

U.S. DEPARTMENT OF THE TREASURY
Bureau of Alcohol,
Tobacco and Firearms

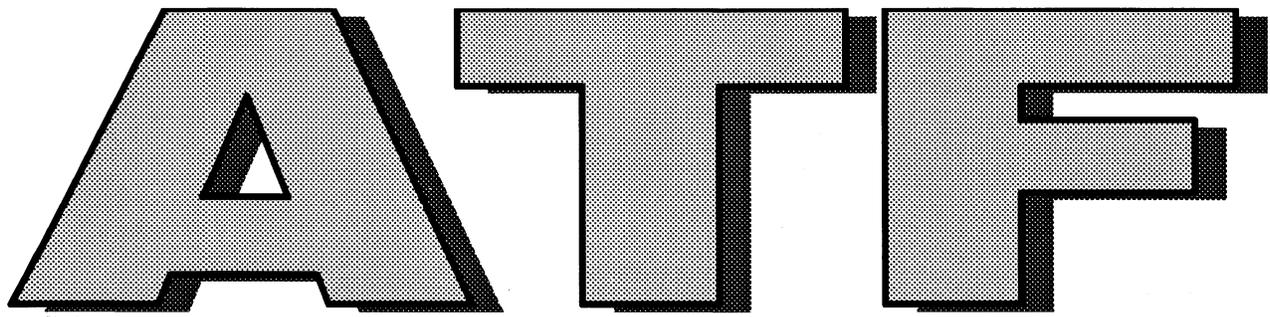


Guide to Investigating Illegal Firearms Trafficking

173151

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OCTOBER 1997

The logo consists of the letters 'AATF' in a large, bold, sans-serif font. The letters are filled with a grey halftone pattern and have a thick black outline. To the right of the letters, there are three vertical black bars of varying lengths, stacked vertically.

AATF

**Working for a
Sound and Safer
America through
Innovation and
Partnerships to
Disarm Violent
Criminals, Gang
Offenders, and
Juveniles.**

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National Criminal Justice Reference Service (NCJRS)

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LISTING OF COMMON ACRONYMS

The following is a listing of common acronyms that the user of this guide will encounter throughout the text. This list identifies those acronyms that may appear more than once in this guide.

AECA - Arms Export Control Act

ASCMe - Advanced Serial Case Management

ATF - Bureau of Alcohol, Tobacco and Firearms

BOP - Bureau of Prisons

CE - Criminal Enforcement (ATF)

CFR - Code of Federal Regulations

CIA - Central Intelligence Agency

CLEO - Chief Law Enforcement Officer

DEA - Drug Enforcement Administration

DOD - Department of Defense

DOJ - Department of Justice

ECA - Explosives Control Act

EPIC - El Paso Intelligence Center

FFL - Federal Firearms Licensee

FTB - Firearms Technology Branch (ATF)

FTS - Firearms Tracing System (ATF)

GCA - Gun Control Act

HUD - Department of Housing and Urban Development

IBIS - Integrated Ballistics Identification System (ATF)

III - Interstate Identification Index

INS - Immigration and Naturalization Service

IRS - Internal Revenue Service

ITAR - International Traffic in Arms

NADDIS - Narcotics and Dangerous Drugs Information System

NARS - National Archives and Records Service

NCIC - National Crime Information Center

NFA - National Firearms Act

NFRTR - National Firearms Registration and Transfer Record (ATF)

NLC - National Laboratory Center (ATF)

NLETS - National Law Enforcement Telecommunications System

NTC - National Tracing Center (ATF)

ODTC - Office of Defense Trade Controls

QMF - Query Management Facility (ATF)

RE - Regulatory Enforcement (ATF)

RICO - Racketeer Influenced Corrupt Organization

SSN - Social Security Number

TECS - Treasury Enforcement Communications System

T-I - Title I Firearm (GCA)

T-II - Title II Firearm (NFA)

T-III - Electronic Wire Interception

UPS - United Parcel Service

USC - United States Code

USCG - United States Coast Guard

USCS - United States Customs Service

USPS - United States Postal Service

USSS - United States Secret Service

WWW - WorldWide Web

NOTE: Project LEAD, although appearing in capital letters, is not an acronym. The "LEAD" in Project LEAD stands for investigative lead.

FOREWORD

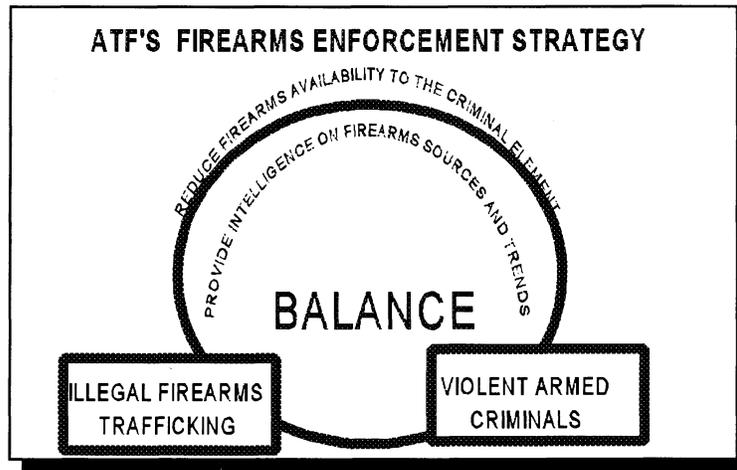
Firearms-related violence is one of this Nation's primary concerns. Firearms-related violence, spurred by an indifference to human life can deplete the cultural and economic resources of our society and erode the basic quality of life for many Americans. The Bureau of Alcohol, Tobacco and Firearms (ATF), in response to this problem and the fact that illegal firearms trafficking investigations often exceed the jurisdictional boundaries or information resources of other State, local, and Federal agencies, developed and deployed a comprehensive national firearms trafficking effort that all law enforcement agencies may participate in. This effort complements ATF's long standing efforts to reduce armed violent crime through direct investigation and prosecution of armed violent criminals and gang offenders. Striking a balance between the two approaches best serves both efforts.

ATF's firearms trafficking efforts reduce armed violent crime by investigating and prosecuting those individuals who are illegally supplying firearms to the violent criminals, gang offenders, and juveniles responsible for committing firearms-related crimes.

Focused enforcement is key to this effort. Eliminating the flow of firearms to violent criminals, gang offenders, and juveniles will reduce the overall violent crime rate as well as the armed violent crime rate in general. Firearms make it very easy to commit violent crime. Firearms reduce the personal interaction between a criminal and victim, and they lessen the need for a physical confrontation. When firearms access is removed from violent criminals, gang offenders, and juveniles, violent crime rates can be reduced.

This guide is designed as a reference for criminal investigators to use to

enhance their ability to recognize the signs of illegal firearms trafficking, identify illegal firearms traffickers, and thoroughly investigate illegal firearms trafficking violations.

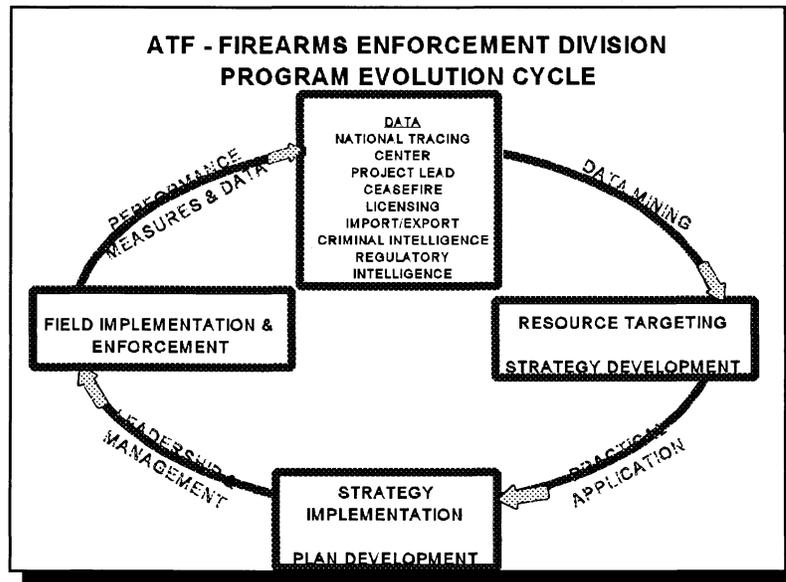


ATF is committed to the fight against armed violent crime and stands ready to provide the investigative, technical, and legal expertise as well as one-of-a-kind firearms information to fulfill this commitment. ATF is working for a sound and safer America through innovation and partnerships.

PURPOSE OF THIS GUIDE

The purpose of this guide is to provide criminal investigators with a practical instrument to assist their efforts during preliminary identification of illegal firearms trafficking indicators and the thorough investigation of illegal firearms trafficking violations. This guide also serves to promote uniformity in the illegal firearms trafficking terminology and the meanings of that terminology (as used by the law enforcement community).

that it assist the law enforcement community in the development of new law enforcement strategies designed to impact on the illegal source of firearms to criminals, gang offenders, and juveniles.



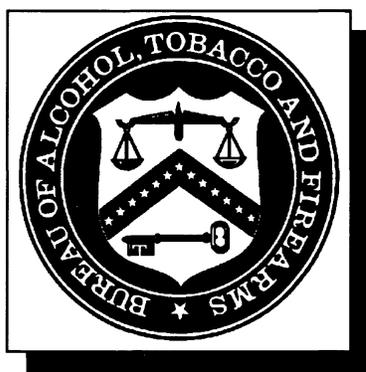
Although it is impossible to include everything necessary to conduct a complex illegal firearms trafficking investigation, this guide provides terminology, investigative

It is our intention to make this guide a functional tool that criminal investigators may carry with them in the field when conducting illegal firearms trafficking investigations. It is also the intent of the developers of this guide

techniques, sources of information, available resources, information on existing State systems, legal information, information on ATF's unique assets, and other general advice regarding those areas most often involved in illegal firearms trafficking investigations.

SECTION-I

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF) HISTORY



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS HISTORY

Headquartered in Washington, DC, ATF has offices throughout the United States, its territories, and select foreign countries. ATF is a unique Federal agency. Its special agents, inspectors, auditors, and support personnel are involved in investigating the most violent criminals in our society, regulating the firearms, explosives, alcohol, and tobacco industries in America, and ensuring the annual collection of billions of dollars in taxes. While ATF is one of the newest Federal agencies, it has a lineage that is full of experience and tradition. Although the Bureau has only been established since 1972, ATF's history extends back to the earliest days of the United States.

Faced with debts incurred during the Revolution, Congress imposed the first Federal tax on distilled spirits on March 3, 1791. This tax proved to be unpopular, and subsequently in 1794, violent resistance to the tax exploded into the Whiskey Rebellion. The uprising was led by Albert Gallatin, who later as secretary of Treasury, levied these same taxes. To restore order, President George Washington organized 15,000 militiamen. This action firmly established the new Federal Government's authority to enforce such taxes.

Between the Whiskey Rebellion and the Civil War, taxes on distilled spirits were alternately repealed and enacted to meet the Government's revenue needs. In order to finance the Civil War, Congress passed the act of July 1, 1862. This law created the Office of

Internal Revenue and imposed a tax on distilled spirits that has become a permanent part of the Federal revenue system. In 1863, Congress authorized the hiring of three detectives to aid in the prevention, detection, and punishment of tax evaders. These laws are the foundation for both ATF and the Internal Revenue Service.

In 1875, Federal investigators broke up the infamous "Whiskey Ring" of corrupt grain dealers, politicians, and revenue agents. This cartel defrauded the Government of millions of dollars in taxes on distilled spirits; disclosure of this ring caused a major scandal. Subsequently, Congress enacted the first civil service laws, recognizing that the quality of the people who administered the law was as important as the existence of the law itself.

In 1919, the 18th amendment to the Constitution was ratified, ushering in the Prohibition Era. Combined with the Volstead Prohibition Enforcement Act, the law gave the commissioner of Internal Revenue, through the newly created Prohibition Unit, jurisdiction over the illicit manufacture, sale, or transportation of intoxicating liquors for beverage purposes. The decade of the "Roaring Twenties" spawned organized criminal mobs, who fed on the remaining demand for alcohol. Syndicates led by racketeers, such as Al Capone and others, became front-page figures. Corruption, gang slayings, bootlegging, and moonshining flourished. In response to the growing problem, the Prohibition Unit became

the separate Bureau of Prohibition. Special squads were formed to go after the emerging criminal empires. One of the best known squads was headed by Eliot Ness in Chicago. Today's ATF special agents are the successors to those legendary "Untouchables."

On March 10, 1934, the Prohibition Era ended with the passage of the 21st amendment in 1933. With the repeal, the Bureau of Prohibition, which had been moved to the Department of Justice in 1930, turned over its responsibilities to a newly created Alcohol Tax Unit (ATU) within the Bureau of Internal Revenue. The legal liquor industry set about rebuilding itself.

As the legal liquor industry started back to business, with inadequate equipment and supplies, Congress recognized that the illegal liquor barons, who were still able to meet the public demand, posed a real threat to legitimate distillers and brewers. In 1935, the Federal Alcohol Administration Act (FAA) was passed, creating licensing and permit requirements and establishing regulations designed to ensure an open and fair marketplace to the legal businessperson and to the consumer. Until 1940, a separate Federal Alcohol Administration in Treasury enforced the FAA Act. In that year, it merged with ATU, successfully combining related law enforcement and regulatory authorities in a pattern that continues today within ATF.

One of the offshoots of Prohibition was an unprecedented wave of criminal violence. Mobs and gangs that were so prevalent during the Prohibition Era

made war on each other and on the public. Hence, in 1934 the National Firearms Act (NFA) was passed, controlling what Congress termed "gangster type weapons," such as machineguns and sawed-off shotguns. The NFA, America's first Federal gun control law, was followed in 1938 by the Federal Firearms Act, which established limited regulation of the firearms industry and made it a Federal crime for felons and fugitives to receive firearms in interstate commerce. In 1942, responsibility for administering these laws was given to the ATU, whose experience in both law enforcement and industry regulation especially suited it for these new responsibilities.

In 1951, tobacco tax duties were also delegated to ATU, and the unit's title changed in 1952 to Alcohol and Tobacco Tax Division of the Internal Revenue Service (ATTD). The division now enforced the laws for alcohol, tobacco, and firearms.

Against the background of rising crime rates during the 1960s and the assassinations of President Kennedy, Senator Robert Kennedy, and Martin Luther King, Jr., the Government created stricter Federal firearms laws that were intended to address firearms-related violence. The Omnibus Crime Control and Safe Streets Act of 1968 and the subsequent Gun Control Act (GCA), which absorbed the firearms provisions of the Omnibus Act, replaced the FFA and NFA of the 1930s. Bombs and other destructive devices were added to machineguns and sawed-off shotguns as items strictly controlled by the Government, and ATTD was given the first direct Federal jurisdiction

directed at criminal use of explosives. The GCA also created stricter licensing and regulation of the firearms industry and established new categories of offenses involving firearms. The scope of the responsibilities was such that ATTD was renamed as the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service (ATFD).

By the end of the 1960s, the Federal Government's almost 200-year-long war against "moonshining" had been reduced by economics and effective enforcement to only sporadic skirmishes. While industry regulation and tax collection remained vitally important, ATFD's law enforcement resources were being redeployed in the battle against organized crime and criminal violence. In 1970, the Organized Crime Control Act was passed. This law included sections known as the Explosives Control Act (ECA) which were modeled after the GCA passed 2 years earlier. The ECA contained provisions for stricter industry regulations and established certain bombings and arsons as Federal crimes. As with the GCA, ATFD was clearly the agency with the primary expertise and resources to administer the new law. With the passage of the ECA, it also became apparent that ATFD was responsible for an interrelated scope of activities that were clearly distinguishable from the primary missions of the Internal Revenue Service. Therefore, ATFD was separated from the Internal Revenue Service and given full Bureau status in the Treasury Department, as ATF, on July 1, 1972.

The new Bureau gained new responsibilities. In 1976, ATF briefly assumed the duty of enforcing the wagering laws from IRS. In 1978, in response to the millions of dollars being lost to the States by cigarette smuggling from low tax to high tax States, ATF was charged with enforcing a new Contraband Cigarette Act. ATF was also tasked with helping State enforcement agencies improve their enforcement and revenue collection capabilities. At the same time, ATF was developing an entirely new Federal effort against an emerging crime problem--arson. In recent years, ATF was able to determine that certain accelerants used in arsons met the definition of explosives in the ECA. By the mid-1970s, ATF was able to present major arson cases to the Department of Justice for prosecution. In 1982, that effort was recognized with the passage of the Anti-Arson Act, which amended the ECA to include destruction of property by fire along with destruction by explosives.

In 1986, Congress passed amendments to the GCA. These amendments established mandatory sentences for armed drug traffickers and violent career criminals. The Brady Law, which became effective on February 28, 1994, created a mandatory 5-day waiting period for purchasing handguns. This provision allows law enforcement officers to check the background of each handgun purchaser before delivery of a handgun is made by Federal firearms licensees.

On September 13, 1994, President Clinton signed the Violent Crime Control and Law Enforcement Act of 1994,

better known as the "Crime Bill." This legislation covers a wide range of law enforcement activities; some of which ATF is directly responsible for enforcing.

Today, ATF is responsible for enforcing provisions of the following sections of Federal firearms laws and regulations:

LAWS -

Gun Control Act (18 U.S.C. Chapter 44)
National Firearms Act (26 U.S.C. Chapter 53)
Arms Export Control Act (22 U.S.C. § 2778)

REGULATIONS -

27 CFR Part 47
27 CFR Part 178
27 CFR Part 179



SECTION-II

ATF INVESTIGATIVE SUPPORT



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

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- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

TELEPHONE/FACSIMILE NUMBERS OF ATF OFFICES

ATF HEADQUARTERS 24 HOUR TELEPHONE NUMBER.....1-800-800-3855

CRIMINAL ENFORCEMENT FIELD DIVISIONS	TELEPHONE	FACSIMILE
Atlanta, Georgia	404-331-6526	404-331-4137
Baltimore, Maryland	410-962-0897	410-962-2382
Birmingham, Alabama	205-731-1205	205-731-1313
Boston, Massachusetts	617-565-7042	617-565-7003
Charlotte, North Carolina	704-344-6125	704-344-6722
Chicago, Illinois	312-353-6935	312-353-7668
Dallas, Texas	214-767-2250	214-767-2229
Detroit, Michigan	313-393-6000	313-393-6054
Houston, Texas	281-449-2073	281-449-2049
Kansas City, Missouri	816-421-3440	816-421-6511
Los Angeles, California	213-894-4812	213-894-0105
Louisville, Kentucky	502-582-5211	502-582-5634
Miami, Florida	305-597-4800	305-597-4797
Nashville, Tennessee	615-781-5364	615-781-5371
New York City, New York	212-466-5145	212-466-5160
New Orleans, Louisiana	504-589-2350	504-589-2049
Philadelphia, Pennsylvania	215-597-7266	215-597-6116
Phoenix, Arizona	602-640-2840	602-640-2858
San Francisco, California	415-744-7001	415-744-9448
Seattle, Washington	206-220-6440	206-220-6446
Washington, DC	202-219-7751	202-219-7828

REGULATORY DISTRICT OFFICES	TELEPHONE	FACSIMILE
(Southeast) Atlanta, Georgia	404-679-5001	404-679-5013
(Midwest) Chicago, Illinois	312-353-1967	312-353-3779
(Southwest) Dallas, Texas	214-767-2280	214-767-3009
(North Atlantic) New York City, New York	212-264-2328	212-264-4553
(Western) San Francisco, California	415-744-7013	415-744-9443

OFFICE OF CHIEF COUNSEL	TELEPHONE	FACSIMILE
Chief Counsel (Washington, DC)	202-927-7772	202-927-8673
Associate Chief Counsel (Atlanta, Georgia)	404-679-5020	404-679-5019
Associate Chief Counsel (Chicago, Illinois)	312-353-3862	312-353-6787
Associate Chief Counsel (Cincinnati, Ohio)	513-684-3225	513-684-6883
Associate Chief Counsel (Dallas, Texas)	214-767-2288	214-767-4502
Associate Chief Counsel (New York, New York)	212-264-8060	212-264-1734
Associate Chief Counsel (Philadelphia, Pennsylvania)	215-597-2051	215-597-8303
Associate Chief Counsel (San Francisco, California)	415-744-9437	415-744-7098

TELEPHONE/FACSIMILE NUMBERS OF ATF SUPPORT AND INFORMATION SERVICES

SECTION II

SUPPORT AND INFORMATION SERVICE	TELEPHONE	FACSIMILE
ATF National Communications Center	800-800-3855	202-927-7862
ATF National Tracing Center	800-788-7133	800-578-7223
ATF Firearms Branch	202-927-7770	202-927-7685
ATF Office of Liaison and Public Information	202-927-9510	202-927-1083
ATF Office of Training and Professional Development ..	202-927-9380	202-927-0752
ATF Intelligence Operations Branch.....	202-927-7900	202-927-4018
ATF Firearms Licensing (Atlanta, Georgia)	404-679-5040	404-679-5078
ATF National Firearms Act Branch	202-927-8330	202-927-8601
ATF Firearms Imports Branch	202-927-8320	202-927-8601
ATF National Laboratory (Rockville, Maryland)	301-413-5227	301-413-0649
ATF Regional Laboratory (Atlanta, Georgia)	404-679-5100	404-679-5112
ATF Regional Laboratory (Walnut Creek, California)	510-486-3170	510-486-3166
ATF Firearms Technology Branch	202-927-7910	202-927-7692
ATF Audit Services Division	202-927-8240	202-927-8602
ATF Publication Distribution Center	703-455-7801	
El Paso Intelligence Center (ATF Representative)	915-564-2200	915-564-2102

ADDRESSES:

ATF WebSite on the World Wide Web

www.atf.treas.gov

ATF Headquarters

Bureau of Alcohol, Tobacco and Firearms
650 Massachusetts Avenue, NW
Washington, DC 20226

ATF National Tracing Center

Bureau of Alcohol, Tobacco and Firearms - National Tracing Center
2029 Stonewall Jackson Drive
Falling Waters, WV 25419

ATF National Laboratory

Bureau of Alcohol, Tobacco and Firearms - National Laboratory
1401 Research Boulevard, Room 253
Rockville, MD 20850-3188

ATF FORENSIC AND TECHNICAL SUPPORT OVERVIEW

The following is a brief overview of the forensic and technical support related to firearms that ATF makes available to the law enforcement community. Other unique resources and support services directly related to illegal firearms trafficking investigations can be found throughout this guide.

Forensic Science Laboratory

Support. ATF's laboratory system is composed of the National Laboratory Center (NLC) in Rockville, Maryland, and the regional laboratories in Atlanta, Georgia, and San Francisco, California. The NLC is the second oldest Federal laboratory in the United States, and the laboratory system holds the distinction of being the first Federal laboratory system accredited by the American Society of Crime Laboratory Directors. These multidisciplinary laboratories support the Bureau's firearms, explosives, and arson programs. The laboratories routinely examine thousands of firearms, documents, and other miscellaneous firearms-related evidence for latent fingerprint, handwriting, residue/fiber, toolmark, ballistics examination, and other evidentiary items. The laboratories are recognized as the leaders in the field of firearms serial number restoration. The laboratories also routinely examine arson debris to detect accelerants as well as intact and functioned explosives devices and explosives debris to identify device components and the explosives used. In addition, the laboratories provide trace evidence comparisons.

CEASEFIRE System Support. ATF's CEASEFIRE Program provides advanced investigative support to cities experiencing serious organized criminal gang and drug-related shooting

incidents. The goals of this program are to assist State and local law enforcement in the solution of firearms-related violent crimes and serial shooting incidents, and increase the efficiency of firearms/ballistic examiners. CEASEFIRE provides focused investigative assistance to cities through the integration of ATF's various violence reduction program's and new forensic technology. ATF is utilizing computerized imaging systems along with investigative support to improve the efficiency in the examination of ballistic evidence. The INTEGRATED BALLISTICS IDENTIFICATION SYSTEM (IBIS) is a single platform computer identification system which correlates and matches both projectile and shell casing ballistic evidence. It consists of two separate software programs- BULLETPROOF and BRASSCATCHER.

The BULLETPROOF system provides the firearms examiner with an automated mechanism to identify projectiles (bullets). It also allows for a visual examination of the images on a video monitor.

BRASSCATCHER, which operates on the same platform, allows a computer comparison of recovered shell casings. The system will automatically correlate the electronic signatures to make the match. The operator can visually compare shell casings images having

similar characteristics on a video monitor.

The IBIS technology facilitates the rapid comparison of huge volumes of projectile and casing evidence from different shooting incidents producing a higher probability of solution. In addition, in shooting incidents where no crime gun is recovered, IBIS can be used to examine the projectile or casing and identify the type of firearm the projectile and/or casing were expended from. For example, a homicide occurs and the projectile is recovered from the victim, but no firearm is recovered. The projectile is believed to be 9mm. IBIS examination confirms the projectile is 9mm and can also advise the investigator of the type of 9mm pistol used (e.g., Glock or Sig Sauer).

This advanced technology is the worldwide standard and is currently in use in Russia, Brazil, Thailand, Canada, and South Africa to name a few examples.

A battery of ATF's unique assets, such as the National Tracing Center, the Firearms Technology Branch with its 5,000 firearms reference library, and the ATF Forensic Laboratory support the CEASEFIRE Program. These significantly contribute to the solution rates of firearms-related homicides and other shooting-related incidents. The CEASEFIRE Program was developed to address firearms-related violence and homicides and solve investigations. The program accomplishes the examination of ballistic evidence through the IBIS. The program's design suppresses and prevents crime and violence through enforcement,

regulation, and community outreach; supports and assists international, Federal, State and local law enforcement; and provides innovative training programs in support of enforcement and regulatory functions. IBIS is located in all of ATF's Forensic Science Laboratories.

Explosive Detecting Canine Support.

ATF's explosives detecting canine program was established in 1992. These canines can detect minute quantities and a greater variety of explosives than canines in any other program available. Of significance is the fact that because of the conditioning to smokeless powder and other types of explosives fillers defined with these groups, the explosives detecting canines have been able to detect firearms and ammunition hidden in luggage, and vehicles, and buried underground. These canines may be useful in traffic stops involving illegal firearms trafficking suspects in much the same way that narcotics detection canines are used in traffic stops involving narcotics trafficking suspects. The investigative application of canines in firearms detection is available through ATF's canine detecting team.

Firearms Technology Branch (FTB)

Support. The FTB provides expert technical support to ATF, other Federal agencies, State and local law enforcement, the firearms industry, Congress, and the general public. FTB is responsible for rendering opinions regarding the classification of suspected illegal firearms and newly designed firearms. FTB maintains an extensive firearms reference collection, as well as technical firearms reference files and

SECTION-III

FIREARMS TRAFFICKING TERMS



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- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

FIREARMS TRAFFICKING TERMS

The following is a listing of basic firearms trafficking terms and definitions that a criminal investigator should have working knowledge of in order to effectively investigate illegal firearms trafficking.

Acquisition/Disposition Log. A log or bound book maintained by all FFLs which records the receipt (date and source) and disposition (date and transferee) of all firearms as well as a complete description of the firearm(s).

ATF Form 3310.4, Multiple Sales Report. A form completed by all FFLs whenever they transfer two or more handguns within a 5-business day period to the same individual. The form contains full identifying information concerning the purchaser, the firearms, the date of transfer, and the FFL. FFLs are required by Federal law (18 U.S.C. § 923(g)(3)) to forward this form to ATF and the designated chief law enforcement official in that area. (See Section XV for a copy of this form.)

ATF Form 4473, Firearms Transaction Record. A form maintained by all FFLs which is completed to document the transfer of a firearm(s) to an unlicensed individual. The form is completed by both the purchaser and the FFL and contains full identifying information concerning the purchaser, the firearm, the date of transfer, and the FFL number. (See Section XV for a copy of this form.)

ATF Form 5300.35, Statement of Intent to Obtain a Handgun(s). A form maintained by some FFLs to document a handgun purchaser's personal identifying data to be used for a criminal records and background check as

required by the Brady Law prior to the purchase of a handgun. (See Section XV for a copy of this form.)

Crime Gun. For purposes of this guidebook and firearms tracing, a crime gun is any firearm that is illegally possessed, used in a crime, or suspected to have been used in a crime. This may include firearms found abandoned if it is suspected they were used in a crime or illegally possessed.

Engaged in the Business. A person who devotes time, attention, and labor to dealing (manufacturing/importing/repairing/pawnbrokering) firearms as a regular course of trade or business with the "principal objective of livelihood and profit" through that labor. This does not include occasional sales/purchases of firearms for enhancement/disposition of a personal collection or for hobby. (Defined in 18 U.S.C. § 921(a)(21).)

Federal Firearms Licensee (FFL). An FFL is any person, partnership, or business entity holding a valid license issued by ATF under the authority of 18 U.S.C. chapter 44, that allows them to "engage in the business" of dealing (manufacturing, importing, repairing, or pawnbrokering) firearms. By law, all FFLs must keep records of their firearms transactions.

Firearms and Explosives Imports

System. A system maintained by ATF that contains information on applications to import firearms and information on firearms imported. This information includes the names and addresses of businesses importing and exporting, permit numbers, descriptions and numbers of articles imported/exported, country of manufacture, Arms Export Control Act registration information, and copies of applications, and reports such as ATF Form 6 and 6A. (See Section XV for copies of these forms.)

Firearms Dealer. Any person (licensed or unlicensed) “engaged in the business” of dealing, manufacturing, importing, or pawnbrokering firearms. (Defined in 18 U.S.C. § 921(a)(11).)

Firearms and Explosives Licensing

Center (FELC). Located in Atlanta, Georgia, the ATF FELC receives and processes requests for FFLs and contains information on all active licenses, active license addresses, responsible persons associated with the license, d.b.a. (doing business as) names, corporate names, licensee telephone numbers, FFL photographs, and fingerprints for recent applicants or renewals, etc.

Firearms Trace. The tracking of a recovered crime guns history from its source (manufacturer/ importer) through the chain of distribution (wholesaler/ retailer) to the individual who procured the firearm. Firearms trace requests may be submitted to the NTC on an ATF Form 3312.1, Crime Gun Information Referral/ Request Form. (ATF

personnel see ATF Order 3310.4B for more information.)

Firearms Trafficking Corridor. A route of transportation that is frequently used by illegal firearms traffickers to transport/move firearms from a source area to a market area. This may include interstate highways; cars, buslines, other common carriers such as UPS, DHL, Fed Ex; U.S. mail; railways; or air routes.

Firearms Trafficking Gateway. A border crossing point, port of entry, airport, busport, or train station that is frequently passed through by illegal firearms traffickers during their transportation of firearms from a source area to a market area.

Firearms Trafficking Study. A study and analysis of firearms information (e.g., trace information) pertaining to recovered crime guns in a specific geographic location, over a set period of time, to determine trends and patterns in firearms crimes, firearms recovery locations, and illegal firearms trafficking indicators which can be used to formulate enforcement strategies and focus resources. These studies are performed using data from ATF’s NTC.

Flea Market. A one time or recurring event having a primary purpose of providing a public exhibition, forum, or market place for general merchandise, second hand articles, antiques, and other miscellaneous commercial goods other than firearms but whose merchandise may include firearms, ammunition, and firearms accessories. (ATF personnel see ATF Order 3310.4B for more information.)

Gun Show. An event or function sponsored by any national, State, or local organization devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use or other sporting use of firearms in the community. A flea market is not a gun show. *(Defined in 27 CFR § 178.100 (b). Also ATF personnel see ATF Order 3310.4B for more information.)*

Illegal Firearms Diversion. The movement of a firearm(s) from the legal to illegal marketplace, through an illegal method or for an illegal purpose. This definition includes international; interstate and intrastate firearms trafficking; stolen firearms cases; illegal NFA weapon transfers; straw purchases; unlicensed transactions; and unrecorded or misrecorded sales by a licensed manufacturer, retailer or wholesaler/distributor.

Illegal Firearms Trafficking. Illegal firearms diversion that is done for purpose of profit, power, prestige, or supplying firearms to the criminal element or juveniles.

Illegal Firearms Trafficking Indicator.

A unique factor or circumstance that is believed to be associated with illegal firearms diversion or trafficking. Examples of indicators include frequency of involvement in a crime-related firearms trace by an address, individual, or FFL; time-to-crime rates for an FFL; frequent reports of firearms thefts by an individual or FFL; time-to-sale rates for an FFL; or possession of firearms by juveniles.

Inspection Warrant. An inspection warrant may be obtained to conduct an FFL inspection in those instances where a special agent has less than probable cause but more than mere suspicion to believe that evidence of a violation of 18 U.S.C. Chapter 44 exists on the premises of an FFL. It may also be used where a licensee will not permit an authorized warrantless inspection. An inspection warrant is obtained under ATF's statutory authority contained in the Gun Control Act (18 U.S.C. § 923(g)). *(ATF personnel see ATF Order 3310.4B and ATF Order 5300.8A for more information.)*

Market Area. An area where firearms acquired in a source area are unlawfully marketed and/or transferred to the criminal element/prohibited persons/juveniles. Factors that foster a market area include lack of FFLs/flea markets/gun shows in an area and strict or thorough State/local gun laws that limit firearms possession and availability. *(NOTE: A market area's source may be in the same city/county/State or it may be in a different city/county/State. Firearm sources/markets are defined as areas, not States.)*

Money Laundering. The investment or transfer of money from unlawful activities or sources (illegal firearms trafficking) into legitimate channels so that its original source cannot be traced.

Multiple Sale/Purchases. Federal law requires that each FFL prepare an ATF F 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, whenever the FFL sells or otherwise disposes of, at one time or

during any 5 consecutive business days, two or more pistols or revolvers to an unlicensed person. The report is then forwarded to ATF and the area chief law enforcement official not later than close of business on the day that the multiple sale or other disposition occurs (18 U.S.C. § 923(g)(3)). A report is not required to be made where the pistols and/or revolvers are returned to the same person from whom they were received (e.g., *pawn redemption or return of repaired pistols/revolvers*). When completed, ATF F 3310.4 provides information regarding the transferee's name, address, date of birth, and the quantity and description of the firearms purchased. It also bears the licensee's name, address, Federal firearms license number, and the date the report was filled out. (See *Section XVI for a copy of this form. Also ATF personnel see ATF Order 3310.4B for more information.*)

Munitions Database. A system maintained by ATF, with assistance from the Department of Defense in accordance with 10 U.S.C. § 2722, which contains information concerning all reports of loss/theft and recoveries of U.S. military munitions.

National Crime Information Center (NCIC) Recovered Gun File. This file contains data on firearms recovered (seized, purchased, recovered/abandoned, retained) by any law enforcement agency to include date/location of recovery and recovering agency. Recovered guns can be stolen guns or guns which have not been reported stolen. Entry of recovered firearms into this file is voluntary. Recovered stolen firearms remain in the

file until the agency reporting the theft removes the file. Nonstolen firearms recovery entries are automatically purged between 2 or 3 years after entry.

National Firearms Registration and Transfer Record (NFRTR).

The NFRTR is a registry maintained by ATF which includes the name, address, personal identification information, photograph, and fingerprints of individuals who possess NFRTR weapons. The system also contains all identifying information concerning the NFRTR weapon owned/transferred by the individual. NFRTR weapons include machineguns, silencers, pen guns, short barreled rifles and shotguns, as well as destructive devices. ATF special agents may request a records search to obtain a certification as to the registration status of a weapon or the existence of registered weapons by telephonically contacting the NFRTR Branch. Due to the fact that the registration relates to tax information, disclosure of the information is strictly limited by the provisions of 26 U.S.C. 6103. Disclosure may only be made to Federal agencies for official purposes. (Also ATF personnel see ATF Order 3310.4B for more information.)

National Tracing Center (NTC). The ATF NTC is the only facility/operation in the world that traces the history of firearms recovered in crimes and from juveniles for any Federal, State, or local law enforcement agency in the United States or abroad; stores information concerning the multiple sale of firearms, suspect guns, stolen firearms, and firearms with obliterated serial numbers; and is also the only repository for all FFL out-of-business records.

Notice of Unlicensed Firearms

Dealing Violation. An ATF notice of unlicensed firearms dealing violation may be served by a special agent on an individual who may unknowingly be engaged in the business of dealing in firearms without a license. Service of this notice satisfies the willful/knowingly requirement of the dealing in firearms without a license statute should a criminal case need to be perfected against an individual who continues to engage in unlicensed firearms dealing after being served notice. *(ATF personnel see ATF Order 3310.4B, Firearms Enforcement Programs, for more information)*

Principal Objective of Livelihood and

Profit. The intent of the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as liquidating a personal firearms collection. *(Defined in 18 U.S.C. § 921(a)(22).)*

Probable Cause Warrant (for an FFL).

A probable cause warrant may be obtained for the premises of an FFL in those instances where a special agent has probable cause to believe that evidence of a violation of law exists on the premises of an FFL. A probable cause warrant may be obtained under Rule 41 of the Federal Rules of Criminal Procedure. *(ATF personnel see ATF Order 3310.4B and ATF Order 5300.8A for more information.)*

Project LEAD. ATF's automated illegal firearms trafficking information system that provides investigative leads to investigators by analyzing crime gun trace data, suspect gun information,

stolen firearms information, and multiple sales information to identify recurring trends and patterns that may indicate illegal firearms trafficking.

Query Management Facility (QMF)

Run. An inquiry/run of the data contained in the ATF NTC's firearms tracing system (FTS) mainframe computer that can extract criminal trace information/data relating to FFLs in formats specified by the requester. Field personnel may request QMF runs through the NTC. QMF runs are more suited to determining trends and patterns in firearms activity by FFLs whereas Project LEAD is more useful in determining trends and patterns of firearms activity by unlicensed persons. QMF information can be particularly valuable to inspectors for use in identifying inspection needs and to special agents conducting a criminal investigation involving an FFL.

Reasonable Cause Warrant (for an FFL).

A reasonable cause warrant may be obtained to conduct an FFL inspection in those instances where a special agent has less than probable cause but more than mere suspicion to believe that evidence of a violation of 18 U.S.C. Chapter 44 exists on the premises of an FFL. It may also be used where a licensee will not permit an authorized warrantless inspection. *(ATF personnel see ATF Order 3310.4B and ATF Order 5300.8A for more information.)*

Source Area. An area where illegal firearms traffickers have easy access to large numbers of firearms that they can readily acquire and transport to other locations for unlawful resale and/or

transfer to the criminal element/prohibited persons/juveniles. Factors that foster a source area include abundance of FFLs/flea markets/gun shows in an area, relaxed or nonexistent State/local gun laws, and proximity to urban centers or other locations where guns are sought commodities.

Stolen Firearms Data Base. A data base maintained by ATF's National Tracing Center which contains information relating to ALL firearms thefts from FFLs in addition to information relating to thefts of firearms from interstate carriers. Under 18 U.S.C. § 923(g)(6), FFLs must report any theft or loss of firearms to ATF within 48 hours after the theft or loss is discovered. FFLs report thefts via ATF Form 3310.11, Federal Firearms Licensee Theft/Loss Report. Theft from interstate shipments are reported to ATF via ATF Form 3310.6, Interstate Firearms Shipment Report of Theft/Loss. *(See Section XVI for copies of these forms. Also, ATF personnel see ATF Order 3310.4B for more information.)*

Straw Purchase. The acquisition of a firearm(s) from a federally licensed firearms dealer by an individual (the "straw") done for the purpose of concealing the identity of the true intended receiver of the firearm(s).

Suspect Name. An individual that is under active criminal investigation and is suspected to be illegally possessing, using, or trafficking firearms.

Suspect Gun. An unrecovered firearm(s) that is suspected to have

been illegally trafficked or diverted (e.g., multiple sales reports and FFL records indicate that an individual has purchased 25 firearms, 15 of which have been recovered in crimes, traced and entered into Project LEAD, and 10 of which have not been recovered; therefore, they are listed as suspect guns. It is suspected that these remaining firearms have also been illegally trafficked.)

Suspect Guns Data Base. A data base maintained by ATF's NTC which contains identifying information relative to firearms suspected of being illegally trafficked but have not been recovered as of yet. This information is submitted by special agents/investigators during their investigations. Should a suspect gun be recovered and traced, the Suspect Guns Data Base, which is interfaced with the FTS, will alert the NTC which in turn, will contact the investigator who entered the firearm as a suspect gun and provide him/her with the contact telephone number of the individual who recovered and traced the firearm. The investigator is then able to contact the trace requester and obtain information surrounding the firearms use in a crime and recovery.

Suspect Name File. This file is a service offered by the ATF NTC. An investigator may use this service by providing the NTC with identifying information relative to persons currently under active criminal investigation who are suspected of illegally using or trafficking in firearms but have not yet been discovered in possession of, or associated with a firearm. Should a firearm be recovered and traced, the Suspect Name File will alert NTC

personnel if an individual in the file was in possession of, or associated with the firearm being traced. NTC personnel will then contact the special agent who entered the person in the Suspect Name File and provide him/her with the contact telephone number of the individual who recovered and traced the firearm. The special agent is then able to contact the trace requester and obtain information surrounding the relationship of the recovered firearm to the individual who was entered in the Suspect Name File. Example: (1) An individual is under investigation for unlicensed firearms dealing. That individual may be entered into the Suspect Name File and if a firearm is recovered and traced that was associated with, or possessed by the suspect, the investigator would be notified by the ATF NTC. (2) A violent criminal or gang offender is under investigation for illegal firearms possession. That individual may be entered in the Suspect Name File and if a firearm is recovered and traced that was associated with, or possessed by the suspect, the investigator would be notified by the ATF NTC.

Time to Crime. The period of time (measured in days) between a firearm's acquisition from a retail market and law enforcement's recovery of that firearm during use, or suspected use, in a crime. A short time to crime usually means the firearm will be easier to trace, and when several short time to crime traces involve the same individual or FFL, this can be an indication of illegal trafficking activity.

Time to Sale. The period of time (measured in days) between a retail FFL's receipt of a firearm and the sale or transfer of that firearm. A short time to sale, particularly when a number of inexpensive or identical handguns are involved, may indicate the federally licensed firearms dealer is specifically ordering the firearms at the request of an illegal trafficker or is directly involved with illegal trafficking.

SECTION-IV

INVESTIGATIVE RESOURCES AND SOURCE INFORMATION DEVELOPMENT

SECTION
IV

FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

INVESTIGATIVE RESOURCES AND SOURCE INFORMATION DEVELOPMENT

Illegal firearms trafficking investigations are often information intensive as the investigator must identify suspects who often use fictitious identities and addresses or use multiple conspirators to prevent the detection of their unlawful activities. When conducting these investigations, investigators should take full advantage of the unique information systems and unique investigative techniques that can assist and further investigative or interdictive efforts. The following section is broken out into those techniques and sources of information that will benefit interstate and intrastate illegal firearms trafficking investigations, stolen firearms investigations, International Trafficking in Arms (ITAR) investigations, and concludes with a listing of general sources of information.

GENERAL TRAFFICKING INVESTIGATIONS:

ATF's Advanced Serial Case Management System (ASCMe) Response Capability. ATF has acquired ASCMe, and it is available to investigators through the ATF Intelligence Division. The ASCMe program/software provides analytical support in major cases and can be used in large-scale illegal firearms trafficking investigations to rapidly process and/or effectively store and manage large volumes of investigative lead information.

ATF Firearms Licensing System. This system can be queried to determine FFL information accuracy in an investigation where a fictitious license may be involved. Addresses developed during an investigation through surveillance or telephone toll records can be cross-checked in the system to detect other FFLs knowingly, or unknowingly involved. Contact ATF Firearms and Explosives Licensing Section, Atlanta, Georgia.

ATF Firearms Tracing. Use firearms tracing to determine the history of a crime gun from manufacturer or importer through wholesaler, retailer, and to individual purchasers. Firearms tracing can yield valuable investigative leads. Contact ATF's NTC.

ATF Firearms Trafficking Studies. Conduct firearms trafficking studies to determine patterns in the crime guns recovered in your area. Patterns could include most frequent criminal uses of firearms and most frequent sources of crime guns. This information is useful to develop broad enforcement strategies which target investigative resources where they will have the most effective impact. Contact ATF's NTC.

ATF National Firearms Registration and Transfer Record (NFRTR). Use the NFRTR to check or cross-reference ownership names, addresses, or weapons descriptions related to all registered NFRTR weapons. Additionally, the NFRTR maintains the fingerprints and photographs of all those with registered firearms. The NFRTR system can be searched by name, city, State, or firearm type, make,

or serial number. To conduct an NFRTR check, contact ATF's Firearms and Explosives Regulatory Division, NFRTR Section. Because the registration contains tax information, disclosure of the information is strictly limited by the provisions of 26 U.S.C. 6103. Disclosure may only be made to Federal agencies for official purposes.

ATF NTC FFL "Monitor" and "No Contact" Services. During the course of an investigation into suspected violations of law by an FFL an investigator may want to utilize the FFL "Monitor" or "No Contact " services. Through the FFL "Monitor" service an investigator will be notified by the NTC of all firearms traced back to a specified FFL. Through the FFL "No Contact" service an investigator may request that the NTC not contact a specified FFL for firearms trace information. Both of these services has advantages to offer an investigator when conducting an FFL investigation. To obtain either service, the investigator must have an active/ open investigation on a specific FFL and must contact the NTC with the investigation number, point of contact information, and reason for the request.

ATF NTC Obliterated Serial Numbers Data Base and Tracing Capabilities. In many instances, the NTC has the capability of tracing firearms where partial serial numbers remain or have been raised. Investigators should attempt to trace any firearm where a partial serial number is available. The NTC may be able to provide the investigator with a list of potential recipients of the firearm. The NTC collects information on firearms with obliterated serial numbers and

analyzes this information for trends or patterns that may yield investigative leads. It should be noted that research indicates that most firearms with obliterated serial numbers were illegally trafficked. To access the partial serial number trace capacity or the Obliterated Serial Number Data Base investigators should use ATF F 3312.1, Crime Gun Information Request/Referral Form, or contact ATF's NTC for more information.

ATF's Project LEAD. Use Project LEAD as your primary tool in the development of illegal firearms trafficking leads. Contact the ATF field division or field office nearest to you to determine your closest access to a Project LEAD system. This information system contains sensitive information; therefore, disclosure of this information outside of ATF may require that specific permission be obtained. *(See Section VII of this report for a more detailed description of Project LEAD and its uses.)*

ATF QMF Runs. To obtain a myriad of information and statistical data relating to FFLs. These query types are virtually unlimited and can be customized to the users'/requesters' specifications. Examples of query types will follow. Contact the ATF's NTC to access QMF runs.

☐ QMF runs for geographic analysis:

☐ Master query. To show the trace history of all FFLs in specified geographic area.

☐ Recovery/Source Query. To show the recovery/source locations of

firearms recovered within a specified geographic area.

Source/Market Area Query. To show the relationship between specified areas for firearms purchased and firearms recovered (e.g., a run to list all firearms purchased in Florida and recovered in New York City).

Foreign Trace Query. To show all the FFLs in a specified area that have sold firearms which were recovered in and traced by a foreign country.

QMF runs for firearms trafficking investigations:

FFL Check. To show all the crime guns traced to a specific FFL and the recovery location/date of recovery for the firearms.

FFL Supplier. To show all the suppliers of firearms to a specified FFL for firearms the FFL sold and were subsequently recovered/traced.

Requester Check. To show all the ATF or State, local, or other Federal law enforcement agencies that requested a trace(s) on a firearm(s) sold by a specified FFL.

Crime Check. To show all the various types of crimes that traced firearms, sold by a specified FFL, were used in.

Purchaser Check. To show all the purchasers, including their name, DOB, sex, and POB city/State, in alphabetical order, of firearms purchased from a specified FFL and

subsequently recovered in a crime/traced.

Multiple Sale Check. To show all the recent multiple sales reported by a specified FFL.

ATF RE Area Office Files. Special agents may coordinate with inspectors to utilize information in RE area office files, including a complete history of individual FFLs, types of firearms in inventory, specific business practices, suppliers/wholesalers frequently used, photographs and other identifying information from the license, and descriptions of security systems/video monitors that may be in use. During the course of an FFL investigation, a special agent may want to check with an FFL's source of supply to obtain a list of all the firearms shipped to the FFL that can be compared against the FFL's books. This may detect firearms that are not being recorded as the FFL is unlawfully selling the firearms "off paper." Additionally, the file contains an original copy of the license application and the type of license approved. This information, although very basic, can prove useful during an FFL investigation, especially during any interviews with an FFL.

ATF Suspect Guns Data Base. Use the Suspect Guns Data Base as an investigative tool to allow you to track the recovery of firearms you believe have been illegally trafficked by a suspect in your investigation and to determine when, where, and under what circumstances suspect guns involved in an investigation are recovered. To enter a suspect gun, use ATF Form 3312.1 Crime Gun Information Request/

Referral Form or contact ATFs NTC for more information.

ATF Suspect Name File. Use the Suspect Name File as a tool to further detect any instances where the subject(s) of a criminal investigation have been associated with, possessed or used a firearm and to determine when, where, and under what circumstances the suspect was involved with a firearm. An investigator may submit the names and identifying information for persons to be entered in the Suspect Name File via ATF F 3312.1, Crime Gun Information Request/Referral Form, by checking the block for suspect gun entry in Part I, noting in bold letters under the “other instructions” section of Part II that “this is a Suspect Name File entry,” and entering the suspect name information under Part IV as possessor.

Cooperating Defendants. Properly conducted interviews can be the best source of illegal firearms trafficking information and should not be overlooked. Treat every defendant in a firearms case as you would a defendant in a drug case. Law enforcement routinely interrogates and fully debriefs drug case defendants with respect to their drug sources, customers, and any knowledge they have at all about anyone in the illegal drug trade. The same should be done with respect to a defendant’s knowledge concerning “street” sources of firearms and general firearms trafficking intelligence. Request your area Federal or State prosecutor to make a full defendant debriefing on firearms intelligence a condition of any plea agreement in a firearms case.

Cooperating FFLs. If during an illegal firearm trafficking investigation, it is determined that the FFL is not involved, approaching the FFL for cooperation may assist in furthering the investigation. The FFL may have additional information that the special agent was not aware of; the FFL may have video tapes of previous transactions taken with security cameras; the FFL may allow special agents to act as employees and conduct, or observe, firearms transactions with the suspect trafficker; the FFL may assist in the timing of firearms pickups by the trafficker to ensure special agents can cover/surveil the deal; or the FFL may be willing to introduce the special agent in an undercover capacity as an “off paper” source of firearms.

Interstate Identification Index (III).

The III system contains information on criminal records of about 11 million people, specifically persons born in 1956 or later, with a Federal Bureau of Investigation (FBI) record. The system also contains information on persons born prior to 1956 whose first arrest was recorded with the FBI in 1974 or later and selected older records for certain fugitives and repeat offenders.

Justice Retrieval and Inquiry System

(JURIS). The JURIS is a full-text, computerized information system (similar to LEXIS) developed and operated by the Department of Justice to provide attorneys with rapid access to relevant legal documents. The JURIS is widely used in legal offices throughout the country and is available through the Library of Congress, American Law

Division. The JURIS contains headnotes and full text for 145,000 Federal decisions and headnotes for 350,000 state decisions from West's General Digests. It also contains: Federal statutes and regulatory material, attorney work products, and special files of evidentiary materials in support of ongoing litigation.

Long Gun Trafficking Information.

Long gun trafficking is a crime that is often harder to initially detect and easier for a convicted felon to accomplish. FFLs are not required to submit multiple sales forms for long gun purchases. An individual could buy hundreds of pistol grip shotguns in less than 5 days, but ATF would not be notified, however; if that same individual purchased two handguns in a 5-day period, ATF would be notified. Moreover, Brady checks are only conducted on handguns, not long guns; therefore, long guns are susceptible to "lie and buy" schemes where convicted felons falsify the ATF Form 4473, Firearms Transaction Record. If it is determined through trace analysis or other means that illegal long gun trafficking is a problem in your area, the following methods may assist in identifying long gun traffickers:

- Determine through trace analysis the most often traced makes (manufacturer/type) of long guns and then determine the individuals or FFLs who are the sources of these long guns that are finding their way to criminals.
- Since FFLs are not required to submit multiple sales forms for the multiple purchase of long guns, request that area inspectors search FFL records for multiple long gun purchases of the most

often traced makes of long guns during their inspections. This information can then be developed to determine if the purchasers involved in these multiple purchases are involved in the illegal trafficking of long guns.

Mail Covers. A mail cover is obtained through the postmaster in your area and, when granted, provides the requester with photocopies of the outside of all packages and envelopes received at the address specified for cover. Mail covers may be of use to determine the source of firearms for an illegal firearms trafficker suspected of receiving firearms in the mail. A mail cover may also be useful in determining associates/coconspirators in an illegal trafficking organization. (*ATF personnel, see ATF Order 3210.7B, chapter M, for more information.*)

National Crime Information Center (NCIC). The NCIC, located at the FBI headquarters in Washington, DC, is a widely used law enforcement computer system. Most major law enforcement agencies have NCIC connections. The NCIC is often compared to a large "file cabinet" with each file having its own label or classification.

This cabinet of data contains the following information: stolen, missing, or recovered guns; stolen articles (must have a serial number); wanted persons (for questioning or arrest); stolen/wanted vehicles (autos, aircraft, motorcycles); stolen license plates; stolen, embezzled, or missing securities, stocks, bonds, and currency; stolen/wanted boats; missing persons; Index to State Criminal History Records and Criminal History Records of Federal

Offenders; unidentified persons; and foreign fugitives.

The NCIC, through the III, can provide an investigator with a record of a subject's prior major Federal offenses, peoples arrests, and dispositions. The III also contains an index to similar information concerning State offenses occurring in States participating in the III Program. Background information can also be obtained from the III record. For example, if a subject's name, date of birth, race, and sex are entered, the investigator would receive the FBI number, full name, height, weight, eye color, hair color, fingerprint classification, alias, total arrests, charges, convictions, and dispositions.

NCIC Recovered Gun File. This system allows an investigator to check for the recovery of stolen guns by other law enforcement agencies that are involved in that investigator's firearms theft investigation, or suspect guns recovered by other law enforcement agencies that are involved in that investigator's trafficking investigation. Law enforcement agencies that enter firearms into the Recovered Gun File may not always request a trace on the firearm. Without a trace request, ATF's Suspect Guns Database will not receive a hit, however, running a firearm through the recovered gun file may reveal that an investigation's suspect or stolen guns have in fact been recovered by law enforcement officials somewhere in the country.

National Law Enforcement Telecommunications System (NLETS).

The NLETS is a sophisticated message switching network that links all telecommunications law enforcement and criminal justice agencies in the United States, System Puerto Rico, and through a computerized link to INTERPOL, Canada. Agencies include state and local law enforcement agencies, motor vehicle and licensing departments, and a wide variety of federal enforcement agencies. The latter includes U.S. Customs Service, FBI, Department of Justice, U.S. Secret Service, U.S. Marshals Service, Naval Investigative Service, Air Force Office of Special Investigations, Department of State, Department of the Army, Department of the Interior, and others. The National Auto Theft Bureau is also linked to NLETS.

A great deal of information is available through the network. This includes the: trace history of a firearm via a request to ATF's NTC; vehicle registrations by license or vehicle identification number; driver's license and driver history by name and date of birth, or driver's license number; criminal records by name and date of birth, State identification number, or FBI number; boat registrations by hull number, registration number, or name; snowmobile registrations by registration number, vehicle identification number, or owner's name and date of birth; hazardous material file by UN number, which is an internationally recognized code for hazardous material; private aircraft tracking data by registration number or date range; aircraft registrations by registration number,

serial number, or name of registrant; and directory of participating agencies by originating agency identifier.

Through an interface to the Royal Canadian Mounted Police's Canadian Police Information Center, many files are available. These include: wanted persons by name and date of birth; stolen vehicles by license number or vehicle identification number; stolen articles by serial number; stolen guns by serial number; stolen securities by serial number, corporation name, issuer, or name of owner; and stolen boats/motors by license number, hull number, registration number, or name of owner. Users have the capability to send free-form messages to other users either individually or via a broadcast message.

One-Time (or infrequent) Sources Of Information. Oftentimes FFLs at gun shows are willing to provide information on illegal firearms trafficking activities at the gun show as this is activity that is infringing on the FFL's legitimate livelihood.

Penn Register or Dialed Number Recorder (DNR). These devices will, when attached to an operational telephone line, record, store, transmit, and/or process telephone usage/numbers dialed from that line. This may be used to benefit an investigation in a number of ways to include identifying the scope of an illegal firearms trafficking organization and the members of an illegal firearms trafficking organization. Tracking interstate telephone tolls can assist in proving interstate elements of proof in the case of Federal violations of law and can assist in pinpointing dates of

firearms purchases and transfers. A court order is needed to use these devices, and it is a crime to use these devices without a court order. (*ATF personnel see ATF Order 3530.2, chapter D, for more information.*)

Regional Information Sharing System (RISS). The RISS Program consists of seven multistage projects that facilitate regional criminal information exchange and provide other related support services to Federal, State, and local law enforcement agencies throughout all 50 States. The seven RISS projects are the following:

□ Leviticus-It includes 35 law enforcement and regulatory agencies. Leviticus is a specialized regional enforcement project designed to combat criminal activity within the coal, oil, natural gas, and precious metals industries. Leviticus is located at 7400 Beaufont Springs Drive, Suite 310, Richmond, Virginia 23225, and can be contacted at 800-2214424 or 804-323-3563.

□ Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN)-It includes 262 law enforcement agencies in Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, and Washington, DC. In addition, several Canadian departments are active MAGLOCLN members. The MAGLOCLN is located at Mountain View Office Park, 850 Bear Tavern Road, 2nd Floor, Suite 206, West Trenton, New Jersey 08628, and can be contacted at 800-345-1322 or 609-530-2801.

❑ **Mid-States Organized Crime Information Center (MOCIC)**-It includes 690 law enforcement agencies in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, and Illinois. The MOCIC is located at #4 Corporate Center, #205, Springfield, Missouri 65804, and can be contacted at 800-798-0110 or at 417-883-4383.

❑ **New England State Police Information Network (NESPIN)**-It incorporates 272 law enforcement agencies in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The NESPIN is located at 21 Mazzeo Drive, Suite 201, Randolph, Massachusetts 02368, and can be contacted at 800-343-5682 or 617-986-6544.

❑ **Regional Organized Crime Information Center (ROCIC)**-It serves 503 law enforcement agencies in Texas, Oklahoma, Louisiana, Arkansas, Mississippi, Alabama, Tennessee, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida. The ROCIC is located at 545 Marriot Drive, Suite 850, Nashville, Tennessee 37210, and can be contacted at 800-238-7985.

❑ **Rocky Mountain Information Network (RMIN)**-It has 620 participating agencies in Arizona, New Mexico, Colorado, Utah, Nevada, Idaho, Wyoming, and Montana. The RMIN is located at 3802 N. 53rd Avenue, Suite 301, Phoenix, Arizona 85031, and can be contacted at 800-821-0640.

❑ **Western States Information Network (WSIN)**-It provides narcotics

intelligence and related services to its 697 member law enforcement agencies in California, Oregon, Washington, Alaska, and Hawaii. The WSIN address is P.O. Box 903198, Sacramento, California 94203-1980, and can be contacted at 800-824-7902 (outside of California) and 800-952-5258 (in California).

“Relevant Conduct” Development in Federal Illegal Firearms Trafficking Investigations.

Often times defendants in an illegal firearms trafficking case will not receive as substantial a sentence as defendants in other types of cases such as narcotics or violent crime cases. The Federal sentencing guidelines do not call for lengthy sentences in firearms trafficking cases. One method to consider using to ensure a defendant is exposed to the maximum possible sentence is to document “relevant conduct” that can boost a defendant’s standing in the Federal sentencing guideline range. “Relevant conduct” is activity by a defendant that may not result in an indictable offense but it is activity that can be used to increase a defendant’s guideline range under the Federal sentencing guidelines.

“Relevant conduct” is admissible in the Pre-Sentence Investigation (PSI) report prepared by the U.S. Probation Office that is presented to the judge for use in determining sentencing. Relevant conduct that can increase a defendant’s sentence includes drug crime and violent crime involvement. During undercover purchases of firearms from an illegal trafficker the undercover investigator or informant should advise the trafficker that the firearms will be used to protect a drug trade or murder drug market competitors. If the

trafficker follows through on the illegal firearms sale even after learning this information, the traffickers sentence can be enhanced because their "relevant conduct" includes the fact that they were willfully supplying firearms to a drug trafficker or violent criminal. In cases where undercover purchases are not involved the investigator should attempt to solicit this information during post arrest interviews. The investigator must remember to provide this information to the assistant U.S. attorney prosecuting the case and the U.S. probation officer writing the PSI.

Sentry. This is an online data base maintained by the Federal Bureau of Prisons. It contains information on all Federal prisoners incarcerated since 1980. The information includes physical description, inmate profile, inmate location or release location, numerical identifiers, personal history data, security designation, past and present institution assignments, custody classification, and sentencing information. To obtain information, contact the Sacramento Intelligence Unit at 916-551-1750.

State/Local Firearms Data Bases and Systems. Some States or local areas maintain firearms registrations or other types of data bases (*e.g., California Automated Firearms System*) containing firearms-related information. The information contained in these systems may be useful to an illegal firearms trafficking investigation and special agents should be familiar with their area systems and make contact with special agents in areas of the country that may be linked to the investigation to determine what systems exist there that

could be of use. (*See Section XI for a listing of various State systems.*)

State/Local Police Records. Check State/local police reports for nonlicensed individuals or addresses that have reported multiple thefts of firearms. This may be an indicator of illegal firearms trafficking and the violator is using the theft to remove himself/herself for the chain of accountability. Check insurance policies for the violator in these circumstances as fraudulent insurance claims may be involved.

Telephone Toll/Subscriber Information. Telephone companies, when subpoenaed, can provide listings of all toll (long distance) telephone calls made from a specified location. This may be used to benefit an investigation in a number of ways, including identifying the scope of an illegal firearms trafficking organization and the members of an illegal firearms trafficking organization. This is particularly useful in an interstate firearms trafficking investigation.

Title III Electronic Wire Interceptions. This is the interception and acquisition of the contents of any wire, electronic, cellular, or oral communication through the use of any electronic, mechanical, or other device where the interceptor is not a party to the communication being intercepted. In illegal firearms trafficking investigations, where all investigative approaches have been exhausted and little or no progress in identifying the scope and members of an illegal firearms trafficking organization, the special agent may want to consider a Title III electronic

wire interception. This will allow the investigator to listen to and record the conversations of suspects regarding criminal activity. A court order is needed to conduct an interception and it is a crime to commit an interception without a court order. (*ATF personnel see ATF Order 3530.2, chapters A, B, and C, for more information.*)

Tracking Device (e.g., Bird Dog). This includes any number of electronic or mechanical devices which permit the tracking of the movement of persons, transportation conveyances, or inanimate objects. These devices may transmit signals to allow movements to be tracked or they may record data on a continuous basis for analysis. These devices are usually attached to the object to be tracked in a secretive fashion. This may be used to benefit an investigation in a number of ways to include identifying the scope of an illegal firearms trafficking organization and tracking the interstate movement of firearms and their traffickers. These devices can assist in proving interstate elements of proof in the case of Federal violations of law and can assist in pinpointing dates of firearms purchases and transfers. A court order is needed to use these devices. (*ATF personnel, see ATF Order 3530.2, Chapter D, for more information.*)

Trap and Trace. This device will, when attached to an operational telephone line, capture the electronic tones or impulses of incoming calls by identifying the originating number of a subscriber's line or device from which a wire or electronic communication is transmitted. This service is obtained through the telephone company. This may be used

to benefit an investigation in a number of ways to include identifying the scope of an illegal firearms trafficking organization and the members of an illegal firearms trafficking organization. Tracking interstate telephone tolls can assist in proving interstate elements of proof in the case of Federal violations of law and can assist in pinpointing dates of firearms purchases and transfers. A court order is needed to use these devices, and it is a crime to use these devices without a court order. (*ATF personnel see ATF Order 3530.2, chapter D, for more information.*)

Treasury Enforcement

Communications System(TECS). The TECS is a Department of the Treasury system managed by the U.S. Customs Service. It is a system of telecommunications terminals located in law enforcement facilities of the Department of the Treasury. These terminals are connected to a computer in Newington, Virginia. The TECS contains lookout information on persons and property. It also has access to the NLETS and the NCIC.

