFORMANCE INDICATORS

Effective strategies set clear goals and performance measures. The ATF 2010-2016 Strategic Plan lists Interdiction and Prevention of Firearms Trafficking and the Advancement of Firearms Trafficking Intelligence Capabilities as Strategic Goals in our efforts to reduce the risk to public safety caused by firearms trafficking. Several performance indicators are also listed as a means of measuring our performance toward achieving our strategic goals. While performance indicators reflect a level of ATF efficiency and effectiveness, our overall value as a law enforcement agency will be reflected by our ability to reduce the frequency of gun trafficking to Mexico by disrupting and dismantling the firearms trafficking organizations that provide firearms to targeted drug trafficking organizations.

Vital to our ability to track and report our progress is the timely and accurate reporting of information in our case management system (i.e. N-Force and N-Spect). A brief instructional document entitled, “Procedures for Incorporating Project Gunrunner References into N-Force Cases” dated April 10, 2007, can be accessed on the ATF Portal/Intraweb, via About ATF/OSII/Intelligence Information Systems Division/NFOCIS/Resources/Publications/P/Project Gunrunner – Case Maintenance.pdf. This document includes instructions and N-Force screen shots depicting methods to properly designate Southwest border and Gunrunner investigations, reports of investigations, suspects and defendants, significant incident reports, and firearms traces in N-Force. In addition to following the instructions in the referenced N-Force document, special agents should ensure that firearms trafficking investigations are properly reflected in General Case Information, Firearms tab, to include source state and country, and target (market) state and/or country. Planned enhancements to N-Force will allow us to document investigations involving specific Mexican cartels in the same manner as U.S. street gangs.

In addition, all special agents are encouraged to identify Southwest border firearms trafficking investigation suspects in TECS, including case agent contact information, in order to gain intelligence information concerning border crossings, etc.

All special agents and IOIs, but particularly those involved in Southwest border firearms trafficking and cartel related investigations and inspections, should be familiar with these reporting procedures.

SUMMARY OF KEY ELEMENTS OF CARTEL FOCUSED STRATEGY

With diligent implementation of this revised strategy and adherence to its key elements, ATF should achieve greater success in our efforts to reduce cross border firearms trafficking and related border violence.

Specifically, this strategy is designed to achieve:

- Improved collection, analyses, sharing, and exploitation of intelligence information.
- Improved prioritization of investigative leads.
- Greater use of intelligence that links seizure events, purchase transactions, and other unlawful or suspicious activity with specific DTOs.
- Employment of a greater array of investigative resources, techniques, and criminal statutes.
- Improved investigative coordination and intelligence sharing with the Government of Mexico and other law enforcement partners.
- Improved communication and coordination between ATF field divisions and between field divisions, ATF headquarters and the Mexico Country Office.
- More effective alignment of ATF enforcement programs.
- Increased use of OCDETF program.
- Closer coordination with DEA and other law enforcement partners.
- Greater emphasis on multi-defendant conspiratorial trafficking cases that more often focus on facilitators; organizers and persons with greater responsibility for trafficking operations.
- The new Firearms Operations Division (FOD) in the Office of Field Operations will monitor cartel focused investigations and where appropriate, help coordinate multi-division, multi-agency, and multi-national investigative efforts. These FOD activities will be led by the Southwest Border National Coordinator, who will communicate with senior leadership, field management, and ATF intelligence assets based on linkages between seemingly unrelated cases or fragments of intelligence pertaining to firearms trafficking and border violence by targeted DTOs.
- Improved understanding of Southwest border challenges and intelligence gaps.

- Ultimately enhance the effectiveness of our cross border trafficking and related border violence investigations and operations.