Participants include the U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; Drug Enforcement Administration; Immigration and Naturalization Service (INS); Department of State; U.S. Coast Guard; FBI (NCIC Section); U.S. Marshals Service; Internal Revenue Service, Criminal Investigation Division and Inspection Service; EPIC; INTERPOL (National Central Bureau); and Department of Agriculture.

The TECS works on a soundex-type system. If an inquiry is made regarding

a certain name, then all similar-sounding names on record are provided to the inquirer. Inquiries on TECS may be made by name alone, even if no identifying number such as date of birth, FBI number, or social security number is available.

When TECS provides a list of similar-sounding names, the subjects' sex, race, and date of birth are also included. The inquirer can then determine which subject, if any, is the subject of interest. If a name is selected, TECS can provide additional information. This additional information may include, but is not limited to, special instructions (such as "armed and dangerous"), full name, race, sex, height, weight, hair, eyes, date of birth, place of birth, fugitive (which agency), remarks (background information), address, citizenship, miscellaneous numbers (such as FBI), where and by whom a warrant is held, warrant number and date, date of offense, alias, Treasury I.D. number, case number, and NCIC number. Authorized investigators can use TECS to place lookouts in the system on suspected illegal firearms traffickers that will advise the investigator as to when the suspect leaves or enters the United States.

Undercover Operations, Fictitious FFLs, and Storefront Operations.

The opportunity to conduct undercover operations during an illegal firearms trafficking investigation is often present. This may involve the purchase of firearms from an unlicensed illegal firearms trafficker, an individual selling stolen firearms, or a corrupt FFL selling firearms "off-paper." Consideration should be given to establishing

storefront operations to purchase stolen or unlawfully trafficked firearms from multiple offenders in a given area. (*ATF special agents see ATF Order 3250.1 for more information on storefront operations.*) Consideration should also be given to establishing fictitious business fronts such as a fictitious FFL or surplus military equipment and paraphernalia sales. Fictitious FFLs may be obtained through ATF Regulatory Enforcement (RE) and supplies for a fictitious surplus military equipment business may often times be obtained by law enforcement agencies through Defense Reutilization Marketing Organization (DRMO) outlets in the U.S. Military. These are excellent front businesses to use during undercover operations at a gun show or flea market.

UPS/Fed Ex/U.S. Post

Office/Common Carrier Sources Of Information. When possible, sources of information at these places should be cultivated for use in illegal firearms trafficking investigations. Checks of systems can be made to determine package delivery dates and package origination points.

Washington Area Law Enforcement System (WALES).

The WALES is one of the State-level law enforcement computer systems and is listed here to illustrate systems available in nearly all states. The WALES is sponsored by Washington, DC's Metropolitan Police Department and is available to State and Federal investigators, when coordinated with the Metropolitan Police Department. WALES operates on a soundex system. Only the subject's name is needed for a query. The WALES gathers information only on

Washington, DC, residents. The system also interfaces with NCIC and NLETS. This system can provide investigators with various information, such as: stolen property, wanted persons, filed complaints (lists violations by address), gun registrations, court case disposition and status, driver's licenses and motor vehicle registrations, business licenses, traffic accidents, and Lorton Reformatory inmates (prisoner location, status, disciplinary action, and type of custody).

Western Union. Western Union records can be useful in interstate firearms trafficking cases to identify other conspirators and locations involved in the trafficking organization or for identifying previously unknown purchases of firearms. A number of FFLs provide their customers with Western Union services in their stores. Individuals involved with straw purchasing and interstate firearms trafficking may wire funds to other conspirators who are accomplishing the actual firearms purchasing.

STOLEN FIREARMS INVESTIGATIONS:

ATF Stolen Firearms Data Base. Use the Stolen Firearms Data Base as an investigative tool when investigating thefts of firearms from FFLs or interstate carriers. The system can be queried for all information concerning FFL thefts. This system can be queried for descriptions of firearms reported stolen, lost or missing by an FFL, FFL and interstate carrier theft trends, similarities in theft modus operandi, FFL theft reporting patterns indicative of illegal diversion and fraudulent theft reporting,

and firearms theft recovery location information. This system is useful when investigating illegal firearms traffickers committing FFL/interstate carrier thefts or when investigating an FFL for illegal diversion and fraudulent theft reporting to coverup that illegal diversion. Copies of written FFL theft reports, signed by the FFL, as well as tape recordings of initial FFL theft reports via telephone to ATF are maintained. To obtain access to information or documents maintained by the Stolen Firearms Data Base, contact ATF's National Tracing Center

ATF Munitions Data Base. A system maintained by ATF, with assistance from the Department of Defense in accordance with 10 U.S.C. § 2722, which contains information concerning all reports of loss/theft and recoveries of military munitions. This information can be very useful when investigating the trafficking, or recovery of military munitions. Contact ATF's Intelligence Operations Branch for more information.

Interstate Carrier Records. A special agent investigating an interstate carrier theft should contact the carrier's security office to determine the various records and tracking systems in place that could yield important leads for the investigation.

ITAR INVESTIGATIONS:

ATF Firearms and Explosives Imports System. A system maintained by ATF that contains information on applications to import firearms and information on firearms imported. This

information includes the names and addresses of businesses importing and exporting, permit numbers, descriptions and numbers of articles imported/exported, country of manufacture, Arms Export Control Act registration information, and copies of applications, and reports (ATF Form 6 and 6A). This information can be very useful when investigating unlawful importations or ITAR violations. Contact ATF's Firearms and Explosives Regulatory Division for more information.

Canadian Interface. The Canadian Interface is a semiautomated link between law enforcement information networks of the United States and Canada. It allows the 50 States, Federal agencies that are members of the National Law Enforcement Telecommunications System (NLEM), and their Canadian counterparts to exchange police information through NLETS, using the INTERPOL National Central Bureaus in Washington and Ottawa as the necessary interface. See "National Law Enforcement Telecommunications System" in this chapter for information available from the Canadian Interface.

Central Index System (CIS). The CIS is an INS system on the location of "A-files." The system contains information on legal immigrants, naturalized citizens, and aliens who have been formally deported or excluded. It also contains information on some aliens who have come to the attention of INS because of an investigation or an application for benefits, but files are not created on all such aliens. Available information usually includes name, date of birth,

nationality, and INS files control office, as well as date of entry and immigration status. The immigration status should not be considered definitive unless confirmed by an INS officer. Contact your local INS office or EPIC at 915-564-2300. EPIC can provide directions to the appropriate State coordinator. Requests may be made by either A-file number or name and date of birth. Investigators can also request INS to place lookouts in the system on suspected illegal firearms traffickers that will advise the investigator as to when the suspect leaves/enters the United States.

Consular Lookout And Support System (CLASS). The CLASS is the successor to the Department of State's Automated Visa Lookout System. The CLASS provides information on foreign nationals who may apply for visas to the United States.

El Paso Intelligence Center (EPIC). EPIC's primary mission is to provide a complete and accurate intelligence picture of worldwide drug movement to Federal law enforcement entities, with an emphasis on the movement of drugs, weapons, and illegal aliens into the United States. It analyzes raw data and provides tactical and operational intelligence to agencies involved in the antidrug effort. The EPIC also provides strategic assessments of drug movement and concealment techniques. In addition, EPIC is mandated to support State and local law enforcement entities with drug intelligence and all 50 States, Puerto Rico, and the Virgin Islands have signed agreements with it. The EPIC member agencies include the Bureau of Alcohol, Tobacco and

Firearms, U.S. Coast Guard, U.S. Customs Service (USCS); Department of Defense(DOD)), Drug Enforcement Administration(DEA), Federal Aviation Administration; FBI, INS, Internal Revenue Service(IRS), U.S. Marshals Service(USMS), U.S. Secret Service (USSS), and Department of State, Bureau of Diplomatic Service. Member agencies have direct access to all EPIC information, with appropriate safeguards to provide for the protection and/or secure communication of highly sensitive or classified information. State and local law enforcement entities have access to EPIC data through a designated group within the respective organization or through a member agency. In support of its mission, EPIC performs three basic functions that are dependent on effective reporting from all law enforcement, DOD, and intelligence field elements. The functions include the following;

- ❑ collect worldwide drug-smuggling-related information, including human source intelligence and technical and seizure-activity information;
- ❑ coordinate the real-time dissemination of data base information to support field enforcement elements, 24 hours a day; and
- ❑ analyze and combine reported information on drug movement and organizations for dissemination to appropriate enforcement entities. Investigators can request EPIC to place lookouts in various systems on suspected illegal firearms traffickers that will advise the investigator as to when the suspect leaves/enters the U.S.

Interagency Border Inspection System (IBIS)

The IBIS was initiated in 1989 to improve border enforcement and facilitate inspection of individuals applying for admission to the United States at ports of entry and preinspection facilities. The INS; USCS; Department of State, Bureau of Consular Affairs; and Department of Agriculture have formed a joint working group to design, implement, and support IBIS. The systems of these agencies will provide integrated computer capability for verifying document authenticity; automating lookout checks by inspectors; and enhancing border security against threats of terrorism, narcotics trafficking, and other law enforcement violations.

International Criminal Police Organization Case Tracking System (ICTS)

The U.S. National Central Bureau (USNCB), International Criminal Police Organization (INTERPOL) Case Tracking System (ICTS), located at the USNCB in Washington, DC, contains information about persons, property, and organizations involved in international criminal activity. The USNCB can determine the existence of an international connection to an investigation or the existence of any previous international criminal activity. The USNCB operates continuously to provide international support for U.S. law enforcement. At USNCB, 16 Federal and State law enforcement agencies are represented, and all 50 States have established INTERPOL liaison offices. For information about the liaison offices, contact the USNCB at 202-272-8383 or 202-272-8383. Agencies represented at the USNCB include the following: the Bureau of

Alcohol, Tobacco and Firearms; Criminal Division of the U.S. Department of Justice; Department of Agriculture, Office of the Inspector General; Diplomatic Security Service of the U.S. Department of State; DEA; FBI; Federal Law Enforcement Training Center; Illinois State Police; INS; IRS; Naval Investigative Service; Office of the Comptroller of the Currency; USCS; USMS; U.S. Postal Inspection Service; and USSS.

Joint Maritime Information Element (JMIE). The JMIE is a consortium of 15 U.S. government agencies from the law enforcement and intelligence communities that have partnered to develop a consolidated maritime data base. Consortium members are the Naval Intelligence Command, Military Sealift Command, DEA and its El Paso Intelligence Center, Department of State, Executive Office of the President's Office of National Drug Policy, USCS, Central Intelligence Agency (CIA), U.S. Coast Guard, Maritime Administration, Department of Energy, Defense Intelligence Agency, Immigration and Naturalization Service, INTERPOL, Bureau of Census, and National Security Agency. The system provides information on maritime-related law enforcement and national foreign intelligence data to meet members' international missions, such as narcotics interdiction, smuggling, sea and defense zone surveillance, border control, petroleum traffic monitoring, and emergency sealift management.

There are 14 operational sites allowing access to data sources that provide at-sea and in-port location information and characteristics on commercial and

private vessels and vessel registration files for Florida, California, Delaware, Puerto Rico, and the Virgin Islands.

Narcotics and Dangerous Drugs Information System (NADDIS).

Inquiries should be limited to narcotics-related cases or files and/or smugglers of funds, other contraband, and aliens. The NADDIS is accessible through DEA or EPIC.

National Alien Information Lookout System (NAIS). The NAIS is an INS system. The system is an index of names of individuals who may be excludable from the United States. All names in NAIS are passed to the Treasury Enforcement Communications System (TECS). Therefore, a search of NAIS is not necessary if TECS has been searched.

Non-Immigrant Information Systems (NIIS). The NIIS is an INS system. The NIIS contains information on the arrivals and departures of nonimmigrants, or aliens coming to the United States for a temporary stay. Canadians and Mexicans who visit for pleasure are not entered into the system. The NIIS also contains entry and departure data on students except classes FI and MI. Information can be retrieved by nationality, port of entry, admission class, and date of entry.

Operational Activities Special Information System (OASIS). The OASIS is an INS system of information about the activities and associations of individuals known, or suspected, to be involved with the smuggling of aliens into the United States, as well as immigration fraud and criminal alien

information. The system contains information on alien smugglers and smuggling incidents, as well as addresses, phone numbers, and vehicles involved in alien smuggling cases. Contact your local INS office or the EPIC at 915-564-2300. EPIC can provide directions to the appropriate state coordinator.

ON-LINE SUBSCRIPTION SERVICES AND THE WORLD WIDE WEB

Lexis/Nexis. This is a news subscription service that interfaces with newspapers, magazines, newsletters, and wire services in most major cities in the United States and internationally. Articles are current (on-line) within 24 to 48 hours of their publication. Articles are available for retrieval back through the 1970s. The system can be queried by a specific name or organization. Nexis also offers a people locator-service. A person's name, address, or social security number can be queried to locate the individual's residence and the type of dwelling.

Dun and Bradstreet. This subscription service provides current financial information on businesses and organizations. The basic financial report contains the company name, address, phone number, history, chief executive/officers/directors and their antecedents, finance information, banking, corporate information, location, type of facility, and number of employees. The information may vary from record to record and all information should be verified. When requesting information from this system, the investigator only needs to provide the company name and the city and State

where it is isolated or the phone number of the business.

Auto Track Plus. Auto Track Plus is an online subscription service which provides access to National Dossier and telephone number reports that can be searched by name, address, telephone number, or social security number. If available, the response will provide a social security number, all known subjects using that particular social security number, known addresses, telephone numbers, year and month of birth, other individuals using the same address, and neighbors information.

This service also has national business reports available on over 10 million companies, to include information from Dun & Bradstreet and TRW. A search can be done using business name, telephone number, executive name, zip code and address, or city and business name. Searches in the system can also be done on pilots, aircraft, and vessels registered with the Federal Aviation Administration; social security number; death master file; and trademarks. Reports from Florida, Texas, and Oregon includes drivers licenses, all vehicles listed for the same address, boats, and corporations. In addition, comprehensive reports from the State of Florida include worker compensation claims, accident reports, Uniform Commercial Code filings, fictitious names, marriage license information, salt water products, professional regulations, real estate, and concealed weapons permits. Additional information available from the Texas reports include alcohol beverage licenses, hunting and fishing licenses, search by date of birth only, and voter

registration. Oregon also includes searches of liquor licenses. States available for citizen profile information include Ohio, Oregon, New York, Washington, and New Hampshire. This service can be searched in a variety of ways, using limited or minimal information. New available information and search capabilities are added continually.

CDB Infotek. This online subscription service (formerly Prentice Hall) permits access to over 80 million Uniform Commercial Code filings (UCC), or UCC filings in over 1,000 jurisdictions nationwide. UCC filings are a way for lenders and lessors to more uniformly secure their liens against collateral that was not classified as real property or automotive. The collateral that can be secured with a UCC filing can be anything from a huge piece of earth-moving equipment to a piece of tangible property.

CDB Infotek can locate a subject by name, address, social security number, or a telephone number. CDB Infotek is able to obtain these filings, computerizing them and placing them into their national data base. These files contain information from corporate records, bankruptcy data, judgments, and tax and lien information. All of these files are considered public information and can be obtained by any individual who take time to do so. CDB Infotek's unique service is in their ability to obtain large amounts of these filings and centralize them into one data base that can be queried by subscribers.

Types of information available from CDB Infotek include: subject's address(es) (past and present), subject's alias (es), subject's social security number; subject's tax liens, Subject's partnership involvement/activity, subject's default notices, subject's corporate relationships, subject's trust activities, subject's business and personnel relationships, subject's doing business AKAs, subject's banking relationships, subject's civil and small claim judgments (evictions).

Information America. This online subscription service is the largest nationwide document retrieval service and asset locator service in the United States. The online service provides asset and background information on business, related property, county and court records, and bankruptcy records. It also provides information to help locate individuals and their assets.'

METRONET System. This is an on-line system implemented by Metromail Corporation, Lombard, Illinois. METRONET provides on-line access to National Consumer and Change of Address data bases for: address verification, telephone number lookup, neighbors lookup, and change of address. METRONET can prove extremely useful to law enforcement in identifying codefendants, locating and identifying defendants, and conducting background check information on a residence and the surrounding residences prior to the execution of warrants.

World Wide Web (www) Information

Sites. Any individual or agency can access the Internet or *www* with a 486 computer system with a modem (supporting 14.4kbps or faster) and Network Browser (e.g., Netscape Navigator or Microsoft Internet Explorer) if they have access to an Internet Service Provider (e.g., America Online, Prodigy, CompuServe). Internet users should understand that the Internet's greatest strength, access to information, can also be its greatest weakness as the volume of information can be overwhelming. To locate desired information, users can use search engines designed to perform keyword searches or encyclopedia/directory searches. Search engines sort information for the user. Popular search engines located on the *www* include Alta Vista, Webcrawler, Yahoo, Infoseek, and Lycos.

Every possible type of information concerning individuals and businesses can be found somewhere on the *www*. A number of sites that may be of use to investigators are as follows:

❑ ***www.atf.treas.gov*** - This is the ATF web site which contains information on firearms manufacturing, licensing, and frequently asked questions.

❑ ***www.factfind.com/linkpage.htm*** - This site, known as the Investigations Resource International Web, is particularly useful for conducting background checks and contains business information, links to crime data bases, Dunn and Bradstreet, and personal locators.

❑ ***www.yahoo.com*** - This site contains personal identifier information to include names, addresses, telephone numbers (including unlisted numbers), nationwide criss-cross directory, magazine subscription data, public document and tax information, etc.

❑ ***www.switchboard.com*** - This site contains personal identifier information to include names, addresses, telephone numbers (including unlisted numbers), nationwide criss-cross directory, magazine subscription data, public document and tax information, etc.

❑ ***www.whowhere.com*** - This site contains personal identifier information to include names, addresses, telephone numbers (including unlisted numbers), nationwide criss-cross directory, magazine subscription data, public document and tax information, etc.

❑ ***www.four11.com*** - This site contains personal identifier information to include names, addresses, telephone numbers (including unlisted numbers), nationwide criss-cross directory, magazine subscription data, public document and tax information, etc.

❑ ***http://www.stokesworld.com/peoplefinder*** - This site, known as People Finder, may be useful to locate individuals.

❑ ***http://www.infophil.com/world/alumni*** - This site, known as World Alumni Net, may be useful to locate individuals.

❑ <http://www.bigfoot.com> - This site, known as Bigfoot's Global E-Mail Directory, may be useful to locate individuals.

❑ www.xensei.com - This site is a complete directory of law enforcement agencies (Federal, State, local, and campus police) from around the world, listed by geographic location. Departmental histories and recruiting information can be found on this site.

❑ www.officer.com - This site contains information relating to law enforcement issues, criminal justice assets, law enforcement mailing lists, law enforcement related products, employment directories, law enforcement memorial updates, training opportunities, and intelligence information on terrorist/radical/hate groups.

❑ www.aaa.com.au/missing.html - This site is a directory of missing and exploited persons, with data supplied by the National Center for Missing and Exploited Children. The files include photographs and personal identifying information for the missing persons.

❑ www.mapblast.com. - This site, known as MapBlaster, is a map generating site. Enter a specific address or general location, and the site will create a map of the requested area. The map can be forwarded through E-Mail also.

❑ <http://www.nra.org/> - This is the National Rifle Association (NRA) website which contains a data base of all State firearms laws, gun safety issues, firearms facts and figures, and

status of any pending firearms-related Federal legislation.

❑ <http://www.icpsr.umich.edu/NACJD/home.html> - National Archive of Criminal Justice Data website.

❑ <http://www.cdc.gov/> - National Center for Health Statistics website.

NOTE: Many of the subscriber services and world wide web sites are accessible through the ATF Tactical Intelligence Branch.

OTHER REFERENCES FOR SOURCES OF INFORMATION:

In this section, investigators will find a comprehensive listing of the various sources of information available through the county, State, and Federal government. These sources can provide a wealth of data and information that can prove extremely useful to an illegal firearms trafficking investigation in any number of ways.

In addition to the sources of information to follow in this section, an investigator may also find it useful to obtain copies of the below-listed information source guides and reference manuals. All ATF publications may be obtained from the ATF Publication Distribution Center, at 703-455-7801, unless otherwise noted.

Federal Firearms Regulations

Reference Guide, prepared by, and available through, the Bureau of Alcohol, Tobacco and Firearms, Publication Number ATF P 5300.4. (*A listing of all the Federal firearms laws and regulations.*)

Firearms State Laws and Published Ordinances, prepared by, and available through, the Bureau of Alcohol, Tobacco and Firearms, Publication Number ATF P 5300.5. *(A listing of many of the State and local firearms laws, ordinances and regulations existing throughout all 50 States.)*

Gun Laws of America - Every Federal Gun Law on the Books, With Plain English Summaries, produced by Alan Korwin and Attorney Michael P. Anthony. *(This book is available in book stores as are books by the same authors on gun laws for each State.)*

I.D. Checking Guide, produced by Driver's License Guide Company, 1492 Oddstad Drive, Redwood City, California, 94063. *(A listing and picture of all valid driver's licenses from every State as well as various types of government ID to include military.)*

Department of the Treasury Forensic Handbook, contains basic steps and procedures for processing crime scenes such as FFL burglaries and evidence such as shell casings/projectiles and gun shot residue. Produced by the U.S. Treasury Department and available through the U.S. Government Printing Office.

Investigators' Guide to Sources of Information, prepared by the U.S. Government Accounting Office, Office of Special Investigations, and available through the U.S. Government Printing Office.

Monitoring the Illegal Firearms Market, prepared by S.H. Decker and

S. Pennell and available through the National Criminal Justice Reference Service, document # NCJ 153850.

Reducing Gun Violence: Community Policing Against Gun Crime, prepared by L.W. Sherman and available through the National Criminal Justice Reference Service, document # NCJ 153730.

Chart of the Organizations of the Federal Executive Departments and Agencies, prepared by the U.S. Senate Committee on Governmental Affairs.

The United States Government Manual, prepared by the Office of the Federal Register, National Archives and Records Administration.

Intelligence Operations Field Support Services, prepared by, and available through, the Bureau of Alcohol, Tobacco and Firearms, Intelligence Operations Branch. The ATF Intelligence Operations Branch can conduct a wide variety of intelligence/data base searches. To obtain the services of the ATF Intelligence Operations Branch, complete the Search Request Form appearing at the end of this section.

SOURCES OF INFORMATION THE COUNTY LEVEL:

County Recorder.

Official records - Deeds, grants, transfers, and mortgages of real estate. Releases of mortgages, powers of attorney, and leases which have been acknowledged or approved. In other words, all papers pertaining to real estate transactions, mortgages or

personal property, certificates of marriage and marriage contracts, wills admitted to probate, official bonds, notices of mechanics' liens, transcripts of judgment which are made liens on real estate, notices of attachment on real estate, notices of the pendency of actions affecting real estate, the title thereto or possession thereof, instruments described or relating to the separate property of married women, notices of pre-emption claims, births and deaths, papers in connection with bankruptcy, certified copies of decrees and judgments of courts or record, such other writings as are required or permitted by law to be recorded (e.g., Army and Navy discharges).

General index to official records and the official records - The location of original or reproductions of original instruments.

County recorder's records -

Marriage licenses/certificates: names of bride and groom (maiden name of bride.), ages, cities of residence, place of birth, date of license, date and place of marriage, names of two witnesses and their cities of residence.

Board of Health, Bureau of Vital Statistics Statement: names, ages, addresses, occupations and race of bride and groom; number of marriages for each; names and place of birth of parents (maiden names of mothers).

Birth Certificates: names of child, sex, date of birth; nature of birth; place of birth (address, or if in a hospital or institution, its name), ,arents (names, ages, addresses, races, places of birth,

and occupations, dates last employed, and total time in occupations), maiden names of mothers, Condition of child (If stillborn, cause and period of gestation and also congenital crippling deformities.), number of children to parents, including subject child, and physician.

Death Certificate: name, address, sex, age, race, birthplace and birth date of decedent; place, date and time of death; how long deceased had been in community/State/United States/hospital (if death occurred in one); Military experience; social security number; marital status as well as name and age of spouse; occupation of deceased; parents' names and places of birth and mother's maiden name; dead informant's name and address; medical certificate (if under a doctor's care at time of death) to include doctor's name, how long treated, last time seen alive, cause of death; Coroner's certificate to include autopsy, inquest, or investigation, cause of death (if an external cause, indicates if accident, suicide, or homicide); date death occurred and where death occurred (type of place, whether or not at work, and means of injury); and mode of disposal of body.

County Clerk.

Naturalization records -

Index to declarations of intention and petitions for naturalize the superior court of the county to include: Name of applicant, volume, and page where his/her declaration and petition is recorded (some counties have an alphabetical card index, others have a book index).

- ❑ Naturalization record book to include: certificate of arrival. (Name, port of entry, date of entry, and manner of arrival).
- ❑ Civil Index: Index of all civil actions listed alphabetically by plaintiff and defendant by date. Each action has a number referring to the file folder containing the papers in the action.
- ❑ Civil files: Contain papers in actions concerning liens, damages, changes of name, divorces, insanity, intemperance, etc.
- ❑ Probate index: Actions listed alphabetically by the name of the estate or petitioner, giving the date of filing and the number of the action which leads to the file folder containing the papers in action.
- ❑ Criminal Index. Criminal actions in superior court listed alphabetically by defendant, giving the date and number of the action which leads to the file folder; Criminal court containing complaint (description of the crime and the counts and complainant's signature-exemplar); Transcript of preliminary (Testimony of complainant, defendant, witnesses, officers and defense/prosecuting attorney); Probation officer's report (complete background investigation of defendant); All subpoenas issued in the case.

County Auditor.

List of all county employees, their occupations, and rates of pay as well as records of all fiscal business of the county.

County Assessor.

Plats/maps of real property in the county (dimensions, address, owner, and taxable value).

County Tax Collection.

Names and addresses of property owners - Name and address of taxpayers if the taxes are paid by someone other than the owner, Legal descriptions of property, amount of taxes paid of real and personal property, and whether or not the taxes are delinquent.

County Surveyor.

Maps of the county to include elevation, base lines, landmarks, important sites, all county roads, rights of way, and easements.

Registrar of Voters.

Affidavit of registration, nomination papers of candidates for county office, and rosters of voters. (Contains signatures and addresses at the polls on election day.)

Coroner or Medical Examiner.

Coroner's register containing name or description of the deceased, date of inquest (if any), property found on deceased and its disposition, cause of death, and copies of any notes regarding disposition of the body.

County Welfare Commission.

Information in the files of the Welfare Commission is gathered by social workers, psychologists, and doctors. When a person applies for welfare, the case is assigned to an investigator who is college-trained in social work. The applicant and his/her immediate and

remote family are contacted frequently as long as he/she is on relief. The files are complete and contain a wealth of material about the person on relief, where and when he/she has worked, how much he/she has earned, property he/she or his/her relatives might have, the family's attitudes, the state of their health, criminal records, etc. In fact, cases that have been active over a long period will have practically all of the information available to obtain about a person and his/her family.

County Census Office.

Information such as name, address, place of employment, name of spouse, children, names of two or three relatives, names of doctor and dentist if given during survey, and other miscellaneous personal information is maintained by this office.

SOURCES OF INFORMATION AT THE STATE LEVEL:

Every licensing and regulatory activity is a potential source of information. Since these are two of the key functions of State government, there is a wealth of information in various State offices. Organizational directories can be obtained which will provide a brief description of all State offices and their objectives. Relevant information usually exists in open files in the following types of departments.

Secretary of State
 Controller/Treasurer
 Department of Agriculture
 Department of Industrial Relations
 Department of Natural Resources
 Fire Marshal's Office
 Department of Police/Public Safety

Horse Racing Board/Gambling Commission
 Bureau of Professional and Vocational Standards/Department of Licensing
 Department of Motor Vehicles
 State Board of Equalization
 Insurance Commissioner's Office

SOURCES OF INFORMATION AT THE FEDERAL LEVEL:

The Federal Government has numerous departments, bureaus, and offices that maintain information relating to persons, corporations, and other organizations. The investigator should use this section to determine which Government agency may have information that could benefit or further an investigation.

Department of Agriculture.

14th St. & Independence Avenue, SW
 Washington, DC 20250
 202-720-3631

The investigative activities of the Department of Agriculture are contained in the Office of the Inspector General (OIG). The investigative area of the Secretary of Agriculture is the Office of Investigations. Any information needed by investigators concerning the Department of Agriculture may be obtained from this office.

U.S. Forest Service -Records are maintained at the local level on forest, mining, and pasture leases, with names and addresses. These records are also kept at the district and national levels. Other information needed may be obtained from the forest service investigators.

Food Stamps and Nutrition Services Agency - Computer records

are kept at the national level by number and can be traced to the State and local office to which food stamps are issued. Records are kept at the local level giving name, address, and personal history of persons to whom stamps are issued.

- Consumer and Marketing Service - Information concerning meat inspections, food stamps, packers and stock yards, poultry oversight, and diary oversight.
- Commodity Exchange Authority Investigates cheating and frauds as well as protecting trade funds.
- Agricultural Stabilization and Conservation Service
- Federal Crop Insurance Corporation
- Federal Extension Service County Level in All States

Department of Commerce.

14th Street Between Constitution Avenue and E Street, NW.
Washington, DC 20230
202-482-2000

- Information on individuals in the bureaus and office of the U.S. Department of Commerce (USDC) can be obtained by contacting Investigations and Security, Department of Commerce, Washington, DC.
- Bureau of Public Roads, USDC, maintains an office of Audit and Investigations. This office concerned with highway programs which Federal

assistance is given. The office of Audit and Investigations is located Washington, DC.

- National Marine Fisheries Service maintains at local and national levels, names, addresses and registration of ship fishing in local waters.
- Commercial Intelligence Division Office, Washington, DC. (Prepares trade lists, trade contract surveys, the agency index, and world trade directory reports.)
- Patent Office - 2121 Crystal Drive, Suite 100, Arlington, Virginia 22202, telephone number 703-305-8341. Maintains roster of attorneys and agents registered to practice before U.S. Patent Office.
- Trade Mission Division (Information on members of Trade Missions.)

Department of Defense.

The Pentagon
Washington, DC 20301
A request for evidence of such discharge or conviction should set forth all available information regarding the subject under investigation; e.g., the full name, date and place birth, dates of service, branch of service, serial number and social security number of the former U.S. Armed Forces member. It is essential for record search purposes that each request contains the branch of service, serial number and social security number of the subject under investigation. The locations of the files of the U.S. Armed Forces are as follows:

Army:

Files on U.S. Army officers separated before July 1, 1917, and U.S. Army enlisted personnel separated before November 1, 1912, are located at the National Archives Building, Washington, DC 20408.

Files on all personnel separated on or after January 1, 1960, all retired personnel (except general officers), and all reserve members (including retired reservists) are available at U.S. Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, Missouri, 63132.

All files on officers on active duty (including retired general officers) are located in the U.S. Army Military Personnel Center, Alexandria, Virginia, 22332.

Files on enlisted personnel on active duty are at the U.S. Army Enlisted Records Center, Fort Benjamin Harrison, Indiana, 46249

All other files are located at the U.S. Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, Missouri, 63132.

Navy:

Because of an interpretation of the Privacy Act of 1974, the Navy has restricted the release of documents relating to court martials, dishonorable discharges, and other records.

Marine Corps:

Files on officer personnel currently in the Marine Corps or Marine Corps Reserve; enlisted personnel on active duty or in the organized reserve; class 11 (active reserves); and officers and enlisted personnel completely separated 4 months or less are available from the Commandant of the Marine Corps, Code MSRB-22, Headquarters, U.S. Marine Corps, Washington, DC, 20380.

All other files are located at the National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri, 63132.

Air Force:

Files on all reserve members not on extended active duty and all retired reservists in a nonpay status are located at the Air Reserve Personnel Center, 3800 York Street, Denver, Colorado, 80205.

All other files on active duty personnel are at the U.S. Air Force, Military Personnel Center, Military Personnel Records Division, Randolph Air Force Base, Texas, 78148.

All other Air Force military personnel records are at the National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri, 63132.

Coast Guard:

Files on enlisted personnel separated less than 6 months, officer

personnel separated less than 3 months, all active Coast Guard personnel (including active reserves), and members of the reserve off ice personnel completely separated before January 1, 1929, can be obtained from the Commandant, U.S. Coast Guard, Washington, DC, 20593.

All other Coast Guard Military personnel records are located at the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri, 63132.

Department of the Air Force.

U.S. Air Force

The Pentagon

Washington, DC 20330

Air Force investigation files are maintained by the individual office of special investigations (OSI), district of origin, with the exception of unfavorable national agency checks and unfavorable background investigations.

Airmens Record Annex - Randolph Air Force Base, Texas. (Records for retired enlisted personnel with 30 years' service and officers on active duty and retired.)

Air Force Finance Center
3800 York Street Denver, Colorado, 80250. (Data concerning the pay, dependents, allotment accounts, deposits, withholding statements (Form W-2), and any other financial information relative to military personnel are available at the above office.)

Department of the Army.

U.S. Army

The Pentagon

Washington, DC 20310

U.S. Army Counterintelligence Record Facility is the Department of the Army record center for all files created by or for the Department of the Army pertaining to investigations. Also check U.S. Army Criminal Investigation Division.

U.S. Army Finance Center
Center, Indianapolis, Indiana 46249
(NOTE: Requests should include complete name, social security number, and serial number.)

Department of the Navy.

U. S. Navy

The Pentagon

Washington, DC 20350

The Office of Naval Intelligence conducts investigations relating to naval personnel and civilians employed by the Navy.

Navy Departments, Arlington Annex, Washington, DC (Records for active duty personnel, reservists, retired enlisted men, and retired admirals.)

Director, Bureau of Supplies and Accounts, Department of the Navy, 13th & Euclid Streets, Cleveland, Ohio 44115.

U.S. Marine Corps.

Commandants of the Marine Corps

Navy Departments

Washington, DC 20380

Records of personnel on active duty, reservists and officers on active duty.

Department of Defense General Information.

Requests for information from the sources above should be forwarded through normal channels to the respective finance center. It is important that the subject be adequately identified, preferable by name, address, and military serial number. However, if the serial number is unknown or cannot be furnished, the date may be secured if the inquiry includes the serviceman's full name, date of birth, and places of induction and/or discharge from the service.

Addresses of Military Personnel: Form 2223, Request for Address of Military Personnel, should be used to obtain from the records of the military services the current or last known address of a subject who is a member of, or who has been recently separated or discharged from, the armed forces. All Forms 2223 should be carefully prepared. The full name of the subject should be entered accurately, together with his/her preservice address and serial number if known. If available, the last known military address of the subject and the latest date such address was known to be current, should be furnished. The correct mailing addresses for the military service branches are printed on the face of Form 2223, and the address corresponding to the member's branch of service must be entered in the space provided therefore. Each form 2223 should be examined prior to mailing, to make certain that the return address of the requester has been inserted.

Otherwise, even though a current address may be available, the military service branch will be unable to return the completed Form 2223.

Many of the Forms 2223 will have to be forwarded by military service branch concerned to various record centers throughout the United States. Therefore, no followup inquiry should be made within 90 days from the date of the original request. If, after 90 days, it is found that a followup inquiry is necessary, a second Form 2223 should be prepared and mailed to the proper military service branch. However, on the second request, no reference should be made to the original Form 2223.

Data concerning the personal and medical history of former Army personnel (discharged subsequent to 1912) and former Navy and Marine Corps personnel are located at Military Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, Missouri 63132. (Requests should include: Complete name, service serial number, date and place of birth, dates of service, military organizations, and the name of the individual's next of kin.)

Records of contracts and all original vouchers covering payments made to persons and firms dealing with the U.S. Air Force are retained at the U.S. Air Force Accounts and Finance Center, AFO-Accounts and Mail Branch, 3800 York Street, Denver, Colorado 80205.

Department of Health and Human Services (HHS).

200 Independence Avenue, SW.
Washington, DC 20201
202-690-7000

HHS maintains a security office in Washington, DC.

- Food and Drug Administration (FDA) - The FDA investigators in the field districts conduct inspections of drug firms covered under various laws. In the event a law is violated, the FDA sends a report to its headquarters in Washington, and a copy is kept in the district file.

- The Social Security Administration - The release of social security-related information to any person other than an officer or employee of the Internal Revenue Service engaged in the administration and enforcement of Titles VIII and IX of the Social Security Act, the Federal Insurance Contributions Act, the Federal Unemployment Act, or the Income Tax Laws is expressly forbidden. The Social Security Administration is located at 6401 Security Boulevard, Baltimore, Maryland 21235, telephone number 410-965-8882. Records are available from this office only in certain instances (e.g., Parent Locator Service.) It is interesting to note, however, that the first three numbers of all currently issued SS cards indicate the State where application was made. A comprehensive listing of all social security numbers and their assigned States of origin is provided at the end of this section.

Department of Housing and Urban Development (HUD).

451 7th Street, SW.
Washington, DC 20410
202-708-0980

- The Compliance Division is the investigative unit for all elements of the department. HUD enforces Federal law in the Nation's Federal housing facilities and maintains information regarding the residents of such facilities.

Department of the Interior.

1849 C Street, NW.
Washington, DC 20240
202-208-3171

- Fish and Wildlife Service - Maintains records at the national level on violations worked by their agents.

- Bureau of Indian Affairs - Maintains on a local level census records which include name, degree of Indian blood, tribe, family background, and current address.

- National Park Service - maintains records on both local and national levels, which include mining, pasture, and concessioner permits. Contains name, address, and some background information.

Department of Justice.

Constitution Avenue and 10 St., NW.
Washington, DC 20530
202-514-2000

- Antitrust Division - Federal sources of information relating to antitrust matters:

Civil Rights Division - Responsible for enforcing Federal civil rights laws which prohibit discrimination on the basis of race, color, religion, or national origin in the areas of education, employment, and housing, and the use of public facilities and public accommodations, and in the administration of Federally assisted programs.

Criminal Division - Responsible for enforcement of all Federal criminal laws, except those specially assigned to the antitrust, civil rights, or tax divisions. Supervises and directs U.S. attorneys in litigations involving bank robberies; kidnaping; extortion; loansharking; illegal gambling; labor racketeering; aircraft hijacking; fraud against the Government; mail fraud; bankruptcy fraud; election fraud; bribery of public officials; perjury; corruption of justice; conflict of interests; theft and larceny of public property; counterfeiting; forgery; interstate transportation of motor vehicles; securities and other property; illegal trafficking in narcotics and dangerous drugs; distribution of obscene materials; illegal transportation of firearms and explosives; and crimes on the high seas and Government reservations. Supervises international extradition proceedings in civil as well as criminal litigation arising under immigration and nationality laws. Handles offers in compromise in pending criminal cases under the Federal internal revenue laws relating to liquor, narcotics, and marijuana. Special responsibilities for coordinating enforcement activities against organized crime. Maintains strike forces located in metropolitan areas. Information on organized crime figures.

Drug Enforcement Administration (DEA)

700 Army Navy Drive
Arlington, VA 22202
202-307-8000

Enforces the laws and statutes relating to narcotics, marijuana, depressants, stimulants, and hallucinogenic drugs. Regulates legal trade of narcotics and dangerous drugs. Record of licensed handlers of narcotics. Criminal records of users, pushers, and suppliers of narcotics maintained in the NADDIS.

Federal Bureau of Investigation (FBI)
9th Street and Pennsylvania Ave., NW.
Washington, DC 20535
202-324-3000

Criminal records and fingerprints. National Stolen Property Index (Stolen Government property including military property), Nonrestricted information pertaining to criminal offenses and subversive activities, National Fraudulent Check Index, Anonymous Letter Index.

Immigration and Naturalization Service (INS)

425 I Street, NW.
Washington, DC 20536
202-514-1900

Records of all immigrants and aliens, lists of passengers and crews on vessel from foreign port, passenger manifests and declarations-ship, date, and point of entry required, naturalization records-names of witnesses to naturalization proceedings and people who know the suspect, deportation proceedings, financial statements of aliens and persons sponsoring their entry.

Marshalls Service

600 Army Navy Drive
Arlington, VA 22202
202-307-9100

Records, personal identification information, and fingerprints of all individuals who have been Federal defendants. Information on all Federal fugitives.

 Bureau of Prisons (BOP)

320 1st Street, NW.
Washington, DC 20534
202-307-3126

Maintains records on all Federal inmates to include personal identification information, prior criminal history information, fingerprints, and handwriting exemplars.

Department of Labor.

2nd and Constitution Avenue, NW.
Washington, DC 20210
202-219-8271

The Labor Pension Reports Office Division conducts inquiries into irregularities and complaints on transgressions of law administered by the Department of Labor and also investigates any organized crime activities in the labor movement.

Labor Management Services Administration - Information on labor and management officials.

Employment Standards Administration - Responsible for administering and directing employment standard programs dealing with minimum wage and overtime standards, equal pay, age discrimination in employment, and promotion of women's welfare.

U.S. Postal Service.

475 L'Enfant Plaza West, SW.
Washington, DC 20260
202-268-2000

Mail covers/watches.

Photostats of postal money orders. Requests for such records must be addressed directly to the Money Order Division, Post Office Department, Washington, DC.

Postal inspectors in all major cities investigate all types of mail frauds (e.g., sending false or fraudulent insurance claims in false theft (firearms) reports as well as investigating the mailing of prohibited items such as firearms and explosives.

Requests for addresses of post office box holders should be made only when efforts to obtain the information from other available sources have proved unsuccessful. Information can be obtained from the Inspector-in-Charge or Post Office Inspectors. Inquiry should be made at local post offices to ascertain the identity of the inspector who can furnish the information desired.

Department of State.

2201 C Street, NW.
Washington, DC 20520
202-647-5291

Passport records-date and place of birth required (for recent date, inquiry may be made of the local district court.) (Applications and photographs on file.)

Import and export licenses.

Foreign information.

Visa Office

515 22nd Street, NW, Washington, DC, 20520, 202-663-1225. Information concerning the issuance to aliens of immigrant and nonimmigrant U.S. visas. Conducts investigations on department personnel, as well as visa and passport frauds.

Department of Transportation.

400 7th Street, SW.
Washington, DC 20590
202-366-1111

Environment Safety and Consumer Affairs Office - Administers programs to protect the environment and enhance the safety and security of passengers and cargo in transit. Monitors transportation of hazardous materials, as well as the movement of cargo and passengers in domestic and international transport.

U.S. Coast Guard -

2100 2nd Street, SW.
Washington, DC 20590,
202-267-2229.

Records of persons serving on U.S. ships in any capacity. Records of vessels equipped with permanently installed motors. Records of vessels over 16 feet long equipped with detachable motors. Responsible for enforcing Federal laws on the high seas and navigable waters of the United States and its possessions. Inspects small boats to ensure compliance with safety measures. Cooperates with other agencies in law enforcement responsibilities. Enforces

environmental laws. Information on where and when ships departed or returned.

Department of the Treasury.

15th Street and Pennsylvania Avenue, NW.

Washington, DC 20220
202-622-2000

There are five law enforcement agencies under the jurisdiction of the Secretary of the Treasury; Bureau of Alcohol, Tobacco and Firearms; USSS; IRS Inspection Service and Criminal Investigations Division; USCS (Office of Investigations), and the United States Office for the Issuance of Clearances of Treasury Personnel.

Bureau of Alcohol, Tobacco and Firearms (ATF)

650 Massachusetts Avenue, NW.
Washington, DC 20226
202-927-8050

Responsible for enforcing and administering firearms and explosives laws, as well as those covering alcoholic beverages and tobacco products. Maintains reports of investigations on violations of Federal firearms and explosives law. Capability for tracing any firearm from manufacturer or importer to retailer, if the weapon was manufactured or imported after 1968. Maintains records of all out-of-business firearms dealers, information regarding firearms thefts from licensed dealers, multiple sales of firearms, and suspect guns. Maintains records of firearms registration on items to include sawed-off shotguns, machineguns, silencers, and destructive devices. Maintains a complete list of all Federal firearms license holders, including manufacturers, importers, and

dealers. Maintains a complete list of all Federal explosive license holders, including manufacturers, importers and dealers.

❑ U.S. Customs Service

1301 Constitution Avenue, NW.
Washington, DC 20229
202-927-6724

Maintains record of importers and exporters, customhouse brokers, customhouse truckers (cartage licenses); lists of suspects; oversees all registry, enrollment and licensing of vessels not licensed by the Coast Guard or States; maintains investigative file on smugglers; and administers TECS.

❑ Internal Revenue Service (IRS)

1111 Constitution Avenue, NW.
Washington, DC 20224
202-622-6500

Inspection Service - The Inspection Service has two divisions; Internal Audit and Internal Security. The Internal Security Division conducts bribery investigations of employee misconduct, personnel investigations and other such investigations as the Commissioner or Secretary of the Treasury requests. Criminal Intelligence Division - This division conducts investigations of tax frauds relating to income tax, excise tax, and occupational tax violations. It also provides protection for Internal Revenue Service employees. The release of information to any person other than an officer of the Internal Revenue Service is expressly forbidden.

❑ U.S. Secret Service (USSS)

1800 G Street, NW.
Washington, DC 20223
202-435-5700

Maintains records pertaining to counterfeit, forgery, and U.S. security violation cases. Secret Service's central files at Washington contain an estimated 100,000 handwriting specimens of known forgers. An electronic information retrieval system facilitates comparison of questioned handwriting with the specimens on file for identification purposes. Maintains records pertaining to threats on the life of any of the principals by anonymous letters, telephone or other oral communication by subversive organizations or individuals. Principals as used here are defined as the President and his immediate family, Vice President, former Presidents and their wives, wife of a deceased President until she remarries, children of a deceased President until the age of 16 years, President and Vice President elect, major candidates for the office of President or Vice President, and heads of state representing foreign countries visiting in the United States.

❑ Treasurer of the United States -

Canceled checks paid by the U.S. Treasury are processed through the Office of the Treasurer of the United States. Photostats may be obtained by mail request directed to Check Claims Division, ATTN: Stop-Pay Branch, Treasurer of the United States, Liberty Loan Building, 401 14th Street, SW, Washington, DC 20226. All requests should include the name of the payee, date of check, amount of check, check number, and disbursing office symbol number if the requested check is being considered for use in a trial or procedure requiring certification; the request for certification should be included in the original request. Checks and related records are subject to the

destruction policy of the Check Claims Division and may not be available for certification at a later date. Photostats of canceled U.S. Government checks which relate to alleged forgery violations are obtainable through the U.S. Secret Service. When information must be obtained from the issuing disbursing office regarding a U.S. Treasury check, the investigation may be expedited in some instances by requesting that office to obtain the required copy, together with any necessary certification, from the Check Claims Division.

Other Federal Agencies and Commissions.

The following Federal agencies and commissions differ only slightly from the above-listed departments in that their responsibilities appear to be more oriented to a single mission which is more or less self-explanatory. With respect to any of the below-listed agencies and commissions, the initial contact for any investigator should be the security officer. ATF employees should coordinate initial contact with these agencies through the ATF Tactical Intelligence Branch or other appropriate chain of command.

❑ Agency for International Development (AID) - AID is primarily engaged in overseas operations with headquarters in Washington, DC. The Office of Security (Washington, DC) would be the principal contact for all information regarding personnel and operations of the agency.

❑ Department of Energy (DOE) - The DOE has its headquarters in Germantown, Maryland, and field installations throughout the United

States. The Division of Security of DOE is the liaison point for the investigator seeking information at DOE. This division maintains a complete index of all individuals who have ever been processed for a DOE security clearance. This master index known as the central personnel clearance index includes identifying information on Government workers, contractor, laboratory, and university employees. The items covered on each person listed include full first, middle, and last names; DOE file number; date of birth; occupation; month and year of last investigation; type of investigation; location of file; and a clearance history stating the type of clearance, its sensitivity, the office, and name of employer.

❑ Central Intelligence Agency (CIA)
Washington, DC, 20505
202-482-1000.

The CIA has its headquarters in McLean, Virginia, and maintains liaison with other agencies and departments on items of mutual interest. The CIA is an intelligence gathering organization that collects, evaluates, and collates information of a political, military, sociological, and geopolitical nature.

❑ Office of Personnel Management (OPM)
1900 E Street, NW.
Washington, DC 20415
202-606-1000

The Office of Personnel Management's headquarters is in Washington, DC, and there are regional offices in the principal cities of the United States. The OPM is the main personnel agency of the U.S. Government. The Bureau of Personnel Investigations of OPM contains

information that may be of value to investigators. This Bureau conducts investigations of two principal types: (1) national agency checks and inquiries for nonsensitive positions, usually referred to as NACI, which is a high volume record check and correspondence inquiry program and (2) full field investigations as part of its administration of the merit system. Included are investigations of fitness of applicants for employment, investigations of appeals, and investigations to determine qualifications of candidates for high level jobs.

The essential purpose of the Security Investigations Index, established in OPM by Executive Order 10450, section 9(a), is to prevent duplication of investigation. This index consists of almost 9 million card records, accumulated since 1939. These cards include the subject's name, address, date and place of birth, name of agency conducting the investigation, date of initiation of the investigation, and location of the investigative report. OPM acts as the board for filling administrative positions that are common to many departments and agencies of the Government. The OPM maintains a central index of people who have applied for common purpose examinations. These are kept in 5-year groups and after 10 years are sent to a Federal records center.

□ Deputy Comptroller of Currency (Bank Examiner's Reports) - National bank examinations are made to determine bank financial positions and to evaluate bank assets. Bank examiner's reports contain information

about bank records, loans and operations. In view of their purpose and the basis on which they are obtained, reports on national bank examinations and related correspondence and papers are deemed to be of a confidential nature.

□ Federal Communications Commission (FCC) Examinations and Operators Branch Field Engineering Bureau 1919 M Street, NW. Washington, DC 20554 202-418-2470 Maintains card files on all radio operators in the United States.

□ Federal Power Commission (FPC) - The FPC, located in Washington, DC, is the regulatory agency for electric utility and natural gas companies. All such companies are required to file with the commission annual reports which give a financial picture of the company, as well as other information. A small amount of information is given on officers of a company, as well as on directors or stockholders who hold more than 10 percent of the voting stock. If the company's annual operating revenues are less than \$25 million, the report would also include a list of employees making more than \$15,000 per annum. For companies whose annual operating revenues are more than \$25 million, only employees making \$25,000 or more per annum are listed.

□ Federal Records Center (FRC) - Data concerning former Government employees is on file at the Federal Records Center, G.S.A. (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 62118.

Requests for information from such files should be prepared on GSA Standard Form 127, Request for Official Personnel Folder, and mailed directly to the Federal Records Center at St. Louis, Missouri.

□ Federal Trade Commission (FTC) - Pennsylvania Avenue at 6th Street, NW, Washington, DC 20580
202-326-2100

The Federal Trade Commission has its headquarters in Washington, DC, where it maintains a central index containing the names of individuals involved in FTC cases, the commodity, the charge, and the field office. The file itself is maintained in the field office having jurisdiction. The FTC index does not normally contain much biographic data.

□ General Services Administration (GSA) - The Compliance Division of GSA which comes under the Assistant Administrator for Finance and Administration is charged with investigating contractors doing business with GSA. If a contract is in excess of \$50,000, the Compliance Division makes an investigation. A central index is maintained in Washington, and the regional offices have indices on items that pertain to their region, as well as on the small contracts that do not require an investigation. The Compliance Division satisfies itself that the contractor is fit, willing, and able to do the job. This division maintains a list of those contracting firms whose performance record has been of such poor quality that they are debarred from bidding on future GSA construction projects.

The National Archives and Record Service (NARS) of the GSA publishes several directories that may be of considerable value to an investigator. The first is a search guide to official personnel folders maintained at the Federal Records Center, St. Louis, Missouri. This guide lists the location of personnel folders of retired or separated Federal employees including agencies, bureaus, and commission that are no longer in existence.

The second publication is the directory of military personnel and related records. This book describes and locates all types of records of members of the military services. The two largest centers for the storage of personnel records, as well as organizational, medical, financial, and other records of separated military personnel are the U.S. Army Administration Center, St. Louis, Missouri, and the Military Personnel Records Center, National Archives and Records Service, GSA Region 6, St. Louis, Missouri. Together these depositories store the records of some 4 million separated military personnel. Despite their huge holdings, these centers do not have all the records of separated military personnel, and auxiliary records must be consulted occasionally to answer inquiries.

NARS puts out a guide to record retention requirements which is revised periodically. It may be purchased from the U.S. Government Printing Office, Washington, DC.

The Federal Register, published daily Tuesday through Saturday, is compiled by the Office of the Federal Register which is under NARS and GSA. A

Federal court must take judicial notice of the contents of the Federal Register in which administrative regulations are published (44 U.S.C. § 307).

❑ Government Surplus Property Sales - The Director, Directorate of Marketing, Defense Supply Agency, Defense Logistics Services Center, Federal Center, Battle Creek, Michigan 49016, maintains a master record of all Government surplus items sold through local defense surplus sales offices in the United States. The center will provide computer printouts from July 1, 1965, concerning surplus sales and will identify the local sales office which sold the property and which maintains the original documents relating to the sales.

❑ Surface Transportation Board (STB)
1201 Constitution Avenue, NW.
Washington, DC 20423
202-927-6184
The STB has information concerning individuals who are or have been officers of transportation firms engaged in interstate commerce. This information includes the officer's employment and financial affiliations. In addition to the record information available in STB, most safety inspectors of STB are good sources of "reference" information in that they have personal knowledge of supervisory employees of the various carriers in their region.

❑ National Aeronautics and Space Administration (NASA)
2 Independence Square, 300 E Street, SW.
Washington, DC 20546
202-358-1010
NASA deals with two kinds of contracts with private industries: classified and

unclassified. Classified contracts are processed in the same way as are military contracts. The clearance record cards are kept at the Defense Supply Agency Record Office at Fort Hayes in Columbus, Ohio. On unclassified contracts, an instruction sheet goes out when proposals are solicited. This instruction sheet requires the furnishing of information to include the names and qualifications resumes of the personnel who will be directly assigned to this project. (The resume should include educational background, work experience, length of service with firm, and projects on which the individual worked.)

❑ National Labor Relations Board (NLRB)
1099 14th Street, NW.
Washington, DC 20570
202-273-1790
The board is probably the source of reference information on labor officials, labor lawyers, industrial relations personnel and labor counsel for companies.

❑ National Security Agency (NSA) - Central Security Service
9800 Savage Road
Fort Meade, MD 20755
301-688-6524
Files on all past and present military and civilian employees, applicants for employment, contractors, consultants, restaurant and concession employees, and other individuals on whom some investigative action has been taken.

❑ Securities and Exchange Commission (SEC)
450 5th Street, NW.
Washington, DC 20549

202-942-4144

Record of Corporate Registrants of Securities offered for public sale, which usually shows description of registrant's properties and business, description of the significant provisions of the security to be offered for sale and its relationship to the registrant's other capital securities, information as to the management of the registrant, and certified financial statement of the registrants.

The SEC News Digest (A daily publication giving a brief summary of financial proposals filed with and actions of the SEC). Bulletin issued quarterly, and contains information of official actions with respect to the preceding month. It also contains a supplement which lists the names of individuals reported as being wanted on charges of violations of law in connection with securities transactions. It is available upon request at any of the SEC regional or branch offices.

Security violations files-The security violations section maintains comprehensive files concerning individuals and firms that have been reported to the commission as having violated Federal or State security laws. The information pertains to official actions taken against such persons, including denials, refusals, suspensions and revocations of registration, injunctions, fraud orders, stop orders, cease and desist orders; arrests, indictments, convictions, sentences and other official actions. Information in these files with respect to any particular individual or firm is available upon request of the Director, Division of Trading and Exchange Commission, Washington, DC 20225.

The SEC Official Summary lists the changes in beneficial ownership by off officers, directors, and principal stockholders of securities listed and registered on a national securities exchange, or securities relating to public utility companies and certain closed-end investment companies.

❑ Selective Service System
1515 Wilson Boulevard
Arlington, VA 22209
703-235-2555

Selective Service records contain personal and financial data regarding registrants, including family status and dependents. The opinion of the U.S. Court of Appeals for the third Circuit in U.S. vs. Caserta indicates that a selective service questionnaire cannot be introduced in evidence other than for an offense against the Selective Service Law, and that authority to get information from a questionnaire does not render such document admissible into court. However, this information may lead to other evidence that is admissible.

❑ Small Business Administration (SBA)
409 3rd Street, SW.
Washington, DC 20416
202-205-6605
SBA is an independent agency established by Congress and the President to service America's small businesses. The SBA participates in loans or makes direct loans for purchase of machinery, equipment, facilities, supplies, or materials and for working capital. Its headquarters is in Washington, DC, and it has area offices/field offices throughout the United States. An applicant for an SBA loan is required to complete SBA Form

#4. The part of this form of most interest to investigators is Part 11, Application for Loan Statement of Personal History. This form must be completed by the proprietor (owner) if the applicant is a sole proprietorship, by each general and limited partner if the applicant is a corporation, by each stockholder holding 20 percent or more of applicant's voting stock, and by each officer and director. This form requires the: type of business (sole owner, partnership, corporation, other); name, date and place of birth; citizens of United State (yes or no); percentage of stock owned or to be owned by the applicant; starting with present employer, a list of all employers in last 10 years; any other information deemed pertinent; signature; title; and date to be furnished.

Veterans Administration (VA)
810 Vermont Avenue, NW.
Washington, DC 20420
202-273-4800
Records of loans, tuition payments, insurance payments, and nonrestrictive medical data related to disability pensions are available at VA regional offices located in a number of large metropolitan areas throughout the Nation. This information, including photostats, may be obtained by direct mail request to the appropriate regional office. All requests should include a statement covering the need and intended use of the information. The veteran should be clearly identified and, if available, the following should be furnished about him: VA claim number, date of birth, branch of service, dates of enlistment and discharge.

NOTE: ATF personnel may use the Intelligence Operations Branch Search Request Form appearing on the following page to request a search for information from various databases and subscriber services.



U.S. Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
INTELLIGENCE OPERATIONS BRANCH - SEARCH REQUEST
(TELEPHONE NUMBER 202-927-7900 - FACSIMILE NUMBER: 202-927-4018)



SECTION
IV

REQUESTER INFORMATION

DATE OF REQUEST _____ TIME: _____
REQUESTING OFFICE/AGENCY: _____
OFFICE/AGENCY ADDRESS: _____
REQUESTING SPECIAL AGENT/ANALYST/INVESTIGATOR: _____
TELEPHONE NUMBER: _____ FAX NUMBER: _____
INVESTIGATION NUMBER/TITLE: _____

SEARCH INFORMATION

SUBJECT NAME: _____
Last First Middle Initial
AKA/MONIKERS: _____
DATE OF BIRTH: _____ RACE: _____ SEX: _____ SSN: _____
OTHER ID (SPECIFY TYPE) _____
ADDRESS: _____
Street
City County State ZIP Code
TELEPHONE: _____
Home Business
INTERNET ADDRESS: _____
BUSINESS NAME/ADDRESS: _____

ASSOCIATE/MISCELLANEOUS INFORMATION: _____

ADDITIONAL INFORMATION ATTACHED: _____ (CHECK IF APPLICABLE)

SYSTEM(S) TO SEARCH: (CHECK APPLICABLE)	SEARCH RESULTS: POSITIVE-NEGATIVE	DATE OF SEARCH:	SEARCHED BY:	INQUIRY LOG:
___ INFO AMERICA	_____	_____	_____	_____
___ CDB INFOTEK	_____	_____	_____	_____
___ AUTOTRACK PLUS	_____	_____	_____	_____
___ CONGANG	_____	_____	_____	_____
___ LEXIS/NEXIS	_____	_____	_____	_____
___ DUNN & BRADSTREET	_____	_____	_____	_____
___ TRANSUNION	_____	_____	_____	_____
___ METRONET	_____	_____	_____	_____
___ TECS	_____	_____	_____	_____
___ NCIC/NLETS	_____	_____	_____	_____
___ EPIC	_____	_____	_____	_____
___ G.R.E.A.T.	_____	_____	_____	_____
___ CABINET	_____	_____	_____	_____
___ OTHER _____	_____	_____	_____	_____
___ OTHER _____	_____	_____	_____	_____

RESULTS: _____
RESULTS RETURNED TO: _____ DATE: _____ TIME: _____
RESULTS RETURNED BY: _____ PHONE: _____ FAX: _____ MAIL: _____ OTHER: _____

DESIGNATED GEOGRAPHIC AREAS FOR SOCIAL SECURITY NUMBER ISSUANCE
--

Number(s)	Area	Number(s)	Area
001-003	New Hampshire	503-504	South Dakota
004-007	Maine	505-508	Nebraska
008-009	Vermont	509-515	Kansas
010-034	Massachusetts	516-517	Montana
035-039	Rhode Island	518-519	Idaho
040-049	Connecticut	520	Wyoming
050-134	New York	521-524	Colorado
135-158	New Jersey	525	New Mexico
159-211	Pennsylvania	526-527	Arizona
212-220	Maryland	528-529	Utah
221-222	Delaware	530	Nevada
223-231	Virginia	531-539	Washington
232(a)-236	West Virginia	540-544	Oregon
232(a) 237-246	North Carolina	545-573	California
247-251	South Carolina	574	Alaska
252-260	Georgia	575-576	Hawaii
261-267	Florida	577-579	District of Columbia
268-302	Ohio	580(b)	Virgin Islands
303-317	Indiana	580(b) -584	Puerto Rico
318-361	Illinois	585	New Mexico
362-386	Michigan	586(c)	Guam
387-399	Wisconsin	586(c)	American Samoa
400-407	Kentucky	586(c)	Philippine Islands
408-415	Tennessee	586(c)	Northern Mariana Islands
416-424	Alabama		
425-428	Mississippi	587-588	Mississippi
429-432	Arkansas	589-595	Florida
433-439	Louisiana	596-599	Puerto Rico
440-448	Oklahoma	600-601	Arizona
449-467	Texas	602-626	California
468-477	Minnesota	627-645	Texas
478-485	Iowa	646-647	Utah
486-500	Missouri	648-649	New Mexico
501-502	North Dakota	700-728	Railroad Board

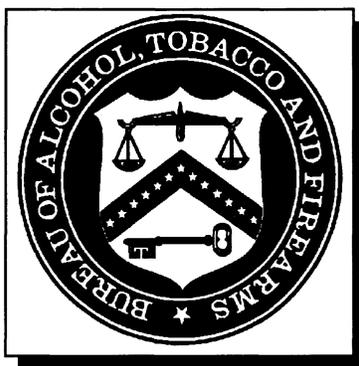
a: Number 232: Number 30 (middle two digits of a social security number) has been allocated to North Carolina by transfer from West Virginia.

b: Number 580: Numbers 01-18 (middle two digits of a social security number) have been allocated to the Virgin Islands; numbers 20 and above have been allocated to Puerto Rico.

c: Number 586: Numbers 01 -1 8 (middle two digits of a social security number) have been allocated to Guam. Numbers 20-28 have been allocated to American Samoa. Numbers 30-58 have been reserved for possible future allocation to other Pacific possessions of trust territories. Numbers 60-78 have been allocated during initial registration of armed service personnel for assignment to those who were natives of the Philippine Islands; number 80 and above not allocated.

SECTION-V

ILLEGAL FIREARMS TRAFFICKING INDICATORS



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

ILLEGAL FIREARMS TRAFFICKING INDICATORS

Firearms trafficking indicators may indicate that certain events have taken place which may involve illegal activity. The presence of one or more of the following indicators alone does not prove that illegal firearms trafficking is taking place. After determining the presence of one or more indicators, an investigator must explore the factors surrounding the indicator and evaluate the totality of circumstances.

The following information or activity may indicate illegal firearms trafficking by a Federal Firearms licensee (FFL), the FFL's clientele, or both.

- Frequent involvement in a crime-related firearms trace by an address, individual, or FFL (retail, wholesale, distributor, manufacturer). Frequent involvement may indicate involvement in illegal firearms trafficking.
- Short time-to-crime rates for an individual or FFL. This may indicate an active illegal firearms trafficker. In most instances, it is easier to trace a crime gun and locate the illegal trafficker if the firearm(s) has a short time-to-crime.
- Short time-to-sale rates for an FFL. This may indicate that firearms being recovered in crimes were specifically ordered for or by an individual(s).
- Frequent reports of firearms thefts by an FFL and the frequency or location of any recoveries of those firearms reported stolen. A corrupt FFL may cover or account for firearms which are being illegally diverted "off paper" by reporting them as stolen.
- Frequent purchases of under two handguns in a 5-day period from one or multiple FFLs in an area by the same individual. This may indicate an individual is actively trying to prevent detection by avoiding the multiple sales reporting threshold.
- FFLs who often cannot account for firearms they received or often do not have information needed to complete firearms trace requests. This may indicate an FFL who either improperly maintains records or is diverting firearms off paper. In this event, the investigator should contact the wholesaler(s) or other source of the firearm for which the FFL cannot account and determine how many other firearms the FFL has received from that source. The FFL's records should then be checked for the presence of these firearms. Additionally, this indicator may be a sign that the FFL in the trace chain who reports transferring a firearm to the FFL who can produce no record is actually the FFL illegally diverting firearms. In some instances, an FFL who is illegally diverting firearms may provide fictitious information to the NTC when questioned as to the disposition of a firearm. That fictitious information may involve the FFL in question reporting to the NTC that they transferred the firearms to another FFL (usually a large wholesaler is identified) when in fact the firearm was illegally diverted.
- FFLs who have no records that reflect the receipt of firearms found at

their store/in their inventory. These “off the books” firearms may be discovered during a visit or routine inspection of an FFL and they may be an indicator of unlawful diversion activity by the FFL. In the event “off the books” firearms are found the source of the firearm should be determined. Once the source is determined efforts should be made to determine if other firearms have been obtained by the FFL from this source which the FFL has no record of. This information will assist in determining if the FFL is unlawfully diverting firearms “off the books” without the required paperwork.

❑ Multiple purchases of the same model firearm or inexpensive firearms. Oftentimes illegal firearms traffickers will order multiple inexpensive firearms of the same model. This activity is indicative of an illegal firearms trafficker, not a firearms collector.

❑ Large cash payments for firearms where the purchaser presents a form of Government assistance ID card or multiple purchases of firearms by a female. These purchases may indicate straw purchase activity.

❑ Multiple purchases of firearms with a newly issued ID card may be indicative of an individual who just obtained fraudulent ID. For ITAR leads look for a foreign country place of birth listed on an ATF Form 4473, Firearms Transaction Record (records maintained by the FFL which reflect firearms sale information), in conjunction with a firearms purchase that occurred shortly after the date of an ID's issuance. This is indicative of an individual who just entered the country, obtained an ID,

and intends to quickly leave the country with the acquired firearms.

❑ ATF Form 4473s, where the top and bottom section of the form are completed with the same handwriting. Federal statute requires completion of the top part of the form by the purchaser and the bottom part of the form by the licensee. If two separate handwriting styles do not appear on an ATF Form 4473, this may indicate illegal activity.

❑ ATF Form 4473s where different color inks are on the form, particularly if the firearm(s) descriptions are in a different color as this may indicate the FFL, or an employee, has added firearms to a previously completed transaction form and the added firearms were actually transferred to some one else.

❑ ATF Form 4473s where the firearms descriptions are in differing handwriting styles as this may indicate the FFL, or an employee, has added firearms to a previously completed ATF Form 4473 and the added firearms were actually transferred to some one else.

❑ ATF Form 4473s where the answer “yes” or a blank/unanswered question appears in the section which asks the purchaser if he/she is a prohibited person falling into one of the named categories. This may indicate an oversight on the FFLs behalf and the individual who purchased the firearm is actually a prohibited person.

❑ The discovery, during an FFL inspection, that an FFL is failing to keep proper records of firearms dispositions or failing to submit an ATF Form 3310.4

to ATF when a multiple sale of firearms is made. This may indicate an FFL is intentionally hiding illicit activity.

❑ The discovery of an FFL maintaining a large inventory of inexpensive semiautomatic handguns and whose licensed premise is his/her residence. Most residential FFLs do not have a “walk in” clientele. For the most part, residential FFLs order firearms for what is a predominantly smaller clientele. A large inventory of inexpensive handguns may indicate these have been special ordered for one or two individuals who may be involved in their unlawful resale.

❑ Multiple one handgun purchases by different individuals over a short period of time, particularly when the firearms are of the same make and model and when these sales are much higher than the normal volume of sales. This may indicate that multiple individuals are engaged in straw purchasing firearms for their subsequent illegal trafficking.

❑ Multiple firearms sales to individuals who do not reside near the FFL. This may indicate straw purchasing of firearms by individuals engaged in illegal firearms trafficking.

❑ FFLs whose records indicate they transfer large numbers of firearms to themselves, especially if those firearms are inexpensive handguns, multiple handguns of the same make and model, or other types of firearms not normally viewed as collectable or useful for sporting/hunting purposes. This may indicate an FFL who is engaged in unlawful diversion or supplying firearms

to others who are illegally trafficking these firearms.

❑ FFLs whose records reflect the transfer of large numbers of firearms to other FFLs, especially if those firearms are inexpensive handguns. This may indicate unlawful diversion of firearms. Most FFLs sell the majority of their inventory to retail customers. An FFL engaged in unlawful diversion of firearms may try to mask this activity by fraudulently listing other FFLs as the recipient of firearms when in fact the firearms were diverted elsewhere.

❑ FFLs who, when contacted for information or an inspection are constantly stressing how perfect their records and corresponding inventory are. Most FFLs are law abiding and compliant in their record keeping and when contacted for information are responsive in a very matter of fact manner. An FFL stressing the perfection of his/her records may be trying to overcompensate for hidden unlawful activity or fraudulent records, especially if the FFL takes an active role in trying to direct or lead an investigator in how to look at the records.

Project LEAD Indicators.

Much of the illegal firearms trafficking information contained in Project LEAD will immediately draw the attention of a criminal investigator based on certain obvious indicators (e.g., an individual with five criminal traces and three multiple purchases of firearms attributed to them.) Within Project LEAD, there will also be other less obvious indicators of illegal firearms trafficking that an investigator should be aware of.

Examples follow.

❑ Situations where several individuals purchase firearms from one FFL on or near the same date (within a day or two), and those firearms are later recovered in the same area some distance away and traced in. For example, three separate individuals residing in Alcola, Alabama each purchase several firearms each over a 2 day period from the same FFL. Those firearms are later recovered in New York City. This is an indication that those individuals may be engaged in straw purchasing or unlicensed firearms dealing together.

❑ Situations where several individuals from a small town purchase multiple firearms from one FFL continuously over time, and those firearms are later recovered in the same area some distance away and traced. This is an indication that those individuals may be engaged in straw purchasing or unlicensed firearms dealing together.

❑ Situations where an individual, listing his/her place of birth as New York, purchases three firearms from an FFL in Pennsylvania, and those firearms are later recovered in crimes in New York. This is an indication that this individual may be engaged in straw purchasing or unlicensed firearms dealing.

Indicators of Illegal Firearms Trafficking at Gun Shows or Flea Markets. (NOTE: The previously listed indicators in this section may also be discovered at Gun Shows and Flea Markets.)

❑ Firearms transactions occurring in the parking lots of a gun show or flea market.

❑ Individuals selling firearms and who have posted signs at their table proclaiming “No Paperwork Required”, “Private Collection Sale”, or “No Brady Checks Required”. This is a technique used by individuals engaged in unlicensed firearms dealing who seek to increase their sales by enticing those people who are looking to purchase a potentially untraceable firearm.

❑ Individuals frequently seen selling firearms at area gun shows and flea markets who have no posted license to sell firearms and whose firearms inventory is substantial or primarily consists of inexpensive handguns that are new in their boxes.

❑ Individuals selling firearms at area gun shows and flea markets who have no posted license and who have the ability to accept credit card payment for firearm purchases.

Other Illegal Firearms Trafficking Indicators.

❑ Trace results or Project LEAD information which indicates some personal or business connection or association between the retailer/purchaser of the firearm and the possessor from whom the firearm was recovered.

❑ Incidents where juveniles/underage individuals are found in possession of firearms (especially handguns) as, with

few exceptions, they cannot obtain firearms from legitimate/lawful sources.

❑ The recovery of multiple firearms with obliterated serial numbers may indicate an active illegal firearms trafficker engaged in efforts to prevent detection. Efforts should be made to document the type of serial number removal method (e.g., filing, grinding, drilling, the size of the drill bit used, and number of holes made during each removal) to determine if the firearms are coming from the same potential trafficker. To identify the illicit source, efforts should be made to fully debrief the firearm possessor to determine origin of the firearms, and efforts should be made to raise the serial number and trace the firearm. The ATF NTC can sometimes trace firearms with partial serial numbers in the event that only a portion of a serial number is raised.

❑ In high ITAR source areas (Florida, Texas, and California), look for the presence of rental cars or taxi cabs in the parking lots of FFLs whose business is located near an airport or seaport. Oftentimes ITAR traffickers will fly to the United States, rent a car/ hail a taxi, drive to an FFL, unlawfully or lawfully purchase firearms, and pack them in their luggage for a quick return flight out of the country without declaring the firearms to the carrier or to U.S. Customs Service for export.

❑ Multiple Long Gun recoveries. Long gun trafficking is a crime that is often harder to initially detect and easier for a convicted felon to accomplish. FFLs are not required to submit multiple sales forms to ATF of the chief law enforcement officer for long gun

purchases. An individual could buy hundreds of pistol grip shotguns in less than 5 days and neither ATF nor the chief law enforcement officer would be notified, however; if that same individual purchased two handguns in a 5-day period, ATF and the chief law enforcement officer would be notified. Moreover, Brady background checks are only conducted on handguns, not long guns; therefore, long guns are susceptible to “lie and buy” schemes where convicted felons falsify the ATF Form 4473. If it is determined through trace analysis or other means that illegal long gun trafficking is a problem in your area, the following methods may assist in identifying long gun traffickers:

❑ Determine through trace analysis the most often traced makes (manufacturer/ type) of long guns and then determine the individuals or FFLs who are the sources of these long guns that are finding their way to criminals.

❑ Since FFLs are not required to submit multiple sales forms (ATF Form 3310.4) for the multiple purchase of long guns, request that ATF inspectors search FFL records for multiple long gun purchases of the most often traced makes of long guns during their inspections. This information can then be developed to determine if the purchasers involved in these multiple purchases are involved in the illegal trafficking of long guns.

SECTION-VI

INTERDICTION PROCEDURES AND TECHNIQUES



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

INTERDICTION PROCEDURES AND TECHNIQUES

The objectives of an illegal firearms trafficking strategy are to deny criminals access to firearms and reduce armed violent crime levels by reducing the availability of illicit secondary market firearms. In most instances, the objectives of this type of strategy are more effectively attained through criminal investigations and enforcement activities; however, there are instances where a combination of criminal enforcement and interdiction efforts or solely interdiction efforts may be more appropriate for attaining the strategy's objectives. In those instances where the subject of an investigation is in violation of the Federal or State firearms laws but has not demonstrated criminal intent or met established prosecutorial threshold levels, and in those instances/geographic areas where prosecution of illegal firearms traffickers lacks jury appeal, interdiction efforts geared toward impacting illegal firearms trafficking and obtaining the strategy's goals should be pursued.

Interdiction techniques designed for supply reduction.

❑ Provide a listing of area Federal firearms licensees (FFL) to State/local officials for their information and request that they ensure the licensees are in compliance with State and local laws and other ordinances. FFL listings are public information and may be disseminated to anyone or any agency. This information may also be useful to local law enforcement agencies in the development of any plans for dealing with large-scale civil unrest/rioting in their city as the agency will need to know where the firearms stores are located in order to prevent their possible looting.

❑ Contact ATF Regulatory Enforcement for assistance in conducting inspections of those FFLs who have been identified as high volume sources of crime guns. This may assist in fostering and increased compliance with laws and regulations. Further, the increased attention may serve as a deterrent to any unlawful activity that is occurring.

❑ Individuals who appear to be engaged in the business of dealing in firearms without a license should be identified, and consideration should be given to serving the individual with an ATF "Notice of Unlicensed Firearms Dealing Violation." (ATF Order 3310.4B contains a sample warning notice appearing as exhibit 12 and chapter L, paragraph 167 of that order contains guidelines for its use.) Service of this notice will document that the violation of engaged in the business of dealing in firearms without a license (18 U.S.C. § 922(a)(1)(a)) has been explained to the subject, thus satisfying the willful/knowingly element of this violation. Service of this notice may also be enough to discourage an illegal trafficker from continuing his/her illegal activities or the trafficker may relocate. If the trafficker relocates, the problem in your area has been solved. Moreover, the trafficker may relocate to an area more active in the prosecution of this kind of activity, and if the special agent who served the initial warning notice documented service of the warning in the Treasury Enforcement Communications System (TECS), a

special agent initiating an investigation on the trafficker in the new location will benefit because the willful/knowingly element will have already been proved.

In areas where gun shows and/or flea markets are determined to be a supply for illicit secondary market sales, meet with the gun show/flea market owners/managers for the purposes of:

Establishing open lines of communication to foster a cooperative atmosphere and to provide a better understanding of the Federal and State firearms laws as they apply to gun shows/flea markets and the duty of ATF to enforce those laws.

Providing owners/managers with pre-approved advisories outlining the Federal firearms laws as they apply to gun shows/flea markets and request that these be posted. (See *advisory examples in Section XV.*)

Identifying any FFL(s) that are repeatedly the source of recovered crime-related firearms having a short time-to-crime and work with ATF RE inspectors to conduct inspections that will foster a better awareness of the Federal firearms laws and ensure strict compliance among those FFLs.

In high ITAR source areas (Florida, Texas, and California) enlist the cooperation of FFL's to explain to all purchasers of firearms who are not United States citizens the requirements of declaring firearms exports to the U.S. Customs Service and the carrier. This can be accomplished by providing FFLs with pre-approved advisories outlining the Federal firearms laws as they apply

to firearms exports and nonresident purchases. (See *advisory examples in Section XV.*) The advisory can then be voluntarily posted in a conspicuous location by the FFL, or the FFL can provide the notice to those individuals whom the FFL feels the advisory may apply. This can assist investigators later when proving the willful/knowingly element of various ITAR charges.

While an impenetrable and perfect security system does not exist, in areas experiencing high rates of FFL thefts (burglary, robbery, and smash and grab) there are several things that can be done to assist FFLs in preventing future crimes of this nature. Meet with area FFLs by holding local firearms dealer summits and provide them with helpful tips such as:

Keeping display cases locked at all times.

Showing only one firearm at a time to customers.

Not leaving a customer unattended while handling a firearm.

Not meeting with customers who request after business hours meetings.

Strictly controlling firearms security at gun shows.

Instituting an employee screening process.

Wiping down all countertops and doors each night or morning thus establishing a clean environment each day that a would-be robber or burglar's

latent fingerprints can be captured on. This assists law enforcement in capturing the criminals.

- Always utilizing any security measures that are already in place.
- Ensuring the area surrounding the gun store has good lighting at night.
- Placing a height measuring device next to all entrance/exits in the store that can be used to quickly gauge a robber's height.
- Keeping any front windows unobstructed so that the FFL can see suspicious individuals or vehicles located outside the store, individuals the approaching the store, and so passers by can see in the store and detect any robberies that may be occurring.
- Making a written note/description of any suspicious person(s) or vehicle(s). Use the suspect description diagram appearing in Section XIII of this guidebook. *(CAUTION: It is recommended that FFLs not approach, challenge, or otherwise place themselves in jeopardy with a suspicious person. If a suspicious situation is found, FFLs should report it to the nearest law enforcement agency. FFLs should not pursue suspects or vehicles. Remember, FFLs do not possess police powers and are liable as an individual for civil and criminal charges should they exceed their authority. The key is to OBSERVE and REPORT)*
- Keep large shrubs and vines around the store low to the ground to reduce places for criminals to conceal

themselves and prevent criminals from climbing to potential points of entry.

- Placing the telephone numbers of the police, fire department, ambulance service, and ATF next to the telephone or enter them into the speed dial feature if available.
- Investing in a remotely activated electronic entrance to the gun store. Such an entrance can allow an FFL to screen customers and determine which will be allowed entrance. Such an entrance can also deter robbery and the murder of the store employees as once inside, a robber will need the employee(s) to remotely activate the door for the robber to escape.
- Investing in the addition of a burglar alarm with central monitoring, a video system, and a panic button connected to the police department or private security company for use in the event of a robbery.
- Investing in burglar bars on windows/doors/vents and barriers such as concrete-filled posts placed around the business to deter smash and grabs and burglaries. Also, consider replacing an exterior hollow core wood doors with solid wood or sheet metal faced doors with steel door frames and long throw dead bolts. *(NOTE: Local ordinances should be researched BEFORE costly security renovations are undertaken.)*
- If alarm systems are cost prohibitive, a simple inexpensive buzzer system may be wired to an adjoining store or business. In the event of a robbery, the FFL can activate the

buzzer, and the adjoining store will know to call the police.

❑ Securing firearms inventory at the end of the day either by locking them via a hardened cable in place or placing in a vault. Also secure the inventory records so that in the event of a theft the records will be retrievable for use in identifying the stolen firearms.

❑ In illegal firearms trafficking market or source areas having certain types of firearms trafficking gateways (e.g., bus or train terminals), consider using profiles based on your area's firearms trafficking market analysis to conduct consent searches to interdict firearms being illegally trafficked. Requests for consent searches based on profiles can be extremely effective at reducing the volume of illegal firearms trafficking through an identified gateway. In market areas, firearms trace analysis can be performed to identify the sources of firearms to your area and the average profile of the trafficker. Requests for consent searches can then be reserved for those individuals arriving on trains or buses from those areas of the country identified as sources of crime guns to your area. In sources areas, firearms trace analysis can be performed to identify the markets where firearms to your area are being recovered. Requests for consent searches can then be reserved for those individuals departing on trains or buses for those areas of the country identified as markets for firearms illegally trafficked there from your area.

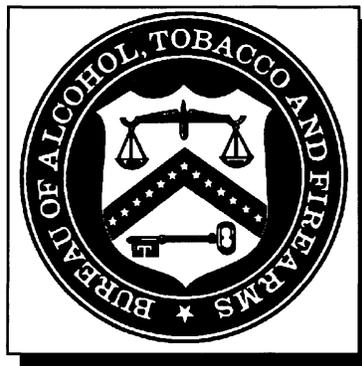
Interdiction techniques designed for demand reduction.

❑ Consider employing various community outreach programs that assist in deterring juveniles and youths from becoming involved with gang activity and firearms. This can include increased after school activities, increased sports leagues and programs, and increased counseling or anti-violence courses.

❑ Consider employing the ATF Gang Resistance Education and Training (GREAT) Program. Each year GREAT training reaches thousands of this Nation's school children. GREAT is an educational, school-based gang prevention program. The program was developed in response to an escalating youth gang problem in metropolitan Phoenix, Arizona. Representatives from ATF, the Phoenix Police Department, other Phoenix area law enforcement agencies, and local educators developed the GREAT Program. The GREAT Program trains local uniformed police officers to help children set goals for themselves, make sound judgments, learn how to resolve conflicts without violence, guns, or drugs, and understand how gangs, drugs, guns, and youth violence negatively impact on the quality of their lives. The GREAT curriculum provides teenagers with the critical resistance skills and information to say "NO" to gangs and drugs, and learn how to become responsible members of society. The GREAT Program teaches students to take pride and self-discipline in handling life without violence or drugs. Teaching these concepts through various school systems in the United States can reach

SECTION-VII

NATIONAL TRACING CENTER/PROJECT LEAD



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

THE NATIONAL TRACING CENTER AND PROJECT LEAD
ATF National Tracing Center: 800-788-7133 (telephone), 800-578-7223 (fax)

A

ATF's National Tracing Center (NTC), located in Falling Waters, West Virginia, is the only facility in the world that has the capability to trace the history of firearms recovered in crimes and from juveniles for any Federal, State, or local law enforcement agency in the United States or abroad. In addition, the NTC maintains and analyzes information concerning the multiple sale of firearms, suspect guns, stolen firearms, and firearms with obliterated serial numbers. It is also the only repository for all FFL out-of-business records.

Firearms tracing is the systematic tracking of the history of firearms recovered in crimes and from juveniles from their source (manufacturer or importer) through the chain of distribution (wholesaler, distributor, retailer) to the individuals who procure the firearms. Firearms tracing aids law enforcement officials in identifying suspects involved in criminal violations, establishing stolen status, and proving ownership. The NTC is the most efficient and productive method for law enforcement to use when researching the movement of a firearm(s).

Firearms manufacturers, importers, wholesalers, and retail dealers in the United States and foreign countries cooperate in the tracing endeavor by providing, on request, specific information from their records on manufacture, importation, or sale. Because of its licensing authority, ATF is the only Federal agency authorized to access these records. By law, licensed

firearms dealers in the United States are required to respond to trace requests from ATF. In addition, the NTC maintains over 100 million firearms transaction records from licensed firearms dealers who have gone out of business. These records exist nowhere else, and many firearms traces require the use of these records to complete the trace. By law, licensed firearms dealers are required to provide their records to the NTC when they go out of business. Recently, partnerships between the firearms industry and ATF have resulted in on-line link ups between firearms dealers/wholesalers and the NTC. This has resulted in a more efficient firearms trace process.

The following section is designed to assist law enforcement officials in preparing a firearms trace request. If questions should arise concerning the tracing of a firearm, you are encouraged to contact the NTC for assistance. The NTC has been established to aid law enforcement's investigative endeavors. The NTC staff is available to assist with any questions you may have.

FIREARMS TRACING PROCEDURES

Any Federal, State, county, local, or foreign law enforcement agency may submit requests to trace firearms to the NTC. Requests may be relayed through the local ATF office in your area or sent directly to the NTC by means of NLETS, mail, telephone, or fax. The NTC will conduct the trace to the individual purchaser, to a licensee in the originating State, to a Government or

law enforcement office, or to a point where all possibility for a successful trace has been exhausted, whichever comes first.

The provisions of 18 U.S.C., chapter 44, require that licensed firearms manufacturers, importers, and dealers maintain records of firearms receipt and disposition. Few records were maintained by dealers prior to 1968; therefore, firearms manufactured or imported prior to 1968 are considered too old to trace.

In order for ATF to conduct a firearms trace and obtain information from federally licensed manufacturers, importers, and dealers, it is essential that ATF receives a complete and accurate description of the firearm. Law enforcement officers and investigators must ensure that the description of the requested firearm to be traced is complete and accurate.

Firearms cannot be traced without a serial number although sometimes they may be traced with a partial serial number. Ensure that any letters adjacent to the serial number are also recorded on the trace form. In the case of a partial serial number, contact the NTC for guidance.

Most firearms cannot be traced without a model. Therefore, always include the model.

Foreign-made firearms cannot be traced if the importer's name is not reported. Licensed importers are required to mark the firearm with their name, city and State, and the country of origin. In many cases, this information

will appear on the barrel in an abbreviated form.

Surplus military firearms are generally untraceable unless the firearm is marked with an importer's name. Many foreign and domestic surplus military firearms have been imported in recent years and can be traced if the importer's name is reported.

ATF Form 3312.1, Crime Gun Information Request/Referral Form, should be used to request a firearms trace. It is important that the information requested in all parts of the form be as complete as possible. Forms can be obtained from any ATF office or by contacting the NTC directly. (See Section XV of this guidebook for a copy of this form.) General instructions for completion of this form for the purpose of submitting a firearms trace are as follows:

All markings on firearms are of the utmost importance and should be included in the information on the ATF F 3312.1. When submitting a trace request, note any special instructions in the REMARKS box provided. For example, if you wish the trace to be stopped at the wholesaler or if the trace is only needed to prove interstate commerce, it should be so stated in this caption.. (NOTE: Specify manufacturer, wholesaler, or retailer when referring to type of dealer.) List your name, field office or department/unit address, (including ZIP Code), telephone number (including area code), and organizational code, if an ATF employee.

Next, always indicate the priority in accordance with the following standards:

URGENT- Firearm was used in a law enforcement officer shooting, attempted law enforcement officer shooting, crime of violence, and/or situations where trace information is essential to apprehend or hold a suspect. A reason for the urgency **MUST** accompany this type of request or this priority will not be initiated. All urgent traces will be handled as top priority. If a delay is experienced, you will automatically be advised of the reason.

ROUTINE- A firearms trace as needed to complete investigation (e.g., establish interstate nexus). All routine trace requests will be handled in a timely manner. The National Crime Information Center (NCIC), Treasury Enforcement Communications System (TECS), and/or State computer system **MUST** be checked prior to the submission of the trace request. If the firearm has been reported stolen but you still wish to submit a trace request, inform us of its stolen status in the **REMARKS** section.

The following information will be of assistance in obtaining and submitting the necessary firearms identification information.

MANUFACTURER - Always include the entire name of the manufacturer shown on the firearm. If the manufacturer is unknown, all the markings that appear on the weapon should be provided. Sometimes the manufacturer can be determined by the

country and city of manufacturer or by the proof of other marks.

IMPORTER - Always include the exact name of the importer and give helpful information about importer markings. A listing of the importers that an investigator will find most frequently involved with firearms recovered in the United States appears later in this section.

TYPE - Indicate pistol, revolver, shotgun, etc. Any handgun that does not have a cylinder is classified as a pistol. Also indicate if single-action or double-action capability. Differentiate between rifle and carbine. If it is a shotgun or rifle, indicate when multibarrel or combination gun.

MODEL - The model designation can be a letter or numerical designation, brand name, or a combination thereof.

CALIBER OR GAUGE - Always specify .22 short .22 LR, or .22 Magnum caliber, 9mm short (380), or 9mm Parabellum caliber. Be sure to include any names with the caliber since 9mm Kurz indicate 9mm short (380) caliber.

SERIAL NUMBER - Always include letter prefix, suffix, code numbers, or letters over the serial number. If a different serial number appears several places, indicate location of each.

COUNTRY OF ORIGIN - This information may appear on the frame or receiver, under the grips, or other hidden locations. The country of origin is extremely helpful when requesting foreign gun traces.

The following information relates to the various methods of submitting firearms trace requests:

NLETS Request.

Many States currently provide preformatted firearms trace request screens on NLETS that can be accessed by all users. If a preformatted trace request screen does not exist in your State, your agency can still forward firearms trace requests to the NTC by NLETS through the use of a free-form NLETS message. To do this, use the NCIC code for ATF Headquarters (DCATFOOOO), and follow the following format:

FROM: Los Angeles, California, Police Department
TO: ATF National Tracing Center
SUBJ: Request for Firearms Trace
Priority I-URGENT

Please trace the following firearm: 1. Rohm. 2. RG Industries, Miami Florida. 3. Revolver. 4. RG-3. 5. 38 caliber. 6. 6-shot. 7. 4 inches. 8. Blue. 9. Serial number 163802. 10. Germany. If additional information is needed, or when returning trace results, forward to Detective Smith, Precinct No. 1, Telephone 213-555-5555.

Fax Machine.

By using the fax machine, a firearms trace request can be forwarded directly to the NTC, via 800-578-7223. When faxing a request to trace a firearm, ensure that all information is complete and accurate on the ATF F 3312.1.

If you wish to communicate with a member of the NTC staff, telephone the center directly. A trace request will also

be accepted over the telephone. If you are having trouble identifying the type of firearm you want traced, contact the NTC for assistance. ATF's Firearms Technology Branch is also available for consultation in these matters. Never hesitate to request the trace of a firearm, regardless of the description available to you. Special requests or questions concerning firearms tracing should be directed to the NTC at 1-800-788-7133 or 304-274-4100.

Firearms Trace Submissions Via

Electronic Batch Downloading. This firearms trace submission process allows a law enforcement agency/department to electronically transfer "batch" downloads of trace information directly to the NTC. Law enforcement agencies that recover a significant number of crime guns annually (1,000 or more) may want to consider this option for their agency/department in order to save time in the firearms trace request transmission process. For an agency/department to be considered as a candidate for batch downloading, the agency/department must currently have thorough and uniform crime gun information to include gun description, gun possessor information, and gun recovery location information, that is stored within an automated data base at the agency/department. For batch downloading to be established, a simple software program, obtained through coordination with the NTC, would allow batches of this data to be "downloaded" electronically from the involved agency/department to the NTC, thereby, initiating traces on all crime guns included in the transferred batch. Through batch downloading, the NTC is able to provide a participating agency/

department with a complete picture of illegal firearms activity related to the crime guns being recovered within their area of jurisdiction. Contact ATF's NTC for more information on batch downloading.

OTHER NTC SERVICES:

Obliterated and Partial Serial Number

Trace Capabilities. Firearms having only a partial serial number remaining, or firearms where a portion of an obliterated serial number has been raised, may be traceable. Investigators should attempt to trace any recovered firearm involved with an ATF investigation where a partial serial number is available. The NTC may be able to provide the investigator with a list of potential recipients of the firearm. Investigators may want to contact the NTC directly to determine the feasibility of tracing such a firearm. In addition, investigators should provide the NTC with all pertinent information relating to firearms recovered with obliterated serial numbers. Investigators should use ATF F 3312.1, Crime Gun Information Request/Referral Form, when requesting such a trace. On this form, the investigator should provide information as to the method of serial number obliteration by using one of the standard obliteration terms provided under the firearms terminology subheading that follows in this section. (NOTE: For court/trial purposes an investigator should always have a firearms examiner make a final determination as to the method of any serial number obliteration. ATF laboratories have this capability.) ATF's NTC collects this information and analyzes these recoveries for potential

investigative leads. It should be noted that current NTC analysis indicates that the majority of firearms recovered with an obliterated serial number were illegally trafficked after being purchased as part of a multiple sale of firearms or after being stolen.

The standard terms, term abbreviations, and term definitions applicable to the various methods of serial number obliteration are as follows:

❑ **Grinder Concave (GRV)** - A type of obliteration process that results in a concave grinder impression in the area where the serial number once was. This is consistent with obliteration caused by a bench grinder or a hand held drill grinding wheel.

❑ **Grinder Coarse Surface (GRC)** - A type of obliteration process that results in a coarse sanded surface in the area where the serial number once was that is on an even plane with the surrounding unaffected areas of the firearm.

❑ **Grinder Smooth Surface (GRS)** - A type of obliteration process that results in a smooth surface in the area where the serial number once was that is on an even plane with the surrounding unaffected areas of the firearm.

❑ **Scratched Pointed Hand Tool (SCN)** - A type of obliteration process that utilizes a pointed hand tool such as an awl or nail to scratch/disfigure the serial number until it is unreadable.

❑ **Scratched Broad Tipped Hand Tool (SCB)** - A type of obliteration process that utilizes a broad pointed

hand-tool such as a standard blade screwdriver or chisel to scratch/disfigure the serial number until it is unreadable.

❑ **Drill (DRI)** - A type of obliteration process that utilizes a drill to bore out the serial number. This process may create a through-and-through hole in the frame or receiver, or the drill may only bore down enough to obliterate the serial number. Marks left by a drill bit on different firearms can be compared for similarities such as drill bit size, number of holes, and characteristics of the base of drill holes (e.g., round base or triangle base).

❑ **Electric Scribe (ELS)** - A type of obliteration process that utilizes an electric scribe to scratch/disfigure the the serial number by making several passes over the area, or pressing the scribe into each character in the serial number until it is unreadable.

❑ **Punch (PUN)** - A type of obliteration process that utilizes a tool to make a series of punch marks/holes, randomly or in a pattern, over and around the serial number until it is unreadable. Punch marks/holes on different firearms can be compared for similarities such as mark/hole size, number of marks/holes, and characteristics of the tool.

❑ **Peened (PND)** - A type of obliteration process where a hammer or similar blunt object is used to pound the area containing the serial number until it is unreadable.

❑ **Torch (TCH)** - A type of obliteration process where a blow torch is used to distort/melt the area containing the serial number until it is unreadable.

❑ **Manufactured (MAN)** - A firearm that bears no serial number as it was unlawfully manufactured without a serial number.

NOTE: Illustrations of a number of the following obliteration methods can be found at the end of this section.

Stolen Firearm Information Referral.

Investigators should use ATF F 3312.1, to provide the NTC with information concerning any stolen firearms they recover. ATF's NTC collects this information and analyzes these recoveries for potential investigative leads relating to source (victim/loss location) information and recovery (date/location/possessor) information.

Suspect Firearms. During the course of illegal firearms trafficking investigations, investigators may discover records or information indicating the existence of suspect guns. (See Section III for definitions of a suspect gun and the Suspect Guns Data Base.) To enter firearms into the Suspect Guns Data Base, an investigator must have an active/open investigation and should provide the identifying information for the suspect guns to the NTC using ATF F 3312.1. When doing so, an investigator should note in the remarks section of that form whether the suspect gun(s) were part of an FFL or interstate carrier theft, or were part of a multiple purchase of firearms. Entry of suspect gun information into FTS and Project LEAD will assist the investigation as the investigator will be notified whenever a suspect gun(s) is recovered in a

crime(s) in other location(s). Entry of suspect gun information into FTS and Project LEAD also significantly enhances Project LEAD's ability to identify recurring patterns and trends indicative of illegal firearms trafficking and will result in more expeditious firearms trace completion times. When firearms are recovered in a crime and traced, the FTS automatically compares the serial number and description of that firearm to suspect guns information previously entered into the FTS. If a match occurs, the result is a trace time consisting of minutes rather than days or weeks, and the case agent is notified of the recovery. Situations where an investigator would not want to submit suspect gun information to the NTC would include instances where the collection of the identifying suspect gun information during an active investigation may compromise the operational security of the case.

Suspect Name File. This file is a service offered by the ATF NTC. An investigator may use this service by providing the NTC with identifying information relative to persons currently under active criminal investigation who are suspected of illegally using or trafficking in firearms but have not yet been discovered in possession of, or associated with a firearm. Should a firearm be recovered and traced, the Suspect Name File will alert NTC personnel if an individual in the file was in possession of, or associated with the firearm being traced. NTC personnel will then contact the special agent who entered the person in the Suspect Name File and provide him/her with the contact telephone number of the individual who recovered and traced the

firearm. The special agent is then able to contact the trace requester and obtain information surrounding the relationship of the recovered firearm to the individual who was entered in the Suspect Name File. Example: (1) An individual is under investigation for unlicensed firearms dealing. That individual may be entered into the Suspect Name File and if a firearm is recovered and traced that was associated with, or possessed by the suspect, the investigator would be notified by the ATF NTC. (2) A violent criminal or gang offender is under investigation for illegal firearms possession. That individual may be entered in the Suspect Name File and if a firearm is recovered and traced that was associated with, or possessed by the suspect, the investigator would be notified by the ATF NTC.

When submitting an individual to the NTC for entry as in the Suspect Name File the investigator **MUST** provide the ATF investigation number and the suspect persons full name. In addition, the investigator may also submit the suspect persons identification number, date of birth, place of birth, social security number, full address, race, sex, height, weight, and miscellaneous notes. An investigator may submit the names and identifying information for persons to be entered in the Suspect Name File via ATF F 3312.1 by checking the block for suspect gun entry in Part I, noting in bold letters under the "other instructions" section of Part II that "this is a Suspect Name File entry," and entering the suspect name information under Part IV as possessor.

ATF NTC FFL “Monitor” and “No Contact” Services. During the course of an investigation into suspected violations of law by an FFL, an investigator may want to utilize the FFL “Monitor” or “No Contact” services. Through the FFL “Monitor” service, an investigator will be notified by the NTC of all firearms traced back to a specified FFL. Through the FFL “No Contact” service, an investigator may request that the NTC not contact a specified FFL for firearms trace information. Both of these services have advantages to offer an investigator when conducting an FFL investigation. To obtain either service, the investigator must have an active/open investigation on a specific FFL and must contact the NTC with the investigation number, point of contact information, and reason for the request.

PROJECT LEAD:

Project LEAD is ATF’s automated illegal firearms trafficking information system. Project LEAD provides investigative leads to investigators by analyzing crime gun trace data, suspect gun information, stolen firearms information, and multiple sales information to identify recurring trends and patterns that may indicate illegal firearms trafficking. In 1993, ATF’s NTC initiated the development of the automated version of Project LEAD, and in 1996, Project LEAD was widely distributed to ATF field offices. Project LEAD should be used to identify the most active illegal firearms traffickers within an investigator’s jurisdiction. Project LEAD allows an investigator to conduct “FOCUSED ENFORCEMENT” thus making best use of limited time and resources to impact on the most active

illegal firearms traffickers. To use Project LEAD to its maximum potential an investigator should identify potential violators by looking for patterns and trends indicative of illegal firearms trafficking. (See Section V of this guidebook for more information on illegal firearms trafficking indicators.)

Project LEAD’s Data.

Project LEAD’s data, by design, is broken down geographically by ATF field divisions. Each field division only has access to data that relates to its area of jurisdiction. For example, if a firearm is purchased in Florida, recovered in New York and then traced by the New York field division, each affected ATF field division will have access to the trace information, namely the New York and Miami Field Divisions. The following data categories are contained in LEAD:

- Firearms recovered and traced by the NTC (includes the purchaser’s name).
- Multiple sales of firearms reported by FFLs.
- Individuals illegally possessing a firearm at the time of recovery.
- Names of individuals associated with recovery of a firearm. For example, if a firearm is recovered from a vehicle, any individual in the vehicle at the time of the recovery is considered an associate of the possessor.
- Recovery locations of firearms.

Predefined Reports.

The following predefined reports are areas that can be queried by a user of Project LEAD:

❑ **Individual by Name** - This predefined report identifies all traces associated with an individual by combining all those traces where the last name and date of birth are identical. The NTC has found that 95 percent of the time when you have identified two purchasers with the same name and date of birth, they are in fact the same person. Queries under this report area can identify those individuals purchasing firearms at FFLs which are then recovered in crimes. This is an indication of illegal firearms trafficking.

❑ **Profile by Address** - This predefined report identifies all traces associated with a specific address as listed by a firearms purchaser when executing the ATF F 4473, at the time of receipt. This report also contains the residential addresses on multiple sales reports completed by FFLs. By examining residential addresses within a specific city and State, it is possible to identify groups of individuals who are possibly in collusion with one another. Also, at the very least, a user can identify those areas frequented by firearms traffickers who seek out individuals willing to negotiate a straw purchase. For example, if four individuals with different last names and dates of birth all purchased firearms that were either recovered in crimes and traced, or part of a multiple purchase, this report would identify the address to the user based on these commonalities which is an indicator of illegal firearms trafficking activity.

❑ **Profile by Identification Number** -

This predefined report identifies all traces associated with the identification card alpha/numeric identifier presented by the firearm purchaser when receiving the firearm from the FFL. By examining the identification numbers associated with traced firearms, the user may be able to identify individuals using fraudulent identification. Oftentimes when individuals produce fraudulent identification cards they alter an existing cards by changing the names and/or dates of birth, but they may not go through the effort to change the identification number. Project LEAD can identify different individual purchasers who are using the same identification number. Additionally, by examining the identification card number in Project LEAD, an investigator can quickly determine the legitimacy of any given card through a local records check.

❑ **Dealer Profile Report** - This predefined report calculates the number of traces associated with a specific FFL. The Dealer Profile Report also calculates the average time to crime of all the traced firearms sold by an FFL. A short time to crime may be an indicator of illegal firearms trafficking by the FFL, the FFL's clientele, or both. Project LEAD does compute the time to crime by subtracting the purchase date of a firearm from the request date of the firearm trace. Though this may not produce a time to crime age, it is a tool that may be used to identify those FFLs having both the highest number of traced crime guns and the shortest time to crime. When examining a Dealer Profile Report, the user must consider extenuating factors before presuming

that an FFL may be corrupt. For example, it is possible that the FFL could have been the victim of a robbery, and the stolen inventory is now turning up in crimes and being traced. Other factors may be the proximity of an FFL to a major interstate or State border as well as the volume of sales an FFL produces.

❑ Wild-Card Searches(Queries) -The wild-card search capability allows a user to fill-in-the-blanks as they need to produce customized reports. Once the specific information to be queried is entered by the user, Project LEAD searches for all the pertinent data that fits the defined criteria. For example, a user can query Project LEAD to identify all the firearms traces or multiple sales associated with “123 Main Street, Birmingham, Alabama.” The user can also query Project LEAD to identify any traced firearms that were purchased, for example, in Florida and recovered in New York. These are just a few examples of Project LEAD’s wild-card capabilities.

❑ Purchase Date Range - This predefined report is another unique function of Project LEAD. A user can specifically identify all the traced firearms purchased at a specific FFL on a specific day by using this feature. For example, two individuals from Alabama visit the same FFL on the same day. Each one purchases a firearm. These two firearms are later recovered in crimes in New York and traced. The likelihood that those individuals are associated with one another is high, and Project LEAD is able to identify these important links and indicators for the investigator.

The preceding Project LEAD outline only describes a small portion of the systems capabilities. Project LEAD is the cornerstone of ATF’s illegal firearms trafficking efforts. Any law enforcement agency that wants to utilize information from Project LEAD should contact its nearest ATF office to coordinate efforts.

ENHANCING INFORMATION RESOURCES:

Tracing of Firearms. Project LEAD’s overall effectiveness in being able to identify recurring trends and patterns indicative of illegal firearms trafficking activity is directly affected by the number of firearms trace requests submitted to the NTC. Firearms trace data feeds Project LEAD. In order to maximize the potential of this unique asset, all recovered crime guns should be traced through the NTC. In those instances when an investigator already knows where a firearm came from, the submission of a Firearms Recovery Form should still be completed as this information needs to be placed into Project LEAD. *(ATF personnel should conduct firearms trace requests in accordance with ATF O 3310.4B, chapter F.)*

FIREARMS IDENTIFICATION AND TERMINOLOGY:

A description of firearms-related terminology used by ATF for tracing purposes follows:

Ammunition. Any cartridge cases or shot shells, primers, bullets or shot, or propellant powder designed for use in a firearm. *(See 18 U.S.C. § 921 (a) (17)(A).)*

Autoloading. A firearms action in which the propellant gases or recoiling forces created by the firing cartridge are used to open and close the mechanism of a firearm. The autoloading mechanism extracts each fired case from the chamber, ejects the spent case from the firearm, and chambers a loaded cartridge in preparation for the next shot.

Automatic (Fully Automatic). An autoloading action that will fire a succession of cartridges, so long as the trigger is depressed, or until the ammunition supply is exhausted. Automatic weapons are machineguns subject to the provisions of the National Firearms Act (NFA). The term automatic is often incorrectly applied to semiautomatic rifles, pistols, and weapons.

Bolt Action. A firearms action in which the user of the firearms must manually operate the bolt mechanism which extracts each fired shell case from the chamber, ejects the spent shell case from the firearm, and chambers a loaded cartridge in preparation for the next shot. This action must be repeated prior to each firing and is most commonly found on rifles.

Caliber. A term used to describe ammunition. Caliber is the approximate diameter of a projectile. In the United States, caliber is usually written in inches (e.g., .30 caliber). In most other countries of the world, caliber is usually written in millimeters (e.g., 7.62mm). When describing ammunition, an investigator must be more specific than just citing the diameter of the projectile, as there are, for example, many

different .30 caliber cartridges. Therefore, additional descriptive information is used to describe specific ammunition. There is no standard system for describing ammunition. In the United States, a specific cartridge may be described by its caliber plus the year of its introduction (.30/06), the caliber plus the name of the weapon for which designed (.30 Carbine), the caliber plus the name of the designer (.30 Newton), and so forth. Most other countries identify specific ammunition by its diameter plus the overall length of the cartridge (7.62 x 63mm). There are many other terms that are used to further describe specific ammunition.

Conversion of Calibers to Millimeters:
The following list provides the caliber, followed by its general equivalent in the metric system. It is not all inclusive but contains the more commonly found calibers that are referred to in decimal or metric measurement. In some cases, the conversions are not fully accurate but are the normally used terminology.

- .22, .222, or .223 caliber can be called 5.56mm.
- .25 caliber = 6.35mm.
- .264 caliber = 6.5mm.
- .284 caliber = 7mm.
- .30 and .308 caliber = 7.62mm.
- .32 caliber = 7.65mm.
- .380 caliber = 9mm short (sometimes called "Corto" or "Kurz").
- .45 caliber - 11mm or 11.4mm.

NOTE: .38 and .357 do not have metric equivalents; 9mm Parabellum does not have a decimal equivalent.

Firearm. Any weapon (including a starter gun) which will or is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or silencer; or any destructive device. (See 18 U.S.C. § 921(a)(3).)

Double Action. A type of operation normally associated with revolvers, where pulling the trigger rotates the cylinder, cocks, and fires the weapon. The term is also used to describe certain semiautomatic pistols where pulling the trigger will cock and fire the first shot.

Handgun. A weapon originally designed, made, and intended to fire a small projectile (bullet) from one or more barrels, when held in one hand, and having a short stock (grip) designed to be gripped by one hand and at an angle to, and extending below, the line of the bore(s).

Lever Action. A firearms action in which the user of the firearms must manually operate the lever mechanism which extracts each fired shell case from the chamber, ejects the spent shell case from the firearm, and chambers a loaded cartridge in preparation for the next shot. This action must be repeated prior to each firing and is most commonly found on rifles.

Machinegun. A machinegun is any firearm or firearm receiver that shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot without manual reloading, by a single function of the trigger.

Pistol. Any handgun that does not contain its ammunition in a revolving cylinder. Pistols may be single shot, manually operated repeaters, multiple-barreled, semiautomatic, or fully automatic.

Pump Action. A firearms action in which the user of the firearms must manually operate the pump mechanism which extracts each fired shell case from the chamber, ejects the spent shell case from the firearm, and chambers a loaded cartridge in preparation for the next shot. This action must be repeated prior to each firing and is most commonly found on shotguns.

Revolver. A handgun that contains its ammunition in a revolving cylinder.

Rifle. Any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and use the energy of an explosive in a fixed cartridge to fire a single projectile through a rifled bore with a single pull of the trigger. (See 18 U.S.C. § 921(a)(7).)

Rocket Launcher. A device for launching a rocket propelled projectile, usually having a high-explosive warhead. Weapons of this type are designed to be used against armored vehicles and fortified positions. Most rocket launchers are destructive devices. The ammunition for rocket launchers is also a destructive device.

Semiautomatic. An autoloading action that will fire only a single shot for each single function of the trigger.

Serial Number. Current regulations (27 CFR § 178.92) require that the serial number of a firearm be conspicuously located on the frame or receiver and that each manufacturer of firearms use a unique serial number for the firearms they manufacture. Common serial number locations would include; side of the frame, on the butt, under the crane (yoke), or on the front strap.

Shotgun. Any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and use the energy of an explosive in a fixed shotgun shell to fire either a number of ball shot or a single projectile through a smooth bore with a single pull of the trigger. (See 18 U.S.C. § 921(a)(5).)

Single Action. A type of operation normally associated with revolvers where the hammer must be manually cocked for each shot. The manual cocking also rotates the cylinder, bringing another cartridge in line with the barrel for firing. The term is also used to describe certain semiautomatic pistols that must be manually cocked prior to firing the first shot.

Submachinegun. A fully automatic weapon that fires a pistol cartridge. Submachineguns are also referred to as machine pistols.

NOTE: Illustrations of various firearms and firearms terminology can be found at the end of this section.

FIREARMS IMPORTERS:

The following is a list of firearms importers an investigator may encounter. The information provided includes the importers name, location(s), and license number(s).

Act III Inc.
Greensboro, NC
1-56-37302

Action Arms Ltd.
Philadelphia, PA
8-23-14596

American Arms Inc.
N Kansas City, MO
5-43-29435

American Weapons
Hy Hunter
Hollywood, CA
9-95-33339

Arlington Ordnance
Arlington, VA
1-54-23020

Armcorp of Maryland
Silver Spring, MD
8-52-11747

Armcor Precision Inc.
Hayward, CA
9-94-42685

Armcor Precision Inc.
Sacramento, CA
9-68-25172

Armcor Precision Inc.
San Mateo, CA
9-94-34264

Armsport Inc. Miami, FL 1-59-12050	CJA Equipment Inc. Southfield, MI 4-38-34041
B-West Imports Inc. Tucson, AZ 9-86-33070	Century Arms Inc (CAI) St. Albans, VT 6-03-33164
Beta Arms, Inc. Cerritos, CA 9-33-65308	Charterd Merchants (CMI) Miami, FL 1-59-38697
Big Bear Arms Inc. Carrollton, TX 5-75-34734	China Trade Intl. Va Beach, VA 1-54-39267
Birmingham Small Arms, Ltd of America Inc (BSA) San Antonio, TX 5-74-77663	Classic Distributors Inc (CDI) Swanton, VT 6-03-33623
Blue Sky Productions Arlington, VA 1-54-21399	Davidson Supply Co. Prescott, AZ 9-86-35888 Greensboro, NC 1-56-00994
Briklee Trading Co. South El Monte, CA 9-95-37024	Dominion Import Group Ltd. (DIG) Virginia Beach, VA 1-54-39379
Browning Arms Company Morgan, UT 9-87-00302	European American Arms Corp. (EAA) Cocoa, FL 1-59-44148
Campco International Inc (C & A) Virginia Beach, VA 1-54-36571	Eagle Imports Inc. Wanamassa, NJ 8-22-10392
Chinasports (CSI) Santa Fe Springs, CA 9-33-33364 Ontario, CA 9-33-33364 Dallas, TX 9-33-33364	E.I.G. Cutlery Miami, FL 1-59-43154
	E. M. F. Company Inc Santa Ana, CA 9-33-10152

Excam
Hialeah, FL
1-59-12762

G.U. Inc
Omaha, NE
5-47-12144

Federal Ordnance Inc
S El Monte, CA
9-95-12968

Hawes Firearms Co.
Los Angeles, CA
9-95-20445

F.I.E.
Opa Locka, FL
1-59-06098

Heckler & Koch Inc
Sterling, VA
1-54-14528

Firstshot Inc
Harrisburg, PA
8-23-35522

Herters Inc
R. D. Larson Sports Inc
Waseca, MN
3-41-15282

Florida Firearms Inc
Sarasota, FL
1-59-22451

Interarms
Alexandria, VA
1-54-39469

Geroco Melody/Plus
Los Angeles, CA
9-95-33384

Interstate Arms Corp (IAC)
Billerica, MA
6-04-34050

G.B.E. - Goose Berry Enterprises(Andy
Sun)
Huntington Beach, CA
9-33-33889

Interstate Arms Corp.
Ontario, CA
9-33-39023

G.L.N.I.C. Corp. of America
El Monte, CA
9-95-32155

Intrac Arms Int'l (ACC)
Knoxville, TN
1-62-37978

Glock Inc.
Smyrna, GA
1-58-21808

J's Pacific Enterprise Inc (JPE)
Pomona, CA
9-95-33808

Golden State Arms Dis. Inc (GSAD Inc)
Redondo Beach, CA
9-33-98632

K.B.I. Inc
Harrisburg, PA
8-23-96819

G.S.I. Inc
Trussville, AL
1-63-36857

K-Sports Imports Inc/Keng's
Firearms(KSI)
Pomona, CA
9-95-34744

K MAX International Inc
Glenview, IL
3-36-13448

Odin International Ltd.
Alexandria, VA
1-54-13286

Kmart Corp
Troy, MI
4-38-11558

Para Ordnance Inc
Ft Lauderdale, FL
1-59-76583

Kassnar Imports Inc
Harrisburg, PA
8-23-06159

Pars International Corp.
Louisville, KY
4-61-36692

Keng's Firearms Specialty, Inc (KFS)
Atlanta, GA
1-58-22235

Poly USA, Inc
Atlanta, GA
1-58-36760

Labanu Inc
Ronkonkoma, NY
6-11-33844

Precision Imports, Inc
San Antonio, TX
5-74-33284

Lakefield Arms Inc
Fairfax, VA
1-54-34038

P.T.K. International Inc
Atlanta, GA
1-58-33468

Magnum Research
Minneapolis, MN
3-41-34781

R.G. Industries Inc
Miami, FL
1-59-07852

Mandall Shooting Supplies Inc
Scottsdale, AZ
9-86-06802

R. S. A. Enterprises Inc
Ocean, NJ
8-22-34228

Manurhin Intn'l. Inc
Ft. Lauderdale, FL
1-59-28081

Ruko Products Inc
Buffalo, NY
6-16-33993

Nationwide Sports Distributors Inc
Southampton, PA
8-23-35794

Safari Supply Inc
Ontario, CA
9-33-40111

Navy Arms Company
Ridgefield, NJ
8-22-06913

Sentinel Arms Ltd.
Detroit, MI
4-38-42726

S.G.S. Importers Int'l.
Wanamassa, NJ
8-22-09508

Walker Intl. Inc
Detroit, MI
4-38-08031

Shun Tong Enterprises Inc (I.D.E., Intl.)
McLean, VA
1-54-36114

The following is a list of common abbreviations used by firearms importers that an investigator may encounter. The information provided includes the importers company name, the importers name, and the importers location.

Sigarms Inc
Exeter, NH
6-02-33243

AKEI -
Kendall Int'l
Paris, KY

Sile Distributors, Inc
New York, NY
6-13-02184

ALCOM USA -
May, Arthur L
Houston, TX

Spesco Corporation
Atlanta, GA
1-58-36811

Alpine -
Alpine Firearms & Military
Museum
Blowing Rock, NC 28605

Sport Arms of Florida Inc
Miami, FL
1-59-20873

S. S. Kresge Company, K MART
Enterprises Inc
Royal Oak, MI
4-38-14687

AMI SAC CA -
Arms & Militaria Int'l.
Sacramento, CA

Stoeger, Inc
Wayne, NJ
8-22-04319

API -
Arm Scor Precision Inc.
Hayward, CA

The Garcia Corp (FIC)
Accokeek, MD
8-52-05304

API FC CA -
Arm Scor Precision Inc.
Forest City, CA

Valmet Inc
Elmsford, NY
6-13-03316

Arl Ord -
Blue Sky Productions
Arlington, VA 22209

Valor Corp of Florida
Miami, FL
1-59-17886

ARMCO -
ARMCO
Boylston, MA

BAC -
Bridgeport Arms Corp.
Tacoma, WA

BCI -
Beta Crow Inc.
Dallas, TX

Big Bear -
Big Bear Arms & Sporting Goods
Dallas, TX

BJS - Wm J. O'Connor
W. Bloomfield, MI

Blue Sky / AR VA -
Blue Sky Productions
Arlington, VA

BRI -
Ballistic Research Ind.
Santa Cruz, CA

BSP -
Blue Sky Producitons
Arlington, VA

BSS -
Spousta, Vaclev
Santa Monica, CA

C&A -
Campbell & Associates
Virginia Beach, VA

C.M.I. -
Chartered Merchants, Inc.
Miami, FL

CA StA VT -
Century Arms Int'l
St. Albans, VT

CAB -
Boggs, Charles A.
Charleston, WV

CAL Arms Company
Reichert, Orvel L.
W. Pittsburg, CA

CASCO
Casco Arms
Blowing Rock, NC 28605

CDI -
Classic Distributors Inc.
Swanton, VT

CFI -
Collector Firearms Inc.
Houston, TX

CFL -
Commemorative Firearms Ltd
Omaha, NE

CJA SOFLD MI -
CJA Equipment
Southfield, MI

Cloud -
Cloud Distributors
Aiken, SC

CMS -
Conventional Munitions Systems
Arlington, VA

CP Armored Ltd -
Californial Currency Exchange
Chatsworth, CA

CRO Imports -
Oefinger, Douglas L.
Shelton, CT

CSI OT CA -
China Sports Inc.
Ontario, CA

EBCO -
Bosworth, Eugene
Madison, CT

CTS Inc. -
Class 3 Supply
Nashville, TN

Eden -
Eden International
Palm Bay, FL 32905

D&D Armaments -
Davenport, David
San Diego, CA

EM Enterprise -
Masaki, Edward S.
Honolulu, HI

Dalvar USA -
Dalvar USA
Dallas, TX 75231

EMS -
Electronic Maintenance & Security
Bear, DE

DAP Int'l -
Piombinao Domenic A.
Northford, CT

Exel / Gardner MA -
Exel Arms of America
Gardner, MA 01440

DENCO -
Holdren, Wm F.
Philipsburg, PA

FALCO Int'l Lonne -
George Albert
El Torco, CA

DGH Import & Export -
Huff, David Gary
Schuykill HA, PA

Firstshot, Inc. -
Firstshot, Inc.
Harrisbg, PA 17112

DIG VB VA -
Delta Investment Group
Virginia Beach, VA

FSA JC Int'l. -
Chou, Shin Chi
El Monte, CA

DLO Imports -
Oefinger Douglas L.
Harrison, NY

GAI -
German Arms Imports
Miami, FL 33186

DUNAV -
Dunav International, Inc.
Lynwood, WA 98037

GAMEGUN Ltd -
Bohrer, James L
Germantown, MD

EAA -
European American Armory Inc.
Hialeah, FL

GBE -
Goose Berry Enterprises
Huntington Beach, CA

GNK Wholesaler - Karlson, Gerald N. Boise, ID	ISDF - Int'l Shooterd Devel. Fund Golden, CO
GSAD Inc. - Goden State Arms Distribution Inc. Redondo Beach, CA	ISSA, Inc. ISSA, Inc. Blaine, WA 98230
GSI - GSI, Inc. Trussville, AL	IXOR - Baskett, David Santa Marla, CA
GUI - Guns Unlimited Inc. Omaha, NE	J&A Imports - Shirers, John A & Annette Anchorage, AK
HAL LTD - Bowers, Harry Cyprus, TX	J&D Associates - Fritz, Dale E. Burbank, CA
HP Arms - Teja, Henry J. Seaford, CT	JAS Marketing - Strand, Jan S. Pasadena, CA
IA CO SAC CA - Inter-American Import Export Sacramento, CA	JDC Inc. - JDC Inc. Columbia, MD
IA SAC CA - Inter-American Import Export Sacramento, CA	JJCO - John Jovino Co New York, NY
IAI SAC CA - Inter-American Import Export Sacramento, CA	JPS - Justice Ranson Lee San Bernardino, CA
Import Export Co. - Streckersen, Andrew Felton, CA	Katsenes - Brown, Phillip K Santa Barbara, CA
INCOR - INCOR INC Dallas, TX	KBI - KBI Inc. Harrisburg, PA

KC -
Cumberland, Keith
Manassas, VA

KDF -
Kleingunther Dist've Firearms
Seguin, TX

KFS -
Keng's Firearm Specialty
Atlanta, GA

KSI -
K. Sports International
Pomona, CA

LA Hotel Supply -
Mitamura Akio MMD
Westminster, CA

LACKO Imports -
Lacko, August J & Kurt A
Philadelphia, PA

LETS Import Inc. -
Trimmer, Lance Edward
Great Falls, MT

LHD -
Lou Horton Distributing
Southboro, MA

LWC Firearms -
LA World Corp.
Warwick, NY

M&I Sporting Goods -
Asean Int' Trading Corp.
Riversida, CA

ML -
ML Marketing
Gaithersburg, MD

MLP Import Co. -
Polakewich, Michael L.
Saco, ME

Morcorp -
Morgan Enterprises
Dallas, TX

NA RDFLD NJ -
Navy Arms
Ridgefield, NJ

NHM SAC CA -
New Helvetia Mercantile Group
Sacramento, CA

NUARMCO -
NUARMCO Ltd
Staten Island, NY

Nygord -
Nygord Precision Products
Van Nuys, CA 91406

OK Enterprise -
Kabonek, Okdrich
Los Angeles, CA

PCM Importers -
Mangiameli, Paul & Cindy
Yonkers, NY

PHX AMY -
Phoenix Armory, Inc.
Longandale, NV

PM Airservices -
Murray, Perter G & Pamela J
Huntington Beach, CA

PP Corporation -
Pindell Palm Corporation
Wapwallopen, PA

RAI -
Royal Arms Int'l
Woodland Hills, CA

RME Inc. -
Richard M. Egolf
Carlisle, PA

RSA Ent. Inc. -
RSA Enterprises, Inc.
Ocean, NJ 07712

RST Ltd. -
Taylor, Rollin Seth
Riverside, CA

RTB -
RTB W. Germany Import
Miami, FL

SAC -
Signature Arms Co
Lake Ariel, PA

SDI NY NY -
Sile Distributors
New York, NY

Sentinel Arms -
Sentinel Arms
Detroit, MI 48231

Sile NY NY -
Sile Distributors
New York, NY

SS Supply -
Southwest Shooters Supply
Phoenix, AZ

SUTEK -
Sarier, Kerim H
Cresskill, NJ

SVF -
SVF Firearms
Herndon, VA

T.L.C. Companies -
Hatch, Thomas Leo
E. Berlin, CT

TEB Int'l -
Bunzl, Thomas Edward
Pinole, CA

The Shop -
Mintec Marketing Inc.
Las Vegas, NV

USA Wholesale Guns -
Fedorchak, Joseph R
Patterson, NJ

VEGA SACCA -
Vega (not importer)
Sacramento, CA

VII -
DBD Enterprises, Inc.
Prescott, Arizona

VILDMARK -
Hyden, Hans Anders Jan
Lyons, NY

VSP Trading Company -
Chiu, Viken
San Jose, CA

WESPAC -
Roepke, Craig S.
Albuquerque, NM

WTC -
Walker Trading Company
Birmingham, AL

WTF WKFP -
Benjamin, Russel
Northampton, MA

-0-

Firearm Technology Company
Woodland Hills, CA

DETERMINING BARREL LENGTH AND OVERALL LENGTH OF A RIFLE OR SHOTGUN

The following procedures should be used to correctly and accurately determine the barrel length and overall length of a rifle or shotgun:

Barrel Length. (Examine the firearm and ensure that it is unloaded.)

1. Close the breech, breechlock, cylinder, or bolt.
2. Cock the firearm to withdraw the firing pin.
3. Insert a straight rod down the muzzle end of the barrel until contact is made with the face of the bolt, breech, or breechlock.
4. Mark the rod at the muzzle end (furthest point) to denote the true barrel length.
5. Withdraw the rod and measure the distance marked off on the rod.

Removable barrel extensions, poly chokes, flash suppressors, etc., are not to be considered part of the measured barrel length, however; permanently affixed attachments are considered part of the barrel and are, therefore, included in the measured barrel length.

Overall Length. (Examine the firearm and ensure that it is unloaded.)

1. Close the action of the firearm if it is of the break open type.
2. Lay the firearm on its side on a table with the butt of the stock on line with one edge of the table. Keeping the butt against that one edge, bring the barrel of the weapon in line with (parallel) and next to the right angle edge of the table.
3. The overall length of the firearm can then be determined by measuring the distance of the right angle table edge from the beginning (where the butt of the firearm is) to the point where the end of the barrel(s) is located.

NOTE: Illustrations of the proper method to determine a firearms overall length and barrel length can be found at the end of this section.

FIELD TESTING A FIREARM TO DETERMINE FULLY AUTOMATIC FIRE (MACHINEGUN) CAPABILITY

Before conducting a field test for automatic fire capability, an investigator must be certain that the firearm is unloaded. Remove the magazine, pull the bolt or slide to the rear, and visually inspect the receiver and chamber to ensure the firearm is unloaded.

A machinegun will fire automatically when the bolt is cycled and when the trigger is held to the rear. To conduct a field test, an investigator must cycle the action while holding the trigger depressed to the rear. The test is not 100 percent conclusive that a firearm is or is not a machinegun. Some firearms

may field test fully automatic but may not be capable of actually firing fully automatic. Other firearms may test semiautomatically but may still meet the definition of a machinegun under Federal law due to their design or the presence of a machinegun receiver. Field testing is an indicator of a firearms capability, however; for a conclusive finding suspected machineguns may be forwarded to ATF's Firearms Technology Branch in Washington, DC, for examination.

Firearm Functionability Test.

(Examine the firearm and ensure that it is unloaded.)

1. Put the safety or selector switch in the "FIRE" position.
2. Pull the bolt or slide to the rear and release it.
3. Pull the trigger and ensure that the firing mechanism (pin) falls when the trigger is pulled.

Field Test for Fully Automatic Fire (Machinegun) Capability. (Examine the firearm and ensure that it is unloaded.)

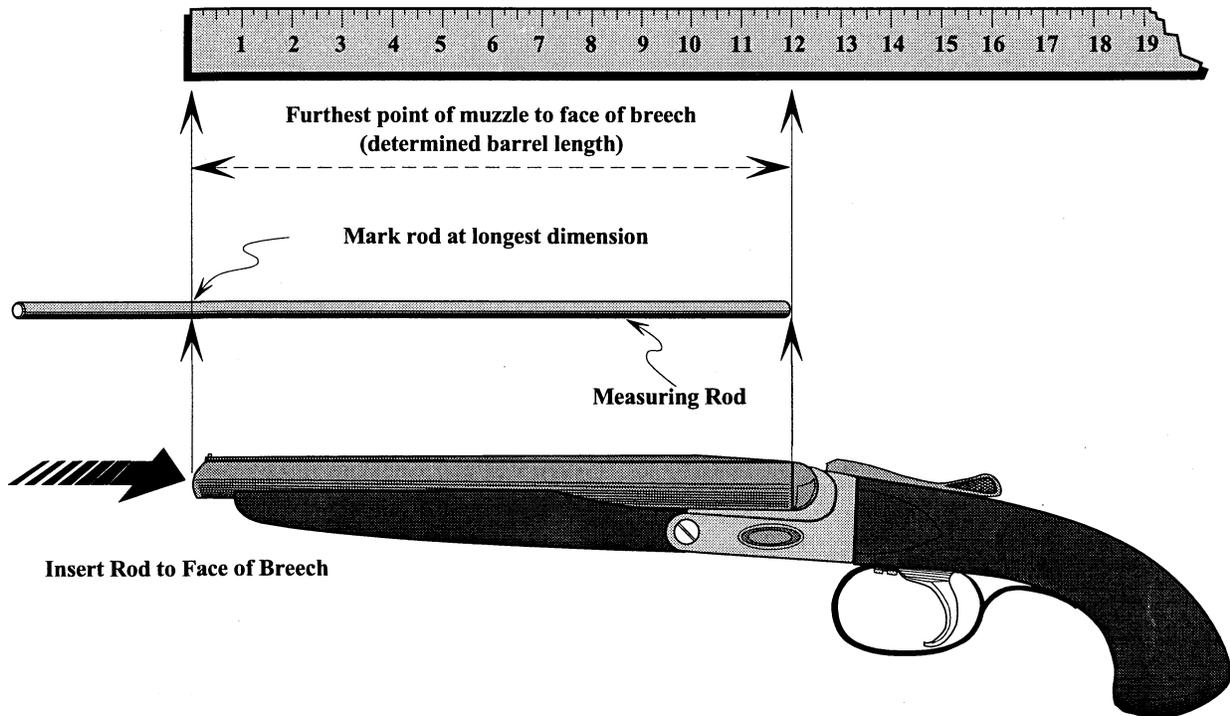
1. With the bolt or slide forward, pull the trigger to the rear and hold it in a depressed position to the rear while completing the next step.
2. Pull the bolt or slide completely to the rear and then release it (the bolt or slide should go forward to a closed position).
3. Release the trigger and then pull the trigger a second time.
 - If the firearms mechanism (pin) falls when the trigger is pulled the second time then the field test indicates the firearm is semiautomatic.
 - If the firearms mechanism (pin) does not fall when the trigger is pulled the second time then the field test indicates the firearm is fully automatic.

Place the safety or selector switch in the other available positions and repeat the function test and field test. The firing mechanism should not function with the safety or selector switch in the "SAFE" position. If it does, the firearm may be capable of fully automatic fire. All ATF employees should forward any firearm suspected to be capable of fully automatic fire to ATF's Firearms Technology Branch in Washington, DC for further examination and classification.

MEASURING BARREL LENGTH

Procedure for Measuring Length of a Barrel

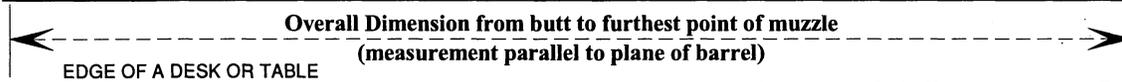
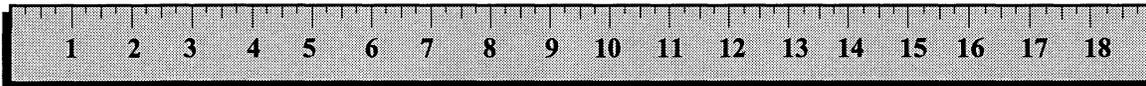
1. Determine that the firearm is not loaded and is, therefore, safe to handle.
2. Insert the Measuring Rod through the muzzle and down the barrel(s) to contact the face of the breech or bolt.
3. Mark the rod indicating the longest dimension of the barrel assembly.
4. Withdraw the rod and measure the marked distance to determine "Barrel Length."



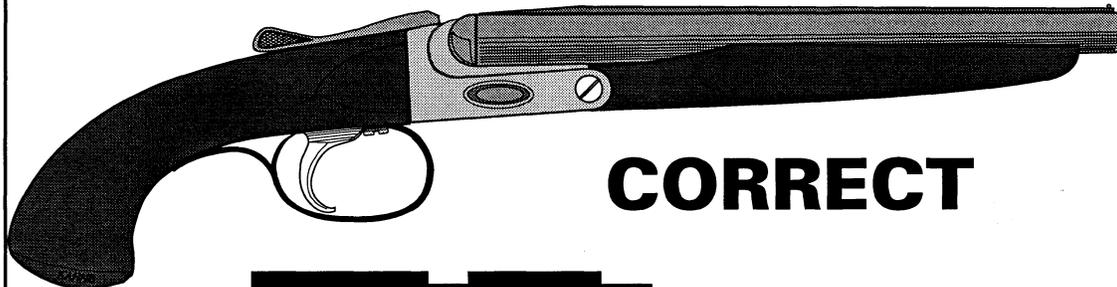
MEASURING OVERALL LENGTH

Procedure for Measuring Overall Length of a Rifle or Shotgun

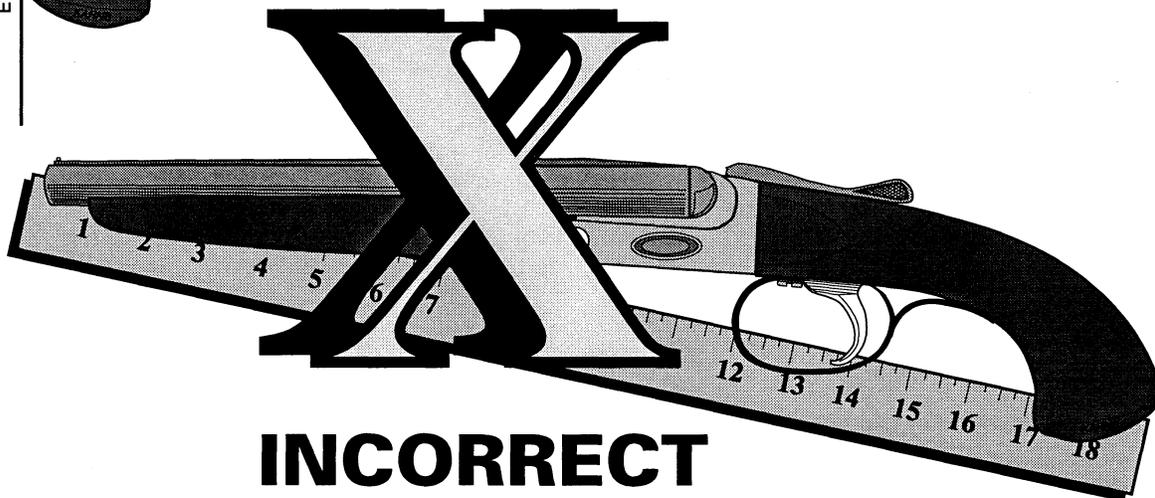
1. Determine that the firearm is not loaded and is, therefore, safe to handle.
2. Place the firearm on the top of a "square or rectangular-framed" desk or table.
3. Align the butt with the edge of the desk or table near a corner and the barrel(s) with the adjacent edge.
4. Measure from the corner where the butt is aligned down the adjacent edge to the farthest point of the muzzle.
5. This will be the overall measurement of the firearm as established parallel to the plane of the barrel(s).



EDGE OF A DESK OR TABLE



CORRECT



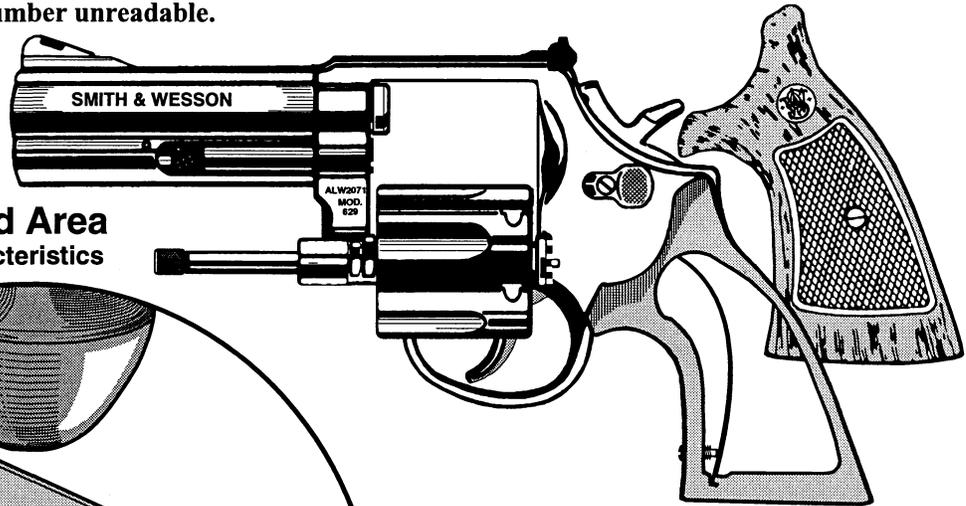
INCORRECT

SECTION VII

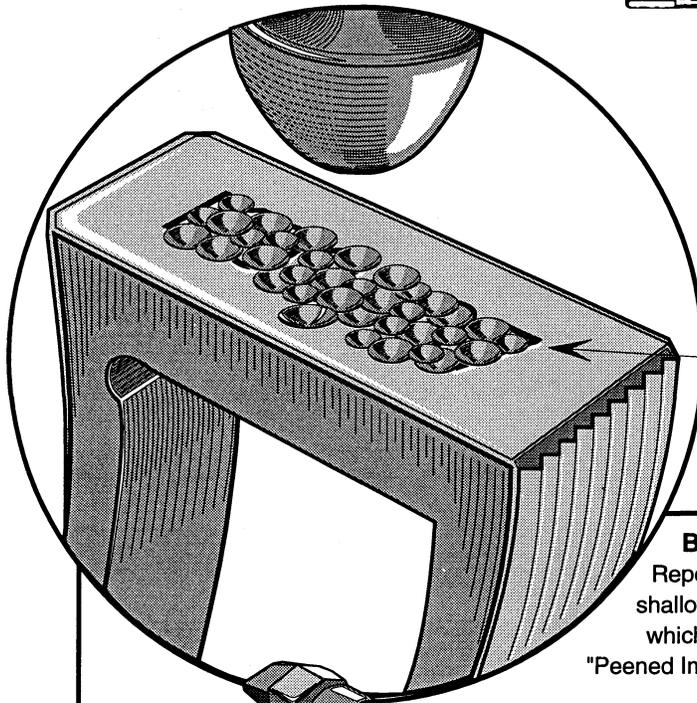
Serial Number Removal Definitions and Codes

Peened/Compression Device/Hammer - PND

A series of manually applied impact depressions (peening marks) administered repetitively with a hammer or similar tool over and around the serial number causing a flattening of the surrounding metal to render the number unreadable.

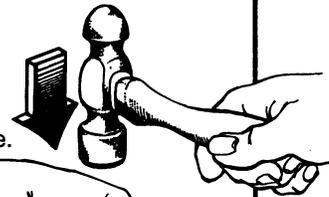


Detail Of Altered Area Exhibiting PND Characteristics

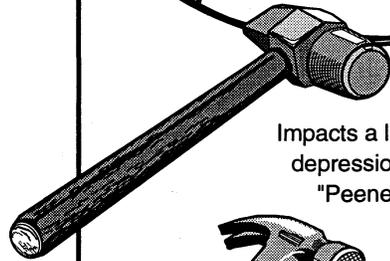


Serial Number Obliterated With a Hammer or Similar Tool Resulting in a Defaced Area Exhibiting a "Peened Impact Depression" Signature

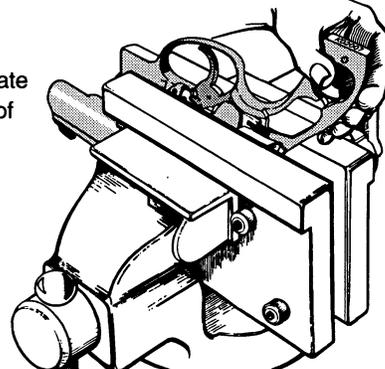
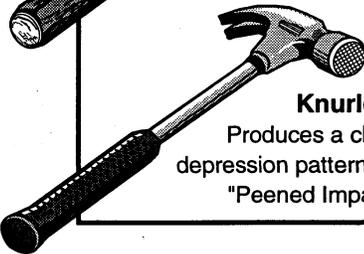
Ball Pein Hammer
Repeated impact produces shallow spherical depressions which represent one form of "Peened Impact Depression" Signature.



Flat Face Hammer
Impacts a larger area to produce angular facate depressions which represent another form of "Peened Impact Depression" Signature.



Knurled Face Hammer
Produces a checkered or cross-hatched depression pattern which represent a third form of "Peened Impact Depression" Signature.



Compression Devices used in Serial Number Removal that produce the PND characteristics

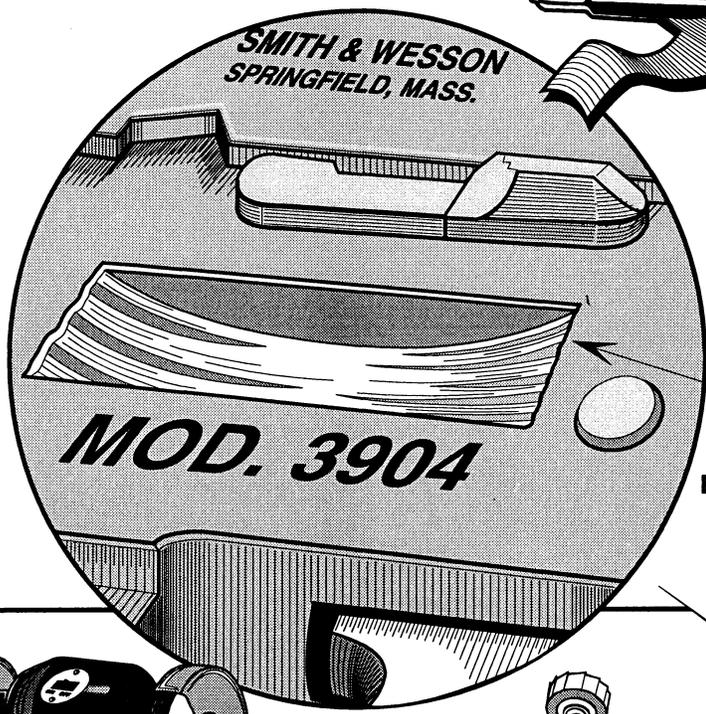
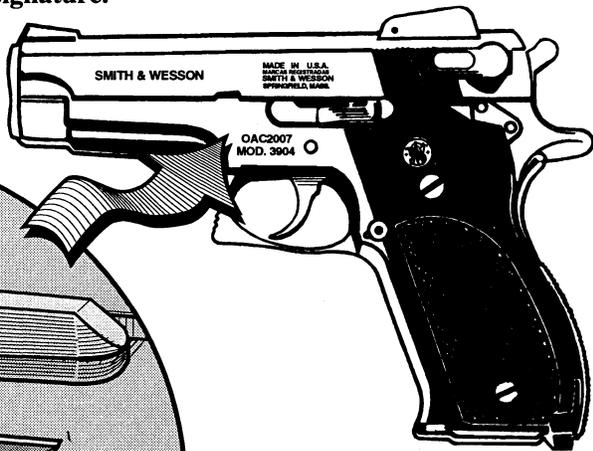
SECTION VII

Serial Number Removal Definitions and Codes

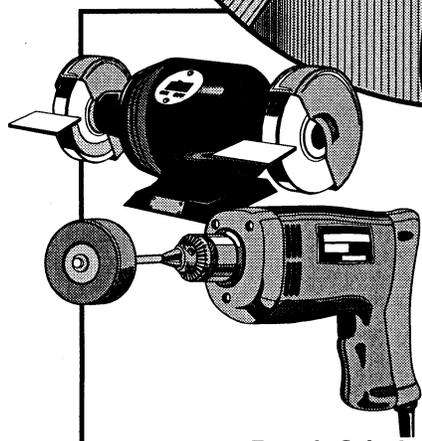
Ground/Abrasive Grinding Device/Concave - GRV

The area containing the serial number is ground concave. This type of obliteration mark is consistent in alterations produced with a bench grinder or hand-held motorized grinding tool. The characteristic concave relief is achieved using an abrasive wheel or rotary file cutting in the same plane of the wheel's rotation which produces an "In-line" grinding signature.

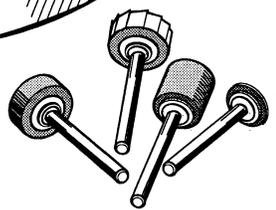
Detail Of Altered Area
Exhibiting GRV Characteristics



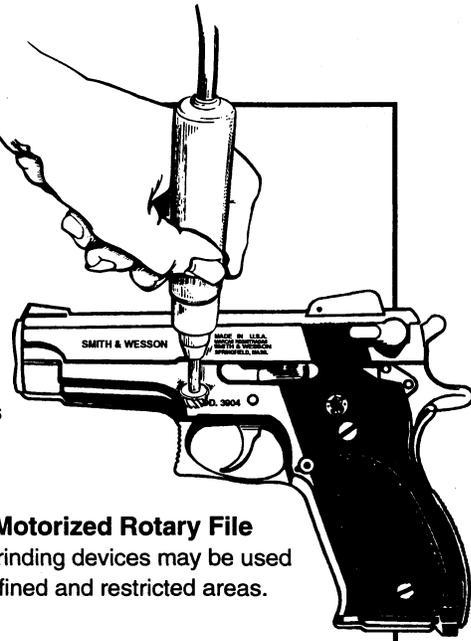
Serial Number Removed
With Grinding Wheel
Resulting in Concave Area
Exhibiting an "In-line" Grinding Signature



Bench Grinder and Hand Drill with Grinding Wheel
Large diameter abrasive wheels generally produce a shallow cut with a less defined vertical relief.



Shank Mounted Grinding Devices
Rotary cutters and small abrasive wheels generally produce a well defined vertical relief.



Hand-held Motorized Rotary File
Small diameter grinding devices may be used to address confined and restricted areas.

Abrasive Grinding Devices used in Serial Number Removal that produce the GRV characteristics

SECTION VII

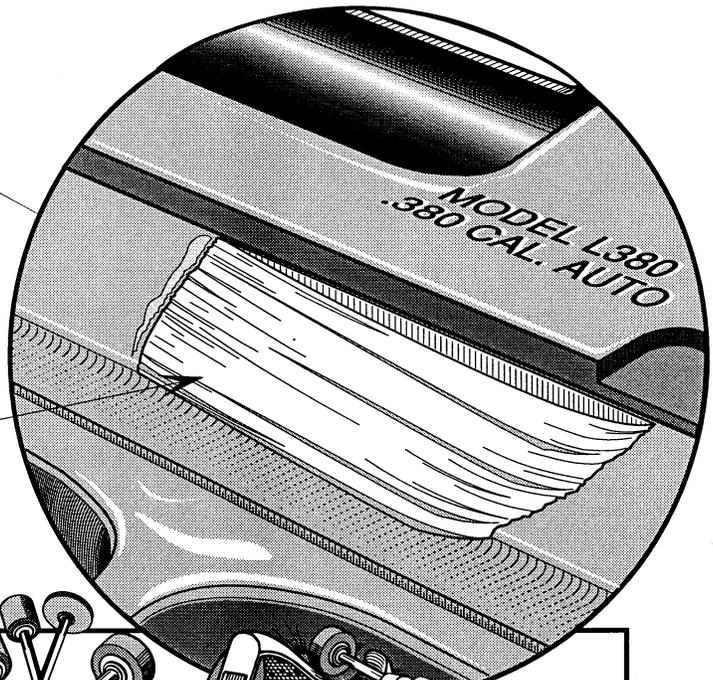
Serial Number Removal Definitions and Codes

Ground/Abrasive Grinding Device/Smooth - GRS

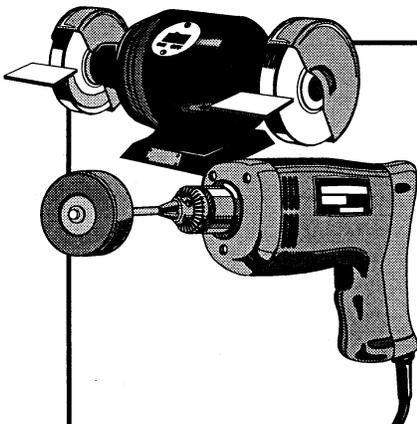
The stamped or engraved depression of the serial number and surrounding area is ground or sanded to a common plane and the resulting relieved surface area is characteristically smooth. This type of mark is consistent in alterations produced with the edge of a fine abrasive wheel applied in the same plane of the wheel's rotation which produces an "In-line" grinding signature.



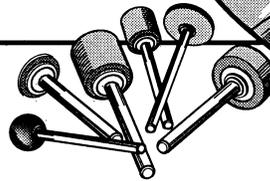
Detail Of Altered Area
Exhibiting GRS Characteristics



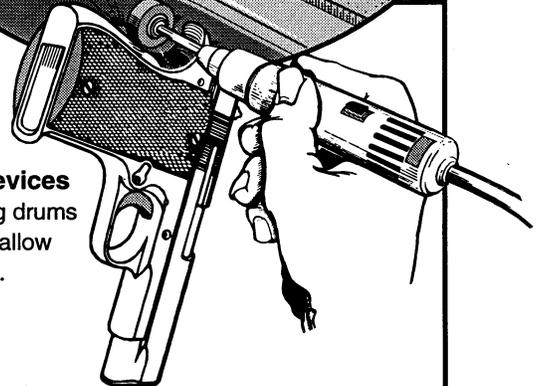
Serial Number Removed
With a Fine Grit Grinding Wheel
Resulting in a Smooth Relieved Area
Exhibiting an "In-line" Grinding Signature



Bench Grinder and Hand Drill with Grinding Wheel
Large diameter fine grit abrasive wheels are generally used to alter larger areas with flat surfaces.



Shank Mounted Grinding Devices
Fine abrasive wheels and sanding drums generally produce a smooth shallow relief with feathered edges.



Hand-held Motorized Sanding Drum
Small diameter sanding devices may be used to address contoured surfaces.

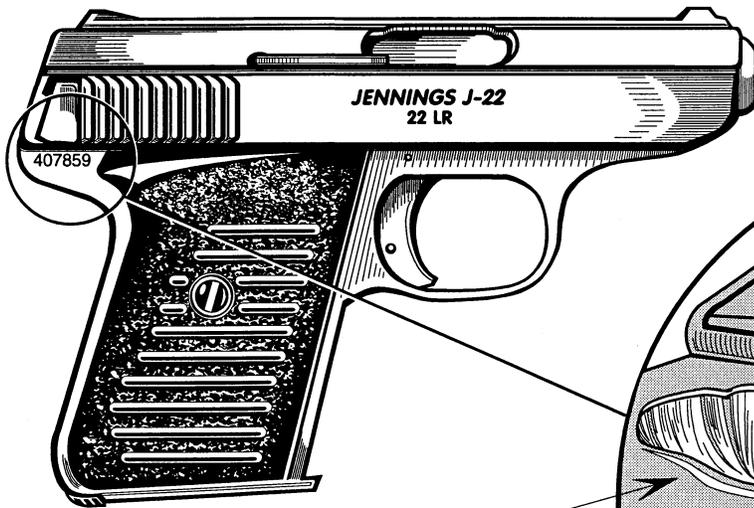
Abrasive Grinding Devices used in Serial Number Removal that produce the GRS characteristics

SECTION VII

Serial Number Removal Definitions and Codes

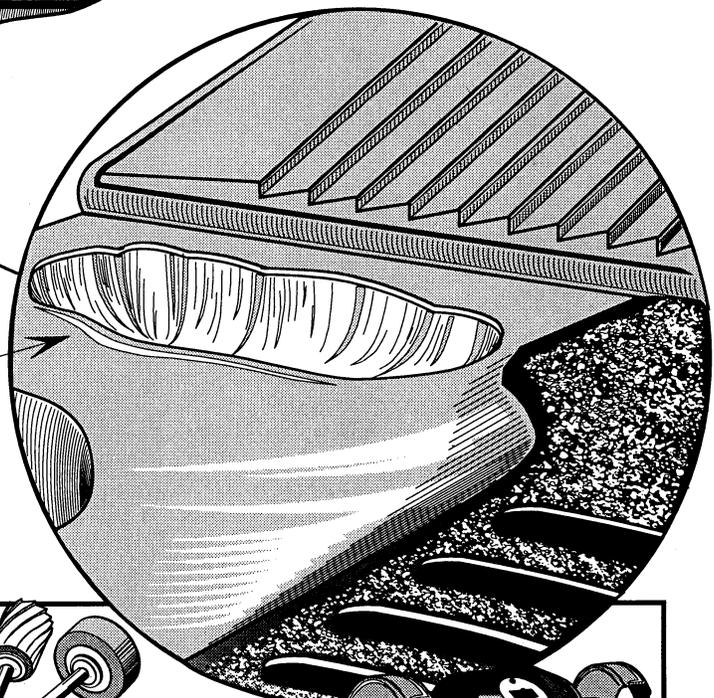
Ground/Abrasive Grinding Device/Coarse - GRC

The stamped or engraved depression of the serial number and surrounding area is ground or sanded to a common plane and the resulting relieved surface area is characteristically coarse. This type of mark is consistent in alterations produced with the edge of a coarse abrasive wheel applied in an angular or bias position which produces an easily discerned "Cross-grain" or "Angular" grinding signature.

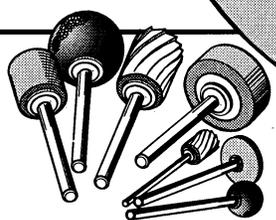


Serial Number Removed with Spherical Carbide Burr Resulting a well Defined Depression with a Coarse Surface Exhibiting a "Cross-grain" Grinding Signature

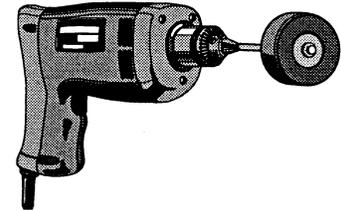
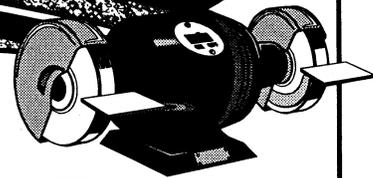
Detail Of Altered Area Exhibiting GRC Characteristics with a Coarse Altered Surface and a "Cross-grain" Grinding Signature



Hand-held Motorized Grinding Wheel
Angular or bias edge grinding produces the "Cross-grain" grinding signature.



Shank Mounted Rotary Cutters, Carbide Burrs and Grinding Wheels
Small diameter cutters and burrs are more easily controlled and may be concentrated in restricted areas such as the serial number inserts on polymer frames.



Bench Grinder and Hand Drill with Grinding Wheel
Larger Diameter abrasive wheels are generally used to address flat surfaces and larger areas.

Abrasive Grinding Devices used in Serial Number Removal that produce the GRC characteristics

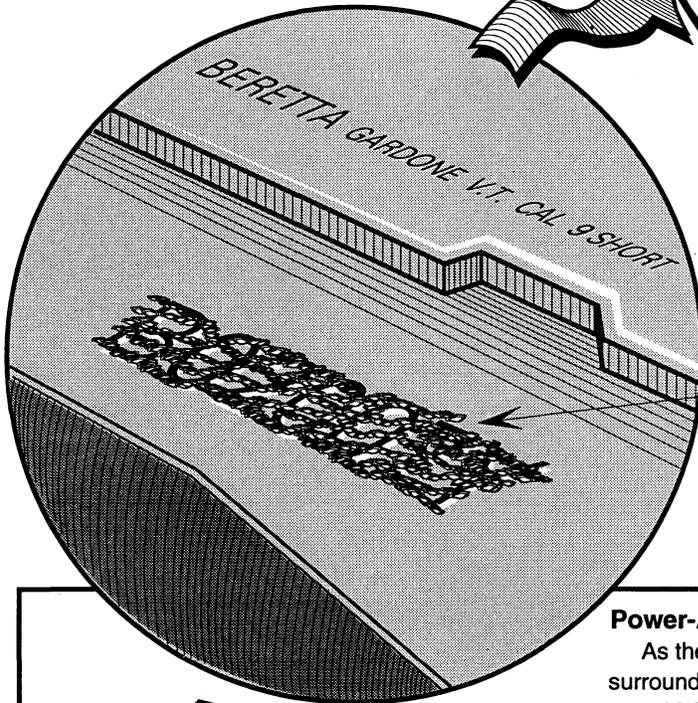
SECTION VII

Serial Number Removal Definitions and Codes

Engraved/Electric Scribe - ELS

A power-assisted pointed engraving tool is used to obliterate or disfigure the stamped or engraved depression of the serial number and the surrounding by making several passes over the area or pressing the scriber into each element of the serial number until the it is unreadable.

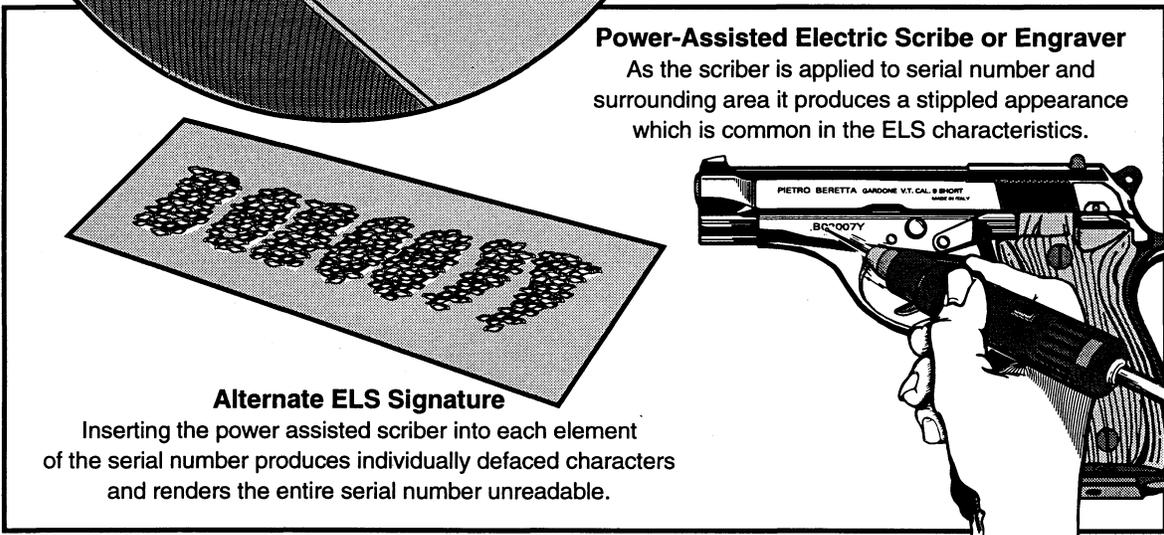
Detail Of Altered Area Exhibiting ELS Characteristics



Serial Number Is Obliterated by Making Multiple Passes with an Electric Scribe or Engraver Resulting in a Defaced Area Exhibiting a "Concentrated-Impact" Etched Signature

Power-Assisted Electric Scribe or Engraver

As the scriber is applied to serial number and surrounding area it produces a stippled appearance which is common in the ELS characteristics.



Alternate ELS Signature

Inserting the power assisted scriber into each element of the serial number produces individually defaced characters and renders the entire serial number unreadable.

Engraving Devices used in Serial Number Removal that produce the ELS characteristics

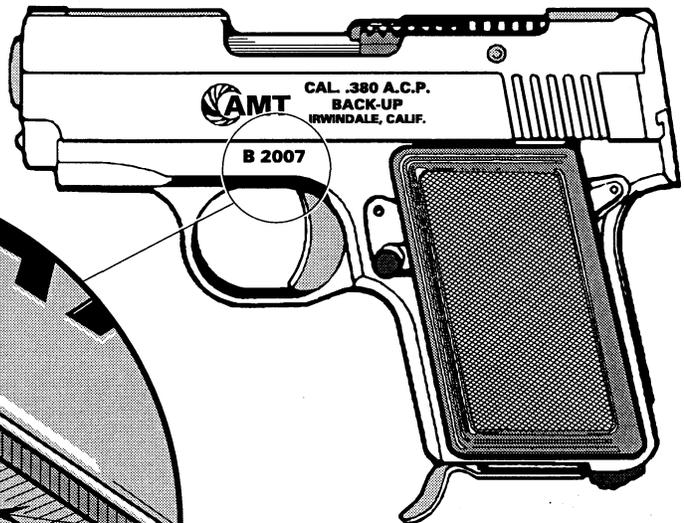
SECTION VII

Serial Number Removal Definitions and Codes

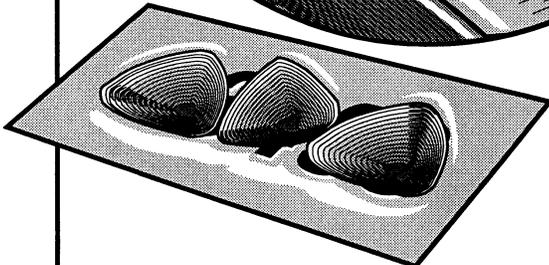
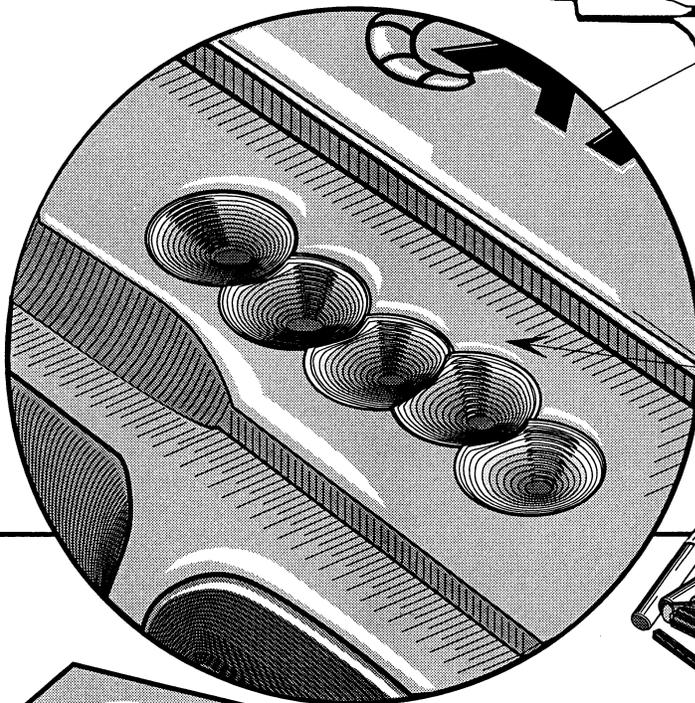
Drilled/Cutting Device - DRI

The serial number is drilled out by using various types and sizes of drill bits and milling bits. The resulting individual drill impressions may be classified (circular base or triangular base). Additionally, similar individual impressions on other firearms or on comparative test samples conducted with the suspect drill bit may be positively identified through comparative analysis and tool mark identification (casting).

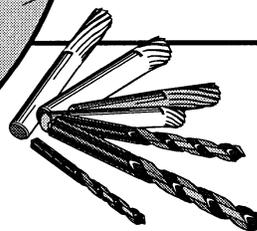
Detail Of Altered Area Exhibiting DRI Characteristics



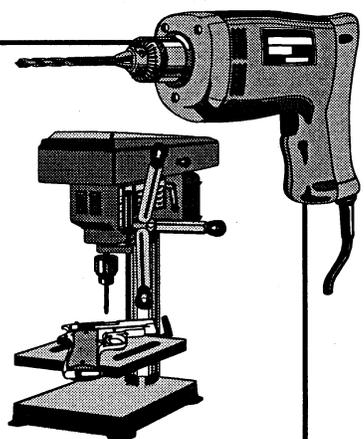
Serial Number Obliterated With a Drill Bit Resulting in a Defaced Area Exhibiting a "Circular Base Depression" Signature



Alternate DRI Signature
The drilled impression may also exhibit an angular cut which is classified as a "Triangle Base Depression" Signature.



End Mills & Drill Bits
Various types and sizes of cutting devices used to drill out the characters of the serial number.



Hand-held Motorized Drill or Drill Press
Each character of the serial number may be drilled out individually and the resulting impression exhibits a "Drilled or Milled Depression" Signature which may be further classified according to base shape.

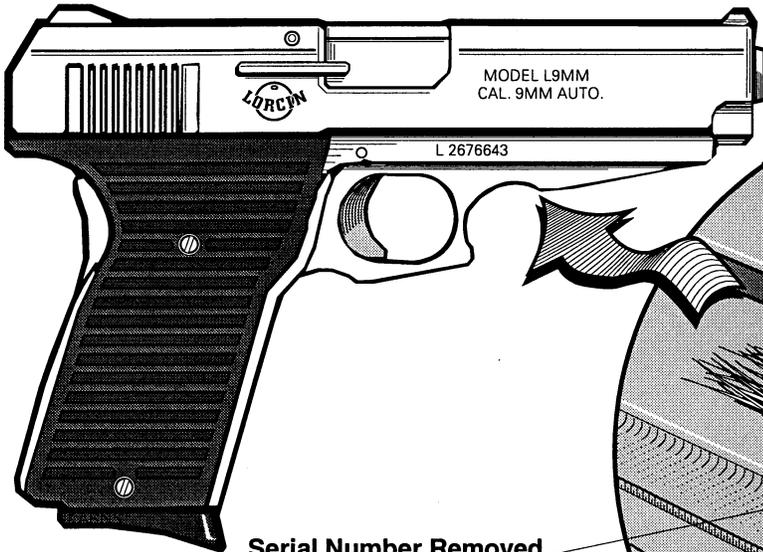
Cutting Devices used in Serial Number Removal that produce the DRI characteristics

SECTION VII

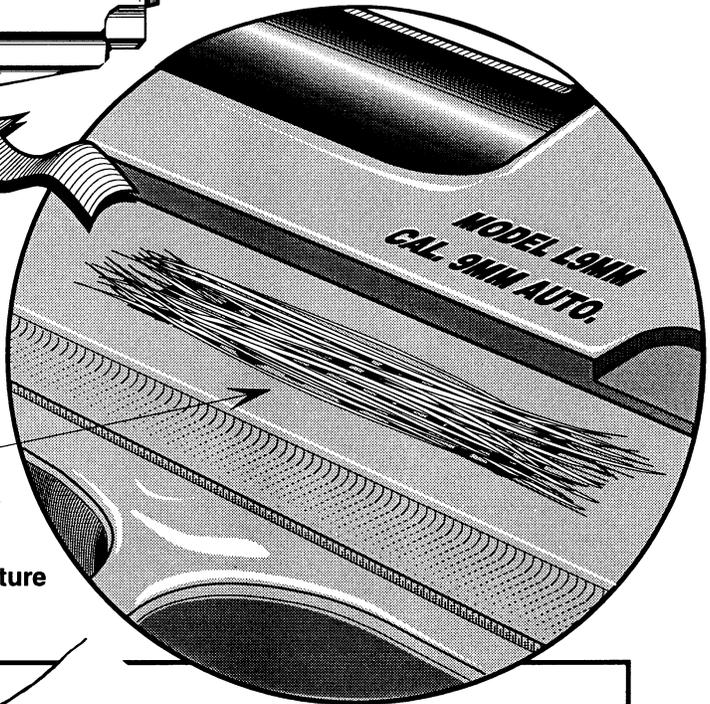
Serial Number Removal Definitions and Codes

Scratched/Pointed Hand Tool - SCN

A pointed hand tool such as an awl or a hardened scriber is used to repeatedly scratch the stamped or engraved depression of the serial number and the surrounding area until the number is unreadable.

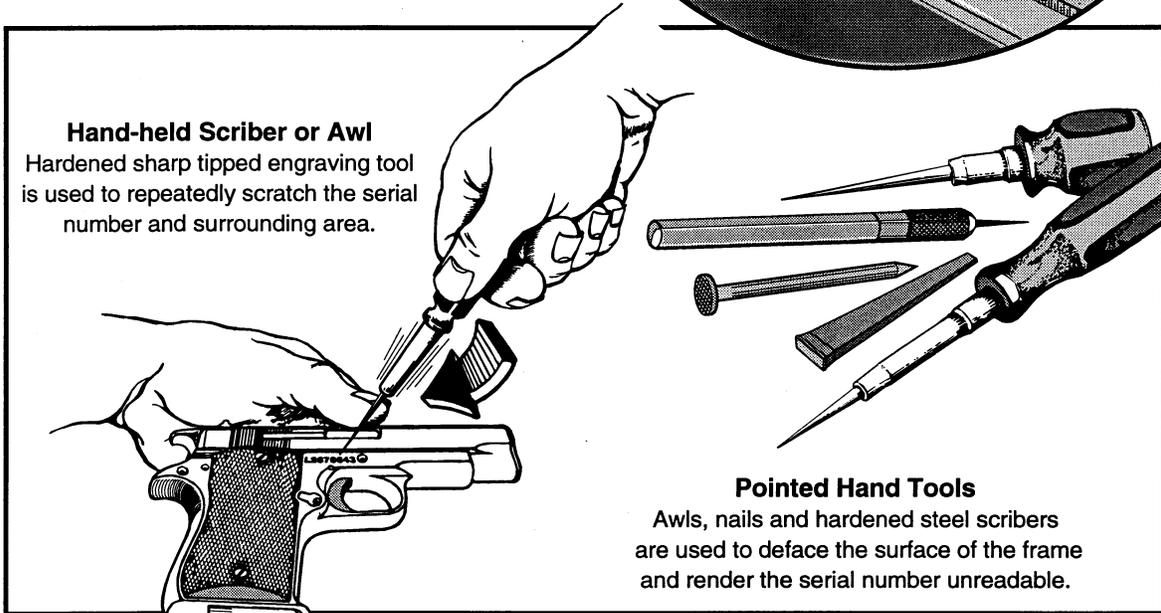


Detail Of Altered Area Exhibiting SCN Characteristics



Serial Number Removed With an Awl or Scriber by Repeatedly Scratching the Surface Resulting in a Defaced Area Exhibiting a Random Scratching Signature

SECTION VII



Hand-held Scriber or Awl
Hardened sharp tipped engraving tool is used to repeatedly scratch the serial number and surrounding area.

Pointed Hand Tools
Awls, nails and hardened steel scribers are used to deface the surface of the frame and render the serial number unreadable.

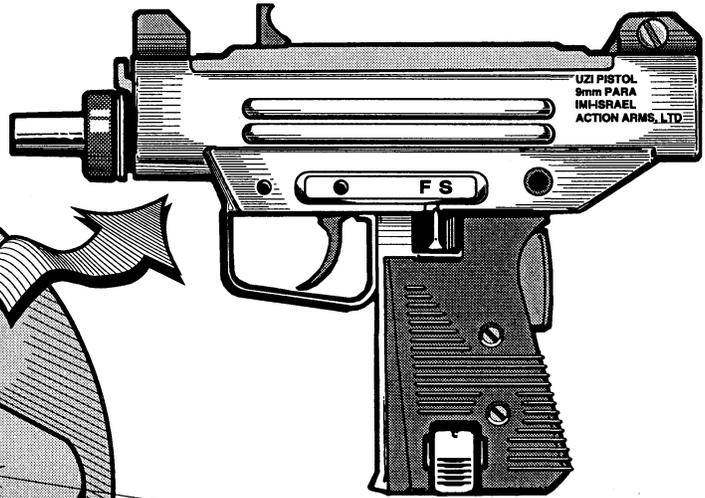
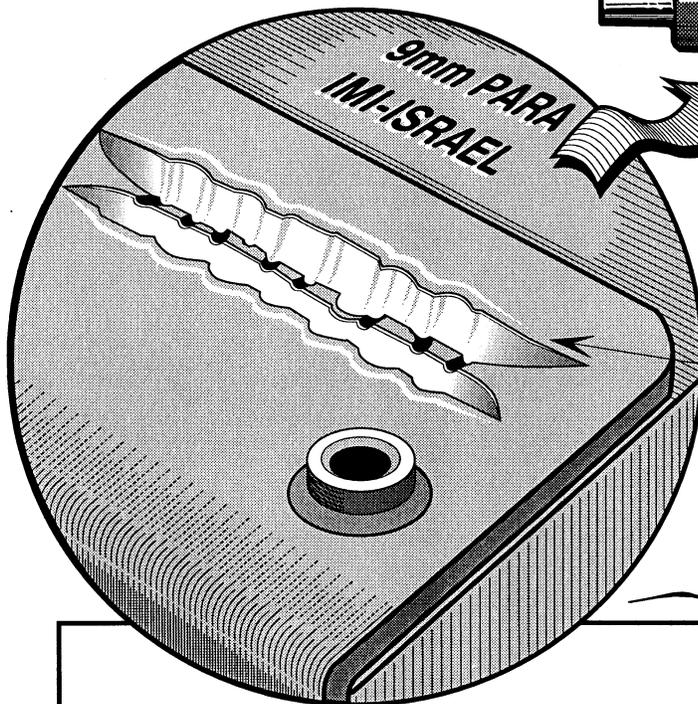
Engraving Devices used in Serial Number Removal that produce the SCN characteristics

Serial Number Removal Definitions and Codes

Scratched/Broad Tipped Hand Tool - SCB

A broad tipped hand tool such as a chisel, scraper or screwdriver is used to repeatedly scratch the stamped or engraved depression of the serial number and the surrounding area until the number is unreadable.

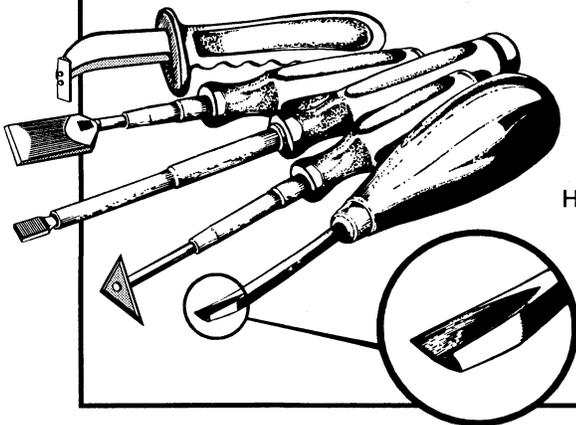
Detail Of Altered Area Exhibiting SCB Characteristics



Serial Number Removed by Repeatedly Scratching the Surface Resulting in a Defaced Area Exhibiting an Angular Etched Signature

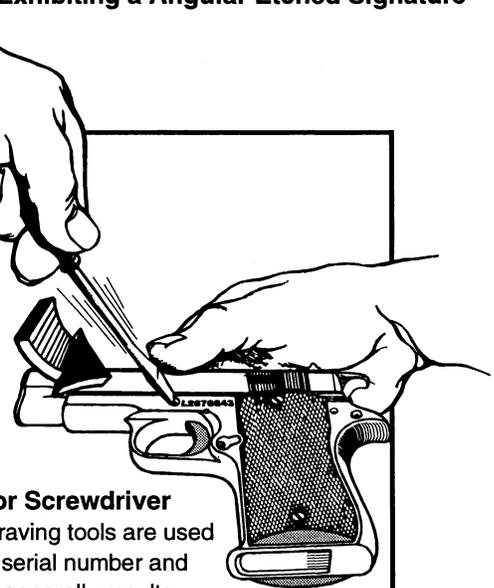
Broad Tipped Tools

Screwdrivers, chisels and scrapers are used to deface the surface of the frame and render the serial number unreadable.



Hand-held Scraper or Screwdriver

Hardened broad tipped engraving tools are used to repeatedly scratch the serial number and surrounding area which generally results in a "V- Grooved Channel" characterizing the "Angular Etched Signature".



Engraving Devices used in Serial Number Removal that produce the SCB characteristics

SECTION VII

Serial Number Removal Definitions and Codes

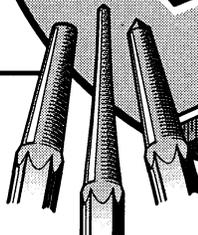
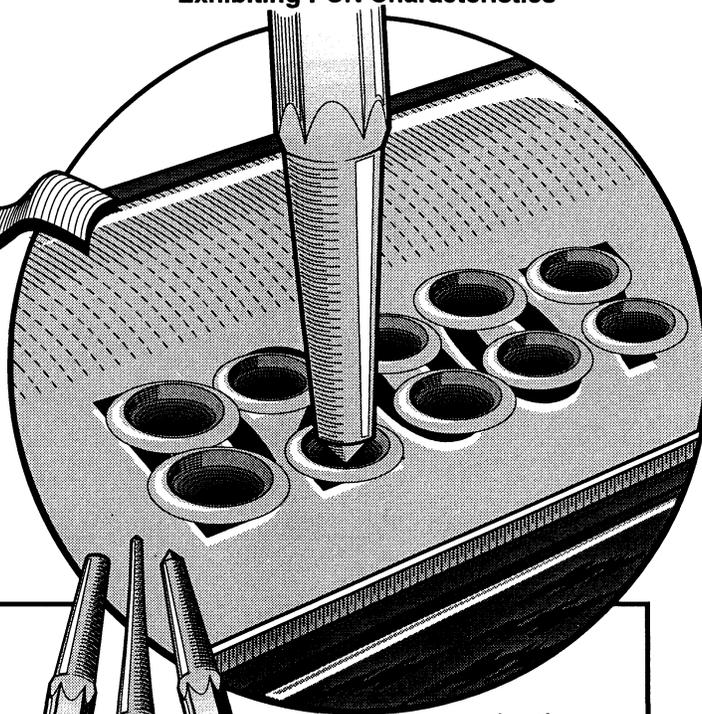
Punched/Compression Device/Punch - PUN

A series of manually applied impact depressions (punch marks or holes) administered at random or in a pattern over and around the serial number to render it unreadable. Individual punch marks may be classified by style of tip. Additionally, similar marks on other firearms or comparative test samples conducted with the suspect punch may be positively identified through comparative analysis and tool mark identification (casting).

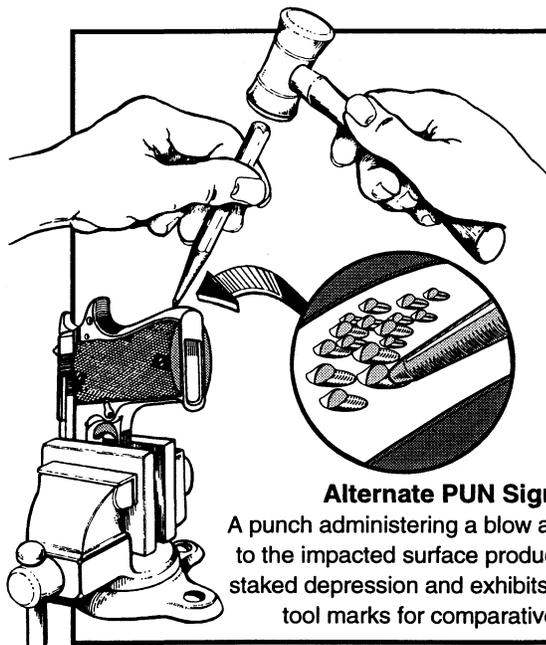


Serial Number Obliterated With a Punch or Counter-sink Which is Used to Cut or Reshape the Metal Resulting in a Defaced Area Exhibiting a "Symmetrical Impact Depression" Signature

Detail Of Altered Area Exhibiting PUN Characteristics

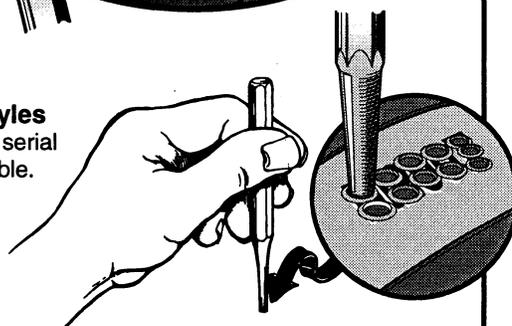


Common Punch Point Styles Used to render the serial number unreadable.



Alternate PUN Signature

A punch administering a blow at an acute angle to the impacted surface produces a plowed or staked depression and exhibits less identifiable tool marks for comparative analysis..



Punch or Counter-sink

Held perpendicular to the impacted surface produces a symmetrical depression which is more easily identified through comparative analysis.

Compression Devices used in Serial Number Removal that produce the PUN characteristics

SECTION VII

SEMAUTOMATIC PISTOL NOMENCLATURE

SEMAUTOMATIC PISTOL - A repeating handgun in the pistol category which utilizes a portion of energy of the firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

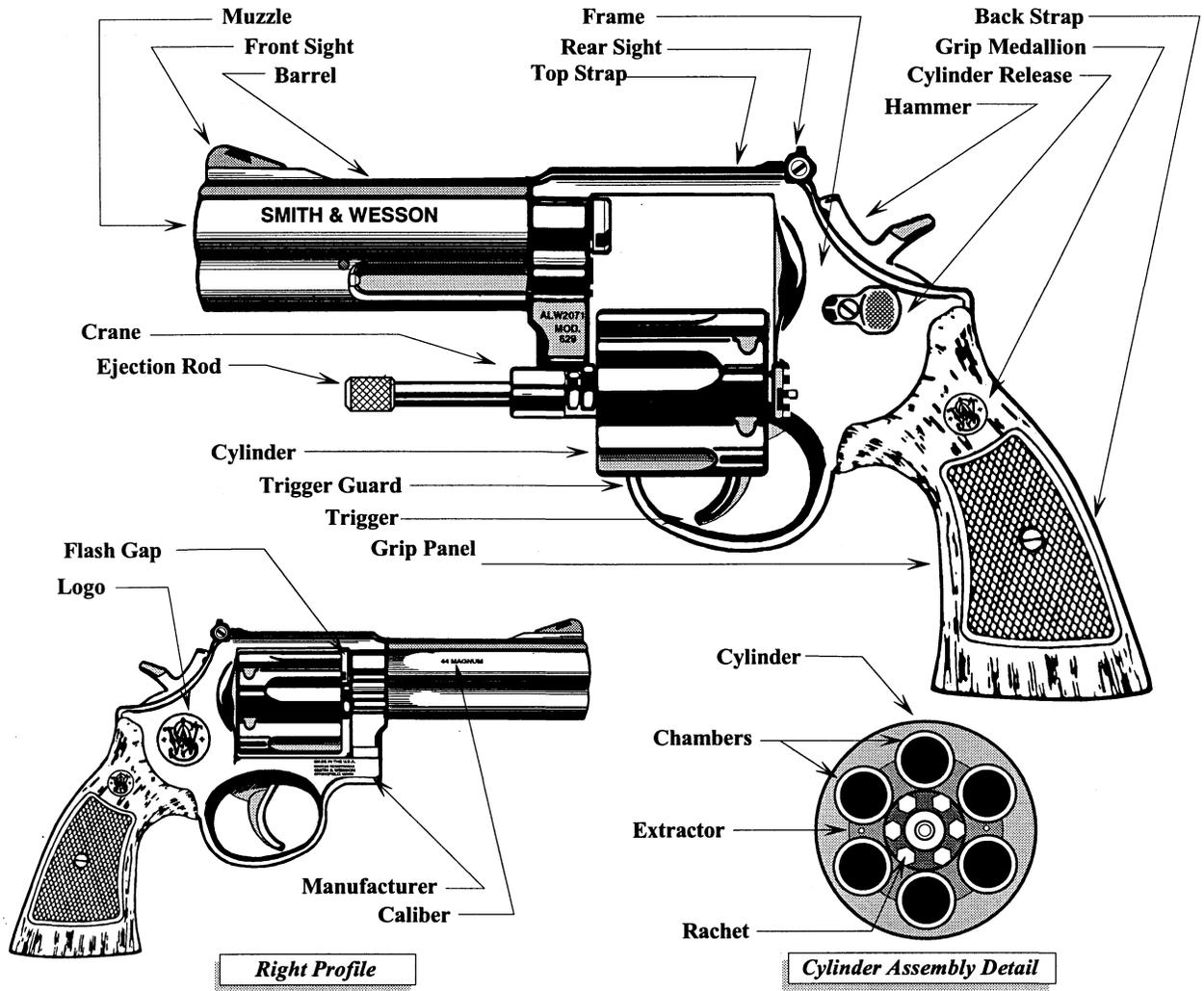


* The Safety Catch is an internal design and locks the firing pin until the trigger is intentionally pulled which automatically releases the safety mechanism to initiate the firing sequence.

NOTE: This definitive illustration shows the primary characteristics exhibited in the Semiautomatic Pistol category. Various models in this classification, which includes both the single and double action designs, may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.

DOUBLE ACTION REVOLVER NOMENCLATURE

DOUBLE ACTION REVOLVER - A class of weapons of handgun configuration which exhibits the common characteristic of having a breechloading chambered cylinder so designed that cocking the hammer or depressing the trigger causes the cylinder to rotate which brings the next cartridge in line with the bore to initiate the firing sequence.



NOTE: This definitive illustration shows the primary characteristics exhibited in the Double Action Revolver category. Since revolver configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.

SECTION VII

PISTOL NOMENCLATURE

PISTOL - A class of weapons of handgun configuration which includes single shot and both single and double action semiautomatic models all of which exhibit the common characteristic of being fitted with a barrel(s) with an integral chamber design or having a chamber(s) permanently aligned with the barrel.

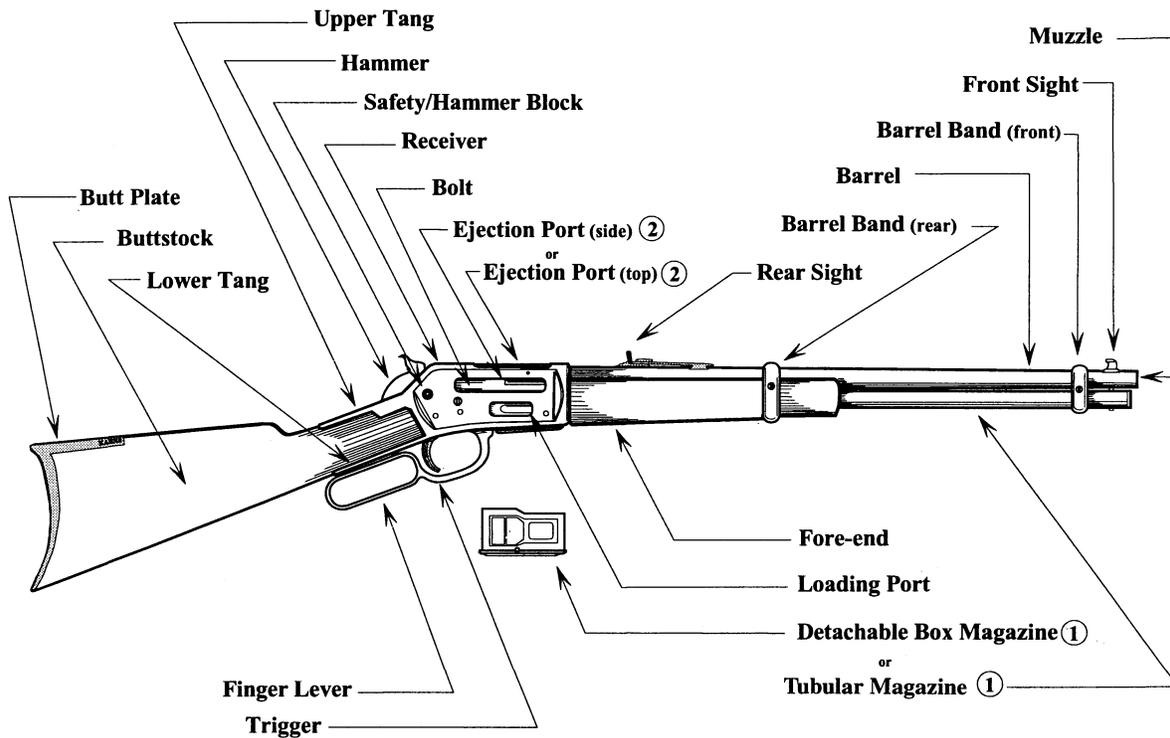


NOTE: This definitive illustration shows the primary characteristics exhibited in the Pistol category. Since pistol configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.

SECTION VII

LEVER ACTION

NOTE: The Lever Action is utilized in the design and function of rifles and shotguns. This definitive illustration exhibits the primary characteristics of a rifle. Although most component parts are applicable in a revised configuration to the Lever Action Shotgun, relatively few representative models exist in that category.



SECTION VII

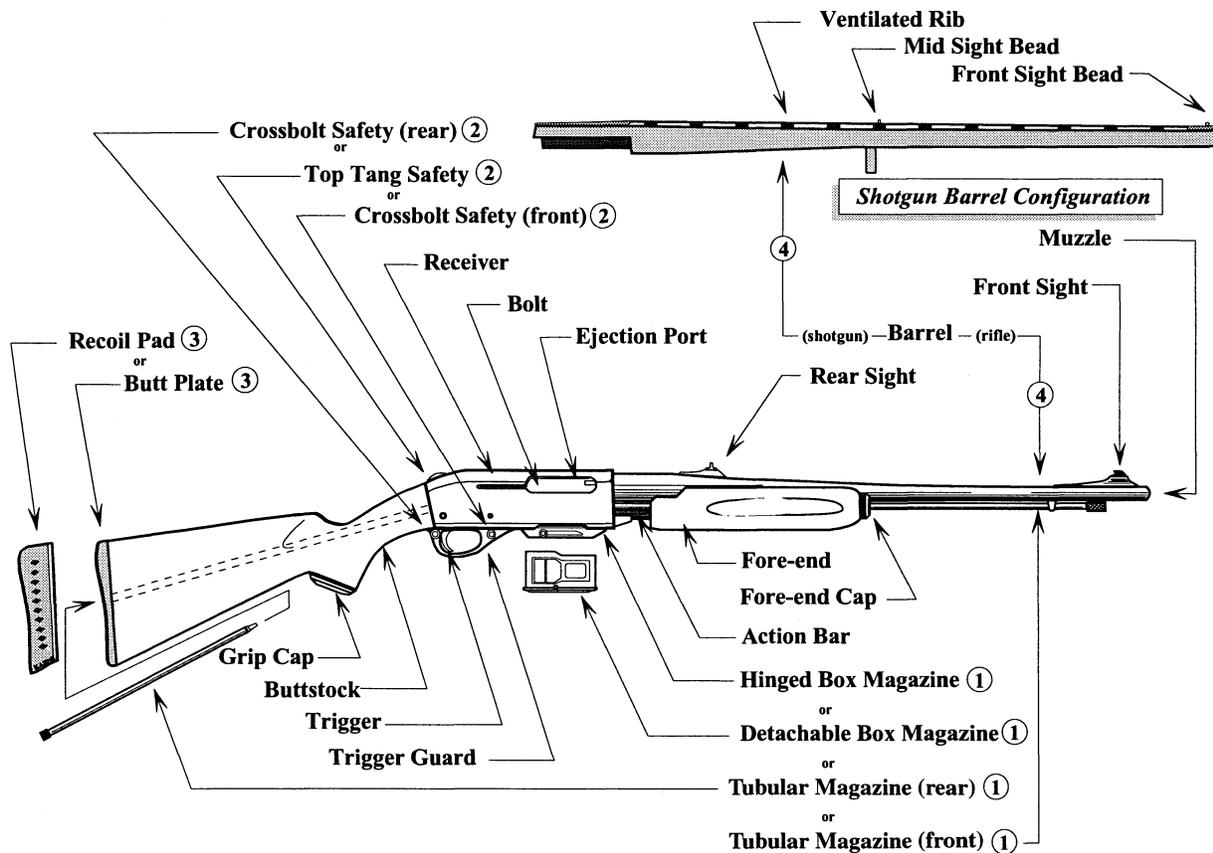
GROUP CALLOUT SCHEDULE*

- Group ① - two magazine configurations available on this type action.
- Group ② - two ejection port configurations are available in this category

** Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the lever action in their design. However, only one type component or configuration from each callout group will appear on any given subject firearm.*

PUMP/SLIDE ACTION

NOTE: The Pump/Slide Action is utilized in the design and function of rifles and shotguns. This definitive illustration exhibits the primary characteristics of a rifle but most component parts are applicable in a revised configuration to the Pump/Slide Shotgun category.



GROUP CALLOUT SCHEDULE*

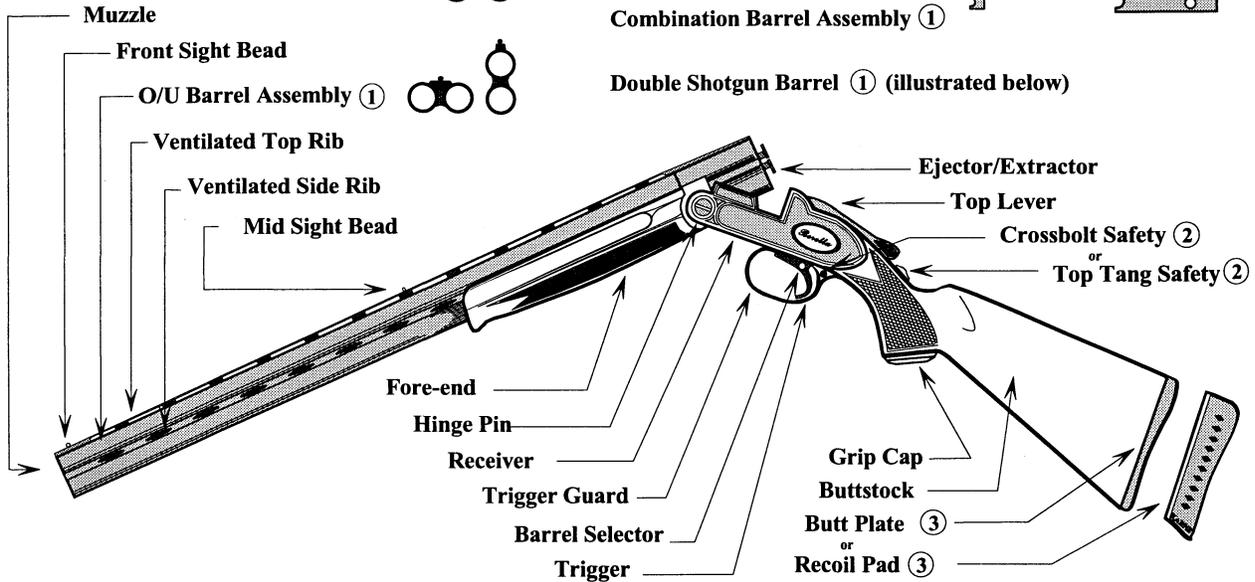
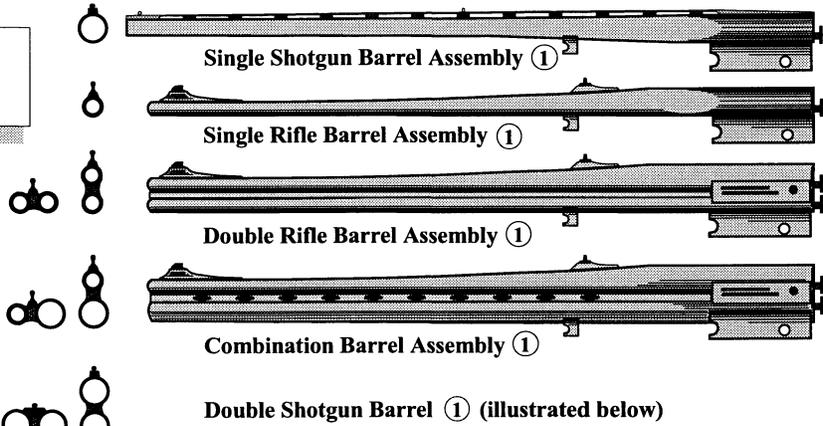
- Group ① - four magazine configurations available on this type action.
- Group ② - three various safety configurations which may appear on the available models.
- Group ③ - two buttstock appointments available in this group.
- Group ④ - two barrel configurations which may appear on this type action.

* Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the pump/slide action in their design. However, only one type component from each callout group will appear on any given subject firearm.

BREAK OPEN ACTION

NOTE: The Break Open Action is utilized in the design and function of rifles, shotguns and pistols. This definitive illustration exhibits the primary characteristics of a shotgun but most component parts are applicable in a revised configuration to both the rifle and pistol categories.

*Rifle and Shotgun
Single & Multi-Barrel
Configurations*



GROUP CALLOUT SCHEDULE*

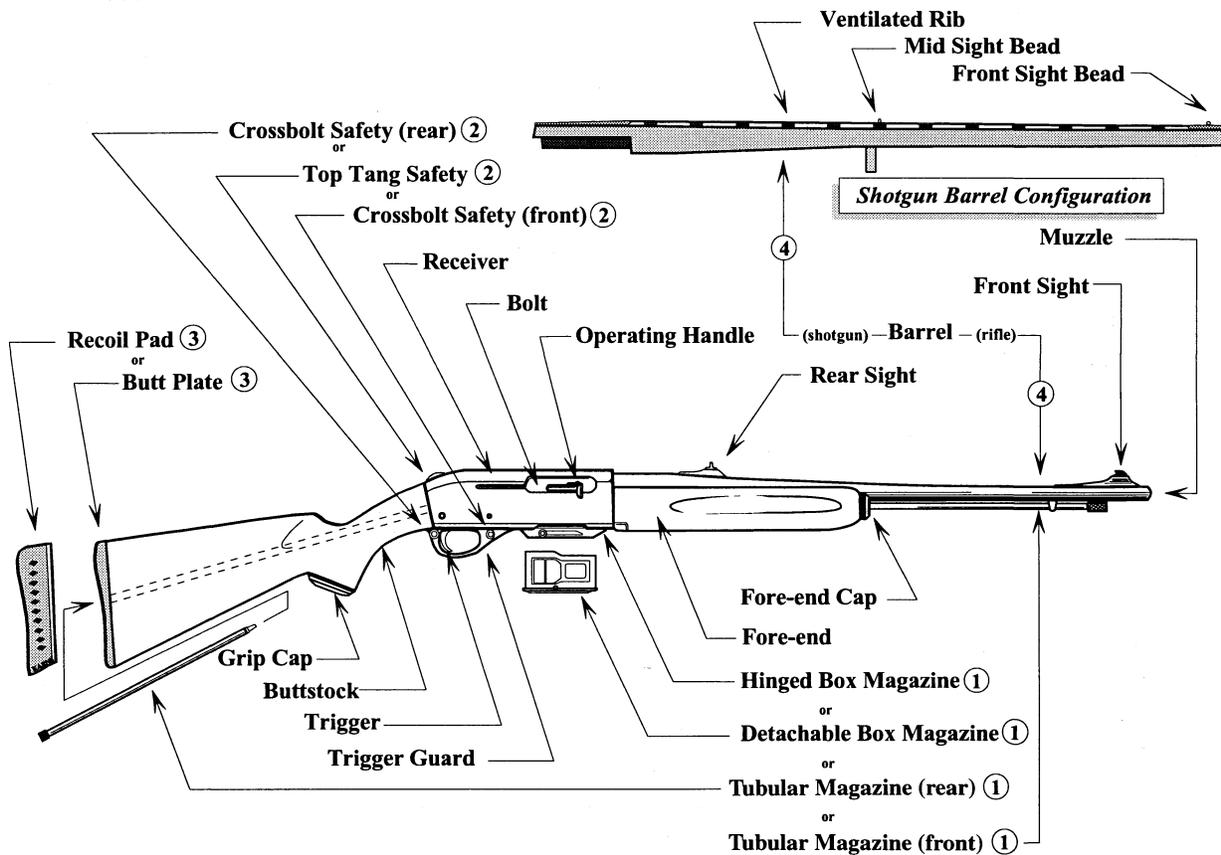
- Group ① - various barrel configurations which may appear on this type action.
- Group ② - two safety configurations which may appear on the available models.
- Group ③ - two buttstock appointments available in this group.

** Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the break open action in their design. However, only one type component from each callout group will appear on any given subject firearm.*

SECTION VII

AUTOLOADING ACTION

NOTE: The Autoloading Action is utilized in the design and function of rifles, shotguns and pistols. This definitive illustration exhibits the primary characteristics of a rifle but most component parts are applicable in a revised configuration to both the shotgun and pistol categories. The pistol configuration does differ significantly (*see separate illustration*).



GROUP CALLOUT SCHEDULE*

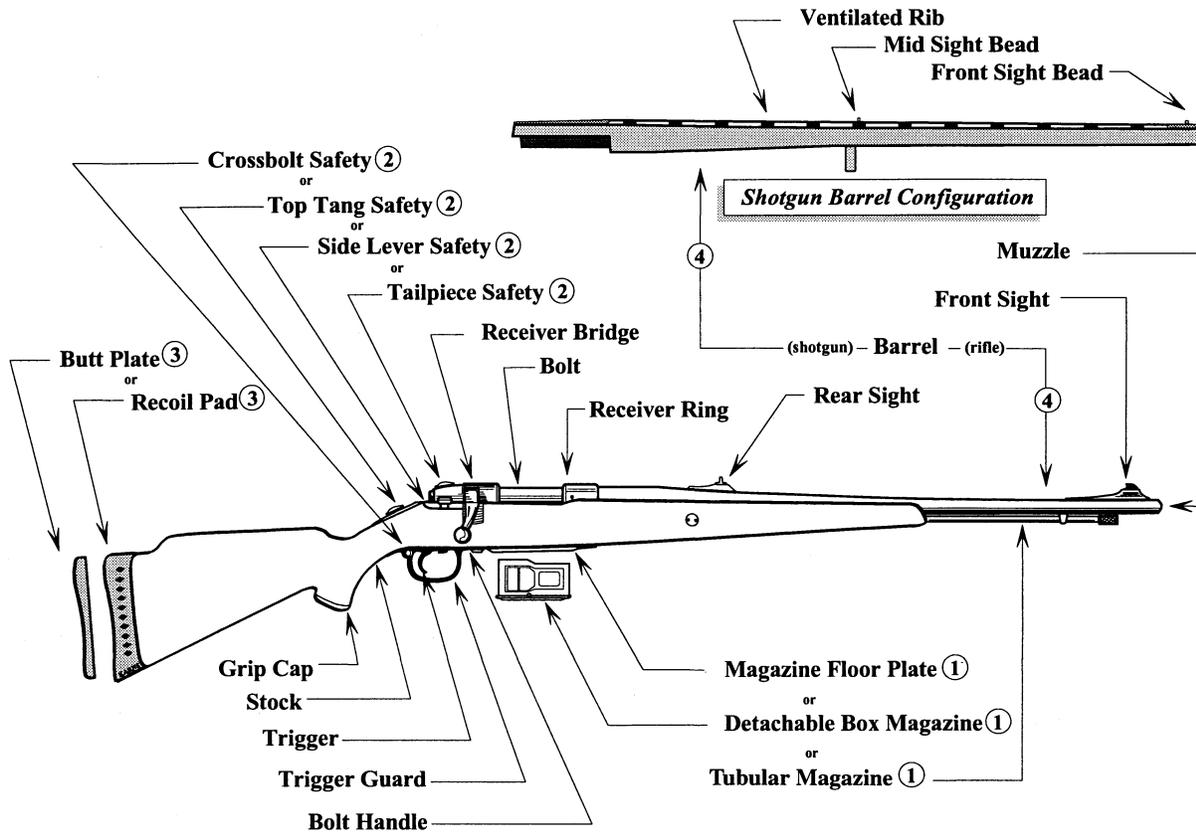
- Group ① - four magazine configurations available on this type action.
- Group ② - three various safety configurations which may appear on the available models.
- Group ③ - two buttstock appointments available in this group.
- Group ④ - two barrel configurations which may appear on this type action.

** Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the autoloading action in their design. However, only one type component from each callout group will appear on any given subject firearm.*

SECTION VII

BOLT ACTION

NOTE: The Bolt Action is utilized in the design and function of rifles, shotguns and pistols including single shot and magazine fed repeating models. This definitive illustration exhibits the primary characteristics of a rifle but most component parts are applicable in a revised configuration to both the shotgun and pistol categories



SECTION VII

GROUP CALLOUT SCHEDULE*

- Group ① - three magazine configurations available on the repeating models of this type action.
- Group ② - four various safety configurations which may appear on the available models.
- Group ③ - two buttstock appointments available in this group.
- Group ④ - two barrel configurations which may appear on this type action.

** Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the bolt action in their design. However, only one type component from each callout group will appear on any given subject firearm.*

SECTION-VIII

LEGAL INFORMATION



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

SECTION VIII

LEGAL INFORMATION

ILLEGAL FIREARMS TRAFFICKING STATUTES

The following is a quick reference guide to the various Federal statutes that may be applicable during the course of an illegal firearms trafficking investigation. The descriptions of the statutes are intended to provide the reader with a basic description of what the law prohibits. Once an investigator determines that one or more of the following statutes may be applicable in an investigation, the investigator should refer to a publication containing the Federal statutes for a thorough and detailed description of the law and its elements of proof. *(ATF personnel may refer to ATF O 3310.4B, exhibits 4 (GCA) and 8 (NFA), or ATF O 3320.1D, Explosive and Arson Enforcement Programs, Exhibit 4 (Mail Fraud, Hobbs Act, ITAR, RICO), for a more detailed description of the following laws and a thorough breakdown of the elements of proof for each.)*

CHAPTER 44, TITLE 18 U.S.C. SECTION:

922(a)(1)(a) - Willfully and knowingly engaged in the business of dealing in (also importing/manufacturing) firearms without a license.

922(a)(3) - An unlicensed person transporting or receiving firearms in his/her State of residence that were obtained in another State. (Exceptions are noted in statute.)

922(a)(5) - An unlicensed person transporting or shipping firearms to other unlicensed persons knowing they are not residents of the same State.

922(a)(6) - Making false oral or written statements of material fact (e.g., use of fictitious identification) to an FFL in connection with the purchase of firearms, e.g., lying on an ATF Form 4473 or Brady Form.

922(a)(9) - It is unlawful for a person who does not reside in any State to receive firearms. (This includes aliens

legally in the United States who are not residents of any State, unless for lawful sporting purposes.)

922(b)(1) - It is unlawful for an FFL to deliver a handgun to someone the FFL has reason to believe is less than 21 years of age, or a rifle /shotgun to someone under 18 years of age.

922(b)(2) - Sale or delivery of firearms by an FFL to a person where the purchase or possession of those firearms would violate State law.

922(b)(3) - Sale or delivery of handguns by an FFL to a person the FFL has reasonable cause to believe resides in a State other than the FFL's place of business.

922(b)(5) - An FFL must keep records indicating name, age, and address of all persons the FFL sells a firearm or armor piercing ammunition to.

922(c) - FFL selling/delivering firearms to a person who does not appear at the FFLs licensed premise location.

922(d) - No one may sell or deliver a firearm to a person they know to be a prohibited person (e.g., a convicted felon, illegal alien, under indictment).

922(e) - Failure to declare/notify a common carrier of a firearm(s), e.g., on a train, plane, bus, or shipping company.

922(l) - Shipping or transporting stolen firearms in interstate commerce/across State lines.

922(j) - Possession of firearms known to be stolen.

922(k) - Transporting, receiving, or possessing firearms with obliterated serial numbers.

922(m) - FFL making false entries in records with respect to firearms sales or acquisitions (misdemeanor).

922(s) - Transfer of a handgun by an FFL in violation of the 5-day waiting period.

922(u) - Theft (burglary, robbery, larceny, or smash and grab) of firearms from an FFL's inventory.

922(x)- It is unlawful to provide handguns or handgun ammunition to juveniles (except for employment, military, hunting, or a safety course when the juvenile has parent/guardians prior written consent). This statute also prohibits the possession of handguns by individuals under the age of 21.

924(a)(1)(A) - FFL or unlicensed person making false statements or entries in

records required to be kept with respect to firearms.

924(b) - Whoever, with intent to knowingly commit a felony, ships, transports, or receives a firearm or ammunition in interstate or foreign commerce shall be imprisoned not more than 10 years, e.g., a resident of Florida purchases firearms in Florida and intends to, or actually does, illegally traffic these firearms to another State such as New York.

924(h) - Knowingly transfers a firearm, knowing the firearm will be used to commit a crime of violence or serious drug trafficking offense (same offense criteria as 924(e)).

924(j) - Smuggling, or attempting to smuggle, a firearm into the United States with the intent to commit a drug trafficking offense or a crime of violence.

924(m) - Any person who, with the intent to engage in conduct that constitutes a violation of § 922(a)(1)(A)- *unlicensed dealing*, travels from a State or foreign country other than his/her own and acquires or attempts to acquire firearms in that other State in furtherance of such purpose shall be imprisoned not more than 10 years (e.g., a resident of Canada/South America/New York travels to Florida and purchases, or attempts to purchase, firearms for unlawful resale in the State/country he/she is from).

2 - Aiding or abetting an act which was committed in violation of the law. (Can

be used on straw purchaser, other coconspirator, involved/corrupt FFL.)

111 - Forcibly obstructing a Federal agent - forcibly intimidating a Federal witness.

371 - Two or more persons conspiring to violate the law.

521 - Criminal Street Gangs Statute - Five or more persons whose primary purpose involves committing certain drug/violent crimes and have engaged in this activity through a continuous series of acts occurring within the last 5 years which affect interstate/foreign commerce, e.g. this may apply to gangs that travel to other States purchasing firearms and returning to their original states to resell the firearms.

1001 - Knowingly and willfully making materially false statements/entries, e.g., FFL providing false information to an inspector or special agent during an interview or inspection.

1341 - (Mail Fraud) Use of the mails in furtherance of an intentional scheme to defraud, e.g., an FFL mailing an insurance claim to his/her carrier to recover losses for firearms fraudulently reported stolen.

1715 - Unlawful for an unlicensed person to ship any handgun or firearm which could be concealed on a person through the U.S. mail.

1951(a) - (Hobbs Act) Obstructing commerce, or the movement of commodities in commerce, by robbery, extortion, threats or violence, or conspiring to do so is a violation of this statute. This statute may be applied to some FFL firearms thefts.

1952(a) - Interstate or foreign travel or transportation in aid of racketeering enterprises.

1956(a)(1) - Domestic money laundering, e.g., if it can be shown that proceeds from drug trafficking were used to purchase firearms for trafficking purposes, money laundering may be a charge.

1959 - Violent crimes in aid of racketeering activity. This includes firearms-related crimes and providing firearms for the purpose of committing a violent crime in aid of racketeering activity.

1961 - Racketeering Influenced and Corrupt Organizations (**R.I.C.O.**). Section 1962 contains the prohibited acts.

2117 - Breaking and entering at a carrier facility. (This charge may be applicable in interstate carrier theft cases, and since this is considered a Federal crime of violence, 18 U.S.C. § 924(c) would also be an applicable charge when firearms are stolen.)

ILLEGAL FIREARMS TRAFFICKING STATUTE ELEMENTS OF PROOF

Many of the Federal firearms laws/statutes that apply to illegal firearms trafficking activity require the investigator to prove that the defendant(s) “knowingly” and “willfully” committed violations of these laws “on or about” a certain date. As such, the investigator must have a thorough understanding of the meaning of “knowingly,” “willfully,” and “on or about” as they are used within these laws in order to produce effective prosecutable Federal cases. The following are the pattern jury instructions that Federal judges provide to Federal juries to explain these terms:

Pattern Jury Instruction 9.1 : ON OR ABOUT-KNOWINGLY-WILFULLY

You will note that the indictment charges that the offense was committed “**on or about**” a certain date. The Government does not have to prove with certainty the exact date of the alleged offense(s). It is sufficient if the Government proves beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged.

The word “**knowingly**,” as that term has been used from time to time in these instructions, means that the act was done voluntarily and intentionally and not because of mistake or accident.

The word “**willfully**,” as that term has been used from time to time in these instructions, means that the act was committed voluntarily and purposely, with the specific intent to do something the law forbids; that is with bad purpose either to disobey or disregard the law.

"STRAW PURCHASES OF FIREARMS"**Q**

Questions often arise concerning the lawfulness of firearms purchases from licensees by persons who use "straw purchasers" (another person) to acquire the firearms. Specifically, the actual buyer uses the straw purchaser to execute the ATF Form 4473 purporting to show that the straw purchaser is the actual purchaser of the firearm. In some instances, a straw purchaser is used because the actual purchaser is prohibited from acquiring the firearm. That is to say, the actual purchaser is a felon or is within one of the other prohibited categories of persons who may not lawfully acquire firearms or is a resident of a State other than that in which the licensee's business premises is located. Because of his/her disability, the person uses a straw purchaser who is not prohibited from purchasing a firearm from the licensee. In other instances, neither the straw purchaser nor the actual purchaser is prohibited from acquiring the firearm.

In both instances, the straw purchaser violates Federal law by making false statements on ATF Form 4473 to the licensee with respect to the identity of the actual purchaser of the firearm, as well as the actual purchaser's residence address and date of birth. The actual purchaser who utilized the straw purchaser to acquire a firearm has unlawfully aided and abetted or caused the making of the false statements.

The licensee selling the firearm under these circumstances also violates Federal law if the licensee is aware of that statements on the form are false. It is immaterial that the actual purchaser and the straw purchaser are residents of the State in which the licensee's business premises is located, are not prohibited from receiving or possessing firearms, and could have lawfully purchased firearms from the licensee.

This article does not purport to cover sales to persons who purchase firearms with the intent of making gifts of such firearms to other persons. In instances such as this, the person making the purchase is indeed the true purchaser. There is no straw purchaser in these instances. The use of gift certificates would also not fall within the category of straw purchases. The person redeeming the gift certificate would be the actual purchaser of the firearm and would be properly reflected as such in the dealer's records.

**INSPECTIONS OF FEDERAL FIREARMS LICENSEES WHO ARE;
- SUBJECTS OF CRIMINAL INVESTIGATIONS
- SUSPECTED OF VIOLATING FEDERAL LAWS**

THIS SECTION PERTAINS TO ATF PERSONNEL:

Section 923(g)(1)(A), Title 18 U.S.C., provides that the Secretary, when he has reasonable cause to believe a violation of the Gun Control Act (GCA) of 1968, as amended, 18 U.S.C. Chapter 44 (GCA), has occurred and that evidence thereof may be found on the premises of a licensee, may obtain a warrant from a Federal magistrate authorizing entry, during business hours, of such premises for the purpose of inspecting records required by the GCA and any firearms or ammunition kept at the premises. Section 923(g)(1)(B) provides the following three exceptions to the warrant requirement:

- A warrant is not required when reasonable inquiries are being made during the course of a criminal investigation of a person other than the licensee.**
- A warrant is not required when the Secretary conducts an annual inspection to ensure that the licensee is complying with the recordkeeping requirements of the GCA.**
- A warrant is not required when an inspection is necessary for the purposes of tracing a firearm during a bona fide criminal investigation.**

The warrant requirement and its exceptions were added to the GCA in

1986. The legislative history of the 1986 amendments to the GCA indicates that warrants are the rule rather than the exception. Thus, unless the inspection of a licensee is in the course of a criminal investigation of someone other than the licensee, is an annual Regulatory inspection, or is for the purposes of firearms tracing, a warrant must be obtained. The standard for obtaining the warrant is reasonable cause to believe a violation of the GCA has occurred and that evidence thereof may be found on the licensee's premises. The legislative history states that reasonable cause is something less than probable cause, the requirement for a criminal search warrant.

An inspection for the purpose of assisting law enforcement officials in building a criminal case against an FFL DOES NOT fit within the warrant exception. An inspection for this purpose falls within the general requirements of section 923(g)(1)(A) that a warrant be obtained.

Another situation which may be presented is when ATF CE officials have information concerning GCA violations by a licensee but lack sufficient information to commence an investigation of the licensee or to obtain a reasonable cause warrant. Rather, CE refers this information to ATF RE for appropriate action. Since there is no criminal investigation of the licensee at the time, should RE then decide to conduct an annual inspection of the licensee, the annual inspection could

occur without a warrant being obtained. Further, if the inspection results in information concerning illegal activity by the licensee, such information could be referred to CE for appropriate action. The fact that a referral from CE initiated the inspection would not, in and of itself, render the inspection improper. The 1986 amendments to the GCA are not interpreted as precluding communication between CE and RE officials.

A warrant is also not required when a licensee consents to an inspection. As long as the consent is freely given and not coerced, the inspection may be conducted without a reasonable cause warrant. In this instance, personnel conducting the inspection should consider obtaining written consent from the licensee.

The procedure for obtaining reasonable cause warrants is outlined in ATF Orders 5300.8A and 3310.4B. The orders also include sample affidavits and warrants as guidelines for the proper format. Attorneys in ATF's Chief Counsel's office are familiar with the procedures for obtaining warrants and will assist any ATF personnel in preparing the required paperwork and presenting it to a Federal magistrate.

In conclusion, a warrant based upon "reasonable cause" must be obtained if the purpose of the inspection is to assist in the criminal investigation of a Federal firearms licensee. A warrant is not required for an inspection if any of the following applies: to assist a criminal investigation of someone other than the licensee, to conduct the annual Regulatory inspection, or to trace a firearm. Additionally, a warrant is not required with the consent of the licensee.

SECTION-IX

READY REFERENCE INVESTIGATIVE FLOWCHARTS AND CHECKLISTS



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

READY REFERENCE INVESTIGATIVE FLOW CHARTS AND CHECKLISTS

The investigative flow charts appearing on the following pages are intended to provide the investigator with a quick reference guide and checklists for the development of investigative leads as well as investigative steps to follow, and techniques to consider, during the course of several different types of illegal firearms trafficking investigations.

These charts and checklists are not all-inclusive, and they should not be considered the only course of action for investigating illegal firearms trafficking. Investigators are limited only by their imaginations in the various methods that can be employed during an illegal firearms trafficking investigation. Each investigation will have a unique set of facts, and investigators must adapt their investigative techniques accordingly. For more detailed information concerning any procedures, techniques, or sources of information referred to in the charts and checklists, please refer to the appropriate section (e.g., firearms trafficking terms or sources of information) of this investigative guide.

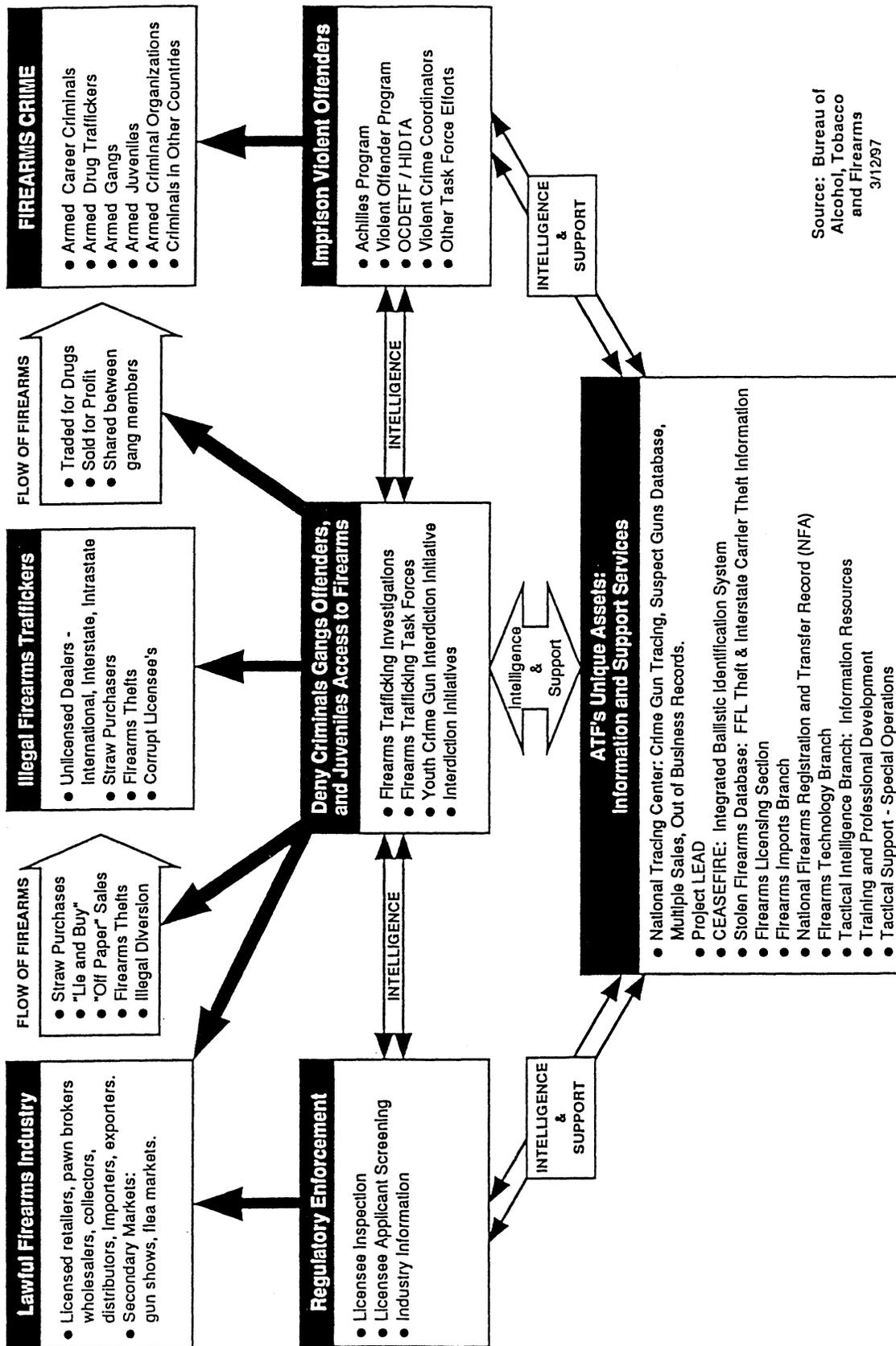
Each illegal firearms trafficking investigation will be different! Criminal investigators should add creativity and innovative techniques to the steps outlined in the following checklists and REMEMBER that there is no substitute for REAL EXPERIENCE.

SECTION
IX

SECTION IX

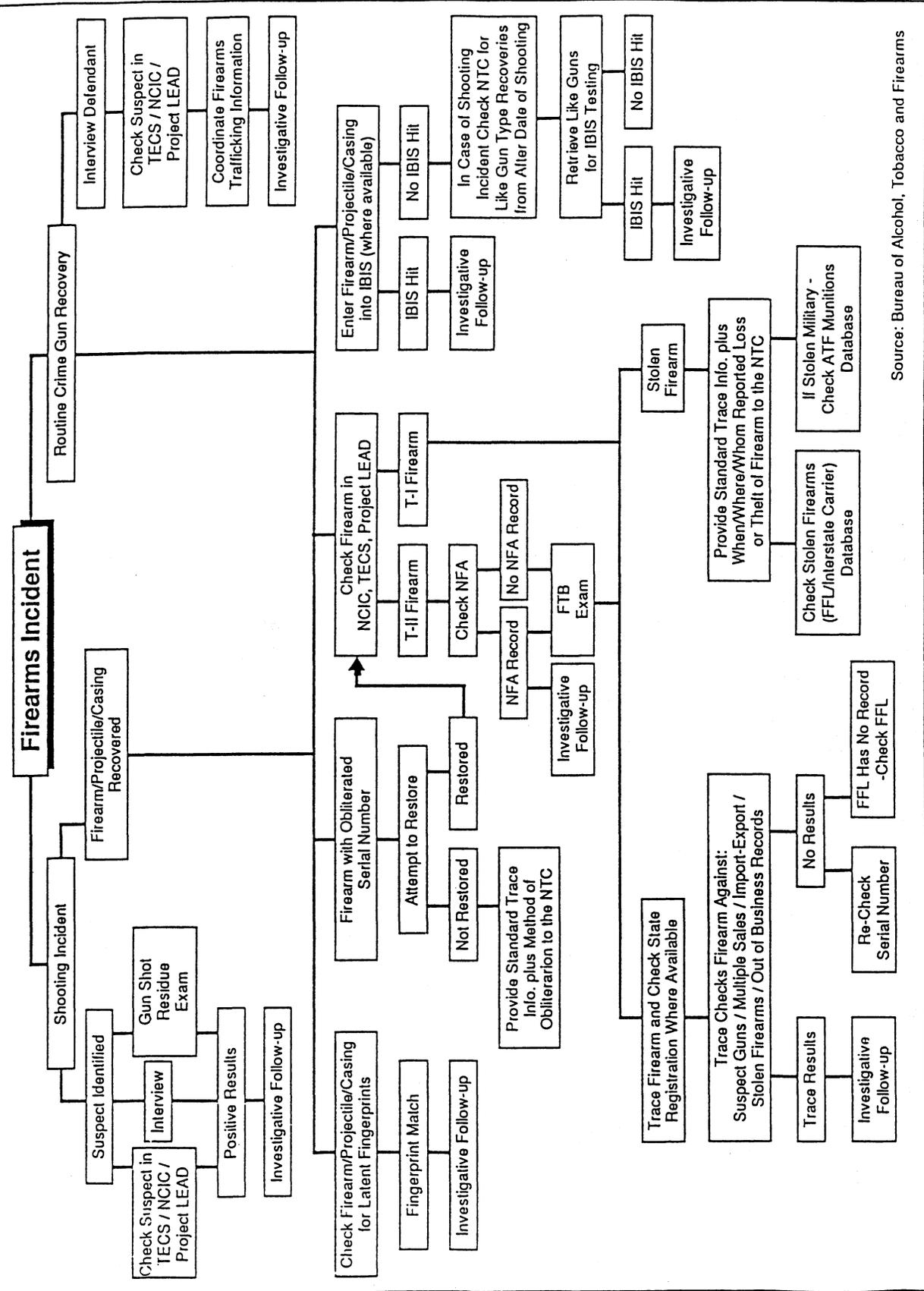
Bureau of Alcohol, Tobacco and Firearms

Disarming Violent Criminals, Gang Offenders, and Juveniles



Source: Bureau of Alcohol, Tobacco and Firearms 3/12/97

CRIME GUN PROCESSING PROCEDURES



Source: Bureau of Alcohol, Tobacco and Firearms

**FEDERAL FIREARMS LICENSEE
THEFT (BURGLARY/BREAKING
AND ENTERING/ROBBERY/SMASH
AND GRAB) AND FRAUDULENT
THEFT REPORTING
INVESTIGATIVE CHECKLISTS:**

 State, local, or other Federal law enforcement officers responding to the scene of an FFL burglary, robbery, or smash and grab should contact the nearest ATF office or call 1-800-ATF-GUNS as soon as possible to receive immediate assistance in the investigation. This type of criminal activity constitutes a violation of Federal laws under ATF's jurisdiction.

**INVESTIGATING FOR SOLUTION
AND SUCCESS.**

The investigation of an FFL burglary, robbery, or smash and grab can be divided into a multipart operation: protecting the crime scene, initial interviewing of the victim witnesses, determining the presence of physical evidence, crime scene processing, followup investigation (indepth interviews/modus operandi), focusing on suspects, and considering all options.

 **PROTECTING THE CRIME**

SCENE. Prior to collecting any evidence, an investigator should place latex gloves on his/her hands. **IF THERE IS BLOOD OR OTHER BODY FLUIDS PRESENT, THE INVESTIGATOR SHOULD EMPLOY UNIVERSAL AND APPROPRIATE BLOOD-BORNE PATHOGEN PRECAUTIONS.** To properly process a scene, the investigator should have, at

a minimum, a camera, flashlight, tweezers, plastic evidence bags, paper evidence bags, glass evidence containers, a ruler, a tape measurer, and a latent fingerprint dust/lift kit.

The importance of protecting the crime scene from disturbance cannot be overemphasized. **MOST OF THE EVIDENCE THAT IS REQUIRED TO PROVE THAT A CRIME OCCURRED IN A SPECIFIC MANNER AND BY A PARTICULAR PERSON IS FOUND AT THE CRIME SCENE.** An investigator has to know how to find it; however, if such evidence is tampered with or destroyed, the likelihood of successfully concluding a case can be greatly diminished.

Crime scene protection after a burglary/robbery can be a difficult job. Some establishments will be more concerned with resuming normal business operations than with helping the crime scene investigation. The importance of preserving the crime scene and any physical evidence within it should be explained to uncooperative victims. Ideally, the entire store and the immediate area should be secured with the doors being locked to customer traffic. This is not always feasible, and the closing of a store by investigators may antagonize the store owner/manager and his/her cooperation may then be lost. A crime scene should be completely sealed, however, when any of the following occurs:

- a homicide, serious injury, or hostage situation occurs during the theft.

- the criminal commits another crime, such as rape, during the theft.
- the criminal is at the scene for an extended period.
- a substantial number of firearms are taken.

Often the store owner wants to get back to business as quickly as possible. When it is not necessary to seal off the entire building, the exact locations where the criminal was present should be determined, and these areas protected. After these areas are secured, the owner can reopen for business in other parts of the store. The investigator must be careful and avoid premature judgments about where the criminal was in the building. Make certain that the victim and witnesses point out the specific areas.

✓ **The perpetrators of an FFL burglary, robbery, or smash and grab sometimes injure themselves during the commission of the crime.** It may be helpful to canvass area hospitals to determine if anyone came in for treatment of serious cuts or broken bones during the period of time after it is suspected the crime occurred.

□ **INITIAL INTERVIEWS.**

ROBBERY/SMASH AND GRAB: Robbery (to include Smash and Grabs) is usually a crime committed by strangers accompanied by the threat of violence and is completed so quickly that the witnesses and victims often do not have the time to note the exact

appearance of the robber(s). Nonetheless, immediate questioning of witnesses is an essential investigative tool. (See the *Victim/Witness Interview Techniques Checklist* at the end of this Section for additional information.)

✓ **Each witness should be separated and individually interviewed concerning the theft/event and the appearance of the robber.** Individual interviews are of great importance since it is imperative that witnesses do not influence each other reporting what often causes persons to unconsciously change their original impressions. This cancels the value of independent observations. Since independent observations is what the investigator is seeking, variations in the accounts of witnesses are to be expected. No two persons perceive and describe a situation in exactly the same way, especially in a stressful life-threatening one. In fact, when the stories are very closely the same, the investigator should also consider the possibility of a false report.

✓ **When conducting the initial interview, the officer must seek more than a physical description of the robbers.** The witnesses should be asked if they recall any particular actions, mannerisms, speech impediments or accents/dialects, or physical peculiarities of the suspects since virtually every person has at least one unique physical characteristic. Such questions as “What was the most unusual feature of the robbers appearance?” or “What was the most striking thing about the robber?” forces a person to think about the suspect’s

appearance and can result in eliciting information not previously mentioned.

✓ **Interview all the store**

employees/personnel thoroughly and separately. Gather all the information you can concerning the criminals, their modus operandi, their speech patterns or slang used, how they acted, how long the criminals were in the store, and what areas of the store the criminals were in. Then determine how many firearms were stolen and gather an accurate and complete description of each firearm including; manufacturer, model, type, caliber, importer, and serial number. If a large number of firearms are taken and the victims are having trouble determining those firearms that were taken, consider using ATF inspectors to conduct an inventory audit to assist in this determination. It is imperative that a total number and description of the firearms stolen are quickly identified and provided to the ATF for entry into the Stolen Firearms Database and NCIC. By law, the FFL is required to report all firearms thefts to ATF within 48 hours.

BURGLARY: Burglary is usually a crime committed at hours of the day when very few witnesses will be around. Nonetheless, efforts must be made to locate any potential witnesses for questioning as this may produce valuable investigative leads.

✓ **Interviews.** Canvass the surrounding businesses and/or homes for potential witnesses who may have seen or heard something that may produce leads as to the time of crime, number and description of perpetrators or dialects used, method of entry or

escape, and sound of vehicle(s). Also, consider asking questions concerning the neighborhood, such as types and frequency of crimes in the area, gangs or other known criminals in the area, and unusual loitering in the area by subjects who may have been evaluating/casing the business. If witnesses are located, they should all be interviewed separately as previously stated under the robbery subheading of this section.

✓ **Interview all the store employees/personnel thoroughly and separately and determine the descriptions of firearms taken for entry into NCIC.**

☐ **CRIME SCENE PROCESSING.**

ROBBERY: The success of a robbery investigation depends on the investigator's ability to recognize, collect, and evaluate available information and physical evidence. Robbery is a crime that is typically committed in a matter of a few minutes. The robber will enter a store, wait for the best opportunity to strike, display a weapon, and steal the firearms. Even the inexperienced robber develops rudimentary plans about his/her intended actions before, during, and after committing a robbery. The detailed plans of professionals may include information about police activity in the area, business practices of the target, and alternative escape routes. Because robberies usually occur so rapidly and involve some planning to avoid the police, police intervention is not a common occurrence. Arriving after the robbery has taken place,

investigators have only one method of solving the crime--conducting a thorough investigation that leads to the identity and apprehension of the guilty party. The discovery of possible physical evidence that may place a suspect(s) at the crime scene is an important duty.

✓ **As soon as possible after the potential evidence or its possible presence has been identified, the crime scene should be processed.**

Physical evidence may take many forms, including paint smears adhering to the criminal vehicle from the curb; however, the most commonly encountered types of evidence at robbery scenes are fingerprints, fired cartridges, and binding material.

✓ **At the scene, the investigator can usually narrow the search for evidence by having the victim and witnesses point out the criminal's movements during the crime.** By retracing the actions of the robber, the investigator can determine the likely places where the evidence can be found. Areas identified as possibly containing physical evidence should be secured immediately.

✓ **Following the criminal's presumed route of flight may also yield evidence.** Almost routinely offenders will discard clothing or disguises along the escape route. Firearms, money, jewelry, or other articles taken from the store, or a weapon used during the robbery may be discarded. During flight, the robber may also lose personal items (wallet containing identification) which may be

useful in identifying him/her.

✓ **Fingerprints are extremely valuable evidence, and it is necessary to conduct a thorough search of all surfaces around the crime scene that may have the potential of retaining prints.** The counters, cash register, money trays, and other furniture touched by the robbers should be processed for latent prints. Although doors typically contain only fingerprint smears, they should still be processed. Occasionally, the robber may handle papers, checks, or currency during the course of the crime. Any notes or articles handled by the robber should be processed by the crime laboratory. Not to be overlooked are obvious locations for fingerprints. For example, the robber may have posed as a customer and handled several items in the store prior to committing the robbery. These items may not have been taken during the robbery. In many gun stores, firearms are kept in glass display cases where the robber(s) may have left fingerprints.

✓ **When shots are fired, the shell cartridges found at the crime scene may be valuable items of evidence, especially when an investigator has access to Integrated Ballistic Identification System (IBIS) technology.** They can be used to help identify the type of weapon involved in the crime and to link a specific gun with the robbery and perpetrator or even previous or future shooting incidents. In cities with IBIS technology, all spent projectiles and casings should be entered into IBIS for examination to casings and projectiles from other

unsolved shooting incidents in the area. In shooting incidents where no crime gun is recovered, IBIS can be used to examine the projectile or casing and identify the type of firearm the projectile and/or casing were expended from. For example, an FFL robbery results in a homicide. The projectile, believed to be 9mm, is recovered from the victim, but no firearm is recovered. IBIS examination confirms the projectile is 9mm and can also advise the investigator of the type of 9mm pistol used (e.g., Glock or Sig Sauer). Identifiable fingerprints sometimes can be developed from the spent cartridges of an automatic weapon because imprints may be left when the shell is forced into the spring-loaded clip.

✓ **Material that was used to bind or gag a victim is important evidence and must be preserved.** This would include stripes of adhesive tape (may contain fingerprints of robber(s), wire, clothesline, cord, necktie, shoe laces, cloth, or any material used to immobilize the victim. These items can be used for comparative analysis with any similar material found in the suspect's possession or residence. The specific type of material used, the knots made, and the manner in which the victim was bound can all help to establish a part of the robber's modus operandi.

✓ **Look for the presence of an alarm system.** If an alarm system is present, determine type (e.g., linked to private company, linked directly to police department, or alarm/siren only). If the alarm was used and the system is linked to a private company or police department, contact those locations and gather available information, e.g., time

alarm/panic button was sounded, and response time to scene after receiving alarm signal.

✓ **Look for the presence of a video system.** This system could be in the business in question or surrounding buildings such as a nearby bank automatic teller. Retain the video tapes for examination.

✓ **Specific information concerning the robbery and modus operandi should be documented and forwarded to ATF for entry into the Stolen Firearms Database as well as comparison against the modus operandi of other FFL robberies locally and nationally.** This may yield information that could link the suspect(s) to other FFL robberies in a specific area, or across a multi-State robbery spree.

✓ **In the case of injured or dead victims, photographs should be taken of their injuries.** If the victim is not seriously hurt, his/her scratches or bruises may heal by the time of any trial and recorded evidence of their existence must be available. Where the victim is deceased, the body should not be moved until all pertinent information has been recorded including its relative position in the crime scene. Photographs should show details of the wounds and blood patterns. If the victim was shot, high velocity blood spray (a fine mist rather than drips) may indicate the direction the victim was facing when shot, and the direction from which the bullet came from. After the measurements are taken and the diagrams drawn, the body should be

examined for evidence of bullets, gun powder stippling marks, starring of the edges of the flesh around a gun shot wound, hairs, fibers, and paint glass chips. Starring patterns or stippling marks can assist in indicating the distance between the shooter and the victim. Submit all recovered bullets to IBIS, where available, for ballistic examination and comparison. Doctors statements and hospital reports are important documentation of injuries sustained during a crime.

✓ **Searching alleys, abandoned buildings, and underneath parked cars sometimes yields important physical evidence discarded by the robber during his escape.**

Investigators may find discarded evidence by searching in trash heaps, storm sewers, and ditches encountered on the escape route.

BURGLARY: When investigating the scene of a burglary/breaking and entering offense, consider how the crime was perpetrated and collect evidence accordingly.

✓ **Consider how the perpetrator(s) entered the premises.** Check the doors and windows. If entry was made through a door by prying, look for and collect tool marks left on surfaces for later comparison to suspect(s) tools. If the door or doorknob has a smooth surface, look for and collect latent fingerprints. If entry was made through a window, look for and collect latent fingerprints. If entry was made through a shattered window, look for and collect the glass fragments for latent fingerprint processing. Do not handle the glass

directly in order to preserve fingerprints. Use tweezers or carefully pickup the glass by the edges. Compare all latent fingerprints to suspect(s) fingerprints or check against a State Automated Fingerprint Identification System (AFIS) or FBI fingerprint database. Look for clothing fibers, or hair that might have caught on the glass and retain these items for later comparison to suspect(s) samples. Also look for blood deposited on the glass by the perpetrator who may have been cut. If blood is found on the glass, be prepared to look for more blood inside the business and on the ground or other surfaces in the suspected escape route. Retain all blood for typing, DNA examination, and comparison to suspect(s) samples.

✓ **Consider how the perpetrator might have approached or left the premises.** Soft ground or soil outside might contain tire tracks or footprints. Further soil or moisture may be carried inside revealing additional footprints and evidence of entry. Look for wet footprints inside and outside depending on the weather conditions. Photograph all footprints and tire tracks in place, next to a ruler and use side lighting to best capture details in the photographs. If possible, take plaster casts of footprints or tire tracks in soil.

✓ **Consider what surfaces in the room might have been touched by the perpetrator.** Fingerprints might appear on a table, under a window where entry took place, on a metal filing cabinet or glass display case, or on any object that might have been held by the perpetrator. Many FFLs have glass display cases to house their firearms,

and these are excellent surfaces for the recovery of latent fingerprints.

✓ **Collect articles which might be considered out of place.** For example, collect any used matches or cigarette butts lying on the floor. Look for articles of clothing such as a glove, hat, mask (articles of clothing may have trace body fluids, hairs, or other types of fibers that can later be compared to identified suspects), wallet, pieces of paper (credit card or other receipts and notes that may contain identifying information or handwriting exemplars), or handkerchief which are in an unusual place in or near where the offense occurred.

✓ **Look for the presence of an alarm system.** If an alarm system is present, determine type (e.g., linked to private company, linked directly to police department, or alarm/siren only). If the system is linked to a private company or police department, contact those locations and gather available information, e.g., time alarm was set, time alarm was tripped, method alarm was tripped - motion inside or door/window break, frequency of alarm use, was alarm deactivated, and was alarm disabled. Obtain information from owner/manager as to who has access to alarm codes.

✓ **If the alarm system, telephone, or electrical lines at the business were cut or disabled document the method used and consider tool mark presence for later comparative analysis.** Also, note this activity as a modus operandi for caparison to other FFL or business thefts in the area.

✓ **Look for the presence of a video system.** This system could be in the business in question or surrounding buildings such as a nearby bank automatic teller. Retain the video tapes for examination.

SMASH AND GRABS: Most smash and grabs occur when the store is unoccupied, and most criminals utilize a vehicle (often stolen) to break through a window or wall of the store. Smash and grabs that occur during regular store hours are usually done to defeat store security measures such as electronic door buzzers that allow the store owner to deny access to, or exit from, a store. Smash and grabs occurring during regular store hours are another form of robbery, and the investigator should follow the robbery checklists appearing in this section as well as the smash and grab checklist to follow. Smash and grabs that occur while the store is closed are usually done as a quick and easy means to access the store. Smash and grabs of this type are another form of burglary, and the investigator should follow the burglary checklists appearing in this section as well as the smash and grab checklists to follow.

✓ **The method and time of a smash and grab is often a tell tale modus operandi of the criminal(s) and particular note should be made of this.** Did the criminal use a vehicle? Was the vehicle stolen? When did the criminal commit the smash and grab? Did the criminal use a large object found near the scene to smash through a window?

✓ **If the item used to commit the smash and grab was not a vehicle, determine what it was and whether it has any latent evidentiary value (e.g., would it bear latent fingerprints or body fluids such as blood).** If evidence is available, collect and conduct appropriate followup investigation. Such evidence may be useful in later comparative analysis to items in the suspect's residence or environment.

✓ **If the item used to commit the smash and grab was a vehicle but the vehicle was driven off by the criminals after the theft consider, what possible evidence could have been left at the scene.** Broken vehicle glass, chrome fragments, decorative metal or plastic trims, or paint smears or chips that may have been dislodged on impact; mud, dirt, or plant matter uncommon to the area that may have fallen off the vehicle; and tire impressions or skid marks (take exact measurements of wheel base and photograph all marks) may all be valuable leads and evidence for later comparison analysis against suspect vehicles. Glass, trim, and paint chips may be able to be used to identify the exact make, model, year, and color of the suspect vehicle. Consider from the scene the type of damage the vehicle may have sustained for use in developing a description of the vehicle to search for. Take exact measurements (height/width) of those parts of the building that may have gouged scraped or dented the vehicle. Also consider what types of paint, fabric, fibers, or blood (if the vehicle

struck a store occupant) may have been transferred onto the vehicle that you will be searching for.

✓ **If the vehicle used to commit the smash and grab is left at the scene, or if a suspect smash and grab vehicle is found abandoned elsewhere, consider what personal articles, papers, fingerprints, hair, blood, and fibers can be collected to establish the identity of the criminals or that can be used for later comparative analysis to the criminals and their surroundings.** Also consider "super glueing" the entire vehicle under a tent to preserve all latent fingerprints.

✓ **If the suspected vehicle used to commit the smash and grab is located in the possession of a suspect but not enough evidence exists to arrest the suspect and seize the vehicle for evidence, consider obtaining a search warrant for the vehicle to collect evidence.** With the search warrant, document damage for comparative analysis, look for evidence such as glass particles or parts of the building from the business that was smash and grabbed. Also consider "super glueing" the entire vehicle under a tent to preserve all latent fingerprints should the suspect deny ownership of the vehicle and ownership records do not indicate the suspect as the vehicles owner.

✓ **Conduct vehicle identification number and license plate NCIC checks to determine ownership and theft status of the vehicle.** If the vehicle is not stolen, conduct the appropriate followup investigation with

the determined owner. If the vehicle is stolen, followup with a stolen vehicle investigation. Determine where the vehicle was stolen and check this information against the known residences or places of employment or frequenting of any suspects. Determine if other smash and grabs have occurred in the area using stolen vehicles and compare the source locations of those stolen vehicles against the information in the current investigation.

FOLLOWUP INVESTIGATION.

Where the initial police response and preliminary investigation fail to result in apprehension of the criminals, a detailed followup investigation must be conducted to obtain and analyze additional information. Two information-gathering activities are the indepth interview of witnesses and victims and the neighborhood canvass. Information evaluation includes studying modus operandi files at local police departments and/or the ATF Stolen Firearms Data Base and focusing attention on specific suspects.

✓ **Re-interviewing the victim and/or witnesses is a basic task of the followup investigation.** The unhurried, indepth questioning may clarify old information, or uncover new facts. The followup interview also serves to test the validity of earlier statements made by the witnesses. The interviewing investigator should assist, but not influence, the witness to recall that which has been observed. The investigator should cautiously question the witnesses to stimulate their memory and, when appropriate, employ visual

aids. For example, to help identify the type of vehicle that the criminal may have used, the investigator can show photographs of various vehicles similar to the type initially described by the witness. If the witness and/or victim saw the criminal(s), the investigator may want to utilize photographic lineups that contain a photograph of any potential suspect(s).

✓ **Persons who have been identified as being someone who would have been in a position to observe a robbery or burglary should be located and interviewed.** These persons may never come forward and may deny that they saw the offense because of a desire “not to be involved.” Others may not cooperate because they are antagonistic toward or fear the law enforcement. An investigator must find a way to gain this person’s trust to obtain the necessary information.

✓ **Even cooperative witnesses may present a problem to an investigator.** It is usually difficult for victims and witnesses to describe with a high degree of accuracy the physical characteristics or actions of a robber(s). This apparent lack of recall is not necessarily an attempt to conceal the truth. A number of emotional and physiological factors affect a person’s ability to observe, retain, and remember the events of a shocking or violent experience.

✓ **A neighborhood canvass should be conducted in the immediate vicinity of the robbery/burglary and along the criminal’s probable route of flight.** The key elements of a canvass

are questioning persons who may have information about crime and searching for discarded evidence. In conducting canvass interviews, the investigator should immediately state the purpose of his/her questions. This will put citizens at ease who may otherwise be apprehensive about "official" questioning. The investigator should also emphasize the potential importance of all information, regardless of how meaningless it may seem to the citizen. Some witnesses do not volunteer information simply because they are not aware of its significance. Initially, the investigator should seek general information, such as a description of any unusual occurrence witnessed by the citizen. Once the general inquiry is completed, the investigator may describe the suspect and get-away vehicle and ask whether the citizen saw either. Since the initial canvass will likely occur at a time other than when the robbery occurred, it is possible that some witnesses who regularly pass by the location to and from work or school will not be contacted at that time. Therefore, the scene should be visited periodically. A canvass could be conducted the next day during the time the robbery occurred, and to allow for weekly scheduled visits, a canvass should be conducted the following week on the same day and hour of the robbery.

✓ **Because robbery/burglary/smash and grab is often a recidivist's crime, a study of the MODUS OPERANDI is of great importance.** In the absence of physical evidence, the techniques used and mannerisms of the suspects are often the most valuable clues to their

identity. The following information pertains to modus operandi.

It is important for the investigator to determine the exact words spoken by the robbers. The criminal's manner of speech is an important part of the modus operandi in the crime of robbery. The opening and closing comments of the robbery are highly characteristic. The criminal in his/her planning has usually determined a set of orders which he/she will give the victim, e.g., "This is a stick-up, do as I say and no one gets hurt. Now everyone to the back of the store and keep your hands up." Some criminals will repeat this statement without modification at each crime. While intimidating his/her victim, the robber will likely employ violent and profane language that may also be repeated at other robberies and provide a clue to the robber's identity. At times, robbers may refer to each other by given name or nickname during a hold-up. The investigator should specifically ask a witness if the robber mentioned any names.

The voice and speech of the robber or the accent, dialect, and slang are important factors in modus operandi evaluation. The robber's characteristic orders, threats, phrases, story, speech defects, and accents should be determined.

The criminal's thought process in deciding to rob/burglarize a specific business and the manner in which the criminal commits the crime are of considerable interest to the investigator. Target selection alone sometimes offers clues to the suspect's identity and

displays a pattern that can be considered a modus operandi.

- ❑ The robbery of a gun store usually entails some planning. A quickly planned robbery may involve a robber entering a gun store, evaluating the store's vulnerability while pretending to browse, and then making a decision about committing the robbery. In a more thoroughly planned robbery, the robber considers not only the victim of the robbery, but such factors as the number of accomplices that will be needed, the weapons to use, the number of persons likely to be present during the robbery, and the escape route. A fast entry and an apparent knowledge of routine or personnel, or both, or timing to coincide with an unusual amount of cash on hand is an indication of thorough planning.
- ❑ When attempting to identify the criminal through modus operandi, the investigator needs to evaluate pertinent data which places the emphasis on the criminal. The type of robbery/burglary; the number of members in a criminal group; and such factors as the sex, age, race, and language (as previously mentioned) provide useful indicators.
- ❑ The attitude of the suspect during the robbery should be ascertained. Determine if the suspect was seen as nervous, intoxicated, under the influence of narcotics, or belligerent.
- ❑ The means used to rob the victim, (e.g. displaying a gun or a note) and the treatment of the victim by the criminal should also be detailed. How severe was the use of violence? Were restraints used? Was the victim locked

up? Was a gag or blindfold used? Did he/she apologize for what he/she was doing? If an assault occurs, the type of injury, beaten, kicked, knifed, shot, or struck with the gun should be considered with regard to known modus operandi. Other peculiarities such as locking victims in closets, having them take their clothes off, or the cutting of telephone wires can help to connect several robberies and isolate suspects.

- ❑ Oftentimes burglars will perform some sort of desecration of the victims establishment. This may involve defecating or urinating in the business or using the telephone to make phone calls. In any case, this type of activity is important modus operandi information and valuable comparative evidence. Additionally, an investigator should always check the telephone records of a burglarized business for the time period of when the burglary is suspected of occurring. The burglar may have called a friend or even called home, and this type of lead could help solve a burglary rapidly.
- ❑ The type of firearms, ammunition, or firearm paraphernalia taken during the theft (e.g., only handguns or only assault weapons)

✓ **Periodically, the investigator should check the ATF Stolen Firearms Database, the NCIC recovered gun database, and Project LEAD to determine if the firearms stolen have been recovered anywhere, and the investigator has inadvertently not been notified by the systems.** If recoveries have occurred, conduct the appropriate followup

investigation to determine how the firearms arrived at their recovery point.

✓ **In thefts where a shooting incident has occurred and the firearm has not been recovered but its type (e.g., Sig Sauer P228 9mm pistol) has been identified through IBIS/ laboratory analysis, the investigator should periodically check with the NTC or the local law enforcement agency for like gun type recoveries.**

The criminal committing the FFL theft may sell, lose, otherwise dispose of, or be apprehended in another crime with the firearm and the firearm, may be sitting in a law enforcement agency's evidence room. If the firearm was traced, the investigator can ask the NTC for a list of all like firearms traced in a specific area and recover those firearms for ballistic comparison to the projectiles and/or casings in custody.

FOCUSING ON SUSPECTS.

To justify concluding a general inquiry and focusing an investigation on a specific suspect or group of suspects, the investigator must develop information that points to their possible guilt.

✓ **Although primary consideration is given to the collected information, the investigator should not underestimate the importance of the personal characteristics, the personality, the attitudes, and the habits of the suspect(s).** Consider the total suspect(s). Does the suspect(s) have the skills and knowledge needed to commit the robbery? Did the

suspect(s) have the opportunity and capability? Does the suspect(s) have any previous arrests or convictions for similar offenses where the modus operandi compares with the case under investigation? Is there any evidence or alibi that would place the suspect elsewhere at the time of the crime?

✓ **Solving an FFL theft is difficult for many reasons.** Eyewitnesses' accounts of robberies are not always accurate or reliable because the confrontation between robbers and witnesses is highly emotional and of short duration. In many cases, very little physical evidence is found at the robbery scene. Consequently, what traces of evidence are found usually become crucial factors in focusing and concluding an investigation. Because the motive for robbery of a gun store is self evident- to obtain firearms and money- determining why the crime was committed does not usually lead to the development of suspects.

✓ **Above all, the investigator must be thorough and patient.** Witnesses should be shown photographs of known robbers operating in the area and asked to view line-ups where appropriate. The investigator can seek information from the public by publishing in a local newspaper a composite drawing of the robber, including his/her description, and pertinent information such as the type of get-away vehicle used.

✓ **Both eyewitness accounts and physical evidence should be used to reconstruct the crime and to determine whether a specific modus operandi is displayed.** From this

point, the task of developing suspects can proceed.

✓ **No physical evidence should be overlooked or discounted. Many times the value of evidence cannot be determined during the initial stages of an investigation but becomes evident, and crucial, as the investigative process continues to turn up additional information.**

✓ **Once suspects are identified, check the individual(s) in TECS, NCIC, NLETS, and State Systems for criminal history or other open investigations.**

✓ **Once suspects are identified, consider entering the suspects into the ATF NTC Suspect Name File to be notified when firearms are recovered and traced that are associated with, or possessed by the suspect(s).**

✓ **Once a suspect(s) is identified or arrested, potentially THE MOST IMPORTANT part of the investigation will be the defendant(s) interview.** If multiple suspect(s) exist, interview each separately. An investigator must have a working knowledge of all the facts and use good interviewing techniques to make the interview effective. The defendant(s)' interview can make or break a case, and the investigator will more than likely only have one chance to conduct an interview with the defendant(s). (*Investigators may want to obtain a copy of Criminal Interrogation and Confessions, third edition, by Inbau, Reid and Buckley for detailed advice on conducting effective interviews.*)

✓ **In FFL thefts where a shooting occurred, and where a suspect(s) is identified shortly thereafter, consider taking gun shot residue swabs of the suspect(s) hands for determination of the presence of gun powder or gun powder by products.** Also consider obtaining any clothing the suspect(s) may have been wearing that day for similar testing.

☐ **CONSIDERING ALL OPTIONS.**

✓ **Check the ATF Stolen Firearms Data Base, local police department records, and FFL insurance carrier records (if applicable) for prior thefts.** Prior thefts may provide information as to potential suspects or may indicate that fraudulent reporting of thefts is occurring for the purpose of insurance fraud.

✓ **If FFL fraudulent theft reporting is suspected, contact the ATF Stolen Firearms Program to obtain copies of all reports (ATF F 3310.11, FFL Theft/Loss Report) previously filed by the FFL.** Oftentimes, these reports will be completed in the FFL's handwriting. Also check for the existence of tape recordings of the initial verbal theft report via telephone made by the FFL.

✓ **Once theft reports are obtained, ensure all stolen firearms from previous thefts are in NCIC and check to determine if any have been recovered.** Recoveries of these firearms may be found through checks of Project LEAD or the NCIC recovered

gun file. If recoveries are found, obtain recovery reports and conduct investigative follow up to determine the relationship of the possessor and recovery date/location to the FFL location and date of loss. Also, determine if multiple stolen firearms are being recovered in close proximity to one another or over widely dispersed pattern.

✓ **Enter all unrecovered stolen firearms in ATF's Suspect Gun Data Base maintained at the NTC for additional ability in being able to quickly identify recovery information on stolen firearms.**

✓ **Consider using standard investigative techniques such as informants, undercover, and cooperating defendants/possessors of stolen firearms to gather evidence of fraudulent reporting.**

✓ **If fraudulent reporting is suspected, obtain from the FFLs insurance carrier any insurance papers filed by the FFL (and the envelopes used to mail those documents) to collect on a fraudulently reported theft or loss.**

These documents will be useful in documenting the violations, showing motive (profit), proving insurance fraud and mail fraud violations as these documents are almost always sent through the U.S. Mail to the insurance carrier, and documenting assets gained through illegal activity for potential seizure. (See Section X for more information on insurance fraud, mail fraud, and financial investigations.)

INTERSTATE CARRIER FIREARMS THEFT INVESTIGATION CHECKLIST:

 State, local, or other Federal law enforcement officers encountering thefts of firearms from interstate carriers should contact the nearest ATF office or call 1-800-ATF-GUNS as soon as possible to receive immediate assistance in the investigation. This type of criminal activity constitutes a violation of Federal laws under ATF's jurisdiction.

 **In the event of an interstate carrier theft, the first thing that must be done is to determine how many firearms were stolen and gather an accurate and complete description of each firearm to include:**

manufacturer, model, type, caliber, importer, and serial number. If a large number of firearms are taken and the carrier is having trouble determining those firearms that were taken using available records, consider using ATF inspectors to conduct an inventory or records audit to assist in this determination. It is imperative that a total number and description of the firearms stolen are quickly identified and provided to ATF for entry into the Stolen Firearms Database, NCIC, and possibly the ATF Suspect Guns Database. Entering all the stolen firearms information into these systems will allow the investigator to identify additional investigative leads as the firearms begin to be recovered by law enforcement agencies.

 **Once recoveries of firearms stolen from an interstate carrier occur, the investigator should conduct a thorough follow up to determine any links between the possessor/recovery location and date of the firearm and the theft under investigation.** Consider using anyone found in possession of the stolen firearms as a cooperating defendant. Send this person back to the source of the firearms to obtain additional incriminating evidence and/or purchases of stolen firearms. Use this technique to "roll back" to the defendants who actually stole the firearms from the interstate carrier.

 **Enter all unrecovered stolen firearms in ATF's Suspect Gun Data Base maintained at the NTC for additional ability in being able to quickly identify recovery information on stolen firearms.**

 **Check the ATF Stolen Firearms Data Base, local police department records, and interstate carriers insurance carrier records (if applicable) for prior thefts.** Prior thefts may provide information as to potential suspects.

 **Once prior theft reports are obtained, ensure all stolen firearms from those thefts are in NCIC and check to determine if any have been recovered.** Recoveries of these firearms may be found through checks of Project LEAD or of NCIC recovered gun file. If recoveries are found, obtain recovery reports and conduct investigative follow up to determine the

relationship of the possessor and recovery date/location to the interstate carrier and date of loss. Also, determine if multiple stolen firearms are being recovered in close proximity to one another or over widely dispersed pattern.

✓ **Because theft is often a recidivist's crime, a study of the MODUS OPERANDI is of great importance.** In the absence of physical evidence, the techniques used and mannerisms of the criminals are often the most valuable clues to their identity. Consider the types of firearms, ammunition, or firearms paraphernalia taken during the theft (e.g., only handguns or only assault weapons). Use this information for comparative analysis to other theft modus operandi in the area and also check ATF's Stolen Firearms Database for other modus operandi information.

✓ **No evidence should be overlooked or discounted. Many times the value of evidence cannot be determined during the initial stages of an investigation but becomes evident, and crucial, as the investigative process continues to turn up additional information.**

✓ **Persons who have been identified as being someone who would have been in a position to observe a theft should be located and interviewed.** These persons may never come forward and may deny that they saw the offense because of a desire "not to be involved or their knowledge of the perpetrator who may be a coworker at the interstate carrier."

Others may not cooperate because they are antagonistic toward or fear law enforcement. An investigator must find a way to gain this persons trust to obtain the necessary information.

✓ **Contact the interstate carriers security department and determine what kinds of video tapes and/or other types of records are maintained that may provide investigative leads.**

✓ **Once suspects are identified, check the individual(s) in TECS, NCIC, NLETS, and State Systems for criminal history or other open investigations.**

✓ **Once suspects are identified, consider entering the suspects into the ATF NTC Suspect Name File to be notified when firearms are recovered and traced that are associated with, or possessed by the suspect(s).**

✓ **Interstate carrier thefts predominantly occur through one of three methods:**

Carryouts - An employee picks up a package containing firearms and walks out of the building with it.

Throw outs - An employee picks up a package containing firearms and throws it in a dumpster or over a compound fence and retrieves the firearms later.

Over labeling - An employee places (over labels) a shipping label bearing the employee's address or other address known to the employee on top of the true shipping label on a package containing firearms. This will cause the

package to go to the location designated by the employee rather than the originally designated destination.

NOTE: In the event that burglary or robbery of an interstate carrier facility occurs, follow those investigative techniques outlined in the FFL Robbery/Burglary/Smash and Grab Section.

✓ **In the event the interstate carrier thefts are occurring via throw outs or carryouts, consider standard investigative techniques such as surveillance, employee interviews, carrier records, followup investigation on any firearm recoveries, and evidence gathering.**

Evidence such as discarded packages or packages of firearms yet to be picked up by the criminal may be located in the trash dumpsters or other facility locations. Obtaining discarded trash from a suspect's residence may also yield such evidence. The packaging material may bear the suspect's latent fingerprints, and discarded package material at a suspects residence is strong evidence in an investigation.

✓ **In the event the interstate carrier thefts are occurring via over labeling, consider standard investigative techniques such as surveillance, employee interviews, carrier records, followup investigation on any firearm recoveries, evidence gathering, and the following:**

Examine carrier records and systems that are available as the carrier may have electronic tracking systems that can retrieve information concerning the

destination of packages if you can identify the origination point. These systems may also be queried for packages that have been sent to specific suspect addresses. Identify all addresses that over labeled packages may have been forwarded to, as well as any residents of those locations, and look for a link/relationship to the suspected employee.

Use telephone-toll analysis and other sources of information (*See Section IV for sources of information.*) to identify potential associates or drop boxes that the suspect may use to send overlabeled packages to.

Consider obtaining the discarded trash at the residence of the suspect, or suspected drop mail location used by the suspect. This may yield discarded packaging material from the over labeled firearm packages. This evidence should be examined for the presence of latent fingerprints.

If an over labeled package can be intercepted by the carrier prior to arriving at the location designated by the suspect, consider attempting a controlled delivery of the package.

✓ **Execute search, arrest, and seizure warrants after establishing probable cause.** Trace all firearms recovered during warrant execution through ATF's NTC. Submit all recovered firearms to the IBIS for testing and examination. This may link these firearms and their possessors to unsolved shooting incidents.

✓ **Once a suspect(s) is identified or arrested, potentially THE MOST IMPORTANT part of the investigation will be the defendant(s) interview.** If multiple suspect(s) exist, interview each separately. An investigator must have a working knowledge of all the facts to make the interview effective. The defendant's interview can make or break a case, and the investigator will more than likely only have one chance to conduct a defendant interview.

NOTES	

FEDERAL FIREARMS LICENSEE (FFL) INVESTIGATION CHECKLIST:

 State, local, or other Federal law enforcement officers encountering suspected violations of law by FFLs should contact the nearest ATF office or call 1-800-ATF-GUNS as soon as possible to receive immediate assistance in the investigation. This type of criminal activity constitutes a violation of Federal laws under ATF's jurisdiction.

 **Use ATF QMF runs, the predefined reports in ATF's Project LEAD, firearms trace analysis, firearms trafficking studies, confidential informants, licensee inspections, and gun show/flea market spot checks to identify activity indicative of illegal firearms diversion or trafficking by FFLs.**

Consideration should be given to establishing fictitious business fronts such as a fictitious FFL or surplus military equipment and paraphernalia sales to use during undercover operations at a gun show or flea market. See Section IV for more information relating to these suggested techniques. Examples of some things to look for in Project LEAD and licensee records to detect unlawful activity on the part of an FFL are as follows:

Frequent involvement in crime-related firearms traces by an FFL (retail, wholesale, distributor, or manufacturer).

Short time-to-crime or time-to-sale rates for an individual or FFL.

Frequent reports of firearms thefts by an FFL and the frequency or location of any recoveries of those firearms reported stolen. A corrupt FFL may cover or account for firearms which are being illegally diverted "off paper" by reporting them as stolen.

FFLs who often cannot account for firearms they received or often do not have information needed to complete firearms trace requests. This may indicate an FFL who either keeps bad records or is diverting firearms off paper. In this event, the investigator should contact the wholesaler(s) or other source of the firearm for which the FFL cannot account and determine how many other firearms the FFL has received from that source. The FFL's records should then be checked for the presence of these firearms. Additionally, this indicator may be a sign that the FFL in the trace chain who reports transferring a firearm to the FFL who can produce no record is actually the FFL illegally diverting firearms. In some instances, an FFL who is illegally diverting firearms may provide fictitious information to the NTC when questioned as to the disposition of a firearm. That fictitious information may involve the FFL in question reporting to the NTC that they transferred the firearms to another FFL (usually a large wholesaler is identified) when in fact the firearm was illegally diverted.

FFLs who have no records that reflect the receipt of firearms found at their store/in their inventory. These "off the books" firearms may be discovered during a visit or routine inspection of an FFL and they may be an indicator of unlawful diversion

activity by the FFL. In the event “off the books” firearms are found the source of the firearm should be determined. Once the source is determined efforts should be made to determine if other firearms have been obtained by the FFL from this source which the FFL has no record of. This information will assist in determining if the FFL is unlawfully diverting firearms “off the books” without the required paperwork.

ATF Form 4473s where the top and bottom section of the form are completed with the same handwriting. Federal statute requires completion of the top part of the form by the purchaser and the bottom part of the form by the licensee. If two separate handwriting styles do not appear on an ATF Form 4473, this may indicate illegal activity.

ATF Form 4473s where different color inks are on the form, particularly if the firearm(s) descriptions are in a different color as this may indicate the FFL, or an employee, has added firearms to a previously completed transaction form and the added firearms were actually transferred to someone else.

ATF Form 4473s where the firearms descriptions are in differing handwriting styles as this may indicate the FFL, or an employee, has added firearms to a previously completed ATF Form 4473 and the added firearms were actually transferred to some one else.

The discovery, during an FFL inspection, that an FFL is failing to keep proper records of firearms dispositions or failing to submit an ATF Form 3310.4 to ATF when a multiple sale of firearms

is made. This may indicate an FFL is intentionally hiding illicit activity.

Situations where several individuals purchase firearms from one FFL on or near the same date (within a day or two), and those firearms are later recovered in crimes some distance away. For example, three separate individuals residing in Alcola, Alabama, purchase several firearms over a 2 day period from the same FFL. Those firearms are later recovered in New York City. This is an indication that those individuals may be engaged in straw purchasing together.

Situations where an individual, listing his/her place of birth as New York, purchases three firearms from an FFL in Pennsylvania, and those firearms are later recovered in crimes in New York. This is an indication that this individual may be engaged in straw purchasing or illegal firearms trafficking. (See Section V for more information on indicators.)

Once an FFL is identified that has a high level of crime guns traced back to him/her that have a short time to crime, an investigator may consider a prolonged surveillance of the FFLs place of business. This prolonged surveillance will assist in determining the business patterns of the FFL and may assist in determining whether the FFL may be engaged in unlawfull activity or the FFLs clientel is engaged in unlawfull activity. The surveillance may assist in identifying the illegal firearms traffickers or straw purchasers.

✓ **Check all identified FFLs to be the subject of investigation through the ATF licensing section to determine if there are any other licenses held, other individuals listed on the license, or to check the possibility that the subject of the investigation is using a fictitious or counterfeit license to obtain firearms from wholesalers.**

✓ **Check the FFL through TECS, NCIC, NLETS, and State Systems to ensure they have not gained a criminal history since obtaining a license and to check for any other open investigations.**

✓ **Consider entering the FFL into the ATF NTC Suspect Name File to be notified when firearms are recovered and traced that are associated with, or possessed by the suspect(s). Also consider using the ATF NTC "FFL Monitor" or "No Contact" service.** (See Section VII for more information on NTC Services.)

✓ **Consider making undercover purchases of firearms, or using an informant to purchase firearms from the FFL.** Use an informant who is an actual convicted felon, out-of-State resident, or other prohibited category and determine if the FFL is willing to sell firearms to such an individual knowing their background. If so, recommend for prosecution.

✓ **Electronically record all undercover or informant contact and purchases from unlicensed dealer.** During that contact, illicit information as

to the dealer's criminal intent to circumvent the law; willingness to sell to juveniles, convicted felons, out of State residents; or aiding and abetting straw purchases.

✓ **Check all firearms purchased from the FFL in NCIC and trace all firearms through ATF's NTC.** If stolen, follow up on stolen firearms information (e.g., link between FFL and theft, other potential defendants) and recommend for prosecution. Provide information on stolen firearm(s) to ATF's NTC. (See Section VII for more information on the NTC.) Use the trace information to identify wholesalers or distributors used by the FFL for later investigative follow up and information concerning firearms obtained by the FFL from these sources that the FFL may not have logged in his/her records due to illegal diversion.

✓ **If the firearms purchased are machineguns/silencers/pen guns or other NFRTR weapons, ATF special agents should check registration status through ATF's NFRTR Branch.** If not registered recommend for prosecution and follow up on the source of the unlawful firearms. Send all unlawful machineguns or other NFRTR weapons to ATF's Firearms Technology Branch for examination and classification to ensure they are configured in a manner that is a violation of law.

✓ **If the firearms purchased have obliterated serial numbers, recommend for prosecution and attempt to raise serial numbers.** Trace firearms if serial numbers are

raised. If only partial serial number is raised, contact ATF's NTC for tracing as the NTC can sometimes trace firearms with only partial serial numbers. If no serial numbers are raised, provide firearms information and method of obliteration information to the NTC.

✓ **“Relevant Conduct” Development in Federal Illegal Firearms Trafficking Investigations.**

Oftentimes an illegal firearms trafficking case, once completely adjudicated, will not receive as substantial a sentence as many other cases such as narcotics or violent crime cases. The Federal sentencing guidelines do not call for lengthy sentences in firearms trafficking cases. One method to consider using to ensure a defendant is exposed to the maximum possible sentence is to document “relevant conduct” that can boost a defendant’s standing in the Federal sentencing guideline range. “Relevant conduct” is activity by a defendant that may not result in an indictable offense, but it is activity that can be used to increase a defendant’s guideline range under the Federal sentencing guidelines. “Relevant conduct” is admissible in the Pre-Sentence Investigation (PSI) report prepared by the U.S. Probation Office that is presented to the judge for use in determining sentencing. Relevant conduct that can increase a defendant’s sentence includes drug crime and violent crime involvement. During undercover purchases of firearms from an illegal trafficker, the undercover investigator or informant should advise the trafficker that the firearms will be used to protect a drug trade or murder drug market competitors. If the trafficker follows through on the illegal

firearms sale even after learning this information, the trafficker’s sentence can be enhanced because their “relevant conduct” includes the fact that they were willfully supplying firearms to a drug trafficker or violent criminal. In cases where undercover purchases are not involved, the investigator should attempt to solicit this information during postarrest interviews. The investigator must remember to provide this information to the assistant U.S. attorney prosecuting the case and the U.S. probation officer writing the PSI.

✓ **If the dealer shows no criminal intent, contact ATF’s Regulatory Enforcement, provide them with information as to the events that have transpired, and request that they warn the dealer that his/her activities may be in violation of regulations and the law. If the FFL does not cease the questionable activity after being warned, pursue a criminal investigation.**

✓ **If the investigation is to continue, consider using the ATF NTC FFL “Monitor” and “No Contact” Services.** During the course of an investigation into suspected violations of law by an FFL, an investigator may want to utilize the FFL “Monitor” or “No Contact” services. Through the FFL “Monitor” service, an investigator will be notified by the NTC of all firearms traced back to a specified FFL. This can assist the investigator in the timely determination of to whom and/or where the FFL may be diverting firearms to. Through the FFL “No Contact” service, an investigator may request that the NTC not contact a specified FFL for

firearms trace information. This can assist the investigator who is concerned that the FFL may further conceal his/her illegal activities if illegally diverted firearms begin to be recovered and the FFL is contacted during the trace. Both of these services advantages to offer an investigator when conducting an FFL investigation. To obtain either service, the investigator must have an active/open investigation on a specific FFL and must contact the NTC with the investigation number, point of contact information, and reason for the request.

✓ **If the FFL's illegal activity is occurring at a gun show or flea market, check for security cameras and consider obtaining copies of video tapes that may document the extent of activities.**

✓ **Consider surveillance to document the extent of the FFL's activities, to identify other that may be involved with assisting the FFL in unlawful sales, to document any "off premise sales of firearms, to document violations of the Brady Law or any State waiting periods, or to identify individuals purchasing firearms from the FFL for later interviews and investigative follow up.** Check all individuals identified as assisting the FFL or making unlawful purchases through the FFL in Project LEAD/TECS/NCIC. If there are hits, conduct the appropriate followup investigation.

✓ **Determine the full extent of an FFL's illegal diversion of firearms by first identifying all the FFL's sources (wholesalers/distributors) of firearms**

for comparative analysis to the transactions the FFL actually records. This can be done through any of the following methods:

Check the RE area office file for the FFL to locate any sources of firearms listed that were documented in previous inspections.

Check with interstate carriers (UPS, DHL, or U.S. mail) that may deliver to the FFL. There may exist records of those locations (wholesalers/distributors) that have shipped packages to the FFL.

Ensure all firearms purchased during undercover contact are traced to determine potential firearms sources for the FFL.

Check any firearms traces that are attributed to the FFL in Project LEAD or QMF runs to determine sources for firearms for the FFL.

✓ **Consider conducting an investigative inspection to further gain information concerning the FFL's sources of firearms, or to culminate a successful investigation after sufficient evidence has been gathered to document the FFL's unlawful activities.** (See Section VIII for more information on FFL inspections and warrant service during a criminal investigation.)

✓ **If it is suspected that the FFL is illegally diverting firearms and then reporting those firearms as stolen, check the ATF Stolen Firearms Data Base, local police department**

records, and FFL insurance carrier records (if applicable) for all theft information.

✓ If FFL fraudulent theft reporting is suspected, contact the ATF Stolen Firearms Program to obtain copies of all reports (ATF F 3310.11, FFL Theft/Loss Report) previously filed by the FFL. Oftentimes, these reports will be completed in the FFL's handwriting. Also, check for the existence of tape recordings of the initial verbal theft report via telephone made by the FFL.

✓ Once theft reports are obtained, ensure all stolen firearms from previous thefts are in NCIC and check to determine if any have been recovered. Recoveries of these firearms may be found through checks of Project LEAD or the NCIC recovered gun file. If recoveries are found, obtain recovery reports and conduct investigative follow up to determine the relationship of the possessor and recovery date/location to the FFL location and date of loss. Also, determine if multiple stolen firearms are being recovered in close proximity to one another or over widely dispersed pattern.

✓ Enter all unrecovered stolen firearms in ATF's Suspect Gun Data Base maintained at the NTC for additional ability in being able to quickly identify recovery information on stolen firearms.

✓ Consider using the standard investigative techniques such as informants, undercover, and

cooperating defendants/possessors of stolen firearms to gather evidence of fraudulent reporting.

✓ If fraudulent reporting is suspected, obtain from the FFLs insurance carrier any insurance papers filed by the FFL (and the envelopes used to mail those documents) to collect on a fraudulently reported theft or loss.

These documents will be useful in documenting the violations, showing motive (profit), proving insurance fraud and mail fraud violations as these documents are almost always sent through the U.S. mail to the insurance carrier, and documenting assets gained through illegal activity for potential seizure. (See Section X for more information on insurance fraud, mail fraud, and financial investigations.)

✓ Interview all defendants. This may be the most important thing any investigator can do in any type of investigation. An investigator must have a good working knowledge of the facts to conduct an effective interview. A quality interview can oftentimes make a case, and usually an investigator will only have once chance to interview a defendant. (Investigators may want to obtain a copy of *Criminal Interrogation and Confessions*, third edition, by Inbau, Reid and Buckley for detailed advice on conducting effective interviews.)

✓ Watch for and document any false statements or representations made to an investigator or inspector during any inspection or interview. False statements made by an FFL regarding illegal diversion are usually

easily documented and can be charged as a felony.

✓ If the investigation culminates successfully by developing enough evidence to substantiate violations of law and recommend prosecution, however, there is a declination of prosecution, refer all information and documentation of violations to ATF RE for administrative action.

NOTES	

SECTION IX

UNLICENSED FIREARMS DEALING INVESTIGATION CHECKLIST:

 State, local, or other Federal law enforcement officers encountering unlicensed firearms dealing should contact the nearest ATF office or call 1-800-ATF-GUNS as soon as possible to receive immediate assistance in the investigation. This type of criminal activity constitutes a violation of Federal laws under ATF's jurisdiction.

 **Use the predefined reports in ATF's Project LEAD, firearms trace analysis, firearms trafficking studies, confidential informants, and gun show/flea market spot checks to identify activity indicative of unlicensed firearms dealing.**

Consideration should be given to establishing fictitious business fronts such as a fictitious FFL or surplus military equipment and paraphernalia sales to use during undercover operations at a gun show or flea market. (See *Section IV for more information and suggestions relating to these suggested techniques.*) Examples of unlicensed firearms indicators to look for in Project LEAD and licensee records are as follows:

Frequent purchases of under two handguns in a 5-day period from one or multiple FFLs in an area by the same individual. This may indicate an individual is actively trying to prevent detection by avoiding the multiple sales reporting threshold.

Multiple purchases of the same model firearm or inexpensive

firearms. Oftentimes, illegal firearms traffickers will order multiple inexpensive firearms of the same model. This activity is indicative of an illegal firearms trafficker, not a firearms collector.

Multiple purchases of firearms with a newly issued ID card may be indicative of an individual who just obtained fraudulent ID.

ATF Form 4473s where the answer "yes" or a blank/unanswered question appears in the section which asks the purchaser if he/she is a prohibited person falling into one of the named categories. This may indicate an oversight on the FFL's behalf, and the individual who purchased the firearm is actually a prohibited person.

Situations where several individuals purchase firearms from one FFL on or near the same date (within a day or two), and those firearms are later recovered in crimes in another city. For example, three separate individuals residing in Alcola, Alabama, each purchase several firearms over a 2 day period from the same FFL. Those firearms are later recovered in New York City. This is an indication that those individuals may be engaged in unlicensed firearms dealing together.

Situations where an individual, listing his/her place of birth as New York, purchases three firearms from an FFL in Pennsylvania, and those firearms are later recovered in crimes in New York. This is an indication that this individual may be engaged in unlicensed firearms dealing. (See

Section V for more information on indicators.)

✓ **Identify the individual(s) involved in unlicensed firearms dealing.** (See Section IV, Sources of Information, for various methods to identify individuals or contact ATF's Tactical Intelligence Branch for assistance.)

✓ **Once identified, check the individual(s) in TECS, NCIC, NLETS, and State Systems for criminal history or other open investigations.** If checks indicate individual is convicted felon, recommend for prosecution.

✓ **Once suspects are identified, consider entering the suspects into the ATF NTC Suspect Name File to be notified when firearms are recovered and traced that are associated with, or possessed by the suspect(s).**

✓ **Check individual(s) through ATF Firearms Licensing to determine if the individual(s) is licensed to deal in firearms.** If checks indicate individual(s) is licensed determine if firearms sales are occurring off the listed business premise and without required paper work or waiting period requirements. Recommend for prosecution if this is the case and see the FFL investigation checklist appearing in this section for additional suggestions.

✓ **Check individual(s), any individual(s) addresses, and associates in ATF's Project LEAD.** If hits are found, follow up on the firearms purchases and/or recoveries. Determine where the firearms were

purchased, determine who purchased the firearms, determine where the firearms were recovered, the types of crimes they were recovered in, and the individual(s) they were recovered from. Look for links between the unlicensed dealer and the possessors of the recovered firearms. Determine if unlicensed sales are being made to juveniles, convicted felons, out-of-State residents, or other prohibited persons and recommend for prosecution if this is the case.

✓ **If unlicensed dealing is occurring at a gun show or flea market, consider enlisting actual FFLs as sources of information or assistance.** Unlicensed dealers infringe on FFL's lawful livelihood, and FFLs will often help investigators identify unlicensed dealers.

✓ **If unlicensed dealing is occurring at a gun show or flea market, check for security cameras and consider obtaining copies of video tapes that may document the extent of an individual's unlicensed sales activities.**

✓ **Consider surveillances to document the extent of unlicensed sales and to identify individuals purchasing firearms from the unlicensed dealer for later interviews and investigative follow up.**

✓ **Consider making undercover purchases of firearms, or using an informant to purchase firearms from the unlicensed dealer.** Use an informant who is an actual convicted felon, out-of-State resident, or other

prohibited category and determine if the unlicensed dealer will sell firearms to such an individual knowing his/her background. If so, recommend for prosecution. Trace all purchased firearms to determine sources of firearms for the unlicensed dealer.

✓ **Check the unlicensed dealer's address through area interstate carriers (UPS, DHL, or U.S. mail). There may exist records of those locations/sources of firearms that have shipped packages to the FFL.** If it is suspected the unlicensed dealer is receiving firearms unlawfully through the U.S. mail, consider using a mail cover to document the source.

✓ **If the unlicensed dealer is unlawfully receiving firearms through the U.S. mail or from interstate carriers, consider contacting the U.S. Postal service for assistance in intercepting any packages and conducting controlled deliveries.**

✓ **If it is suspected that the unlicensed dealer is shipping firearms through the U.S. mail or interstate carriers, consider making the appropriate contacts to intercept those packages and make controlled deliveries.**

✓ **"Relevant Conduct" Development in Federal Illegal Firearms Trafficking Investigations.** Oftentimes, an illegal firearms trafficking case, once completely adjudicated, will not receive as substantial a sentence as many other cases such as narcotics or violent crime cases. The Federal sentencing guidelines do not call for lengthy

sentences in firearms trafficking cases. One method to consider using to ensure a defendant is exposed to the maximum possible sentence is to document "relevant conduct" that can boost a defendant's standing in the Federal sentencing guideline range. "Relevant conduct" is activity by a defendant that may not result in an indictable offense, but it is activity that can be used to increase a defendant's guideline range under the Federal sentencing guidelines. "Relevant conduct" is admissible in the Pre-Sentence Investigation (PSI) report prepared by the U.S. Probation Office that is presented to the judge for use in determining sentencing. Relevant conduct that can increase a defendant's sentence includes drug crime and violent crime involvement. During undercover purchases of firearms from an illegal trafficker, the undercover investigator or informant should advise the trafficker that the firearms will be used to protect a drug trade or murder drug market competitors. If the trafficker follows through on the illegal firearms sale even after learning this information, the trafficker's sentence can be enhanced because their "relevant conduct" includes the fact that they were willfully supplying firearms to a drug trafficker or violent criminal. In cases where undercover purchases are not involved, the investigator should attempt to solicit this information during postarrest interviews. The investigator must remember to provide this information to the assistant U.S. attorney prosecuting the case and the U.S. probation officer writing the PSI.

✓ **Electronically record all undercover or informant contact and**

purchases from unlicensed dealer.

During that contact, illicit information as to the unlicensed dealer's criminal intent to circumvent the law; willingness to sell to juveniles, convicted felons, out of State residents; amount of profit one can make selling firearms; volume of sales; and where the unlicensed dealer buys or trades firearms.

✓ **If the unlicensed dealer shows no criminal intent, serve with a warning notice advising of the law/license requirements and provide the individual with an ATF F 7 application for Federal firearms license. If unlicensed sales continue, carry on with criminal investigation.**

✓ **Check all firearms against existing State systems and consider if the unlicensed dealer is violating State registration, waiting period, or one handgun purchase a month requirements.** (See Section XI for information on existing State systems and laws.)

✓ **Check all firearms purchased from the unlicensed dealer in NCIC and trace all firearms through ATF's NTC.** If stolen, follow up on stolen firearms information (e.g., link between unlicensed dealer and theft, other potential defendants) and recommend for prosecution. Provide information on stolen firearm(s) to ATF's NTC. (See Section VII for more information on the NTC.)

✓ **If the firearms purchased are machineguns or other NFA weapons, check registration status through ATF's NFA Branch.** If not registered,

recommend prosecution and follow up on the source of the unlawful firearms. Send all unlawful machineguns or other NFA weapons to ATF's Firearms Technology Branch for examination and classification to ensure they are configured in a manner that is a violation of law.

✓ **If the firearms purchased have obliterated serial numbers recommend for prosecution and attempt to raise serial numbers.**

Trace firearms if serial numbers are raised. If only partial serial number is raised contact ATF's NTC for tracing as the NTC can sometimes trace firearms with only partial serial numbers. If no serial numbers are raised, provide firearm information and method of obliteration information to the NTC.

✓ **Use trace result information to identify sources of firearms (FFLs) for the unlicensed dealer, whether the unlicensed dealer is using a fictitious identity to purchase firearms, or whether the unlicensed dealer is using straw purchasers to acquire firearms.** (See Section VIII for more information on straw purchasers.)

✓ **Check all identified fictitious identities and straw purchasers identified in Project LEAD, TECS, NCIC and follow up investigation on information developed.**

✓ **Go to FFLs identified as sources of firearms for the unlicensed trafficker and determine prices paid for firearms for comparison to the prices the unlicensed dealer sold those firearms for.** This step is

needed to prove the unlicensed individual has a principal objective of livelihood and profit which is a required element of proof in some Federal firearms violations relating to trafficking. (See Section VIII for more information on Federal firearms statutes.)

✓ **While at the FFL, look for other firearms purchases by the unlicensed dealer or straw purchasers that may be documented in the dealer's records.** If the whereabouts of additional firearms purchased by the unlicensed dealer or straw purchasers are unknown, check the NCIC recovered gun file to determine if the firearms have already been recovered elsewhere. If so, pursue those investigative leads. If the firearms have not been recovered yet, enter the firearms into ATF's Suspect Guns Database. If the firearms are recovered and traced in the future, the investigator will be notified and additional leads for follow up will result.

✓ **While at the FFL, check for ATF F 4473's completed by the unlicensed dealer or straw purchaser.** See Section XV for a copy of this form. The form requires the purchaser to make certain certifications concerning the resale of firearms. This form, when completed, assists the investigator in proving the knowingly/willfully element of proof required by some Federal firearms statutes. (See section VIII for information on the legal meaning of knowingly and willfully.)

✓ **Determine if the FFL is involved with off-paper sales to the unlicensed dealer or if the FFL is aiding and**

abetting a straw purchase conspiracy. If so, see the FFL investigation checklist for more information.

✓ **Consider seeking the cooperation of an FFL who is determined to be a source of firearms for an unlicensed dealer.** It may be possible to obtain copies of video tapes documenting previous transactions, electronically record/video tape future firearms transactions the straw purchaser makes in the store, and/or insert an undercover investigator to pose as a sales person who may observe the dealings conducted with the unlicensed dealer. When using an undercover investigator as a sales person make sure that all false statements made by the unlicensed dealer are made to the FFL. A cooperating dealer can also coordinate the timing of firearms pickups by the unlicensed dealer(s) with the investigator's ability to arrive to pose as an undercover salesperson or set up surveillance units. Further, a cooperating FFL may be able to introduce an undercover investigator as an "off paper" source of firearms for a future takedown/arrest scenario.

✓ **If through investigation it is determined that the unlicensed dealer or straw purchasers are part of a larger organization involved in illegal firearms trafficking, consider investigative techniques** such as mail covers, telephone-toll analysis, DNR, Penn Registers, Trap and Trace, etc., in order to further identify the organization and the scope of it's illegal activities. (See section IV for more information on

these, and other, investigative techniques.)

✓ **Document the extent of unlicensed dealing and the illegal profits realized by the organization for potential asset forfeiture.** (See section X for more information on asset identification and financial investigations.)

✓ **Execute search, arrest, and seizure warrants after establishing probable cause.** During warrant execution look for all records, receipts, and other indicia of firearms transfers and purchases for additional leads to follow up on. Trace all firearms recovered during warrant execution through ATF's NTC. Submit all firearms recovered during the investigation and warrants to the IBIS testing and examination. This may link these firearms and their possessors to unsolved shooting incidents.

✓ **Interview all defendants.** This may be the most important thing any investigator can do in any type of investigation. A quality interview can oftentimes make a case, and the investigator will usually only have one chance to interview a defendant. In an unlicensed dealing case, it is essential that the defendant be asked the following bottom line questions.

If you are not dealing in firearms without a license, where are all the firearms you have purchased? AND

If you are not dealing in firearms without a license, and you do not have the firearms you purchased, where are the records relating to the disposition of all the firearms you purchased?

(Investigators may want to obtain a copy of *Criminal Interrogation and Confessions*, third edition, by Inbau, Reid and Buckley for detailed advice on conducting effective interviews.)

INTERNATIONAL TRAFFICK IN ARMS (ITAR) INVESTIGATION CHECKLIST:

 State, local, or other Federal law enforcement officers encountering suspected ITAR violations should contact the nearest ATF office or call 1-800-ATF-GUNS as soon as possible to receive immediate assistance in the investigation. This type of criminal activity constitutes a violation of Federal laws under ATF's jurisdiction.

 **Use the predefined reports in ATF's Project LEAD, firearms trace analysis, firearms trafficking studies, confidential informants, and/or licensee inspections to identify activity indicative of ITAR violations.** (See section IV for more information and suggestions.) Some examples of things to look for in Project LEAD and licensee records to detect possible ITAR activity are as follows:

Frequent purchases of under two handguns in a 5-day period from one or multiple FFLs in an area by the same individual who lists a foreign country as place of birth or uses a consulate letter to obtain handguns.

Multiple purchases of the same model firearms or inexpensive firearms by the same individual who lists a foreign country as place of birth.

Multiple purchases of firearms with a newly issued ID card may be indicative of an individual who just obtained fraudulent ID. In these cases, look for a foreign country-place of birth

listed on an ATF Form 4473 (records maintained by the FFL which reflect firearms sale information), in conjunction with a firearms purchase that occurred shortly after the date of an ID's issuance. This is indicative of an individual who just entered the country, obtained an ID, and intends to quickly leave the country with the acquired firearms.

Situations where several individuals purchase firearms from one FFL on or near the same date (within a day or two) and those firearms are later recovered in crimes in a foreign country and traced through the NTC. This is an indication that those individuals may be engaged in straw purchasing or unlicensed firearms dealing together.

In high ITAR source areas (Florida, Texas, and California), look for the presence of rental cars or taxi cabs in the parking lots of FFLs whose business is located near an airport or seaport. Oftentimes ITAR traffickers will fly to the United States, rent a car/ hail a taxi, drive to an FFL, unlawfully or lawfully purchase firearms, and pack them in their luggage for a quick return flight out of the country without declaring the firearms to the carrier or to U.S. Customs Service for export. (See section V for more information on indicators and section XII for information on firearms import, export, and the purchase of firearms by non-U.S. citizens.)

 **Identify the individual(s) involved in ITAR violations.** (See section IV, Sources of Information, for various methods to identify individuals that may or may not be U.S. Citizens or aliens

lawfully in the United States, or contact ATF's Tactical Intelligence Branch for assistance.)

✓ **Once identified, check the individual(s) in TECS, NCIC, NLETS, and State systems for criminal history or other open investigations.**

If checks indicate individual is convicted felon or illegal alien, recommend for prosecution.

✓ **Once suspects are identified, consider entering the suspects into the ATF NTC Suspect Name File to be notified when firearms are recovered and traced that are associated with, or possessed by, the suspect(s).**

✓ **Check individual(s) through ATF Firearms Licensing to determine if the individual(s) is licensed to export firearms.** If checks indicate individual is licensed, determine if firearms sales/exportations are occurring off the listed business premise and without required paper work or waiting period requirements. Recommend for prosecution if this is the case and see the FFL investigation checklist appearing in this section for additional suggestions.

✓ **If the firearms purchasers/suspected ITAR violators are non-U.S citizens, check the individual(s) through various INS data bases to determine if they are lawfully in the United States. If it is determined the ITAR violators are illegal aliens, pursue prosecution.**

✓ **If the firearms purchasers/suspected ITAR violators are non-U.S. citizens and are obtaining firearms from an FFL, determine where the individual lists as their U.S. residency and verify this information.**

Non-U.S. citizens can purchase firearms from an FFL if they have established residency in the United States at one location for 90 days. (See section XII for more information on the purchase of firearms by non-U.S. citizens.)

✓ **Check all listed residency locations to ensure the firearms purchaser/suspected ITAR violator has actually established residency.**

✓ **Check individual(s), any individual(s) addresses, and associates in ATF 's Project LEAD.** If hits are found, follow up on the firearms purchases and/or recoveries. Determine where the firearms were purchased, determine who purchased the firearms, determine where the firearms were recovered, the types of crimes they were recovered in, and the individual(s) they were recovered from. Look for links between the unlicensed dealer and the possessors of the recovered firearms. Determine if unlicensed sales are being made to juveniles, convicted felons, out-of-State residents, or other prohibited persons and recommend for prosecution if this is the case.

✓ **Check individual(s), any individual(s) addresses, and associates through EPIC and INS data bases to determine prior border crossing activity and possible**

method of illegal exportation (e.g., smuggling on plane, boat, and car.)

✓ Consider entering individuals in TECS or various INS data bases for lookout purposes to be advised of all future border crossings individual(s) believed to involved with ITAR violations.

✓ If firearms suspected of being illegally exported are being acquired at a gun show or flea market, check for security cameras and consider obtaining copies of video tapes that may document the extent of an individuals firearms acquisition activities.

✓ Consider surveillances to document the extent of firearms acquisition and to identify those dealers where firearms were purchased for later interviews and investigative followup (e.g., obtaining firearms transaction records).

✓ Check all identified fictitious identities of suspected ITAR violators in Project LEAD, TECS, NCIC and followup investigation on information developed. In particular, check all identified ITAR violators in TECS and various INS data bases to determine the frequency of documented border crossings that may have involved an illegal exportation of firearms.

✓ Use international trace result information (through Project LEAD) to identify sources of firearms (FFLs) to ITAR violators, whether the violator is using a fictitious identity to purchase firearms, or whether the

violator is using straw purchasers to acquire firearms. (See section VIII for more information on straw purchasers.)

✓ Go to FFLs identified as sources of firearms to ITAR violators and look for other previously unknown firearms purchases by the ITAR violator that may be documented in the dealers records. If the whereabouts of additional firearms purchased by the violator are unknown, check the NCIC recovered gun file to determine if the firearms have already been recovered elsewhere. If so, pursue those investigative leads. If the firearms have not been recovered yet, enter the firearms into ATF's Suspect Guns Data Base. If the firearms are recovered and traced in the future, the investigator will be notified and additional leads for follow up will result.

✓ While at the FFL, check for ATF F 4473's completed by the ITAR violator. See section XV for a copy of this form. The form requires the firearms purchaser to complete certifications concerning the resale of firearms. This form, when completed, assists the investigator in proving the knowingly/willfully element of proof required by some Federal firearms statutes. (See section VIII for information on the legal meaning of knowingly and willfully.)

✓ When an FFL who is determined to be a source of firearms for an ITAR violator is located, consider seeking his/her cooperation. It may be possible to electronically record/video tape future firearms transactions the ITAR violator makes in the store and/or

insert an undercover operative to pose as a sales person who may observe the dealings with the ITAR violator(s). When using an undercover investigator as a sales person make sure that all false statements made by the ITAR violator(s) are made to the FFL. The FFL may also assist investigators with the timing of any firearms delivery so that investigators have time to establish a surveillance or insert an undercover investigator as a salesperson.

✓ **Many ITAR violators who use quick airline trips to obtain and illegally export firearms oftentimes call a taxi to take them to the FFL and then back to the airport for a quick flight out of the country.** If this is the case and the investigator has the assistance of the FFL, it may be possible for the investigator to have the FFL hail a taxi for the ITAR violator. The taxi could be an undercover vehicle driven by the investigator. The investigator could then easily track the ITAR violator to the location where the illegal exportation is to occur and possibly obtain incriminating evidence during routine conversation with the violator in the taxi. Further, the vehicle used as a taxi could be wired for audio and video recording.

✓ **Attempts to electronically record all undercover contact with the ITAR violator must be made.** During that contact, illicit information as to the ITAR violators criminal intent to circumvent the law, potential exportation methods, and other locations where the ITAR violator may acquire firearms.

✓ **If the ITAR violator shows no criminal intent, service of a warning notice advising of the law/exportation requirements may be appropriate.** If ITAR violations continue, carry on with criminal investigation.

✓ **If through investigation it is determined that the identified ITAR violator is part of a larger organization involved in illegal firearms trafficking, consider investigative techniques** such as mail covers, telephone-toll analysis, DNR, Penn Registers, Trap and Trace, etc., in order to further identify the organization and the scope of it's illegal activities. *(See section IV for more information on these, and other, investigative techniques.)*

✓ **Through surveillance or other investigative techniques determine the method by which the ITAR violator is illegally exporting the firearms.**

✓ **If it is suspected that the ITAR violator is shipping firearms through the U.S. mail or interstate carriers, consider making the appropriate contacts to intercept those packages.**

✓ **If the firearms are being driven across land borders, ensure a "lookout" or "stop and search" request on the ITAR violators are entered in TECS and various INS data bases.**

✓ **If the firearms are being unlawfully delivered to a common carrier (airline or busline) and illegally exported by being packed in luggage check with area bus or airlines, determine if reservations exist for the identified ITAR violators.**

This will allow investigators to surveil the unlawful exportation attempt and intercept the firearms. In addition, have the airlines check previous records to locate previous trips by the ITAR violator that may have involved an illegal exportation of firearms. In this type of case it is useful to pre-coordinate with U.S. Customs Service inspectors at the appropriate terminal. The inspectors have authority to conduct outgoing searches and have access to x-ray machines to examine luggage in order to identify the bags (which will more than likely be unmarked) containing the firearms. Additionally, investigators should consider using the ATF Explosive Detecting Canine to “sniff” out the luggage containing the firearms.

✓ **In the event firearms are discovered in luggage used by the ITAR violator by following the above described technique, the investigator may want to consider seizing/“ripping” the firearms and allowing the ITAR violator to leave.** This prevents the firearms from being illegally exported and allows the investigation to continue. This technique should be coordinated with the U.S. Customs Service to utilize their border search authority. The investigator should use this technique if there are other ITAR violators in an organization

yet to be identified and the investigation must continue to fully dismantle the unlawful organization. The ITAR violator who is ripped will probably assume the firearms were discovered and stolen by baggage handlers somewhere along the process. The ITAR violator possessing strong criminal intent will more than likely return to the United States to make additional purchase and attempts at illegal exportation. Requesting telephone tolls for the ITAR violators (or if a Penn Register/T-III interception order is in use) for the period shortly after the recovery of the firearms may show calls and yield identifying information relating to the intended receivers of the firearms

✓ **Document the extent of the ITAR violations and the illegal profits realized by the organization for potential asset forfeiture.** (See section X for more information on financial investigations.)

✓ **Execute search, arrest, and seizure warrants after establishing probable cause.** During warrant execution, look for all records, receipts, and other indicia of firearms transfers and purchases for additional leads to follow up on. Trace all firearms recovered during warrant execution through ATF’s NTC. Submit all firearms recovered during the investigation and warrants to the IBIS for testing and examination. This may link these firearms and their possessors to unsolved shooting incidents.

✓ **Interview all defendants.** This may be the most important thing any investigator can do in any type of investigation. A quality interview can

oftentimes make a case. In an ITAR case, it is essential that the defendant be asked the following bottom line questions. If you are not unlawfully exporting firearms, where are all the firearms you have purchased? AND Ask questions to establish the defendants residency/citizenship status.

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STRAW PURCHASE INVESTIGATION CHECKLIST:

 State, local, or other Federal law enforcement officers encountering suspected straw purchases of firearms should contact the nearest ATF office or call 1-800-ATF-GUNS as soon as possible to receive immediate assistance in the investigation. This type of criminal activity constitutes a violation of Federal laws under ATF's jurisdiction.

 **Use the predefined reports in ATF's Project LEAD, firearms trace analysis, firearms trafficking studies, confidential informants, and/or licensee inspections to identify activity indicative of straw purchasing.** (See section IV for more information and suggestions.) Some examples of things to look for in Project LEAD or licensee records that may indicate straw purchasing is occurring follow:

Frequent purchases of under two handguns in a 5-day period from one or multiple FFLs in an area by the same individual. This may indicate an individual is actively trying to prevent detection by avoiding the multiple sales reporting threshold.

Multiple purchases of the same model firearms or inexpensive firearms. Oftentimes straw purchasers will order multiple inexpensive firearms of the same model. This activity is indicative of a straw purchaser/illegal firearms trafficker, not a firearms collector.

Multiple purchases of handguns by a female or large cash payments for firearms where the purchaser presents a form of Government-assistance ID card. This may indicate straw purchase activity.

Situations where several individuals purchase firearms from one FFL on or near the same date (within a day or two), and those firearms are later recovered in crimes in the same city some distance. For example, three separate individuals residing in Alcola, Alabama, purchase several firearms each over a 2 day period from the same FFL. Those firearms are later recovered in New York City. This is an indication that those individuals may be engaged in straw purchasing together. (See section V for more information on indicators.)

 **Identify the individual(s) involved in straw purchasing.** (See section IV, Sources of Information, for various methods to identify individuals or contact ATF's Tactical Intelligence Branch for assistance.)

 **Once identified, check the individual(s) in TECS, NCIC, NLETS, and State systems for criminal history or other open investigations.** If checks indicate individual(s) is convicted felon, recommend for prosecution.

 **Once suspects are identified, consider entering the suspects into the ATF NTC Suspect Name File to be notified when firearms are recovered and traced that are associated with, or possessed by the suspect(s).**

✓ **Check individual(s) through ATF**

Firearms Licensing to determine if the individual(s) are licensed to deal

in firearms. If checks indicate individual(s) is licensed, determine if firearms sales are occurring off the listed business premise and without required paper work or waiting period requirements. Recommend for prosecution if this is the case and see the FFL investigation checklist appearing in this section for additional suggestions.

✓ **Check individual(s), any individual(s) addresses, and associates in ATF 's Project LEAD.** If hits are found, follow up on the firearms purchases and/or recoveries.

Determine where the firearms were purchased, who purchased the firearms, where the firearms were recovered, the types of crimes they were recovered in, and the individual(s) they were recovered from. Look for links between the unlicensed dealer and the possessors of the recovered firearms. Determine if unlicensed sales are being made to juveniles, convicted felons, out-of-State residents, or other prohibited persons and recommend for prosecution if this is the case.

✓ **If straw purchasing is occurring at a gun show or flea market, consider enlisting actual FFLs as sources of information or assistance.**

✓ **If straw purchasing is occurring at a gun show or flea market, check for security cameras and consider obtaining copies of video tapes that**

may document the extent of a straw purchasing activity.

✓ **Consider surveillances to document the extent of straw purchasing and to identify those FFLs who firearms are being purchased from for later interviews and investigative followup.**

✓ **Use trace result information to identify sources of firearms (FFLs) for the straw purchaser, whether the straw purchaser is using a fictitious identity to purchase firearms, and whom the straw purchaser is acquiring firearms for.** (See section VIII for more information on straw purchasers.)

✓ **Check all identified fictitious identities in Project LEAD, TECS, NCIC, and conduct follow up investigation on information developed.**

✓ **Go to FFLs identified as sources of firearms to the straw purchaser(s) and look for other previously unknown firearms purchases by the ITAR violator that may be documented in the dealer's records.**

If the whereabouts of additional firearms purchased by the violator are unknown, check the NCIC recovered gun file to determine if the firearms have already been recovered elsewhere. If so, pursue those investigative leads. If the firearms have not been recovered yet, enter the firearms into ATF's Suspect Guns Database. If the firearms are recovered and traced in the future, the investigator will be notified and additional leads for follow up will result.

✓ **While at the FFL, check for ATF F 4473's completed by the straw purchaser.** See section XV for a copy of this form. The form requires the firearms purchaser to make certain certifications concerning the resale of firearms. This form, when completed, assists the investigator in proving the knowingly/willfully element of proof required by some Federal firearms statutes. (See section VIII for information on the legal meaning of knowingly and willfully.)

✓ **When an FFL who is determined to be a source of firearms for a straw purchaser is located, consider seeking their cooperation.** It may be possible to obtain copies of video tapes documenting previous transactions, electronically record/video tape future firearms transactions the straw purchaser makes in the store, and/or insert an undercover investigator to pose as a sales person who may observe dealings with the straw purchaser. When using an undercover investigator as a sales person make sure that all false statements made by the straw purchaser are made to the FFL. A cooperating dealer can also coordinate the timing of firearm pickups by the straw purchaser(s) with the investigators ability to arrive to pose as an undercover salesperson or set up surveillance units. Further, a cooperating FFL may be able to introduce an undercover investigator as an "off paper" source of firearms for a future takedown/arrest scenario.

✓ **Attempts to electronically record all undercover contact with the straw**

purchaser must be made. During that contact, illicit information as to the straw purchaser's criminal intent to circumvent the law, other locations where the straw purchaser may acquire firearms, and whom the straw purchaser is providing the firearms to.

✓ **If the straw purchaser shows no criminal intent, service of a warning notice advising of the law/exportation requirements may be appropriate.** If violations continue, carry on with criminal investigation

✓ **Determine if the FFL is involved with aiding and abetting a straw purchase conspiracy.** If so, see the FFL investigation checklist for more information.

✓ **If through investigation it is determined that the straw purchasers are part of a larger organization involved in illegal firearms trafficking, consider investigative techniques** such as mail covers, telephone-toll analysis, DNR, Penn Registers, Trap and Trace, etc., in order to further identify the organization and the scope of it's illegal activities. (See section IV for more information on these, and other, investigative techniques.)

✓ **If the straw purchaser obtains large numbers of firearms and sufficient probable cause exists to make an arrest, the investigator should consider several options that could recover the firearms, thus preventing their delivery to criminals while at the same time allowing the investigation to continue to fully identify and dismantle any other**

members of a larger trafficking organization. Those options are as follows:

❑ A traffic stop by a State or local marked law enforcement vehicle that would culminate in the discovery and retention of the firearms. The traffic stop would be routine and based on a traffic violation, but the officer would go on to locate and recover the firearms based on probable cause existing in the case. This prevents the weapons transfer from fully occurring and may in turn produce new investigative leads. Should the occupants of the vehicle be new/unknown participants in the organization under investigation, they may be fully identified which in turn will yield additional information for followup investigation. Should the occupants of the vehicle be known participants in the investigation, requesting telephone tolls for these individuals (or if a Penn Register/T-III interception order is in use) for the period shortly after the traffic stop may show calls and yield identifying information relating to the intended receivers of the firearms.

❑ If the firearms are being shipped via a common carrier (UPS, Greyhound, DHL, FedEx, etc.), or being checked through luggage on an airline flight, the firearms may be seized/or recovered by the special agents without detection by the traffickers. This would prevent the weapons transfer from fully occurring and may in turn produce new investigative leads. The investigation may then continue with the traffickers led to believe the shipment of firearms was stolen in transit. Requesting telephone tolls for these individuals (or if a Penn Register/T-III interception

order is in use) for the period shortly after the recovery of the firearms may show calls and yield identifying information relating to the intended receivers of the firearms.

❑ 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. This would prevent the weapons transfer from fully occurring and may in turn produce new investigative leads. The investigation may then continue with the traffickers led to believe the shipment of firearms was stolen in transit. Requesting telephone tolls for these individuals (or if a Penn Register/T-III interception order is in use) for the period shortly after the recovery of the firearms may show calls and yield identifying information relating to the intended receivers of the firearms.

❑ 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 individual(s) will agree to participate in a controlled delivery of the firearm(s) to the original intended receivers.

✓ **Document the extent of straw purchase activity and the illegal profits realized by the organization for potential asset forfeiture.** (See *section X for more information on asset identification and financial investigations.*)

✓ **Execute search, arrest, and seizure warrants after establishing probable cause.** During warrant execution look for all records, receipts, and other indicia of firearms transfers and purchases for additional leads to followup on. Trace all firearms recovered during warrant execution through ATF's NTC. Submit all firearms recovered during the investigation and warrants to the IBIS for testing and examination. This may link these firearms and their possessors to unsolved shooting incidents.

✓ **Interview all defendants.** This may be the most important thing any investigator can do in any type of investigation. An investigator must have a good working knowledge of the facts to conduct an effective interview. A quality interview can oftentimes make a case, and an investigator will usually only have one chance to interview a defendant. In an unlicensed dealing case, it is essential that the defendant be asked the following bottom line questions.

If you are not straw purchasing firearms, where are all the firearms you have purchased? AND

Ask questions that establish where and to whom the firearms were transferred and if anyone else was involved in the straw purchasing.

(Investigators may want to obtain a copy of Criminal Interrogation and Confessions, third edition, by Inbau, Reid and Buckley for detailed advice on conducting effective interviews.)

VICTIM/WITNESS INTERVIEW TECHNIQUES

The following section provides the investigator with a general overview of the techniques that may be useful when interviewing the victim of a crime or the witness to a crime. This information may be particularly useful when investigating FFL robberies, burglaries, or smash and grabs. For more detailed information concerning interviewing techniques, contact the ATF Office of Training and Professional Development. (Interview techniques to follow based on Geiselman and Fisher.)

✓ Preparation.

- Know as much as you possibly can about the facts of the case prior to starting the interview.
- Establish rapport with the victim/witness to be interviewed: Use a quiet place with no distractions and always interview witnesses/victims separately.
- Identify and Remove Emotional Barriers: Ask "Are you okay?" Let them vent their emotions or concerns. Validate their feelings such as anger or fear. Talk to them about the nature of your interview and investigation.

✓ Interview.

- Reconstruct the circumstances: Ask them to think about how they were feeling. Have them focus on the event in their mind's eye. Ask them to describe the weather, surroundings, objects, people, smells, and noises. This may help them recall other details as they recall the whole experience.

- Report Everything: Ask them to focus on the event and tell you everything. Don't edit anything even if you feel it is unimportant or unrelated. Make this an uninterrupted narrative.

- Reconstruct Backwards: Begin with the last thing that happened and work backwards through the whole narrative covering each detail again.

- Change Perspectives: Ask them to assume the role of others who may have been present or nearby. Ask what they think these people may have seen or heard.

- Follow with these specific questions asked slowly, when needed:
 - Appearance - Did the person(s) remind you of anyone? Who? Why?
 - Reactions - What was your reaction to what was happening?
 - Speech - Who did the voices remind you of? Why?
 - Names - Go through the alphabet. Try to recall a name or first letter.
 - Numbers - How many did you see? Were they high? Low? Mixed with letters?

- Complete your interview by summarizing.

✓ Post Interview.

- Encourage your victims/witnesses to report new information that surfaces when they recall the crime in the weeks ahead.
- Refer the victims to assistance programs to reduce emotional barriers to further information and effective testimony.

EVIDENCE AND FORENSIC LABORATORY EXAMINATION

The following section provides the investigator with a general overview of the various types of physical and trace evidence that may be encountered during an illegal firearms trafficking cases as well as a brief overview of the types of analysis that crime laboratories can perform on that evidence. For more detailed information concerning the preservation, collection, and packaging/shipping of evidence to the laboratory, an investigator may contact the ATF Forensic Science Laboratory directly or refer to obtain a copy of the U.S. Treasury Departments' Crime Scene and Evidence Collection Forensic Handbook.

✓ **Body Fluids.**

Blood: The presence of blood can be verified and, if present, identified as animal or human. Human bloodstains can be typed into several blood group systems, or DNA typed, and compared with the blood of the suspect or victim.

Saliva: A persons' blood group and DNA evidence can possibly be determined from nonblood fluid stains by serological or DNA tests, thereby allowing comparison of saliva stains with the blood group of the victim or suspects. Saliva and blood samples are needed to determine by analysis if an individual is a secretor.

Semen: The presence of semen can be verified through chemical, microscopic or special lighting tests. Also, the blood group and DNA evidence can be determined from the

seminal stain through serological or DNA tests.

Sweat: A persons' blood group or DNA evidence can be developed from nonblood body fluid stains through serological or DNA tests, thereby allowing comparison of sweat stains with the blood group or DNA evidence of a victim or suspects. Sweat and blood samples are needed to determine by analysis if an individual is a secretor.

Urine: A persons' blood group or DNA evidence can be developed from nonblood body fluid stains through serological or DNA tests, thereby allowing comparison of urine stains with the blood group or DNA evidence of a victim or suspects. Urine and blood samples are needed to determine by analysis if an individual is a secretor.

Explosives and Incendiaries.

(Investigators may encounter incidents involving the arson or bombing of a gun store. This may not involve the FFL or it may be an attempt by the FFL to profit from an insurance payoff and/or cover illegal firearms diversion.)

Arson Debris: Once the residue is isolated in the debris (this can be done visually with an electronic "sniffer", or with an ATF arson canine), traces of gasoline, kerosene, and a variety of other commonly encountered accelerants can be detected and identified through gas chromatography.

Explosive Debris: The explosive used in a destructive device may be identified from its residues by the use of chemical testing and instrumental analysis. In some cases, the device

may be reconstructed and its method of detonation determined. The presence of explosives at a scene can be detected by the ATF explosives canine.

Explosive Substances and Devices: The explosive can be identified by chemical testing and instrumental analysis. Component parts of a device-timers, blasting caps, batteries and fuses- may be identified through examination.

NOTE: For more detailed information on the processing of an arson or bomb scene and the followup investigation, contact ATF to obtain training or any one of a number of publications and guidebooks on the subject.

Fabrics.

Examination may include visual, chemical, or instrumental materials. Color, pattern, thickness, weave, type of material, fabrication characteristics, and possibly the manufacturer can be revealed. In addition, examination of fabric might also reveal the type of weapon used to commit a certain crime, the direction traveled by a bullet, and the distance between the fabric and the firearm when it was fired.

Fingerprints.

On Porous Surfaces: Latent fingerprints left on paper, cardboard, and unfinished woods are chemically treated in the laboratory with ninhydrin, silver nitrate, and other detection methods. This type of evidence may retain latent fingerprints for long periods of time if properly protected.

On Smooth Surfaces: Latent prints deposited on glass, chrome, metal,

plastic, and painted woods should be processed at the crime scene. This type of print is subject to evaporation, decomposition, or destruction within a short periods of time; therefore, the evidence should be processed as soon as possible with dusting powders or "superglued" and examined later.

On Soft Surfaces: Substances such as putty, grease, blood, and wet paint which bear visible prints can be compared directly with a suspects prints. Photographic techniques are most commonly used to permanently record visible latent prints for future comparisons.

On Skin: Latent fingerprints can possibly be recovered from smooth, clean skin surfaces; however, the prints deteriorate rapidly (usually within 8 hours or less) and may require careful and expert handling/processing methods to successfully develop and record them. Several techniques have been used to accomplish this, including; film transfer, chemical fuming, laser application, x-ray examination, and conventional dusting methods.

Firearms and Ammunition.

Gun Shot Residue: Hand swabs are examined for the presence of barium and antimony which are commonly found in gunshot residue. Clothing may also be examined for these components. The Walker Test or x-ray techniques are used to obtain gunshot powder patterns; these permit determination of the distance of the gun muzzle from the bullet point of contact when the weapon was fired.

Handguns: Examination can determine if the weapon had previously been fired. Further, microscopic examination and test firing of the weapon can determine if the firearm is operable or if it has unusual features that would make bullets or cartridge cases fired from the weapon readily identifiable. This process can be accomplished rapidly through the use of ATF's IBIS. (See section I, ATF Support, for more information on IBIS).

Serial Numbers: Acid etch, x-ray, or magnaflux techniques are used to recover obliterated serial numbers or other stamped impressions.

Shoulder Weapons: Sections of barrel or stock removed from an altered firearm can be matched to that weapon by microscopic and chemical testing.

Spent Bullets and Cartridge Cases: Microscopic examination of bullet, bullet fragment, and projectile/bullet casings can indicate the caliber and type of weapon from which a bullet may have been fired. This process can be accomplished rapidly through the use of ATF's IBIS. Further head stamp marks on casings may assist in determining the origin of ammunition.

Spent Shotgun Shells and Wads: The type and gauge of the weapon from which the slug or shot was fired may be determined and markings on the case may be used to identify the caliber and type of weapon from which a slug or shot may have been fired. Wads may help indicate the gauge, the brand, and the specific load of an ammunition. The position of wads may help establish the location from which the shot was fired.

Shotgun slugs may sometimes be matched to a particular shotgun.

✓ **Food and Drug Specimens.**

Liquid: Liquid food and drug specimens are analyzed by organic and inorganic methods of analysis.

Plant Material: Microscopic examination can be employed to compare components of plants with a standard and to identify the particular species of a plant.

Powder and Solids: Samples can be analyzed by microscopic, chemical or instrumental techniques, depending on the information desired.

✓ **Glass.**

Laboratory analysis of glass fragments is almost exclusively a process of comparison. Properly collected, glass fragments can be examined microscopically and instrumentally to determine:

- if fragments came from a particular broken glass object,
- what type of object the fragments came from (vehicle, standard window glass),
- which side of the glass a projectile came from,
- the origin and direction of the fracture, and
- the order of occurrence of multiple fractures.

Elemental analysis of the glass using instrumental techniques can provide information concerning common origin samples.

✓ **Hair and Fibers.**

☐ Hair: Hairs are subjected to microscopic examination. This examination can determine:

- probable race of an individual,
- the part of the body from which the hair originated,
- whether or not the hairs were forcibly removed,
- whether they were cut with a dull or a sharp instrument,
- whether they were treated with chemical dye or bleach, and
- whether they were crushed or burned.

Elemental analysis may reveal characterizing information which may show that the questioned and known hairs could have come from the same individual.

☐ Fibers: Laboratory analysis of fibers can determine type, color, and matching characteristics by microscopic, microchemical, dyeing tests, melting point examination, and x-ray diffraction.

✓ **Impressions.**

☐ Tire and Footprints: A comparative analysis of a plaster cast or photograph and a suspected item such as a shoe or tire can be made. Analysis of the evidence can reveal either:

- size, pattern, degree of wear or peculiarities that are distinct in character,
- size and pattern of both impressions are similar, normal wear is present but more distinctive marks are lacking, or
- size, shape, pattern, and wear are similar but detail reveals some defects

similarly oriented on both impression -some laboratories contain files for determining manufacture, distribution, size, etc., of components that a particular shoe, tire, or other impression may have made.

☐ Tool Marks: Tool mark impressions are microscopically compared with those produced by a tool in question. The class and individual characteristics unique to that tool can be identified. Microscopic examination can be conducted to detect trace materials. If located, this material is examined physically, chemically, and spectrographically and then compared with trace material found on the impression of known physical evidence to establish common origin.

✓ **Liquids and Viscous Substances.**

☐ Liquids: Gas liquid chromatography, atomic absorption, thin layer chromatography, and other instrumental analyses are used to determine characterizing trace elemental composition of evidence samples and possibly establish common origins. Thin layer chromatography is specifically used sometimes to identify the colored dyes in liquids.

☐ Viscous Substances: (Grease Glue, Oils, and Ink) These materials are first examined for the presence of contaminating substances (e.g., chips of paint or metal fragments). Next, they are tested by one or more of the following techniques; atomic adsorption, x-ray diffraction, or emission spectrography. Individual contaminants found in the substance can be further examined to characterize them

specifically. Dried glue samples are analyzed for chemical composition and for polymeric components by pyrolysis gas chromatography. Liquid samples of writing ink are analyzed by thin layer chromatography, infrared, visible, or ultra-violet spectrophotography to determine organic constituents. Printing and other pigment inks are also examined to identify their metallic components. Dry ink samples are examined primarily by thin layer chromatography, infrared, and ultraviolet fluorescent techniques after removal from the paper or other supporting material. It is possible to identify the ink and determine its first production date. Proof that a writing ink is the same as a standard can be determined through thin layer chromatography or other lighting and chemical analyses. These inks can then be compared against standard inks maintained in a crime laboratory to determine their type and origin.

✓ Metals.

Filings and Fragments: These are examined by instrumental analyses and can be used to determine common origins through comparative analysis.

Large Sections: Since a suspect tool may be linked to the crime scene through the tool marks it produces, large sections are examined visually or microscopically and compared at points where striations or other evidence of tampering are apparent.

✓ Paint.

Chips and Smears: Samples can be analyzed by instrumental analysis and microscopic analysis to establish common origin. Microscopic analysis

can identify fine details such as the number, thickness, sequence, and type of layers. Laboratory analysis can determine whether paint fragments fit together along a common fracture edge, are present in minute amounts, or as a single common variety and, if a vehicle was involved, its most probable type, color, and year of manufacture.

Liquid: Liquid paint is analyzed chemically and instrumentally to determine its constituents. These constituents can be compared with paint found at the crime scene or in a suspect's possession and may result in establishing common origin.

✓ Questioned Documents.

The physical state of a questioned (charred, crumpled, fluid soaked) document does not materially affect the amount of difficulty a technician will have in corroborating the authenticity of the characteristics on it. In each case, the principal areas of analysis are as follows:

Handwriting and Typewriting: Document analysis can study individual characteristics of handwriting and typewriting and compare them with the standards submitted or examine the documents for specific changes or modifications. Techniques used for making examinations include the use of magnifying glasses, microscopes, ultraviolet light, infrared lighting in combination with associated filters, polarizing screens, and cameras with a variety of lenses or other mechanical and optical aids.

Paper: Paper can be compared with specimens by mechanical and optical

aids and photography for watermarks, defects, or other identifying characteristics. If the paper contains a watermark, standard paper samples can be obtained from the manufacturer and compared with questioned papers. This process can determine the year of paper production. Also, the composition of two or more questioned papers can be compared to determine whether they may have originated from the same batch of paper. Techniques can also be used to study erasures, secret writings, alterations, additions, obliterated or charred writings, indented impressions, torn or cut edges, and printing.

✓ **Soil.**

Soil, whether it is caked mud, dry mud, soil, etc., is dried thoroughly and then is broken up for examination. Examination can include use of the microscope and/or appropriate chemical or instrumental analyses to determine particle size distribution and mineralogical identity of particles. This may establish common origin.

✓ **Miscellaneous.**

Cigarette Butts - Tobacco: Laboratory analysis of saliva stains may be able to be performed to determine the smoker's blood type. Microscopic analysis can reveal the brand of cigarettes or tobacco or the presence of some other meaningful or particular type of trace evidence (e.g., lipstick).

Jewelry and Other Small Objects: Elemental analysis on questioned and known specimens of precious stones, metals, or adhesives can be carried out to determine whether the materials have common origins.

Tape: There are a wide variety of tapes that may turn up as evidence in an investigation. Comparisons can be made between types of tape, width, color, adhesives, and tear marks. Further, tape often captures other trace evidence (e.g., latent fingerprints, soil, hair, and fibers) on its adhesive back and/or in between layers of tape.

Voice Identification: Voiceprints of the unknown voices on recordings are made with a sound spectrograph, and these voiceprints are then compared with those produced from the recordings of known suspects voices. Tapes containing substantial background noise can have this noise filtered out using electronic filtering equipment.

Writing Instruments: Microscopic examination of the writing produced by a specific pen can sometimes reveal individual characteristics of the pen such as gooping, striation, and skip marks. Chemical analyses can be used to identify the specific formulation of ink in the pen. If the date of particular writing is in question, the ink can be compared with a library of standard inks maintained by a crime laboratory to determine when the pen was manufactured. Toothmarks on pens or pencils can also be used for comparative analysis against the tooth impressions of a suspect(s).

SECTION-X

FINANCIAL AND INSURANCE FRAUD INVESTIGATION RECORDS AND AUDITS



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

FINANCIAL INVESTIGATIONS, RECORDS, AND AUDITS

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oday, the overwhelming majority of crimes committed in America are motivated by money, and illegal firearms trafficking is no different. Criminal activity directed toward making money often follows a method fashioned to avoid detection. Although this is not a new concept to the experienced investigator, the importance of this fact is commonly disregarded. In today's lucrative illegal firearms trafficking market, there exist criminal entrepreneurs and organizations making huge profits from their unlawful acts. To thoroughly dismantle an illegal firearms trafficking organization, an investigator must identify and recover the proceeds from these illegal transactions.

The ability to understand and identify the interdependence between financial events and criminal activity is essential to a truly thorough investigation. The major goal of a financial investigation is to identify and document specific events involving the movement of money during the course of a crime. If the investigator is able to identify these events and link them together, he/she will have the basis of proof indicating the commission of a financial crime.

Financial investigations by their very nature are record intensive; specifically, records pointing to the movement of money. Bank account information, motor vehicle registrations, title information, lienholder information, and real estate records such as mortgages and deeds are documents commonly used in this type of investigation. In addition, records such as computer disks, utility bills, divorce records, and credit card records can play an important role in a financial investigation. Any record that pertains to or shows the paper trail of events is important to a financial investigation.

In addition to the brief financial investigation information to follow in this section, an investigator may also find it useful to obtain a copy of FINANCIAL INVESTIGATIONS - A Financial Approach to Detecting and Resolving Crimes, prepared by the U.S. Department of Treasury, Internal Revenue Service (Publication 1714 (6-93), Catalogue Number 15271 F - U.S. Government Printing Office), for comprehensive and detailed information on conducting financial investigations.

ATF special agents investigating a large-scale illegal firearms trafficking operation should consider utilizing the ATF Audit Services Division to assist in any financial investigation. The ATF Audit Services Division, located in Washington, DC also consists of six regional audit offices. The locations and points of contact are as follow:

ATF AUDIT SERVICES	TELEPHONE	FACSIMILE
Audit Services Division (ATF HQ)	202-927-8240	202-927-8602
(SOUTHEAST) Atlanta, Georgia	404-679-5125	404-679-5129
(MIDWEST) Chicago, Illinois	312-353-1953	312-886-1195
(SOUTHWEST) Dallas, Texas	214-767-2212	214-767-8995
(NORTH ATLANTIC) New York City, New York	212-264-7620	212-264-7878
(WESTERN) San Francisco	415-744-9406	415-744-8686

SECTION
X

SOURCES OF INSURANCE-RELATED INFORMATION:

In addition to financial investigations, the thorough investigator should consider the potential for mail fraud and insurance fraud depending upon the nature of the illegal firearms trafficking activity. If the investigation involves illegal diversion of firearms, by licensed or unlicensed individuals, who try to cover their unlawful diversions by reporting the firearms stolen, the investigator should look for evidence of mail and insurance fraud. Reports of firearms theft should be obtained from the police department taking the report. If the theft involves an FFL or interstate carrier, the investigator should contact the ATF Stolen Firearms Program in Washington, DC, for information concerning that theft and any previous thefts reported. (See Sections III and IV for more information on the ATF Stolen Firearms Program.) Investigators should contact the suspects insurance carrier to obtain the necessary documents and evidence to substantiate potential criminal violations. The following is a listing of the various locations that an investigator may find insurance records.

Insurance Companies.

Insurance policy, application for insurance policy, interoffice memos and correspondence, proof of loss, statement under oath by insured, letter of declination (denial of claim), appraisal or survey of property, payment history of premium by insured, copies of checks used to pay premium, public/private adjuster investigative file, public adjuster's contract, and

information from attorney retained by insurance company.

NOTE: Many of the above documents are transmitted through the mails. Obtaining these letters and envelopes may aid in proving a potential violation of the Federal mail fraud statutes.

Fire Marshal Reporting Service (RMRS).

An insurance industry funded service which receives and indexes reports of property losses through burglaries, thefts, and fire.

Property Insurance Loss Register (PILR).

An insurance industry-funded service which receives report of property losses through burglaries, thefts, and fires. It contains a computerized index of the insurance companies who paid the claims, the person to whom the claim was paid, the type of claim, etc.

Index Bureau.

An insurance industry-funded listing of all casualty claims of member companies.

Miscellaneous Sources. Distributors records; drug store records; fraternal, veterans, labor, social and politic organization records; hospital records; hotel records; laundry and dry cleaning records; lenders exchange or consumer loan exchange; national charge plan records; newspaper records-morgue; photograph records; private business records; public utility company records; telephone company records; transportation company records; western union money orders; and periodical and publications.

FINANCIAL RECORDS AND SOURCES OF INFORMATION:

Financial Crimes Enforcement Network (FinCEN).

FinCEN is an organization established by the U.S. Department of the Treasury that collects, analyzes, and disseminates intelligence on financial crimes. Its mission is to provide a government-wide, multisource intelligence and analytical network to support law enforcement agencies in the detection, investigation, and prosecution of financial crimes. The participating agencies are the Bureau of Alcohol, Tobacco and Firearms, U.S. Customs Service, Drug Enforcement Administration, Federal Bureau of Investigation, Internal Revenue Service; U.S. Marshals Service, Postal Inspection Service, and U.S. Secret Service. The FinCEN is located at 3833 N. Fairfax Drive, Arlington, Virginia 22203, telephone (800) SOS-BUCK (767-2825).

FinCEN'S financial data base has information from reports that are required to be filed under the Bank Secrecy Act and include the Currency Transaction Report, Report of International Transportation of Currency or Monetary Instruments, Currency Transaction Report by Casinos, and Reports of Foreign Bank and Financial Accounts. Furthermore, FinCEN has access to data from IRS Form 8300 (Reports of Cash Payments Over \$10,000 Received in a Trade or Business).

FinCEN produces two types of products-- tactical support and strategic analysis. The tactical support products

either provide information and leads on criminal organizations and activities that are under investigation by law enforcement or proactively identify previously undetected criminal organizations and activities so that investigations can be initiated. FinCEN'S work product will also assist agencies in identifying assets for seizure and forfeiture purposes and supporting ongoing investigations. Its strategic analysis looks at financial crimes and money laundering with a bent toward the future. FinCEN collects, processes, analyzes, and develops intelligence on the emerging trends, patterns, and issues related to the proceeds of illicit activities.

Accountants and Bookkeepers.

Information and documentation available from accountants and bookkeepers that may prove useful to investigators includes: balance sheet, income statement, other financial statements, annual report, journals/ ledgers, work papers, correspondence and memos, income tax returns (federal/state), bank records (checks, savings accounts, loans etc.), articles or copartnership - corporate charter, doing business as (dba) or silent partner records, and credit history of client.

A checklist for investigators to use when interviewing accountants and bookkeepers follows.

- Are you a public accountant or a CPA?
- What is your training?
- How long have you been practicing accounting - bookkeeping?
- How long have you had the subject as a client?

- How did you get the subject as a client?
- What is your fee for your services?
- How would you describe your client's financial condition?
- Was the company operating at a profit or loss?
- What was the business' net worth?
- Was the business solvent?
- Describe the work you do for your client.
- Who do you deal with when doing your financial work?
- Describe the subject's books and records?
- Do you audit the subject's financial records?
- Can you identify the subject's banks, insurance companies, supplier's, creditor's, etc.?
- Do you have Federal/State tax returns on the subject?
- Who prepares these returns?
- Do you maintain a working file which might contain work papers, correspondence, or memos?
- Did the subject display any unusual activity before or after the reported theft(s) in question?

Banks.

In April 1976, the Supreme Court ruled in a 7-2 decision that bank records were no longer privileged information. The decision referred to the Mitchell Miller vs. United States case, which involved an illegal whiskey distilling operation. The same decision opened up access to personnel and medical files to Federal agents. The various records kept by banks are as follows.

Main Departments: Commercial, savings, trust, loan and discount, consumer credit and special services.

Subsidiary Departments: Receiving, paying, trust, loan and discount, consumer credit, exchange, collection, safe deposit, bookkeeping, clearing, transit, statistical and data processing.

Classification of Banks: It is impossible to describe all the bank records which might contain information regarding a customer. However, the principal commercial records which are of interest to investigators are signature cards, deposit tickets or slips, customer's ledger sheets (for checking accounts, savings accounts, special accounts and loan accounts), registers or copies of cashier's checks, bank money orders, bank drafts, letter of credit, certificates of deposit, teller's proof sheets, copies of settlements with the clearing house, copies of cash transit letters, records of the purchase and sale of securities and government bonds, collection in and collection out records, customer's unreturned canceled checks, and safe deposit records.

NOTE: Storage considerations have caused many banks to destroy those records not needed for their own use and required under law to be retained. Therefore, an investigator's success in a bank will depend somewhat on its practice of, and its policy for, retention and destruction of records.

Brokers.

Brokers are classified according to the transactions they handle. Brokers are

either securities brokers or commodities brokers. Generally, a broker deals only with an organized exchange in which he/she holds membership. However, many brokers hold memberships in several exchanges and handle various types of transactions.

□ Records: Brokers operations are similar throughout the United States. Their office procedures are fairly uniform. The records kept are basically the same, regardless of whether the record system is manual or automated. The principal records of interest to an investigator are buying and selling orders, chronological records of all transactions, customer's ledger accounts, cash transactions, margin requirements, position ledgers, intermediary records, dividend records, confidential credit information, blotter records (days books).

Transfer Agents.

Most large corporations maintain, in the city of New York, or some other financial center, an office for a transfer agent who maintains a stock ledger account for each stockholder in the corporation. This ledger account gives full details regarding the stock certificate number, number of shares represented by the certificate, the date issued, and the name in which issued. If an individual owns more than one certificate, the stock ledger will show the balance and the number of shares outstanding on any given date. The stock ledger will also show the surrender or cancellation date of the stock certificate. The stock ledger contains the name of the transferor and the transferee to whom the stock was delivered. The transfer agent's files have the stock certificates

bearing the transferor's endorsement. The names and addresses of transfer agents may be found in Moody's or Standard and Poor's Manual, or may be obtained from the main offices of the corporations.

Dividend Disbursing Agents.

Most large corporations distribute their dividends through agents known as dividend disbursing agents, who may be located in the city of New York or some other financial center. The dividend disbursing agent maintains a record of dividends paid to each stockholder on record. The names and addresses of dividend disbursing agents may be found in Moody's or Standard and Poor's, or may be obtained from the main offices of the corporations. Information on dividend payments can usually be obtained by writing direct to the dividend disbursing agent.

Securities Information Center (SIC).

The SIC, located in Wellesley Hills, Massachusetts, is operated by Itel Corporation under contract with the Securities and Exchange Commission. All entities, such as banks and brokerage houses, that receive bad securities are required to report this information to the SIC. They are also required to run a check with the SIC if they receive \$10,000 or more in securities. Information maintained by the SIC dates back to October 1977.

OTHER SOURCES OF FINANCIAL AND BUSINESS RECORDS:

Abstract and Title Companies.

Maps and tract books, escrow index of purchasers and sellers of real estate—primary source of information, escrow

files-number obtained from index, escrow file containing escrow instructions, agreements, settlements, abstracts and title policies, special purpose newspapers published for use by attorneys, real estate brokers, insurance companies, and financial institutions.

Bonding Company Records.

Investigative and other records on persons and firms bonded, collateral file, financial statements and data, and address of person on bond.

Credit Agency Records.

The Fair Credit Reporting Act of 1971 restricts the availability of information from consumer reporting agencies to Government investigative agencies.

Consumer reports may be furnished to Governmental investigative agencies only in response to a court order; upon written request of the consumer, or to a person who has a legitimate business need for the information.

There is no specific exception provided in the act which will allow Federal law enforcement agencies to obtain consumer reports for investigative purposes.

The act provides that consumer reporting agencies may furnish only identifying information that is limited to a consumer's name, address, former addresses, places of employment, and former places of employment.

Credit Reporting Agencies.

Additional and more detailed credit

information may be available through - general credit ratings, dun and bradstreet, local credit rating and collection agencies, local office of national association of retail credit men, mortgage loans, loan exchange (clearing house for loan information), retailer's commercial agency(performs credit investigations for credit cards, banking and mortgages).

Marketing Services.

Dun and Bradstreet, Market Service Company, Middle Market Directory (business guide of firms with a net worth between \$500,000 and \$1 million), Million Dollar Directory (business guide of firms with a net worth of \$1 million), Metal Working Directory (marketing directory of metal working plants in the United States), and Vendor Account Services (used by retail stores in processing accounts payable, buying, and merchandise control).

International Credit/Financial Information.

International Credit Reports (a division of Dun and Bradstreet which furnishes credit reports on overseas credit), International Market Guides (Central and South America only), Continental Market Guides (Central and South America only), Guide to key British Enterprises (lists prominent firms throughout the United Kingdom), Synopsis of Dun-Mexico, Synopsis of Dun-Brazil, Reference Book-Argentina, Bradstreet Register, and International Mercantile Claims Division.

Savings and Loans Associations.

Property transactions, Financial statements, Loan applications do not contain quite the same information as

loan applications given to a bank. A savings and loan association depends primarily upon real estate security, rather than upon the other assets and liabilities of a borrower.), Payments made and received (settlement sheets.), credit files, and files of a confidential nature.

Specialized Commercial Credit Organizations.

In addition to the above credit reporting agencies, there are specialized commercial credit organizations such as the United Beverage Bureau, National Fuel Credit Association, Jewelers Board of Trade, Lumberman's Credit Association, Produce Reporter Company, Packer Produce Mercantile Agency; Paper and Allied Trade Mercantile Agency, Lyon Furniture Mercantile Agency, and American Monument Association.



SECTION
X

SECTION-XI

READY REFERENCE CHART OF STATE SYSTEMS AND LAWS



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

SECTION XI

STATES	One handgun purchase per 30 day period	Firearm owner identification card required	Registration of all firearms	Handgun only registration	State waiting period for firearms purchases	Assault weapons ban	Assault weapons registration	Concealed weapons permit with background check	Concealed weapons permit with no background check
Alabama					✓(1)	✓		✓	
Alaska								✓	
Arizona								✓	
Arkansas								✓	
California				✓(2)	✓	✓		✓	
Colorado				✓(3)					
Connecticut				✓	✓	✓	✓	✓	
Delaware								✓	
District of Columbia			✓			✓			
Florida					✓			✓	
Georgia								✓	
Hawaii			✓		✓	✓	✓		
Idaho								✓	
Illinois		✓			✓				
Indiana					✓			✓	
Iowa		✓(4)			✓(5)				
Kansas									
Kentucky								✓	
Louisiana								✓	
Maine								✓	
Maryland	✓			✓				✓	
Massachusetts		✓	✓			✓		✓	

SECTION XI

STATES	One handgun purchase per 30 day period	Firearm owner identification card required	Registration of all firearms	Handgun only registration	State waiting period for firearms purchases	Assault weapons ban	Assault weapons registration	Concealed weapons permit with background check	Concealed weapons permit with no background check
Michigan		✓(6)		✓				✓	
Minnesota					✓			✓	
Mississippi								✓	
Missouri					✓				
Montana							✓	✓	
Nebraska					✓(7)				
Nevada								✓	
New Hampshire				✓				✓	
New Jersey		✓		✓		✓		✓	
New Mexico									
New York				✓(8)			✓(9)	✓	
North Carolina								✓	
North Dakota								✓	
Ohio									
Oklahoma								✓	
Oregon								✓	
Pennsylvania				✓	✓			✓	
Rhode Island					✓			✓	
South Carolina	✓							✓	
South Dakota					✓			✓	
Tennessee					✓			✓	

STATES	One handgun purchase per 30 day period	Firearm owner identification card required	Registration of all firearms	Handgun only registration	State waiting period for firearms purchases	Assault weapons ban	Assault weapons registration	Concealed weapons permit with background check	Concealed weapons permit with no background check
Texas								✓	
Utah								✓	
Vermont									
Virginia	✓		✓		✓		✓		
Washington					✓			✓	
West Virginia								✓	
Wisconsin					✓				
Wyoming									✓(10)

- (1) Alabama - State waiting period for handgun purchases only.
- (2) California - A record of all handgun transfers is maintained by the state.
- (3) Colorado - Only the cities of Denver and Aurora require the registration of handguns.
- (4) Iowa - Firearms Owner Identification Card required for the purchase of firearms. ID Card must be renewed annually.
- (5) Iowa - Handgun waiting period only.
- (6) Michigan - Firearms Owner Identification Card required for handguns only.
- (7) Nebraska - Handgun waiting period only.
- (8) New York - Handgun registration in New York City only.
- (9) New York - Assault weapons registration in New York City only.
- (10) Wyoming - The renewal of concealed weapons permit does not require a background check.

SECTION-XII

FIREARMS IMPORT/EXPORT PROCESS AND SALES OF FIREARMS TO ALIENS



FIREARMS SAFETY

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- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

FIREARMS IMPORT/EXPORT PROCESS

ATF Firearms Imports Branch: 202-927-8320(telephone), 202-927-8601(fax)

The following section serves to provide the criminal investigator with information concerning the process of importing and exporting firearms as well as the legal requirements relating to the purchase of firearms by non-U.S. citizens. This information may be of particular importance to criminal investigators in those areas of the United States that are source areas for internationally trafficked firearms (e.g., Florida, and Texas).

Licensee Import Process.

In order to lawfully engage in the business of importing articles for resale, such as firearms, ammunition, or firearms parts (other than sporting shotguns, shotgun parts, and shotgun shells), which appear on the U.S. Munitions Import List, an individual or company must register with ATF as an importer. To apply for registration, it is necessary to complete an ATF Form 4587, Application to Register as an Importer of U.S. Munitions Import List Articles, and pay a fee ranging from \$250 for 1 year to \$1,000 for 5 years.

If the individual or company plans to import articles within the purview of the Gun Control Act of 1968 (handguns, rifles, etc.), or articles regulated by the National Firearms Act (machineguns, destructive devices, etc.), they must also possess the appropriate Federal firearms license (FFL).

Once the individual or company identifies implements of war (firearms, ammunition, firearms parts, etc.) for importation, they must submit an ATF Form 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War, to ATF. ATF will determine if the items described can legally be imported into the United States. Items originating from a

proscribed country (i.e., a country identified by the Department of State as being banned from exporting implements of war to the United States) will be denied. Requests to import assault weapons or nonsporting weapons will also be denied per 18 U.S.C. § 925(d)(3). If an importer submits a request to import a firearm or destructive device that is not readily identifiable as a sporting weapon, ATF will determine its suitability for importation by utilizing the expertise of the Firearms and/or Explosives Technology Branches. Each approved ATF Form 6 is valid for 12 months after date of approval.

Once the shipment reaches the port of entry, the importer must meet with the U.S. Customs Service with the approved ATF Form 6 and an ATF Form 6A, Release and Receipt of Imported Firearms, Ammunition and Implements of War, in order for the shipment to be released. After clearing U.S. Customs Service the importer must complete Section III, Verification of Importation, ATF Form 6A and forward the form to ATF within 15 days. Section III of the form identifies any discrepancies that may exist between the request (ATF Form 6) and the items actually received. By signing the ATF Form 6A, the importer also verifies that each firearm

in the shipment is marked and can be identified as required by 27 C.F.R. §178.

FFLs can make an occasional importation without registering as an importer, as long as the item imported is not intended for resale, along with certain other conditions.

NOTE: The U.S. Munitions Import List is derived from the Department of State's Office of Defense Trade Control.

Nonlicensee (Occasional) Importation Process.

Non-Military: A permit must be obtained to import or bring into the United States any firearm or ammunition. The firearm or ammunition must be generally recognized as particularly suitable for, or readily adaptable to, sporting purposes.

Surplus military firearms are generally excluded from importation into the United States except for certain curio or relic surplus military firearms imported by licensed importers only.

A federally licensed firearms dealer located in the nonlicensee's State of residence may act as an agent to import the nonlicensee's personal firearm, provided that the firearm is lawfully importable. The form to be used by the licensee is ATF Form 6, Part I, Application and Permit For Importation of Firearms, Ammunition and Implements of War, and may be obtained from the Bureau of ATF, Firearms and Explosives Imports Branch, Washington, DC 20226.

A nonlicensee may obtain a permit to

import sporting ammunition for personal use (excluding armor piercing handgun ammunition, tracer, incendiary, or large capacity ammunition feeding devices) and firearm parts (other than frames, receivers, or actions) without engaging the services of a Federal firearms licensee. Silencer parts and certain machinegun parts are subject to the NFA and may not be imported.

If the nonlicensee chooses to have a licensee handle the importation, the licensee should execute and forward the ATF Form 6, part I, in accordance with the instructions on the form. The nonlicensee's name, address, and telephone number should appear in Item 9, "Specific purpose of importation."

No permit or authorization from ATF is required to bring into the United States a firearm or ammunition that was previously taken out of the United States by the person bringing it in. The U.S. Customs Service is authorized to release a firearm or ammunition without a permit from ATF upon a proper showing of proof that the firearm or ammunition was taken out of the country by the person bringing it in. This proof is best established by having registered the item or items with the U.S. Customs Service on Customs Form 4457, Certificate of Registration, at the point and time of departure.

Members of the Armed Forces: Import Permit Requirements - Section 925(a)(4) of the GCA provides that "When established to the satisfaction of the Secretary to be consistent with the provisions of this chapter [the GCA] and other applicable Federal and State laws

and published ordinances, the Secretary may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the 60-day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, AND intended for the personal use of such member.”

Applications to import firearms are filed on ATF Form 6, part II and should include a detailed description of each firearm to be imported. Incomplete information will cause the return of an application. Applications should be completed in triplicate and mailed to the Bureau of ATF, Firearms and Explosives Imports Branch, Washington, DC 20226.

A member of the Armed Forces who does not meet the above criteria must obtain the services of a Federal firearms licensee located in his/her State of residence to import a firearm on behalf of the member. The licensee would submit an application on ATF Form 6, Part I.

A permit must be obtained for all firearms to be imported, regardless of the date purchased. However, this does not apply to a firearm previously taken

out of the United States by the person bringing it in, nor to a firearm shipped by a licensee in the United States to a serviceman on active duty outside the United States or to an authorized Rod and Gun Club abroad specifically for the serviceman importing the firearm.

The U.S. Customs Service is authorized to release a firearm without a permit from ATF upon presentation of proof to the U.S. Customs Service that the firearm was taken out of the United States by the person bringing it in, or shipped from the United States to the serviceman under one of the aforementioned conditions.

If your application is approved, the original will be returned to you. This will be your authorization to import the firearm(s) described on the form. The permit is valid for 1 year from the date of approval. If disapproved, your application will be stamped disapproved and returned to you with the reason for disapproval stated.

Authorization will not be given to import a machinegun, or any other firearm as defined in the NFA, regardless of the degree of serviceability, unless import is by a U.S. government agency.

Authorization will not be given to import any surplus military firearm [unless it has been listed as a curio or relic in accordance with 18 U.S.C. §§ 921(a)(13) and 925(e)] or any firearm not recognized as particularly suitable for sporting purposes. However, such firearms may be brought into the United States without a permit, provided the person bringing it in can establish to the satisfaction of the U.S. Customs Service

officials that he/she previously owned the firearm in the United States and is now returning it to the United States. To determine whether or not a handgun may be authorized for importation as particularly suitable for sporting purposes, the factoring criteria for pistols and revolvers (ATF Form 4590) is used.

Sale Of Firearms To Aliens In The United States.

Oftentimes during the investigation of ITAR violations, one or more of the defendants is an alien that is lawfully or unlawfully in the United States. During these investigations, it is important for the investigator to know the various statutes and regulations with respect to the purchase of firearms by aliens in the United States. The following section outlines those statutes and regulations.

ALIENS UNLAWFULLY IN THE UNITED STATES MAY NOT PURCHASE ANY FIREARMS.

ALIENS LEGALLY IN THE UNITED STATES MAY PURCHASE FIREARMS IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

1) In order to acquire firearms from an FFL, an alien legally in the United States must:

Be 18 years of age (21 for handguns).

Provide Government issued identification.

Complete ATF Form 4473, Firearms Transaction Record.

Be a resident of the State in which the firearm purchase is made for at least 90 days. Documentation such as a lease agreement or utility bill must be provided to prove residency.

Not be a felon or within any other category of prohibited person.

Note: A legal resident alien who has lived in the United States for many years will have to wait 90 days before purchasing a firearm if he/she changes his/her State of residence.

2) In order to purchase firearms for export from the United States, an alien legally in the United States, as well as the licensed dealer must know and adhere to the following:

Removal of a firearm from the United States by an alien is an exportation. With few exceptions, the firearms licensee must obtain an export license (Form DSP-5) from the State Department's Office of Defense Trade Controls (ODTC) prior to exportation. Also, a licensee may export a firearm to an alien if an export license is obtained from ODTC.

Where the licensee exports the firearms to the alien, the licensee need only record the name and address of the foreign customer in his/her bound book. Therefore, ATF Form 4473 need not be completed.

General Exportation Guidelines.

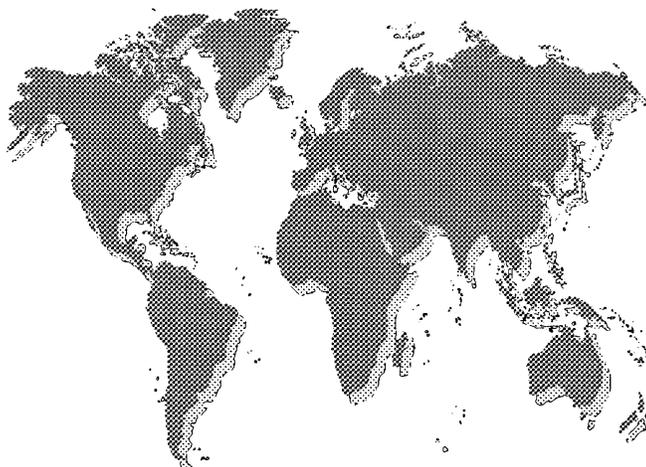
Exportation of firearms other than sporting shotguns is regulated by the Department of State, Office of Defense Trade Controls.

Those who want further information about obtaining an export license as well as detailed rifle and handgun exportation information, contact:

**OFFICE OF DEFENSE TRADE
CONTROLS
PM/DTC, SA-6, ROOM 228
DEPARTMENT OF STATE
WASHINGTON, DC 20522-0602
TELEPHONE 703-875-6644**

The Department of Commerce oversees the exportation of shotguns with barrels between 18 and 28 inches in length. The Department of Commerce requires a general license to export these items. There is no fee for a general license. Those who wish to export a shotgun should contact:

**BUREAU OF EXPORT
ADMINISTRATION
EXPORT COUNSELING DIVISION
DEPARTMENT OF COMMERCE
WASHINGTON, DC 20230
TELEPHONE 202-482-4811**



SECTION-XIII

GETTING STARTED - STATE AND LOCAL LAW ENFORCEMENT



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

GETTING STARTED - STATE AND LOCAL LAW ENFORCEMENT

There are several basic steps that every State or local law enforcement agency can take to establish a firearms trafficking enforcement and preventative effort that will impact on armed violent in their community/State. Most of these basic steps involve services provided by ATF and the coordination of efforts with ATF. Those basic steps are:

Standardize the firearms trafficking terminology used by your department. This will foster a better understanding of firearms trafficking in general and increase your department/agency's ability to effectively communicate with other law enforcement agencies regarding firearms trafficking. (See Section III of this guide for firearms trafficking terminology.)

Comprehensive tracing of all crime guns recovered by your department or agency. Firearms tracing is performed by ATF's NTC located in Falling Waters, West Virginia. The information obtained through firearms trace results and analysis will allow your investigators to identify the illegal sources of crime guns in your area of jurisdiction and provide you with a starting point for working with ATF to impact on armed violent crime in a new way. Contact the ATF NTC to determine the best possible method for your department or agency to submit crime gun trace requests. (See Section VII of this guide for information on the tracing of firearms through ATF's NTC.)

Employ crime gun source information development techniques.

Defendant Information:
Treat every defendant in a firearms case as you would a defendant in a drug case. Law enforcement routinely

interrogates and fully debriefs drug case defendants with respect to their drug sources, customers, and any knowledge they have at all about anyone in the illegal drug trade. The same should be done with respect to a defendant's knowledge concerning "street" sources of firearms and general firearms trafficking intelligence. Coordinate this activity with your local ATF violent crime coordinator (VCC).

Prosecutor Assistance:

Request your area Federal/State/county prosecutor or district attorney to make full defendant debriefings concerning firearms source intelligence a condition of any plea agreement in all cases involving firearms. Further, request that no plea agreement in any case that involved a firearm be accepted unless the defendant divulges the source of his/her firearm and cooperates with a thorough firearms intelligence debriefing. Coordinate this activity with your local ATF VCC.

Contact your local ATF office for additional suggestions, assistance, information, and/or coordination of efforts such as:

Coordination of efforts through the formation of firearms trafficking task forces. Working with ATF will provide your department or agency with access to all of the firearms information and systems maintained by ATF that, in

most cases, do not exist anywhere else (e.g., crime gun tracing, Federal firearms licensee (FFL) theft information, Project LEAD, the National Firearms Registration Transfer Record, firearms (dealers) licensing and inspection information, and firearms importation information).

Coordinate efforts with ATF to use Project LEAD and firearms trafficking studies to develop focused enforcement strategies within your community. For example, if your community has a particular gang that is responsible for a disproportionate number of firearms crimes, or a particular neighborhood that is experiencing high rates of firearms-related crimes, use Project LEAD and firearms trafficking studies to identify the illegal sources of firearms to those specific problems and focus your efforts there to have the maximum impact.

The mutual sharing and coordination of firearms trafficking intelligence gathered during defendant debriefings.

Coordination of efforts on investigations involving the theft (robbery/burglary/smash and grab/fraudulent theft reporting) of firearms from FFLs or interstate carriers in your area.

Information concerning FFLs in your area of jurisdiction.

The inspection of FFLs in your area of jurisdiction.

Conducting firearms trafficking studies in your area of jurisdiction to develop a picture of the nature and scope of the illegal firearms trafficking market in your area.

Information concerning illegal firearms trafficking corridors or gateways that may exist in, or pass through your area of jurisdiction.

Use of the ATF Explosive Detecting Canine or world-class laboratory services such as the Integrated Ballistic Identification System.

Employ interdiction techniques designed for supply reduction.

Ensure FFLs in your area are in compliance with existing State/ local codes. Lists of all FFLs in your area can be obtained from ATF. Ensure unlicensed individuals selling firearms at gun shows or flea markets are in compliance with existing State/local laws. Sometimes letting an illegal source of firearms know that you are aware of his/her activities is enough to end the illegal trafficking. This can be accomplished through effective community policing and coordination with ATF's Regulatory Enforcement inspectors.

Employ the use of requests for consent searches based on profiles developed from firearms trace analysis at firearms trafficking gateways in your area (e.g., busports, train stations, and seaports) to interdict illegally trafficked

firearms. Requests for consent searches based on profile stops can be very effective.

Stolen firearms are by their very nature destined to become crime guns. FFLs are a frequently targeted for theft by criminals. While an impenetrable and perfect security system does not exist, in areas experiencing high rates of FFL thefts (burglary, robbery, and smash and grab) there are several things that can be done to assist FFLs in preventing future crimes of this nature. Meet with area FFLs by holding local firearms dealer summits and provide them with helpful tips such as:

Keeping display cases locked at all times.

Showing only one firearm at a time to customers.

Not leaving a customer unattended while handling a firearm.

Not meeting with customers who request after business hours meetings.

Strictly controlling firearms security at gun shows.

Instituting an employee screening process.

Wiping down all countertops and doors each night or morning thus establishing a clean environment each day that a would-be robber or burglar's latent fingerprints can be captured on. This assists law enforcement in capturing the criminals.

Always utilizing any security measures that are already in place.

Ensuring the area surrounding the gun store has good lighting at night.

Placing a height measuring device next to all entrance/exits in the store that can be used to quickly gauge a robber's height.

Keeping any front windows unobstructed so that the FFL can see suspicious individuals or vehicles located outside the store, individuals the approaching the store, and so passers by can see in the store and detect any robberies that may be occurring.

Making a written note/description of any suspicious person(s) or vehicle(s). Use the suspect description diagram appearing at the end of this section. *(CAUTION: It is recommended that FFLs not approach, challenge, or otherwise place themselves in jeopardy with a suspicious person. If a suspicious situation is found, FFLs should report it to the nearest law enforcement agency. FFLs should not pursue suspects or vehicles. Remember, FFLs do not possess police powers and are liable as an individual for civil and criminal charges should they exceed their authority. The key is to OBSERVE and REPORT)*

Keep large shrubs and vines around the store low to the ground to reduce places for criminals to conceal themselves and prevent criminals from climbing to potential points of entry.

Placing the telephone numbers of the police, fire department, ambulance service, and ATF next to the telephone or enter them into the speed dial feature if available.

Investing in a remotely activated electronic entrance to the gun store. Such an entrance can allow an FFL to screen customers and determine which will be allowed entrance. Such an entrance can also deter robbery and the murder of the store employees as once inside, a robber will need the employee(s) to remotely activate the door for the robber to escape.

Investing in the addition of a burglar alarm with central monitoring, a video system, and a panic button connected to the police department or private security company for use in the event of a robbery.

Investing in burglar bars on windows/doors/vents and barriers such as concrete-filled posts placed around the business to deter smash and grabs and burglaries. Also, consider replacing an exterior hollow core wood doors with solid wood or sheet metal faced doors with steel door frames and long throw dead bolts. *(NOTE: Local ordinances should be researched BEFORE costly security renovations are undertaken.)*

If alarm systems are cost prohibitive, a simple inexpensive buzzer system may be wired to an adjoining store or business. In the event of a robbery, the FFL can activate the buzzer, and the adjoining store will know to call the police.

Securing firearms inventory at the end of the day either by locking them via a hardened cable in place or placing in a vault. Also secure the inventory records so that in the event of a theft the records will be retrievable for use in identifying the stolen firearms.

Employ interdiction techniques designed for demand reduction.

Consider employing various community outreach programs that assist in deterring juveniles and youths from becoming involved with gang activity and firearms. This can include increased after-school activities, increased sports leagues and programs, and increased counseling or antiviolence courses.

Consider employing the ATF Gang Resistance Education and Training (GREAT) Program. Each year, GREAT training reaches thousands of this Nation's school children. GREAT is an educational, school-based gang prevention program. The program was developed in response to an escalating youth gang problem in metropolitan Phoenix, Arizona. Representatives from ATF, the Phoenix Police Department, other Phoenix area law enforcement agencies, and local educators developed the GREAT Program. The GREAT Program trains local uniformed police officers to help children set goals for themselves; make sound judgments; learn how to resolve conflicts without violence, guns, or drugs; and understand how gangs, drugs, guns, and youth violence negatively impact on the quality of their lives. The GREAT curriculum provides teenagers with the critical resistance skills and information

to say "NO" to gangs and drugs, in order to learn how to become responsible members of society. The GREAT Program teaches students to take pride and self-discipline in handling life without violence or drugs. Teaching these concepts through various school systems in the United States can reach young adults before the pressure of street gangs and drugs reaches them.

In addition to the core curriculum, GREAT also offers an optional 3rd/4th grade curriculum, a 5th/6th grade curriculum, and a follow-up summer recreation program.

To date, thousands of officers from hundreds of agencies, representing 45 States, the District of Columbia, and military personnel from overseas bases have been trained to present the core curriculum in elementary, junior high, and middle school classrooms. Since the program's inception in 1992, millions of children have received the GREAT Program training.

For more information on the GREAT Program, contact the ATF Office of Training and Professional Development.

NOTES

SUSPICIOUS PERSON - SUSPECT DESCRIPTION

PLEASE RECORD AS MUCH INFORMATION AS POSSIBLE

SEX	RACE	AGE	HEIGHT	WEIGHT	WEAPON TYPE
-----	------	-----	--------	--------	-------------

HAIR		HAT (color, type)
GLASSES TYPE		TIE
COMPLEXION		SHIRT
SCARS/MARKS		COAT
TATTOOS		TROUSERS
		SHOES

AUTO LICENSE, MAKE, COLOR ADDITIONAL INFORMATION:	DIRECTION OF TRAVEL
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SECTION-XIV

QUESTIONS AND ANSWERS



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

QUESTIONS AND ANSWERS

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A GENERAL QUESTIONS

A1

Does the law regulate who can be in the business?

Yes. The Gun Control Act (GCA), administered by the Bureau of Alcohol, Tobacco and Firearms (ATF) of the Department of the Treasury, contains Federal licensing standards for various firearms businesses (manufacturers, importers, and dealers). An example of these standards is that the applicant must have a business premises. [18 U.S.C. 923(d), 27 CFR 178.47]

A2

Who can get a license?

ATF will approve the application if the applicant:

- Is 21 years or more of age;
- Is not prohibited from shipping, transporting, receiving or possessing firearms or ammunition;
- Has not willfully violated the GCA or its regulations;
- Has not willfully failed to disclose material information or willfully made false statements concerning material facts in connection with his application;
- Has premises for conducting business or collecting; and,
- The applicant certifies that--
 - (1) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;
 - (2) within 30 days after the

application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business;

- (3) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and,
- (4) the applicant has sent or delivered a form to the chief law enforcement officer where the premises are located notifying the officer that the applicant intends to apply for a license. [18 U.S.C. 923 (d)(1)(f), 27 CFR 178.47(b)]

A3

Does the Federal Government issue a license or permit to carry a concealed weapon?

No. Neither ATF nor any other Federal agency issues such a permit or license. Carrying permits may be issued by a State or local government.

A4

Do antique firearms come within the purview of the GCA?

No. [18 U.S.C. 921(a)(3) and (16), 27 CFR 178.11 and 178.141(d)]

A5

What kinds of ammunition are covered by the GCA?

Ammunition includes cartridge cases, primers, bullets or propellant powder designed for use in any firearm other than an antique firearm. Items **NOT** covered include blank ammunition, tear gas ammunition, pellets and nonmetallic shotgun hulls without primers.

Generally, no records are required for ammunition transactions. However, information about the disposition of armor piercing ammunition is required to be entered into a record

by importers, manufacturers, and collectors. A license is not required for dealers in ammunition only. [18 U.S.C. 921(a)(17) and 922(b)(5), 27 CFR 178.11]

A6

Does the GCA control the sale of firearms parts?

No, except that frames or receivers of firearms are "firearms" as defined in the law and subject to the same controls as complete firearms. Silencer parts are also firearms under the GCA, as well as under the National Firearms Act (NFA). Certain machinegun parts, such as conversion parts or kits, are also subject to the NFA.

The GCA generally prohibits the transfer and possession of large capacity ammunition feeding devices, i.e., those that can accept more than 10 rounds of ammunition. [18 U.S.C. 921(a)(3), (24), and (31), 922(w), 27 CFR 178.11 and 178.40a]

A7

Does the GCA prohibit anyone from making a handgun, shotgun or rifle?

With certain exceptions a firearm may be made by a nonlicensee provided it is not for sale and the maker is not prohibited from possessing firearms. However, a person is prohibited from making a semiautomatic assault weapon or assembling a nonsporting semiautomatic rifle or nonsporting shotgun from imported parts. In addition, the making of an NFA firearm requires a tax payment and approval by ATF. An application to make a machinegun will not be approved unless documentation is submitted showing that the firearm is being made for a Federal or State agency. [18 U.S.C. 922(o),(r), (v), and 923, 27 CFR 178.39, 178.40, 178.41 and 179.105]

A8

Are black powder dealers required to be licensed as an ammunition dealer under the GCA?

No. However, black powder dealers are subject to the provisions of 27 CFR Part 55, Commerce in Explosives, which requires that a dealer in any quantity of black powder must have

a license as a dealer in low explosives. [18 U.S.C. 842]

B**UNLICENSED PERSONS****B1**

To whom may an unlicensed person transfer firearms under the GCA?

A person may sell a firearm to an unlicensed resident of his State, if the buyer is not prohibited by law from receiving or possessing a firearm, or to a licensee in any State. A firearm other than a curio or relic may not be transferred interstate to a licensed collector. [18 U.S.C 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

B2

From whom may an unlicensed person acquire a firearm under the GCA?

A person may only buy a firearm within his own State except that he may buy a rifle or shotgun, in person, at a licensee's premises in any State, provided the sale complies with State laws applicable in the State of sale and the State where the purchaser resides. [18 U.S.C 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

B3

May an unlicensed person obtain a firearm from an out-of-State source if he arranges to obtain the firearm through a licensed dealer in his own State?

A person not licensed under the GCA and not prohibited from acquiring firearms may order a firearm from an out-of-State source and obtain the firearm if an arrangement is made with a licensed dealer in the purchaser's State of residence for the purchaser to obtain the firearm from the dealer. [18 U.S.C 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

B4

May an unlicensed person obtain ammunition from an out-of-State source?

Yes, provided he is not a person prohibited from receiving firearms and ammunition.

[18 U.S.C. 922(g) and (n)]

B5

Are there certain persons who can't legally receive or possess firearms?

Yes, a person who -

(1) Is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) Is a fugitive from justice;

(3) Is an unlawful user of or addicted to any controlled substance;

(4) Has been adjudicated as a mental defective or has been committed to a mental institution;

(5) Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the Armed Forces under dishonorable conditions;

(7) Having been a citizen of the United States, has renounced his citizenship; or

(8) Is subject to a court order that restrain the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner;

cannot lawfully receive, possess, ship, or transport a firearm. [18 U.S.C. 922(g), 27 CFR 178.32]

B6

Do law enforcement officers who are subject to restraining orders and who receive and possess firearms for purposes of carrying out their official duties violate the law?

Not if the firearms are received and possessed for official use only. The law prohibits persons subject to certain restraining orders from receiving, shipping, transporting or possessing firearms or ammunition. To be disabling, the restraining order must:

1. specifically restrain the person from harassing, stalking, or threatening an "intimate partner" of the person (e.g., spouse);

2. be issued after a hearing of which notice was given to the person and at which the person had an opportunity to participate; and

3. include a finding that the person subject to the order represents a credible threat to the "intimate partner" or child of the "intimate partner" OR explicitly prohibit the use, attempted use, or threatened use of force against the partner.

However, the GCA has an exception for the receipt and possession of firearms and ammunition on behalf of a Federal or State agency. Therefore, the GCA does not prohibit a law enforcement officer under a restraining order from receiving or possessing a firearms or ammunition for use in performing official duties. Possession of the firearm off duty would be lawful if such possession is required by his department. An officer subject to a disabling restraining order would violate the law if the officer received or possessed a firearm or ammunition for other than official use. [18 U.S.C. 922(g)(8), 925(a)(1)]

B7

May a nonlicensee transport firearms interstate for sporting or other lawful purposes?

Yes, provided the weapon is unloaded and in a locked trunk or, in a vehicle lacking a trunk, in a locked container other than the glove compartment or console. Also, the carrying and transportation must be lawful in the place of origin and destination. [18 U.S.C. 926A, 27 CFR 178.38]

B8

May a nonlicensee ship a firearm through the mails?

A nonlicensee may mail a shotgun or rifle to a resident of his own State or to a licensee in any State. Handguns are notailable. A common or contract carrier must be used to ship a handgun. A nonlicensee may not transfer a handgun to a non licensed resident of another State.

The Postal Service recommends that longguns

be sent by registered mail and that no marking of any kind which would indicate the nature of the contents be placed on the outside of any parcel containing firearms.

A carrier must be notified that the shipment contains a firearm.

In addition, Federal law prohibits common or contract carriers from requiring or causing any label to be placed on any package indicating that it contains a firearm. [18 U.S.C. 922(a)(2)(A) and 922(e), 27 CFR 178.31]

B9

May a nonlicensee ship firearms interstate for his use in hunting?

Yes. A person may ship a firearm to himself in care of another person in the State where he intends to hunt. The package should be addressed to the owner. Persons other than the owner should not open the package and take possession of the firearm.

B10

May a person who is relocating out-of-State move firearms with other household goods?

Yes. A person who lawfully possesses a firearm may transport or ship the firearm interstate when changing his State of residence.

Certain NFA firearms must have prior approval from the Bureau of ATF, NFA Branch, Washington, DC 20226, before they may be moved interstate. The person must notify the mover that firearms are being transported. He should also check State and local laws where he is relocating to ensure that his movement of firearms into his new State does not violate any State law or local ordinance. [18 U.S.C. 922(a)(4), 27 CFR 178.28 and 178.31]

B11

What constitutes residency in a State?

The State of residence is the State in which an individual regularly resides or maintains his home. A member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located. If a member of the Armed

Forces maintains his home in one State and his permanent duty station is in a nearby State to which he commutes each day, then he may purchase a firearm in either the State where he is stationed or where he maintains his home. [18 U.S.C. 921(b) and 922(b)(3), 27 CFR 178.11]

B12

May a person who resides in one State and owns property in another State purchase a handgun in either State?

If a person maintains a home in two States and resides in both States for certain periods of the year, he may, during the period of time he actually resides in a particular State, purchase a handgun in that State. But simply owning property in another State does not qualify the person to purchase a handgun in that State.

B13

May foreign visitors buy firearms?

Yes, provided they meet certain requirements:

(1) An alien who is in this country legally and has resided in a particular State for a period of at least 90 days is considered to be a resident of that State and able to purchase a firearm if he is not otherwise prohibited. In addition, the alien should be cautioned that the firearm may not be exported without first complying with the provisions of the Arms Export Control Act. (See Item 5 under "General Information," Page 91.) [18 U.S.C. 921, 27 CFR 178.11]

B14

May a parent or guardian purchase firearms or ammunition as a gift for a juvenile (less than 18 years of age)?

Yes. However, in the case of handguns, possession of handguns by juveniles (less than 18 years of age) is generally unlawful. Juveniles may only receive and possess handguns with the written permission of a parent or guardian for limited purposes, e.g., employment, ranching, farming, target practice or hunting. [18 U.S.C. 922(x)]

B15

Does curio or relic status affect the transfer of

a firearm to a nonlicensee or possession by a nonlicensee?

No. Curios or relics are still firearms subject to the provisions of the GCA; however, curio or relic firearms may be transferred in interstate commerce to licensed collectors or other licensees.

C LICENSING

C1

How does one get a license?

Submit ATF Form 7, Application for License, or ATF Form 7CR, Application for License (Collector of Curios or Relics), with the appropriate fee in accordance with the instructions on the form. These forms may be obtained from the Firearms and Explosives Licensing Center in Atlanta, Georgia or your local ATF office. [18 U.S.C. 923, 27 CFR 178.44]

C2

May one license cover several locations?

No. A separate license must be obtained for each location. Storage facilities are not required to be covered by a separate license. However, the records maintained on licensed premises must reflect all firearms held in the separate storage facility. Firearms may be shipped directly to separate storage facilities as long as they are properly recorded as an acquisition in the licensee's records. [27 CFR 178.50]

C3

Does an importer or manufacturer of firearms also need a dealer's license?

No, as long as he is engaged in business at his licensed premises in the same type of firearms authorized by his license. [27 CFR 178.41(b)]

C4

If a person timely files an application for**renewal of his license and his present license expires prior to receipt of the new license, may he continue to conduct the business covered by his expired license?**

Yes. A person who timely files an application for renewal of his license may continue operations authorized by his expired license until his application is finally acted upon. An application is timely filed when it is received at the appropriate P.O. Box in Dallas, Texas with the appropriate renewal fee prior to the expiration date of the license.

If a person does not timely file an application for the renewal of his license and his license expires, he must file ATF Form 7, Application for License, or an ATF Form 7CR, Application for License (Collector of Curios or Relics), as required by 27 CFR 178.44, submit the application fee applicable to a new business, and obtain the required license before continuing business activity. [27 CFR 178.45]

C5

Must a licensee's records be surrendered to ATF if the licensee discontinues his business?

If the business is being discontinued completely, the licensed dealer, manufacturer or importer is required, within 30 days, to forward his records to the following address:

**Bureau of ATF
Out-of-Business Records Center
Falling Waters, West Virginia 25419**

Failure to surrender your required records is a felony and could result in the licensee being fined up to \$250,000, imprisoned up to five years, or both. A licensee discontinuing business must immediately notify the licensing center in Atlanta, Georgia.

If someone is taking over the business, the original licensee will underline the final entry in each bound book, note the date of transfer, and forward all records and forms to the successor (who must apply for and receive his own license before lawfully engaging in business) or forward the records and forms to the ATF Out-of-Business Records Center. If the successor licensee receives records and forms from the original licensee, the successor licensee may choose to

forward these records and forms to the ATF Out-of-Business Record Center. [18 U. S. C. 923(g)(4), 27 CFR 178.127]

C6

What records am I required to forward to ATF upon discontinuance of my business?

The records consist of the licensee's bound acquisition/disposition (A/D) records, ATF Forms 4473, ATF Forms 5300.35 (the Brady forms), ATF Forms 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers), and records of transactions in semiautomatic assault weapons. If the licensee was granted a variance to use a computerized recordkeeping system, the licensee is required to provide a complete print-out of his entire A/D records. [27 CFR 178.129, 178.133]

C7

May a successor owner of a business entity, other than one who is a successor under the provisions of 27 CFR 178.56 (for example, the surviving spouse or child, or a receiver or trustee in bankruptcy), commence a firearms business prior to receiving a Federal firearms license in his name?

No. Each person intending to engage in business as a firearms dealer, importer or manufacturer or an ammunition importer or manufacturer must obtain the required Federal firearms license prior to commencing business. [27 CFR 178.41]

C8

Does a Federal firearms license allow the licensee to carry a firearm in the course of business?

No. A Federal firearms license confers no right or privilege to carry a firearm, concealed or otherwise. Permits to carry are issued by State or local authorities. [27 CFR 178.58]

C9

May a person obtain a dealer's license to engage in business only at gun shows?

No. A license may only be issued for a

permanent premises at which the licensed applicant intends to do business. A person having such license may conduct business at gun shows located in the State in which the licensed premises is located. [18 U.S.C. 923(a) and (j)]

C10

May a licensee change the location of his licensed business or activity?

To change your location, you must file an application for an amended license, ATF Form 5300.38 not less than 30 days prior to the move. You must obtain the amended license before commencing business at the new location.

The application for an amended license would include the certification of compliance with State and local laws and notification of local law enforcement officials outlined in Question A2. [27 CFR 178.52]

D ATF FORM 4473 - FIREARMS TRANSACTION RECORD

D1

Where can a dealer get ATF Forms 4473?

They are available free of charge from the ATF Distribution Center. The current address is P.O. Box 5950, Springfield, VA 22150-5950. Please order a quantity of forms estimated for one year's use.

D2

Is an ATF Form 4473 needed in the transfer of a firearm by a nonlicensee?

No. ATF Form 4473 is required only for transfer by a licensee. [27 CFR 178.124]

D3

Does a dealer have to execute ATF Form 4473 to take a weapon out of his inventory for his own use?

No. However, the "bound book" must be properly posted to reflect the disposition of the

firearm from business inventory to personal use.
[27 CFR 178.124, 178.125a]

D4**Who signs ATF Form 4473 for the seller?**

ATF Form 4473 must be signed by the person who verified the identity of the buyer.
[27 CFR 178.124(c)]

D5**Is a Social Security card a proper means of identification?**

No. A Social Security card, alien registration card, or military identification alone does not contain sufficient information to identify a firearms purchaser. However, a purchaser may be identified by any combination of documents which together establish all of the required information: Name, residence address, date of birth or age, and signature. (See Question P11 for Brady law identification requirements) [27 CFR 178.124(c)]

D6**When must the ATF Form 4473 be signed?**

Part I (yellow) used for over-the-counter sales must be completed, signed and dated by the buyer at the time of delivery of the firearm.

Part II (green) used for intrastate non-over-the-counter sales must be completed, signed and dated in duplicate by the buyer at the time of sale. [27 CFR 178.124(c), 178.124(f)]

E RECORDS REQUIRED - LICENSEES**E1****What is a "bound book"?**

A "bound book" is a permanently bound book, or an orderly arrangement of loose-leaf pages which must be maintained on the business premises. In either event, the format must follow that prescribed in the regulations and the pages must be numbered consecutively. [27 CFR 178.125]

E2**May a dealer keep more than one "bound book" at the same time?**

Yes. A dealer in firearms is not limited to using only one "bound book." It may be convenient for a dealer to account for different brands or types of firearms in separate "bound books." [27 CFR 178.125]

E3**Does the Government sell a record book for licensees to use in recording their receipts and dispositions of firearms?**

No. Certain trade associations have them available at nominal cost. Your supplier should be able to tell you about this.

E4**What is the dealer's responsibility where a variation from normal regulatory practice has been authorized?**

The ATF letter authorizing the variation must be kept at the licensed premises and available for inspection. For businesses with more than a single licensed outlet, each outlet covered by the variation must have a copy of the letter authorizing the change.
[27 CFR 178.22, 178.125(h)]

E5**How much time does a dealer have to record acquisitions and dispositions of firearms in his "bound book"?**

If commercial records are kept containing the required information, are available for inspection, and are separate from other commercial documents, dealers have seven days from the time of receipt or disposition to record the receipt or disposition in his "bound book."

Receipts not covered by these records must be entered in the "bound book" by the close of the next business day after the acquisition or purchase. If a disposition is made before the acquisition has been entered in the "bound book," the acquisition entry must be made at the same

time as the disposition entry. [27 CFR 178.125(d)-(i)]

E6

Are the ammunition recordkeeping requirements the same as for firearms?

No. No records are required for ammunition other than armor piercing ammunition. Disposition records must be kept by licensed manufacturers, importers, and collectors for transactions in armor piercing ammunition. [27 CFR 178.125]

E7

Are rental firearms subject to recordkeeping control?

Yes, but the recordkeeping is not imposed on the loan or rental of firearms for use only on the premises. [27 CFR 178.97]

E8

May a licensee who has firearms in his private collection sell any of these firearms without making firearms record entries?

No. A licensee may sell a firearm from his personal collection, subject only to the restrictions on firearm sales by unlicensed persons, provided the firearm has been entered in his bound book and transferred to his private collection at least one year prior to the sale. On selling the personal firearm after one year, the sale must be recorded in a "bound book" for disposition of personal firearms, but no ATF Form 4473 is required. [27 CFR 178.125a]

E9

May a licensee maintain computer records in lieu of the "bound book"?

Yes. The Regional Director (Compliance) or other designated ATF official must approve a request for a recordkeeping variance before the licensee may use a computer system in lieu of the "bound book" record required by the regulations. [27 CFR 178.22 and 178.125(h)]

F CONDUCT OF BUSINESS - LICENSEES

F1

Does the Federal firearms law require licensees to comply with State laws and local published ordinances which are relevant to the enforcement of the GCA?

Yes. It is unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver any firearm or ammunition to any person if the person's purchase or possession would be in violation of any State law or local published ordinance applicable at the place of sale or delivery. (See Question **A2** for requirement to comply with State and local law to qualify for a license.) [18 U.S.C. 922(b)(2), 27 CFR 178.99(b)(2)]

F2

May a licensed dealer sell a firearm to a nonlicensee who is a resident of another State?

A licensee may sell a rifle or shotgun to a person who is not a resident of the State where his business is located in an over-the-counter transaction, provided the transaction complies with State law in the State where the licensee is located and in the State where the purchaser resides.

In the case of handguns, a licensee may not make a direct sale to a nonresident. The dealer may, however, ship the handgun to a licensed dealer whose business is in the purchaser's State of residence. The purchaser could then obtain the firearm from the dealer in his State. [18 U.S.C. 922(b)(3)]

F3

May a dealer sell firearms to law enforcement agencies and individual officers in another State?

Yes. Sales and deliveries of firearms to police and sheriff departments are not prohibited by the GCA. A dealer may also sell or ship firearms, other than NFA firearms, to an individual law

enforcement officer, regardless of age, if he has a signed statement of the officer's agency, stating that the items are to be used in the buyer's official duties. ATF Form 4473 need not be executed, and the Brady law is not applicable; however, the bound book must be properly posted, and the signed statement included in the dealer's records. (For information on sales of semiautomatic assault weapons to individual law enforcement officers see Question O11.) [27 CFR 178.141]

F4

May an employee of a licensed dealer, such as a manager or clerk, who is under 21 years of age, sell handguns and ammunition suitable for use in handguns for the licensee?

Yes, if he is not a prohibited person (e.g., a felon). However, to sell handguns, a person less than 18 years of age must have the prior written consent of a parent or guardian and the written consent must be in his possession at all times. Also, the parent or guardian giving the written consent may not be prohibited by law from possessing a firearm. [18 U.S.C. 922(x)]

F5

As a licensed dealer, must I advise ATF if I sell more than one handgun to an individual?

If you sell more than one handgun to any nonlicensee during a period of five consecutive business days, the sale must be reported on ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, and forwarded to an ATF office specified on the form no later than the close of business on the day the second handgun was sold. The form must also be sent to the State police or the local law enforcement agency where the sale occurred. [18 U.S.C. 923(g)(3), 27 CFR 178.126a]

F6

Does a customer have to be a certain age to buy firearms or ammunition from a licensee?

Yes. Longguns and longgun ammunition may be sold only to persons 18 years of age or older. Sales of handguns and ammunition for handguns are limited to persons 21 years of age and older. Although some State and local ordinances have lower age requirements, dealers are bound by the

minimum age requirements established by the GCA. If State law or local ordinances establish a higher minimum age, the dealer must observe the higher age requirement. [18 U.S.C. 922(b)(1), 27 CFR 178.99(b)]

F7

May a licensee sell interchangeable ammunition such as .22 cal. rimfire to a person less than 21 years old?

Yes, provided the buyer is 18 years of age or older, and the dealer is satisfied that it is for use in a rifle. If the ammunition is intended for use in a handgun, the 21 year old minimum age requirement is applicable. [18 U.S.C. 922(b)(1), 27 CFR 178.99(b)]

F8

In transactions between licensees, how does the seller assure himself that a purchaser of his firearm is a licensed dealer?

Verification must be established by the transferee furnishing to the transferor a certified copy of the transferee's license and by any other means the transferor deems necessary. [27 CFR 178.94]

F9

Must a multi-licensed business submit a certified copy of each of its licenses when acquiring firearms?

No. It need only provide the seller a list, certified to be true, correct and complete, containing the name, address, license number and expiration date for each location. [27 CFR 178.94]

F10

May a licensee continue to deliver to a business whose license has expired?

Yes, for a period of 45 days following the expiration date of the license. After the 45-day period the transferor is required to verify the licensed status of the transferee with the Chief, Firearms and Explosives Licensing Center. If the transferee's license renewal application is still pending, the transferor must obtain evidence from

the Regional Director (Compliance) that a license renewal application has been timely filed by the transferee and is still pending. [27 CFR 178.94]

F11**Is a license required to engage in the business of selling small arms ammunition?**

No. A license is not required for a dealer in ammunition only, but a manufacturer or an importer must be licensed.

F12**May licensed dealers sell firearms at gun shows?**

A licensee may sell firearms at a gun show located in the same State as that specified on his license. The transfer of NFA firearms may be lawfully made only upon an ATF approved transfer application. [18 U.S.C. 923(j), 27 CFR 178.100]

F13**What may a licensed dealer do at an out-of-State gun show?**

A licensed dealer may display and take orders for firearms at an out-of-State gun show. However, in filling any orders for firearms, the dealer must return the firearms to his licensed premises and deliver them from that location. Sales of firearms and simultaneous deliveries at the gun show, whether to other licensees or to nonlicensees, violate the law, since the dealer would be engaging in business at an unlicensed location. Any firearm sold to a nonlicensee must be delivered or shipped from the licensee's premises to a licensee in the purchaser's State of residence, and the purchaser must obtain the firearm from the licensee in his State. [921(a)(3), 922(b)(3), 923(a)]

F14**Who may ship firearms through the mails?**

Federal firearm licensees may deposit an unloaded firearm in the mails for conveyance to any officer, employee, agent, or watchman who is eligible under 18 U.S.C. 1715 to receive pistols, revolvers, and other firearms capable of being

concealed on the person for use in connection with his official duties.

However, any person proposing to mail a handgun must file with the postmaster, at the time of mailing, an affidavit signed by the addressee stating that he is qualified to receive the firearm, and the affidavit must bear a certificate stating that the firearm is for the official duty use of the addressee. See the current Postal Manual for details.

The Postal Service recommends that all firearms be sent by registered mail and that no marking of any kind which would indicate the nature of the contents be placed on the outside of any parcel containing firearms. (See Question B8)

F15**Must a dealer record firearms received on consignment?**

Yes. Firearms received for sale on consignment must be entered in the dealer's "bound book."

Sales of the firearms are handled in the same manner as other firearm sales. Return of the remaining firearms by the licensee to the consignor is entered in the dealer's disposition record, and the consignor must complete an ATF Form 4473 if the consignor is a nonlicensee.

F16**To whom does a dealer report stolen firearms?**

A theft or loss of firearms must be reported to your local police as well as to ATF within 48 hours after the discovery. Licensees should notify ATF on the toll free line at 1-800-800-3855 and by preparing and submitting ATF Form 3310.11, Federal Firearm Licensee Theft/Loss Report.

Theft or loss of NFA firearms should also be reported to the NFA Branch, (202) 927-8330, immediately upon discovery. [18 U.S.C. 923(g)(6), 27 CFR 178.39a and 179.141]

F17

If my firearms are stolen, what do I do about my records?

Take an inventory of stock on hand and enter "stolen" and the date in the disposition section of the "bound book" for those stolen firearms. In addition, at the time a licensee reports the theft on the ATF toll free line, he will be provided with a control number that should be placed in the records as well as on ATF Form 3310.11. [18 U.S.C. 923(g)(6), 27 CFR 178.39a]

F18

How many copies of the ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, must be completed and what becomes of each copy?

ATF Form 3310.4 must be completed in quadruplicate (4 copies). The original and a copy are sent to the local ATF Criminal Enforcement Field Division. A copy is provided to the designated State police or the local law enforcement agency in the jurisdiction where the sale took place. A copy is attached to the ATF Form 4473 that is retained by the dealer. The copy retained by the dealer must be held for not less than 5 years. [27 CFR 178.126a, 178.129]

F19

What is my responsibility to respond to a request to trace a firearm?

A licensee must respond immediately to, and in no event later than 24 hours after receipt of a request by ATF for information required to be kept. Failure to respond to the request for trace information can result in monetary fines, imprisonment, and/or revocation of your Federal firearms license. [18 U.S.C. 923(g)(7), 27 CFR 178.25a]

G COLLECTORS

G1

Is there a specific license which permits a

collector to acquire firearms in interstate commerce?

Yes. The person may obtain a collector's license; however, this license applies only to transactions in curio or relic firearms. [27 CFR 178.41(c),(d), 178.50(b) and 178.93]

G2

Does a collector's license afford any privileges to the licensee with respect to acquiring or disposing of firearms other than curios or relics in interstate or foreign commerce?

No. A licensed collector has the same status under the GCA as a nonlicensee except for transactions in curio or relic firearms. [27 CFR 178.93]

G3

Does a license as a collector of curio or relic firearms authorize the collector to engage in the business of dealing in curios or relics?

No. A dealer's license must be obtained to engage in the business of dealing in any firearms, including curios or relics. [18 U.S.C. 922(a) and 923(a)(1), 27 CFR 178.41]

G4

Since a licensed firearms dealer may legally deal in curio or relic firearms, is there any reason why the same person would need both a dealer's license and collector's license?

A person who deals in curio or relic firearms and holds a dealer's license is not required to have a collector's license. A collector's license enables a collector to obtain curio or relic firearms interstate. A person holding a dealer's license may also acquire curio or relic firearms interstate. [27 CFR 178.50(b)]

G5

Are licensed collectors required to execute ATF Form 4473 for transactions in curio or relic firearms?

No. Licensed collectors are only required to keep a "bound book" record. [27 CFR 178.125(f)]

H MANUFACTURERS

H1

Must a person who engages in the business of manufacturing and importing firearms have a separate license to cover each type of business?

Yes. A separate license is required to cover each type of business. [27 CFR 178.41]

H2

May a person licensed as a manufacturer of ammunition also manufacture firearms?

No. A person licensed as a manufacturer of ammunition may not manufacture firearms unless he obtains a license as a firearms manufacturer.

H3

May a person licensed as a manufacturer of firearms also manufacture ammunition?

Yes. He may also manufacture ammunition (not including destructive device ammunition or armor piercing ammunition) without obtaining a separate license as a manufacturer of ammunition.

H4

Is one who reloads ammunition required to be licensed as a manufacturer?

Yes, if he engages in the business of selling or distributing reloads for the purposes of livelihood or profit. No, if he reloads only for his own use. [27 CFR 178.41]

H5

Must a licensed manufacturer pay excise taxes?

Yes. Licensed manufacturers incur excise tax on the sale of firearms and ammunition manufactured. (See General Information, Item 16)

I GUNSMITHS

I1

Is a license needed to engrave, customize, refinish or repair a firearm?

Yes. A person conducting such activities as a business is considered to be a gunsmith within the definition of a dealer. [27 CFR 178.11]

I2

Does a gunsmith need to enter in his permanent "bound book" record every firearm which he receives for adjustment or repair?

If a firearm is brought in for repairs and the owner waits while it is being repaired or if the gunsmith is able to return the firearm to the owner during the same business day, it is not necessary to list the firearm as an "acquisition." If the gunsmith has possession of the firearm from one business day to another or longer, he must record the firearm in his permanent "bound book" record. [27 CFR 178.125(e)]

I3

Is ATF Form 4473 required when a gunsmith returns a repaired firearm?

No, provided the firearm is returned to the person from whom received. [27 CFR 178.124(a)]

I4

May a gunsmith make immediate repairs at locations other than his place of business?

Yes.

I5

May a licensed gunsmith receive an NFA firearm for purposes of repair?

Yes, for the sole purpose of repair and subsequent return to its owner. It is suggested that the owner receive permission from ATF for the transfer by completing and mailing ATF Form

5 to the NFA Branch and receive approval prior to the delivery. The gunsmith should do the same prior to returning the firearm.

Only the face of the form need be completed in each instance. ATF Forms 5 may be obtained from the Bureau of ATF, NFA Branch, Washington, DC 20226, (202) 927-8330.

J PAWBROKERS

J1

What disposition records must be kept by a pawnbroker upon the redemption of a pawned firearm?

The redemption of a pawned firearm is a "disposition" of a firearm under Federal firearms law and is subject to all the recordkeeping requirements under the GCA. Disposition must be properly entered in the pawnbroker's "bound book," and ATF Form 4473 must be executed in connection with the redemption. (See Question **J4**) [27 CFR 178.124 and 178.125]

J2

What is the procedure for a licensed pawnbroker to return a firearm?

The procedure varies, depending upon the firearm and the situation.

Some Examples--

(1) Pawnbroker and nonlicensee are residents of the same State: The pawnbroker may return a handgun or longgun to either the person who pawned it or a holder of the pawn ticket who resides in the pawnbroker's State. Use ATF Form 4473, Part I (yellow) at the time of redemption.

2) Pawnbroker and nonlicensee are not residents of the same State:

a. The pawnbroker may return a handgun only to the person who pawned it, using ATF Form 4473, Part I (yellow) at the time of redemption.

b. The pawnbroker may return a rifle or shotgun to the person who pawned it.

c. The pawnbroker may transfer a rifle or shotgun to the holder of a pawn ticket who did not pawn it at the licensed premises, provided that the transaction complies with the law of the State where the pawnbroker's business is located and the law of the State where the pawn ticket holder resides. An ATF Form 4473, Part I (yellow) is used for this transaction. [18 U.S.C. 922(a)(2) and 922(b)(3)]

J3

Are there prohibited categories of persons from whom a pawnbroker should not accept firearms?

Yes. The pawnbroker cannot lawfully return a firearm to a person who is underage or within a prohibited category of persons to whom the sale or other disposition of the firearm would be unlawful. For example, a pawnbroker cannot lawfully return a pawned handgun to a person who is less than 21 years of age, nor can he return a firearm to a convicted felon or to anyone else who is prohibited from receiving the firearm. [18 U.S.C. 922(d), 27 CFR 178.99]

J4

Does a pawnbroker have to have the person who pawns and redeems the same firearm, repeatedly, complete ATF Form 4473 at the time of each redemption?

Not necessarily. Subsequent transactions involving the same weapon and the same nonlicensee may be recorded on a sheet of paper attached to the original ATF Form 4473, and it must be signed and dated (recertified) by that person each time the firearm is redeemed.

K Auctioneers

K1

Does an auctioneer who is involved in firearms sales need a dealers license?

Generally speaking, there are two types of auctions: estate-type auctions and consignment auctions. In estate-type auctions, the articles to be auctioned (including firearms) are being sold by the executor of the estate of an individual. In these cases the firearms belong to and are possessed by the executor. The auctioneer is acting as an agent of the executor and assisting the executor in finding buyers for the firearms. The firearms are controlled by the estate, and the sales of firearms are being made by the estate. In these cases, the auctioneer does not meet the definition of engaging in business as a dealer in firearms and would not require a license. An auctioneer who has a license may perform this function away from his licensed premises.

In consignment-type auctions, an auctioneer often takes possession of firearms in advance of the auction. These firearms are generally inventoried, evaluated, and tagged for identification. The firearms belong to individuals who have entered into a consignment agreement with the auctioneer giving that auctioneer authority to sell the firearms. The auctioneer has possession and control of the firearms. Under these circumstances, an auctioneer would generally need a license.

An auctioneer who buys a firearm for purposes of resale will also need a license.

K2

If a licensed auctioneer is making sales of firearms, where may those sales be made?

Firearms may be displayed at an auction site and sales of the firearms can be agreed upon at that location, but the delivery must subsequently be made from the licensed premises.

L

IMPORTING AND EXPORTING

L1

May a licensed dealer who does not have an importer's license make an occasional importation?

Yes. A licensee may make an occasional

importation of a firearm for a nonlicensee or for the licensee's personal use (not for resale). The licensee must first submit a ATF Form 6, Part I to the Imports Branch for approval. The licensee may then present the approved Form 6 and completed ATF Form 6A to the U.S. Customs Service. Contact the Bureau of ATF, Imports Branch, Washington, DC 20226, (202) 927-8320 for forms.

L2

Does a licensee need an export license to export a firearm?

The GCA does not provide for an export license. However, firearms and ammunition shall be exported in accordance with provisions of the Arms Export Control Act of 1976 and a license must be obtained from the Office of Defense Trade Controls, PM/DTC, SA-6, Room 228, U.S. Department of State, Washington, DC 20522; (703) 875-6644. In the case of exporting NFA firearms, a permit, ATF Form 9, must be obtained from ATF.

The export of sporting shotguns is regulated by the U.S. Department of Commerce. For further information, contact them at their nearest district office or the Exporter Counseling Division, U.S. Department of Commerce, Washington, DC 20230, (202) 482-4811. [22 U.S.C. 2778, 27 CFR 179.114 - 179.116]

M

FIREARMS - NATIONAL FIREARMS ACT (NFA)

M1

The types of firearms that must be registered in the National Firearm Registration and Transfer Record are defined in the NFA and in 27 CFR Part 179. What are some examples?

Some examples of the types of firearms that must be registered are:

- Machineguns;
- The frames or receivers of machineguns;
- Any combination of parts designed and intended for use in converting weapons into machineguns;

Any part designed and intended solely and exclusively for converting a weapon into a machinegun;
 Any combination of parts from which machineguns can be assembled if the parts are in the possession or under the control of a person;
 Silencers and any part designed and intended for fabricating a silencer;
 Sawed-off rifles;
 Sawed-off shotguns;
 Destructive devices; and,
 "Any other weapons."

A few examples of destructive devices are:

Molotov cocktails;
 Anti-tank guns (over caliber .50);
 Bazookas; and,
 Mortars.

A few examples of "any other weapon" are:

H&R Handyguns;
 Ithaca Auto-Burglar guns;
 Cane guns; and,
 Gadget-type firearms and "pen" guns which fire fixed ammunition.

M2

How can an individual legally acquire NFA firearms?

Basically, there are two ways that an individual (who is not prohibited by Federal, State, or local law from receiving or possessing firearms) may legally acquire NFA firearms:

(1) By lawful transfer of a registered weapon from its lawful owner residing in the same State as the transferee. Obtain any forms needed from the Bureau of ATF, NFA Branch, Washington, DC 20226.

(2) By obtaining prior approvals to make NFA firearms. [27 CFR 179.84-179.87 and 179.62-179.67]

M3

What is the tax on making an NFA firearm?

The tax is \$200 for making any NFA firearm, including "any other weapon."

M4

How is this tax paid?

A money order or check made payable to the Bureau of ATF together with the application forms are to be mailed to the Bureau of ATF, NFA Branch, Washington, DC 20226.

M5

What is an unserviceable firearm?

An unserviceable firearm is defined as one which is incapable of discharging a shot by means of an explosive and which is incapable of being readily restored to a firing condition.

An acceptable method of rendering most firearms unserviceable is to fusion weld the chamber closed and fusion weld the barrel solidly to the frame. Certain unusual firearms require other methods to render the firearms unserviceable.

An unserviceable NFA firearm is still subject to the controls of the NFA, but may be transferred tax free as a curio or ornament. Contact the Bureau of ATF, Firearms Technology Branch, Washington, DC 20226, (202) 927-7910 for instructions. [27 CFR 179.11 and 179.91]

M6

What is the status of an unregistered NFA firearm acquired through seizure or abandonment by a State?

When NFA firearms are desired for official use, they must be registered by filing ATF Form 10 with the Bureau of ATF, NFA Branch, Washington, DC 20226.

Since approval is conditioned on an "official use only" basis, subsequent transfers on ATF Form 5 cannot be approved except to a Government agency. [27 CFR 179.104]

M7

May a private citizen who owns an NFA firearm which is not registered have his firearm registered?

No. An unregistered NFA firearm is a

contraband firearm and it is unlawful to possess the weapon. The possessor should contact the nearest ATF office to arrange for its disposition.

M8

What can happen to someone who has an NFA firearm which is not registered to him?

Violators may be fined not more than \$250,000, and imprisoned not more than 10 years, or both. In addition, any vessel, vehicle or aircraft used to transport, conceal or possess an unregistered NFA firearm is subject to seizure and forfeiture, as is the weapon itself. [49 U.S.C. 781-788, 26 U.S.C. 5861, 26 U.S.C. 5872]

M9

What should a person do if he comes into possession of an unregistered NFA firearm?

Contact the nearest ATF office immediately.

M10

Are there any exemptions from the making or transfer tax provisions of the NFA?

Yes. These are noted below, along with the required form number.

You will have to contact the Bureau of ATF, NFA Branch, Washington, DC 20226, (202) 927-8330. Completed forms must be approved by the NFA Branch prior to the making or transfer:

(1) Tax exempt transfer and registration of a firearm between special (occupational) taxpayers: ATF Form 3.

(2)(a) Tax-exempt making of a firearm on behalf of a Federal or State agency: ATF Form 1. Tax-exempt transfer and registration of the firearm: ATF Form 5.

(b) A licensed manufacturer under contract to make NFA firearms for the U.S. Government may be granted exemption from payment of the special (occupational) tax as a manufacturer of NFA firearms and exemption from all other NFA provisions (except importation) with respect to the weapons made to fulfill the contract. Exemptions are obtained by writing the NFA Branch, stating the contract number(s) and the anticipated date of

termination. This exemption must be renewed each year prior to July 1.

(3) Tax-exempt transfer and registration of unserviceable firearm which is being transferred as a curio or ornament; tax exempt transfer firearm to a lawful heir: ATF Form 5. [26 U.S.C. 5851, 27 CFR 179.69, 179.70, 179.88, 179.89, 179.90 and 179.91]

M11

How does a person qualify to import, manufacture, or deal in NFA firearms?

He must be licensed under the GCA and pay the required special (occupational) tax imposed by the NFA. In addition, an importer (except importers of sporting shotguns and shotgun ammunition) must also be registered with ATF under the Arms Export Control Act of 1976.

After becoming licensed under the GCA, he must take the following steps: ATF Form 5630.7 with the appropriate tax payment in the entire amount must be filed with ATF in accordance with instructions on the form. [26 U.S.C. 5801, 18 U.S.C. 923, 27 CFR 47.31, 178.41, 179.34 and 179.193]

M12

When must firearms special (occupational) taxes be paid, how much are the taxes, and how are they paid?

On first engaging in business and thereafter on or before the first day of July, these taxes must be paid in full. The current taxes are set out in this table. Taxes are paid in the manner discussed in Question M11, above.

SPECIAL (OCCUPATIONAL) TAX RATES UNDER THE NFA

CLASS OF TAXPAYER	ANNUAL FEE
1 Importer of Firearms (Including "Any Other Weapons")	\$1000.00
2 Manufacturer of Firearms (Including "Any Other Weapons")	\$1000.00
3 Dealer of Firearms (Including "Any Other Weapons")	\$ 500.00

1 Importer of Firearms (Including "Any Other Weapons") **\$ 500.00**
REDUCED*

2 Manufacturer of Firearms (Including "Any Other Weapons") **\$ 500.00**
REDUCED*

* REDUCED = Rates which apply to certain taxpayers whose total gross receipts in the last taxable year are less than \$500,000.

M13

Does a single special (occupational) tax payment entitle a person or firm to import and manufacture firearms?

No. A separate special (occupational) tax payment must be made for each of these activities. However, Class 1 and Class 2 special (occupational) taxpayers are qualified to deal in NFA firearms without also having to pay special (occupational) tax as a Class 3 dealer. [27 CFR 179.39]

M14

May a licensed collector obtain NFA firearms in interstate commerce?

Only if the firearms are classified as curios or relics, are registered, and are transferred in accordance with the provisions of the NFA. In addition, he must meet the requirements set forth in Question **M15**.

M15

What are the required transfer procedures for an individual who is not qualified as a manufacturer, importer, or dealer of NFA firearms?

ATF Form 4 (5320.4) must be completed, in duplicate. The transferor must first complete the face of the form. The transferee must complete the transferee's certification on the reverse of the form and have the "Law Enforcement Certification" completed by the chief law enforcement officer.

The transferee is to affix, on each copy of the form, a 2 inch by 2 inch photograph of himself taken within the past year (proofs, group

photographs or photocopies are unacceptable). The transferee's address must be a street address, not a post office box. If there is no street address, specific directions to the residence must be included.

If State or local law requires a prior permit or license to purchase, possess, or receive NFA firearms, a copy of the transferee's permit or license must accompany the application. A check or money order for \$200 (\$5 for transfer of "any other weapon") shall be made payable to ATF by the transferor. All signatures on both copies must be in ink.

Submit fingerprints on FBI Form FD-258, in duplicate: Fingerprints must be taken by a person qualified to do so, and must be clear and classifiable. If wear or damage to the fingertips do not allow clear prints, and if the prints are taken by a law enforcement official, a statement on his or her official letterhead giving the reason why good prints are unobtainable should accompany the fingerprints.

Forward completed information and appropriate tax payment to the Bureau of ATF, P.O. Box 73201, Chicago, IL 60673. Transfer of the NFA firearm may be made only upon approval of the ATF Form 4 by the NFA Branch. If application is approved, the original of the form with the cancelled stamp affixed, showing approval will be returned to the applicant. Otherwise, the tax will be refunded.

Upon approval of the ATF Form 4 the transferor should transfer the firearm as soon as possible, since the firearm is now registered to the transferee. [26 U.S.C. 5812, 27 CFR 179.83 - 86]

M16

How does an individual obtain authorization to make an NFA firearm?

Prior to making the firearm, he must submit ATF Form 1, Application to Make and Register a Firearm, to the Bureau of ATF, NFA Branch, Washington, DC 20226, and receive approval. The applicant must follow the procedures described in Question **M15** concerning completion of the form including photographs, fingerprints and certifications. The applicant must forward the original and a duplicate of the form along with a check or money order for \$200 made payable to

the Bureau of ATF. If the application is approved, the original of the form with the cancelled stamp affixed showing approval will be returned to the applicant. Otherwise, the tax will be refunded. [26 U.S.C 5822, 27 CFR 179.62-179.65]

M17

Are parts which would convert a firearm into an NFA firearm subject to registration?

Yes. Examples:

An M-2 conversion kit;
Any part designed and intended solely and exclusively to convert a weapon into a machinegun. (See Question M1)

M18

May a licensed firearms dealer, qualified to deal in NFA firearms, transfer a firearm to an unlicensed person in another State?

No. The GCA generally prohibits the interstate transfer from a licensed dealer to a nonlicensee except for an over-the-counter sale of a longgun to an unlicensed person where the sale complies with the legal requirements in the State of both buyer and seller. [18 U.S.C. 922(a)(2) and (b)(3), 27 CFR 178.29-178.30]

M19

If the chief law enforcement official whose jurisdiction includes the proposed transferee's residence refuses to sign the "Law Enforcement Certification," will the signature of an official in another jurisdiction be acceptable?

No.

M20

Does the registered owner of a destructive device, machinegun, short barreled shotgun, or short barreled rifle need authorization to lawfully transport such items interstate?

Yes, unless the owner is a qualified dealer, manufacturer or importer, or a licensed collector transporting only curios or relics. Prior approval must be obtained, even if the move is temporary, and is requested by either submitting a letter

application containing all necessary information, or by submitting ATF Form 5320.20 to the Bureau of ATF, NFA Branch, Washington, DC 20226. Possession of the firearms must still comply with State and local laws. [27 CFR 178.28]

M21

If an individual is changing his State of residence and his application to transport his NFA firearm cannot be approved, what options does a lawful possessor have?

NFA firearms may be left in a safe deposit box. Also, the firearm could be left or stored at the house of a friend or relative in a locked room or container to which only the registered owner has a key. The friend or relative should be supplied with a copy of the registration forms and a letter from the owner authorizing storage of the firearm at that location. The NFA Branch must be notified of the location at which the firearms are stored.

The firearms may also be transferred under the procedures referred to in Question M15 or abandoned to ATF.

M22

May a transferor submit an application to transfer an NFA firearm prior to the date on which the transferor receives the weapon?

No.

M23

If a person has a pistol and an attachable shoulder stock, does this constitute possession of an NFA firearm?

Yes, unless the barrel of the pistol is at least 16 inches in length (and the overall length of the firearm with stock attached is at least 26 inches). However, certain stocked handguns, such as original semiautomatic Mauser "Broomhandles" and Lugers, have been removed from the purview of the NFA as collectors' items. [27 CFR 179.11]

M24

Does the owner of a registered NFA firearm have to have any evidence to show it is registered lawfully to him?

Yes. The approved application received from ATF serves as evidence of registration of the NFA firearm in the owner's name. This document must be kept available for inspection by ATF officers. It is suggested that a photocopy of the approved application be carried by the owner when the weapon is being transported.

M25

What is the status of deactivated, unloaded or dummy grenade, artillery shell casings and similar devices?

Such devices would merely be ornaments and not within the purview of the NFA. However, such devices would have to be cut or drilled in such a manner as to preclude possible use as ammunition components for destructive devices.

M26

Are muzzleloading cannons classified as destructive devices?

Generally, no. Muzzleloading cannons not capable of firing fixed ammunition and manufactured in or before 1898 and replicas thereof are antiques and not subject to the provisions of either the GCA or the NFA. [26 U.S.C. 5845, 27 CFR 179.11]

M27

Are grenade and rocket launcher attachments destructive devices?

Grenade and rocket launcher attachments for use on military type rifles generally do not come within the definition of destructive devices. However, the grenades and rockets used in these devices are generally within the definition. [26 U.S.C. 5845, 27 CFR 179.11]

M28

What is a "conversion kit?"

A conversion kit is any part or combination of parts designed and intended for use in converting a weapon into a machinegun. A conversion kit is a machinegun for purposes of the NFA. [26 U.S.C. 5845, 27 CFR 179.11]

N MACHINEGUNS - NATIONAL FIREARMS ACT (NFA)

N1

May an unlicensed person make a machinegun?

Generally, no. But, in the event that documentation can be provided, along with the Application to Make a Machinegun, which establishes that the weapon is being made for distribution to a Federal or State agency, an individual may be permitted to make the machinegun. [18 U.S.C. 922(o)(2), 27 CFR 179.105(e)]

N2

May machineguns be transferred from one registered owner to another?

Yes. If the machinegun was lawfully registered and possessed before May 19, 1986, it may be transferred pursuant to an approved ATF Form 4. [18 U.S.C. 922(o)(2)]

O SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES

O1

What restrictions does Federal law impose on semiautomatic assault weapons?

It is generally unlawful for a person to manufacture, transfer, or possess semiautomatic assault weapons after September 13, 1994, the effective date of the law. See the exceptions listed in Question O5. [18 U.S.C. 922(v)(1)]

O2

How does the law define the term "semiautomatic assault weapon?"

The term "semiautomatic assault weapon" is defined to include 19 named models of firearms and semiautomatic rifles, semiautomatic pistols, and semiautomatic shotguns that have at least 2

of the features specified in the law. Frames or receivers for firearms are not regulated as semiautomatic assault weapons, since they could be assembled as a firearm other than the 19 named models of firearms. Likewise, frames or receivers are not semiautomatic assault weapons under the "features" test of the law because they do not yet have the features necessary to bring them within the definition.

Semiautomatic assault weapons in knockdown (disassembled) condition consisting of a receiver and all parts needed to assemble a complete semiautomatic assault weapon are subject to regulation if the parts are segregated or packaged together and held by a person as the parts for the assembly of a particular firearm. [18 U.S.C. 921(a)(30)]

03

What restrictions does Federal law impose on large capacity ammunition feeding devices?

It is generally unlawful for a person to transfer or possess a large capacity ammunition feeding device manufactured after September 13, 1994, the effective date of the law. See exceptions listed in Question **O5**. [18 U.S.C. 922(w)(1)]

04

How does the law define the term "large capacity ammunition feeding device?"

The term "large capacity ammunition feeding device" is defined as a magazine, belt, drum, feed strip, or similar device manufactured after September 13, 1994, that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. Large capacity ammunition feeding devices in knockdown (disassembled) condition consisting of all parts needed to assemble a complete large capacity ammunition feeding device are subject to regulation if the parts are segregated or packaged together and held by a person as the parts for the assembly of a particular device. [18 U.S.C. 921(a)(31)]

05

What exceptions from the prohibitions on semiautomatic assault weapons and large

capacity ammunition feeding devices are provided in the law?

Exceptions are provided for semiautomatic assault weapons and large capacity ammunition feeding devices--

- (1) lawfully possessed on or before the date of enactment;
- (2) manufactured for, transferred to, or possessed by governmental entities or law enforcement officers employed by governmental entities for official use;
- (3) transferred to licensees maintaining on-site security at a nuclear power plant required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;
- (4) transferred to law enforcement officers by the officer's agency upon the officer's retirement; and
- (5) manufactured, transferred, or possessed by licensed manufacturers or licensed importers for the purposes of testing or experimentation as authorized by ATF. [18 U.S.C. 922(v)(2), (v)(4), (w)(2) and (w)(3)]

06

If an NFA firearm has 2 or more of the features specified in the law for semiautomatic assault weapons, will the firearm be regulated under both statutes?

Any firearm that falls within the definition of "semiautomatic assault weapon" and the NFA definition of "firearm" is subject to both laws.

07

Are replacement parts for grandfathered semiautomatic assault weapons and large capacity ammunition feeding devices subject to regulation under the law?

No. Parts may be replaced in grandfathered semiautomatic assault weapons and grandfathered feeding devices without violating the law. However, if the frame or a receiver for a semiautomatic assault weapon is defective, the

replacement must be made by the weapon's manufacturer or importer. The replacement receiver must be marked with the same serial number as the original receiver, and the original receiver must be destroyed. However, a manufacturer or importer who is unable to mark the replacement receiver with the same serial number as the original receiver may seek a marking variance in accordance with 27 CFR 178.92. In addition, the permanent records of the manufacturer or importer should indicate that the receiver for the weapon has been replaced.

O8

May law enforcement officers purchase and possess semiautomatic assault weapons and high capacity ammunition feeding devices?

Yes. The law provides exceptions for law enforcement officers purchasing assault weapons and magazines for official use. A licensee may lawfully transfer these items to a law enforcement officer and the officer may lawfully possess these items if:

- (1) the officer is a "peace officer" having the authority to arrest persons for violations of the law and to obtain and execute search warrants; and
- (2) the officer is employed by a government agency.

The law also provides an exception for assault weapons and feeding devices transferred to law enforcement officers by their agencies upon retirement. Neither this exception nor the exception for official use permit officers to retain their weapons or feeding devices after retiring or leaving the agency or to acquire additional items. Officers who retire or leave their employment with a law enforcement agency should transfer their assault weapons and large capacity ammunition feeding devices to a Federal firearms licensee or another qualified officer. [18 U.S.C. 922(v)(4), (w)(3)]

O9

If a person is in possession of a frame or receiver for a semiautomatic assault weapon on the date of enactment, may the person acquire the rest of the parts and assemble a complete semiautomatic assault weapon?

No. It is unlawful to make such weapon after the law's effective date. [18 U.S.C. 922(v)(1)]

O10

What documentation must a manufacturer, importer, or dealer obtain from law enforcement officers who purchase semiautomatic assault weapons and large capacity ammunition feeding devices for official use?

Licensees may transfer semiautomatic assault weapons and large capacity ammunition feeding devices to law enforcement officers with the following documentation:

(1) a written statement from the purchasing officer, under penalty of perjury, stating that the weapon or device is being purchased for use in performing official duties and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale; and

(2) a written statement from a supervisor of the purchasing officer, under penalty of perjury, stating that the purchasing officer is acquiring the weapon or feeding device for use in official duties, that the weapon or device is suitable for use in performing official duties, and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale.

In the case of semiautomatic assault weapons, licensees are required to retain the above statements in their permanent records for a period of 5 years. [27 C.F.R. 178.129, 178.132]

O11

May licensed manufacturers, licensed importers, and licensed dealers stockpile semiautomatic assault weapons for future sales to law enforcement agencies and law enforcement officers employed by such agencies?

Yes. Semiautomatic assault weapons may be transferred directly to law enforcement agencies with a purchase order. Licensed manufacturers and licensed dealers may transfer semiautomatic assault weapons to any Federal firearms licensee upon obtaining evidence that the weapons will only be disposed of to law enforcement agencies and law enforcement officers for official use.

Examples of acceptable evidence include the following:

1. Contracts between the manufacturer and dealers stating that the weapons may only be sold to law enforcement agencies and law enforcement officers.
2. Copies of purchase orders submitted to the licensee by law enforcement agencies.
3. Copies of letters submitted to the licensee by government agencies or law enforcement officers expressing an interest in purchasing the weapons.
4. Letters from dealers to the manufacturer stating that sales will only be made to law enforcement agencies or law enforcement officers.
5. Letters from law enforcement officers as described in Question O10.

The above evidence must be maintained in the records of Federal firearms licensees for a period of 5 years.

ATF Form 6 applications for the importation of nonsporting weapons, including semiautomatic assault weapons, are approved only if the importer submits a purchase order from a governmental entity. Therefore, importers and dealers may not maintain an inventory of imported assault weapons. [18 U.S.C. 922(v)(4), 27 C.F.R. 178.40, 178.129(e); ATF Rul. 80-8]

O12

Will manufacturers, importers, and dealers in large capacity ammunition feeding devices be permitted to stockpile devices for sale to governmental entities?

Yes. Possession and transfer of these devices by manufacturers, importer, or dealers will be presumed to be lawful if they maintain evidence that the devices are possessed and transferred for sale to government agencies and law enforcement officers employed by such agencies. Examples of acceptable evidence are the same as those set forth in Question O11, relating to semiautomatic assault weapons. The importation of large capacity ammunition feeding devices requires an approved ATF Form 6 issued by ATF. ATF will approve a ATF Form 6 application to

import such devices when submitted with a purchase order from a law enforcement agency or evidence that the device is being imported for sale to a government agency or law enforcement officer employed by such agency. An ATF Form 6 will also be approved when submitted with a statement by the importer that the devices are being acquired for resale to law enforcement agencies and/or law enforcement officers for official use. ATF will stamp or type a restriction on the ATF Form 6 stating that the devices are approved for importation and sale only to law enforcement agencies or law enforcement officers in accordance with 18 U.S.C. 922(w)(3). [18 U.S.C. 922(w)(3), 27 CFR 178.40a and 178.119]

O13

What markings must appear on semiautomatic assault weapons manufactured after September 13, 1994?

In addition to the markings required of all firearms pursuant to 27 C.F.R. 178.92(a)(1), the frames or receivers for semiautomatic assault weapons must be marked "RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY" or, in the case of weapons manufactured for export, "FOR EXPORT ONLY." [18 U.S.C. 923(i), 27 CFR 178.92(a)(2)]

O14

What markings must appear on large capacity ammunition feeding devices manufactured after September 13, 1994?

Persons who import or manufacture large capacity ammunition feeding devices must legibly identify each device imported or manufactured with a serial number. The same serial number may be used for all devices manufactured or imported. Such devices must also be marked "RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY" or, in the case of devices manufactured for export, "FOR EXPORT ONLY." Domestically made devices must also be marked with the name, city and State of the manufacturer. Imported devices must be marked with the name of the manufacturer, country of origin, and name, city and State of the importer. Persons who manufacture or import metallic links for use in the assembly of belted ammunition are only required to place the prescribed identification marks on the

containers used for packaging the links. [18 U.S.C. 923(i), 27 CFR 178.92(c)]

O15

Are fixed magazines for weapons specified in APPENDIX A to 18 U.S.C. 922 and fixed magazines for manually operated firearms which hold more than 10 rounds of ammunition "large capacity ammunition feeding devices?"

The law specifically provides that the prohibition on semiautomatic assault weapons shall not apply to any of the firearms specified in Appendix A or any firearms that is manually operated by bolt, pump, lever, or slide action. Accordingly, weapons listed in Appendix A with fixed magazines and manually operated firearms with fixed magazines are exempt from both the assault weapon and feeding device provisions of the law. [18 U.S.C. 922(v)(3), 922(w)]

O16

What evidence is sufficient for Federal firearms licensees to be sure that particular semiautomatic assault weapons are "grandfathered" weapons which are not subject to the restrictions on possession and transfer?

The requirement that semiautomatic assault weapons be marked "RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY" was not effective until July 5, 1995. Thus, semiautomatic assault weapons manufactured from September 13, 1994–July 4, 1995, may not be marked with the restrictive markings. Additionally, sporting weapons may have been modified after September 13, 1994, so that they are semiautomatic assault weapons, *e.g.*, a pistol grip and magazine extension are installed on a sporting shotgun. Licensees obtaining semiautomatic assault weapons which do not have the restrictive marking should obtain from the seller an invoice, bill of sale, or other documentation indicating that the weapon in its present configuration was lawfully possessed on or before September 13, 1994. [27 CFR 178.92(a)(2)]

O17

May semiautomatic assault weapons which have been classified as curios or relics be imported?

Not unless they are being imported for sale to a government agency or law enforcement officer employed by such agency for official use. Since ATF will not approve an importation which would place the importer in violation of the law, ATF would not authorize the importation of semiautomatic assault weapons, even if classified as curios or relics, unless the importer provided evidence that the weapons were being imported for sale to a governmental entity or other exempt purchaser. [18 U.S.C. 922(v)]

P

BRADY LAW

P1

Who must comply with the 5-day waiting period requirement imposed by the Brady law?

Federally licensed firearms importers, manufacturers, and dealers in those States that do not already require a prior background check must comply with the requirement prior to the sale, transfer, or delivery of a handgun to a nonlicensed individual.

P2

How does the Brady law affect a Federal firearms licensee?

The waiting period provisions of the law make it unlawful for any Federal firearms licensee to sell a handgun to a nonlicensee unless the licensee:

- (1) obtains ATF Form 5300.35, Statement of Intent to Obtain a Handgun(s), (Brady form) from the purchaser;
- (2) verifies the identity of the transferee by examining identification documents presented;
- (3) within 1 day after the purchaser furnishes the Brady form, contacts (by telephone or otherwise) the chief law enforcement officer

(CLEO) of the place of residence of the purchaser and advises such officer of the contents of the statement;

(4) within 1 day after the purchaser finishes the Brady form, transmit a copy of the Brady form to the CLEO of the place of residence of the purchaser; and

(5) the licensee waits 5 business days from the date the licensee furnished the Brady form to the CLEO before transferring the handgun to the purchaser (during which period the licensee has not received information from the CLEO that possession of the handgun by the purchaser would be in violation of the law), **OR** the licensee receives notice from the CLEO that possession of the handgun by the purchaser does not violate the law. [18 U.S.C. 922(s)(1), 27 CFR 178.102]

P3

Does the 5-day waiting period apply to sales of handguns to law enforcement officers?

No. These sales are exempt. However, the dealer must obtain from the purchaser a certification from the purchaser's commanding officer stating that the handgun is being acquired for official use. [18 U.S.C. 925(a)(1)]

P4

Are there any exceptions to the 5-day waiting period?

Licensees need not comply with the waiting period requirements in 4 situations. These include handgun transfers (a) pursuant to an official written statement of the buyer's need for a handgun based upon a threat to life; (b) to buyers having a State permit or whose records have been checked and in either case an official has verified eligibility to possess firearms; (c) of NFA firearms approved by ATF; and (d) certified by ATF as exempt because compliance with the waiting period is impractical. [18 U.S.C. 922(s)(1), 27 CFR 178.102]

P5

Must a dealer wait 5 days before transferring the handgun to the buyer?

No, if the dealer has received notice from the CLEO within the 5 business days that the officer has no information indicating that the buyer's receipt or possession of the handgun would violate the law and the dealer has no such information. [18 U.S.C. 922(s)(1), 27 CFR 178.102]

P6

When does the 5-day waiting period begin to run?

The 5-day period begins from the date notice of the purchase was received by the CLEO. See 27 CFR 178.102 for examples. [27 CFR 178.102]

P7

Does the Brady law apply to licensed collectors?

No, if they purchase a curio or relic handgun. If the handgun is not a curio or relic, they would have to provide the licensed dealer with a Brady form.

P8

Does the CLEO have to respond to the licensee?

No, the law does not specifically require a response to the licensee. The licensee may transfer the firearm after compliance with the waiting period unless he has reason to believe that the purchaser is prohibited from receiving or possessing firearm. [18 U.S.C. 922(d), (s)]

P9

What is a handgun for purposes of the Brady law?

The term "handgun" means (a) a firearm which has a short stock and is designed to be held and fired by the use of a single hand and (b) any combination of parts from which a firearm described in (a) can be assembled. [18 U.S.C. 921(a)(29), 27 CFR 178.11]

P10

Is the licensee required by the Brady law to maintain a copy of the Brady form?

The Brady form must be retained by the licensee for at least 5 years after it was forwarded to the CLEO. [27 CFR 178.130(c)]

P11

What forms of identification must a dealer obtain from a purchaser under Brady?

The identification document presented by the purchaser must have a photo of the purchaser, name, address, and date of birth, and must be issued by a governmental entity for the purposes of identification of individuals. An example would be a driver's license. [18 U.S.C. 922(s)(3), 27 CFR 178.11]

P12

When must a purchaser complete the Brady form? At what point in the transaction is the purchaser required to execute the ATF Form 4473?

The Brady form must be completed at the time the buyer expresses an intent to acquire a handgun from a licensee. The firearm need not be in the licensee's inventory as long as the buyer has the intent to acquire a handgun. The instructions on ATF Form 4473 provide that the form is to be executed by the transferee at the time of delivery of the firearm.

P13

If a CLEO advises a licensee not to transfer a handgun, does the individual have any appeal rights?

The individual may request the CLEO to provide the reason for the determination. The CLEO is required to provide reasons for the determination in writing within 20 business days after receipt of the request. An individual who believes he was denied a handgun because of erroneous information may bring legal action challenging the denial. [18 U.S.C. 922(s)(6)(c) and 925A]

P14

Brady requires a licensee to wait 5 "business days" before transferring a handgun to a purchaser. What are "business days?"

"Business days" are days on which State offices in the State where the dealer's premises is located are open. If State offices are not open on Saturday and Sunday, these days do not count as "business days," even if the CLEO is open on these days.

[18 U.S.C. 922(s)(1), 27 CFR 178.102]

P15

May a CLEO charge licensees a fee for performing a background check?

The Brady law does not prohibit the imposition of fees for performing records checks. Such fees would be imposed pursuant to applicable State and local law.

P16

Is the return of a handgun to the person from whom it was received, e.g., pawn, consignment or repair, subject to the Brady law? Would the transfer of a replacement handgun from the licensee to the owner of a damaged handgun be subject to the requirements of Brady?

Neither the transfer of a handgun from the licensee to the person from whom it was received or the transfer of a replacement handgun would be subject to the requirements of the Brady law. [18 U.S.C. 922(a)(2)(a) and (s)(1), 27 CFR 178.102(a)]

P17

In light of the Brady law, may a licensee sell, transfer, or deliver a handgun to a nonlicensed individual who does not appear in person at the licensed premises?

In States where Brady's 5-day waiting period provisions apply, handguns can only be sold over the counter. Unless the purchaser appears in person at the licensed premises, the licensee cannot comply with the requirement in the Brady law that the identity of the purchaser be verified by means of a government-issued identification

document containing a photograph. [18 U.S.C. 922(s)(1), CFR 178.96 and 178.102]

P18

May a licensee contact a CLEO other than the CLEO designated by State or local officials?

No. The CLEO is defined as "the chief of police, the sheriff, or an equivalent officer or the designee of any such individual." The regulations provide that where the State or local law enforcement officials have notified the licensee that a particular official has been designated to receive the Brady form, the licensee shall provide the information to that designated official. [18 U.S.C. 922(s)(8), 27 CFR 178.102]

P19

In the case of an installment sale or a layaway, there may be a long lapse of time between execution of the Brady form and delivery of the firearm to the transferee. Does the law prohibit a licensee from executing the form and having a records check performed well in advance of delivery?

No. The law requires licensees to execute the Brady form after the most recent proposal of transfer by the transferee and before transferring the handgun. The law would not prohibit a licensee from transferring a handgun even though there is a long lapse of time between execution of the form and delivery of the firearm. ATF would encourage licensees to have the form executed as close in time to the delivery of the firearm as possible, so that any records check performed will be recent. [18 U.S.C. 922(s)(1), 27 CFR 178.102]

P20

Do the provisions of the Brady law apply to the loan or rental of a handgun by a licensee to a nonlicensee?

Yes. Such a transfer is subject to the requirements of the Brady law. [18 U.S.C. 922(s)(1), 27 CFR 178.102]

P21

In a State where the provisions of Brady apply, may a licensee accept an identification document from a transferee that has an incorrect address?

Standing alone, a driver's license that does not show the current residence would not be a proper identification document under Brady. If the individual presents a combination of documents, all issued by a governmental entity, containing all the information required by Brady, the combination of documents would satisfy the identification requirements of the law. For example, an out of State driver's license with an address that is not a current residence with another Government issued document showing the place of residence would suffice. [18 U.S.C. 922(s)(3)]

P22

A member of the Armed Forces wishes to acquire a handgun from a licensee in the State where his permanent duty station is located. The Brady law applies in the State. The individual has a driver's license issued in another State which shows an address for a previous residence. What identification documents must the licensee obtain to comply with the Brady law?

In the case of military personnel, the purchaser's military identification card and official orders showing that his permanent duty station is within the State where the licensed premises is located will suffice for purposes of the identification requirement of Brady. [18 U.S.C. 922(s)(3), 27 CFR 178.11]

P23

Who are the CLEOs for individuals who reside on military installations?

The Provost Marshall or an equivalent official on a military installation is the CLEO for purposes of the Brady law.

P24

Who are the CLEOs for individuals who reside on Indian reservations?

The law enforcement agency having jurisdiction to enforce the law on the Indian reservation is the CLEO for purposes of the Brady law.

P25

A CLEO notifies licensed dealers within his jurisdiction that he will only accept notification of the contents of the Brady form by hand delivery. Would a dealer who sent notice by certified or registered mail be in violation of the Brady law?

The regulations provide that the notice licensees are required to give CLEOs shall be actual notice and shall be given in a manner acceptable to the CLEO. This regulation was based on the assumption that CLEOs would specify a reasonable manner of delivering the notice. Licensees in jurisdictions where CLEOs have specified hand-delivery as the only means of delivering notice will satisfy their legal obligation under the Brady law if they provide notice by registered or certified mail.

P26

Why doesn't the Brady form show that persons under restraining orders and who are prohibited from possessing firearms under 18 U.S.C. 922(g)(8) are not eligible to purchase handguns?

The information on the Brady form was specifically required by statute. When the GCA was amended in 1994 to prohibit the receipt and possession of firearms by persons under certain restraining orders, the Congress neglected to make a corresponding change to the Brady law. Nevertheless, licensees violate the GCA if they transfer any firearm to a person they have reason to believe is under such restraining order. [18 U.S.C. 922(s)(3)]

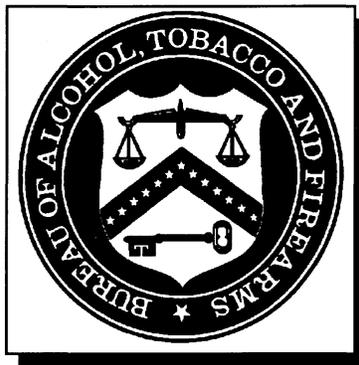
P27

I am a licensee in a Brady State and the local CLEO has asked me not to send him any Brady forms in connection with my handgun sales because he will not make record checks. Am I required to continue to send him the forms?

Yes. The licensee must continue to provide these forms to the CLEO and comply with the 5-day waiting period. [18 U.S.C. 922(s)]

SECTION-XV

FORMS



FIREARMS SAFETY

- 1 Treat every firearm as if it were loaded.
- 2 Always keep the muzzle pointed in a safe direction.
- 3 Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

- 1 Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
- 2 Remove the magazine or source of ammunition.
- 3 Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

ATF FORMS

This section provides the investigator with copies of the various ATF forms that may be useful during an illegal firearms trafficking investigation, or that may be encountered during an illegal firearms trafficking investigation. The following forms are attached:

- GUN SHOW ADVISORY
- FLEA MARKET ADVISORY
- ITAR ADVISORY
- ATF FORM 4473, FIREARMS TRANSACTION RECORD
- ATF FORM 5300.35, STATEMENT OF INTENT TO OBTAIN A HANDGUN
- ATF FORM 3310.4, MULTIPLE PURCHASE OF HANDGUNS
- ATF FORM 3310.6, INTERSTATE FIREARMS SHIPMENT REPORT OF LOSS
- ATF FORM 3310.11, FEDERAL FIREARMS LICENSEE THEFT/LOSS REPORT
- ATF FORM 5000.21, REFERRAL OF INFORMATION
- ATF FORM 3312.1, CRIME GUN INFORMATION
REFERRAL/REQUEST FORM (Formerly ATF F 7520.2, Trace Request)
- ATF FORM 6, APPLICATION AND PERMIT FOR IMPORTATION OF
FIREARMS
- ATF FORM 6A, RELEASE AND RECEIPT OF IMPORTED FIREARMS,
AMMUNITION AND IMPLEMENTS OF WAR



**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**

**IMPORTANT NOTICE TO DEALERS AND OTHER
PARTICIPANTS AT GUN SHOWS**

■ ALL DEALERS MUST DISPLAY LICENSES ■

This notice applies to activities permitted at bona fide gun shows, as defined in Title 27 of the Code of Federal Regulations, Section 178.100. A flea market is not a gun show.

DEALERS LICENSED IN THE STATE WHERE THE SHOW IS BEING HELD:

- **MUST** comply with all record keeping requirements of ATF regulations concerning acquisitions and dispositions of firearms, including the recording of the place of sale.
- **MAY** dispose of handguns to in-state residents only, provided all provisions of the Brady law are met.
- **MAY** dispose of longguns to nonlicensees residing in any State, provided the laws of both States are complied with.
- **MAY** dispose of firearms to any Federal firearms licensee (FFL).
- **MAY** acquire firearms from any FFL licensed in the State, or from any nonlicensee.

DEALERS NOT LICENSED IN THE STATE WHERE THE SHOW IS BEING HELD:

- **MUST** comply with all ATF requirements concerning acquisitions of firearms.
- **MAY** acquire firearms from any FFL licensed in the State and from any nonlicensed individual.
- **MAY NOT** make sales of firearms to anyone (not even to or through an FFL licensed in the State), except for firearms classified as curios and relics which can be sold to other FFLs.
- **MAY** display firearms and take orders.

NONLICENSED RESIDENTS OF THE STATE WHERE THE SHOW IS BEING HELD:

- **MAY** acquire long guns from FFLs licensed in the State.
- **MAY** acquire handguns from FFLs licensed in the State, provided all provisions of the Brady law are met.
- **MAY** dispose of firearms to any FFL.
- **MAY NOT** acquire from or dispose of firearms to nonlicensed residents of any other State.
- **MAY NOT** engage in the business of dealing in firearms without being licensed.

NONLICENSED RESIDENTS OF ANOTHER STATE:

- **MAY** dispose of firearms to any FFL.
- **MAY** acquire long guns only from FFLs licensed in the State, provided the laws of both States are complied with.
- **MAY NOT** acquire handguns.
- **MAY NOT** dispose of firearms to nonlicensed individuals.
- **MAY NOT** engage in the business of dealing in firearms without being licensed.

REPORT ALL ILLEGAL FIREARMS ACTIVITY TO 1-800-ATF-GUNS



DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

IMPORTANT NOTICE TO PARTICIPANTS AT FLEA MARKETS

The Bureau of Alcohol, Tobacco and Firearms (ATF) is charged with the responsibility of enforcing the Federal firearms laws. We seek the cooperative efforts of the general public in fulfilling this mandate. In furtherance of this task, this notice serves to advise you of several Federal firearms laws that regulate the sale of firearms

THE GUN CONTROL ACT (GCA) OF 1968:

- Prohibits persons from engaging in the business of dealing in firearms without a license issued by ATF (18 U.S.C. Section 922(a)(1)(A).) A sentence of up to 5 years imprisonment and/or a fine of up to \$250,000 may be imposed on anyone found guilty of dealing in firearms without a license.
- The term "dealer" in firearms includes "a person who devotes time, attention and labor to dealing in firearms as a regular course of trade or business with the principle objective of livelihood and profit through the repetitive purchase and resale of firearms..." (18 U.S.C. Section 921(a)(21)(c).)
- An applicant for a Federal firearms license must have a permanent business premise from which to conduct a firearms business (18 U.S.C. Section 923(d).)
- Persons licensed to deal in firearms by ATF may only conduct their business from the business location listed on the issued license or at a bona fide gun show (18 U.S.C. Section 923(j).) A flea market is not a gun show.

Collectively, the above cited laws prohibit any person from engaging in the business of dealing, selling, or trading in firearms at a flea market with few exceptions. The only exceptions would be an unlicensed individual making occasional firearms sales or for a Federal firearms licensee to display firearms and take orders for firearms. The following provisions apply to those exceptions:

LICENSED FIREARMS DEALERS:

- MAY display and take orders for firearms at a flea market as long as delivery of those firearms takes place from the licensed premise/business location.
- MAY NOT make sales of firearms to anyone at a flea market, unless selling firearms classified as curios or relics to other licensed firearms dealers.

NONLICENSED RESIDENTS OF THE STATE WHERE THE FLEA MARKET IS BEING HELD:

- MAY occasionally acquire or dispose of firearms to residents of that State as long as this activity does not fall under the definition of "dealer" in firearms.
- MAY dispose of firearms to a licensed firearms dealer from any State.
- MAY NOT acquire from or dispose of firearms to residents of any other State.
- MAY NOT engage in the business of dealing in firearms without being licensed.

NONLICENSED RESIDENTS OF ANOTHER STATE:

- MAY dispose of firearms to a licensed firearms dealer.
- MAY NOT acquire firearms from, or dispose of firearms to nonlicensed individuals.
- MAY NOT engage in the business of dealing in firearms without being licensed.

REPORT ALL ILLEGAL FIREARMS ACTIVITY TO 1-800-ATF-GUNS



**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**

**IMPORTANT NOTICE CONCERNING THE SALE OF FIREARMS TO
NON-U.S. CITIZENS AND THE EXPORTATION OF FIREARMS
OUTSIDE THE UNITED STATES**

SALES OF FIREARMS TO NON-U.S. CITIZENS:

- Licensed firearms dealers **MAY NOT** dispose of firearms to aliens unlawfully in the U.S.
- Licensed firearms dealers **MAY** dispose of firearms to aliens lawfully in the U.S. provided the alien has established residency in the same State as the licensee by residing for a period of 90 days or greater, has a valid form of government issued identification card, proves residency by producing other documentation such as a lease or utility bill, AND meets all of the standards required of U.S. citizens for acquiring firearms.

EXPORTATION OF FIREARMS OUTSIDE THE UNITED STATES:

- U.S. Citizens and aliens lawfully in the U.S. **MUST** obtain the required license from the Department of State prior to exporting firearms (not including shotguns) or ammunition (22 CFR 120-130; 27 CFR 178.171). Application for license is made via Form DSP-5 which may be obtained from the Office of Defense Trade Controls, PM/DTC, SA-6, Room 228, Department of State, Washington, DC 20522-0602. Telephone Number 703-875-6644
- U.S. Citizens and aliens lawfully in the U.S. **MUST** obtain the required license from the Department of Commerce prior to exporting shotguns. Application for license is made may be obtained from the Bureau of Export Administration, Export Counseling Division, Department of Commerce, Washington, DC 20230. Telephone Number 202-482-4811
- No one can lawfully engage in the business of dealing in firearms for exportation without being licensed by ATF (18 U.S.C. Section 922(a)(1)(A).)
- The phrase “engaged in the business” includes “a person who devotes time, attention and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and export/resale of firearms...” (18 U.S.C. Section 921(a)(21)(C).)
- All firearms and ammunition must be declared to the common carrier (e.g., airline or freight company) prior to their exportation/departure (18 USC 922(e)).

REPORT ALL ILLEGAL FIREARMS ACTIVITY TO 1-800-ATF-GUNS

ATF FORM 4473, Firearms Transaction Record, page 1

OMB NO. 1512-0129

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FIREARMS TRANSACTION RECORD PART I - OVER-THE-COUNTER**

TRANSFEROR'S TRANSACTION SERIAL NUMBER

NOTE: Prepare in original only. All entries on this form must be in ink. See Important Notices, Definitions and Instructions

SECTION A - MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER)

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle)	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	2. HEIGHT	3. WEIGHT	4. RACE
5. RESIDENCE ADDRESS (No., Street, City, County, State, ZIP Code)	6. DATE OF BIRTH		7. PLACE OF BIRTH (City)	
	MONTH	DAY	YEAR	STATE OR FOREIGN COUNTRY

8. CERTIFICATION OF TRANSFEREE (Buyer) - Questions a. through l. must be answered with a "yes" or a "no" inserted in the box at the right of the question.

a. Are you the actual buyer of the firearm indicated below? If you answer no to this question the dealer cannot transfer the firearm to you. (See Important Notice 1.)	f. Have you ever been adjudicated mentally defective or have you been committed to a mental institution?
b. Are you under indictment or information in any court for a crime for which the judge could imprison you for more than one year? An information is a formal accusation of a crime made by a prosecuting attorney.	g. Have you been discharged from the Armed Forces under dishonorable conditions?
c. Have you been convicted in any court of a crime for which the judge could have imprisoned you for more than one year, even if the judge actually gave you a shorter sentence? (See Important Notice 3 and EXCEPTION.)	h. Are you an alien illegally in the United States?
d. Are you a fugitive from justice?	i. Have you ever renounced your United States citizenship?
e. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	j. Are you subject to a court order restraining you from harassing, stalking, or threatening an intimate partner or child of such partner? (See Important Notice 4 and Definition 4.)
	k. Have you been convicted in any court of a misdemeanor crime of domestic violence? This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim. (See Important Notice 5 and Definition 5.)
	l. Are you a citizen of the United States?

m. What is your State of residence? _____ If you are not a citizen of the United States, you have a State of residence only if you have resided in the State for at least 90 days prior to the date of this sale. (See Definition 6).
(State)

I CERTIFY THAT THE ABOVE ANSWERS ARE TRUE AND CORRECT. I UNDERSTAND THAT A PERSON WHO ANSWERS "YES" TO ANY OF THE QUESTIONS 8b THROUGH 8k IS PROHIBITED FROM PURCHASING OR POSSESSING A FIREARM. I ALSO UNDERSTAND THAT THE MAKING OF A FALSE ORAL OR WRITTEN STATEMENT OR THE EXHIBITING OF ANY FALSE OR MISREPRESENTED IDENTIFICATION WITH RESPECT TO THIS TRANSACTION IS A CRIME PUNISHABLE AS A FELONY. I FURTHER UNDERSTAND THAT MY REPETITIVE PURCHASE OF FIREARMS FOR THE PURPOSE OF RESALE FOR LIVELIHOOD AND PROFIT WITHOUT A FEDERAL FIREARMS LICENSE IS A VIOLATION OF LAW. (SEE IMPORTANT NOTICE 6)

TRANSFEREE'S (Buyer's) SIGNATURE	DATE
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SECTION B - TO BE COMPLETED BY TRANSFEROR (SELLER)

THE PERSON DESCRIBED IN THIS SECTION HAS IDENTIFIED HIMSELF/HERSELF TO ME IN THE FOLLOWING MANNER:

9. TYPE OF AND NUMBER ON IDENTIFICATION (Driver's license or identification which shows name, date of birth, place of residence, and signature. Purchasers who are aliens must provide a valid government-issued photo identification. See Instructions to Transferor 1 and 2).	10. TYPES AND DATES OF ADDITIONAL IDENTIFICATION REQUIRED FOR ALIENS (e.g., utility bills or lease agreements. See Instruction to Transferor 2).
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On the basis of (1) the statements in Section A; (2) the verification of identity noted in Section B; and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s), described below and on the back, to the person identified in Section A.

11. TYPE (Pistol, Revolver, Rifle, Shotgun, etc.)	12. MODEL	13. CALIBER OR GAUGE	14. SERIAL NO.	15. MANUFACTURER (and importer, if any)
1.				
2.				
3.				
4.				

Complete ATF F 3310.4 for multiple purchases of handguns (See Instruction to Transferor 7.)

16. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR (Seller) (Hand stamp may be used.)	17. FEDERAL FIREARMS LICENSE NO. (Hand stamp may be used.)
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THE PERSON ACTUALLY MAKING THE FIREARMS SALE MUST COMPLETE ITEMS 18 THROUGH 20.

18. TRANSFEROR'S (Seller's) SIGNATURE	19. TRANSFEROR'S TITLE	20. TRANSACTION DATE
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ATF F 4473 (5300.9) PART I (4-97) PREVIOUS EDITIONS ARE OBSOLETE

IMPORTANT NOTICES

- 1. WARNING - The Federal firearms laws require that the individual filling out this form must be buying the firearm for himself or herself or as a gift. Any individual who is not buying the firearm for himself or herself or as a gift, but who completes this form, violates the law. Example: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. If Mr. Jones fills out this form, he will violate the law. However, if Mr. Jones buys a firearm with his own money to give to Mr. Smith as a birthday present, Mr. Jones may lawfully complete this form. A licensee who knowingly delivers a firearm to an individual who is not buying the firearm for himself or herself or as a gift violates the law by maintaining a false ATF F 4473.**

Question 8a is not applicable to returns of firearms, e.g., holders of pawn tickets or consignors of firearms. Accordingly, such transferees should answer Question 8a as "N/A."

- Under 18 U.S.C. 922 firearms may not be sold to or received by certain persons. The information and certification on this form are designed so that a person licensed under 18 U.S.C. 923 may determine if he may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee (*buyer*) of certain restrictions on the receipt and possession of firearms. This form should not be used for sales or transfers where neither person is licensed under 18 U.S.C. 923.
- The transferee (*buyer*) of a firearm should be familiar with the provisions of law. Generally, 18 U.S.C. 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who is under indictment or information for, or who has been convicted of, a crime punishable by imprisonment for a term exceeding one year; by one who is a fugitive from justice; by one who is an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance; by one who has been adjudicated mentally defective or has been committed to a mental institution; by one who has been discharged from the Armed Forces under dishonorable conditions; by one who has renounced his U.S. citizenship; by one who is an alien illegally in the United States; by one who is subject to certain restraining orders; or by one who has been convicted of a misdemeanor crime of domestic violence.

EXCEPTION: For one who has been convicted of a crime for which the judge could have imprisoned the individual for more than one year, or has been convicted of a misdemeanor crime of domestic violence, the prohibition does not apply if, under the law where the conviction occurred, the individual has been pardoned for the crime, or the conviction has been expunged or set aside, or the person has had civil rights restored, AND the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing any firearms.

- Under 18 U.S.C. 922 firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate; (B) restrains such person from harassing, stalking or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
- Under 18 U.S.C. 922 firearms may not be sold to or received by persons who have been convicted of a misdemeanor crime of domestic violence. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.
- DO YOU NEED A FIREARMS LICENSE?** - Under 18 U.S.C. 922 and 923, it is unlawful for a person to engage in the business of dealing in firearms without a license. A person is engaged in the business of

dealing in firearms if he or she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. A license is not required of a person who only makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his or her personal collection of firearms.

- Persons acquiring firearms for the purpose of exportation should be aware that the State Department or Commerce Department may require a license to be obtained prior to exportation.

INSTRUCTIONS TO TRANSFEREE (BUYER)

- The buyer (*transferee*) of a firearm must personally complete Section A of this form and certify (*sign*) that the answers are true and correct. However, if the buyer is unable to read and/or write, the answers may be written by other persons, excluding the dealer. Two persons (*other than the dealer*) will then sign as witnesses to the buyer's answers and signature.
- When the transferee (*buyer*) of a firearm(s) is a corporation, company, association, partnership or other such business entity, an officer authorized to act on behalf of the business must complete and sign Section A of the form and attach a written statement, executed under penalties of perjury, stating (A) that the firearm(s) is being acquired for the use of and will be the property of that business entity, and (B) the name and address of that business entity.
- When the transferee (*buyer*) is a government employee (*for example, a police officer*) acquiring a firearm for official duties, the officer must complete items 1 through 7, question 8k, and sign the certification in Section A. If the transferee (*buyer*) is a government employee acquiring a firearm for personal use, he or she must complete Section A in its entirety.

INSTRUCTIONS TO TRANSFEROR (SELLER)

- KNOW YOUR CUSTOMER--**Before a licensee may sell or deliver a firearm to a non-licensee, the licensee must establish the identity, place of residence, and age of the buyer. The buyer's name, date of birth, address, and signature must be verified with satisfactory identification. A driver's license or identification card issued by a State in place of a license is particularly appropriate. Social Security cards are not acceptable because no address or date of birth is shown on the card. Military identification cards are not acceptable by themselves because the State of residence is not shown on the cards. However, although a particular document may not be sufficient by itself to meet the statutory requirement for identifying the buyer, any combination of documents which together disclose the required information is acceptable. (*See Instruction to Transferor 2 for additional identification requirements for alien transferees*).
- SALE OF FIREARMS TO ALIENS -**A transferee (*buyer*) who is not a citizen of the United States must provide additional identification in order to establish that he or she is a resident of a State. (*See Definition 6*). Such a transferee must provide a valid government-issued photo identification to the seller that contains the buyer's name, date of birth, and residence address. In addition, such a transferee must provide documentation such as utility bills or lease agreements that would establish that he or she has resided in a State for at least 90 days prior to the date of this sale.
- If the buyer's name is illegible, the seller must print the buyer's name above the name printed by the buyer.
- The transferor (*seller*) of a firearm must, in every instance, complete Section B of the form.
- Additional firearms purchases made by the same buyer may not be added to this form after the seller has signed and dated it.

6. If more than four firearms are involved, the identification required by Section B, Items 11 through 15, must be provided for each firearm. The identification of the firearms transferred in a transaction which covers more than four weapons may be on a separate sheet of paper which must be attached to the form covering the transaction.
7. In addition to completing this form, you must report any multiple sale or other disposition of pistols or revolvers on ATF F 3310.4 in accordance with 27 CFR 178.126a.
8. The transferor (*seller*) of a firearm is responsible for determining the lawfulness of the transaction and for keeping proper records of the transaction. Consequently, the transferor should be familiar with the provisions of 18 U.S.C. 921-929 and the regulations, 27 CFR Part 178. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a nonresident, the transferor is presumed to know applicable State laws and published ordinances in both States.
9. After you have completed the firearm transaction, you must make the completed, original copy of the ATF F 4473, Part I, and any supporting documents part of your permanent firearms records. Filing may be chronological (*by date*), alphabetical (*by name*), or numerical (*by transaction serial number*), so long as all of your completed Forms 4473, Part I, are filed in the same manner.
5. Misdemeanor Crime of Domestic Violence -- A crime that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that involve the use or attempted use of physical force (*e.g., simple assault, assault and battery*), if the offense is committed by one of the defined parties. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.
6. State of Residence - The State in which an individual resides. An individual resides in a State if he or she is present in a State with the intention of making a home in that State. If an individual is on active duty as a member of the Armed Forces, the individual's State of residence is the State in which his or her permanent duty station is located. An alien who is legally in the United States shall be considered to be a resident of a State only if the alien is residing in the State and has resided in the State for a period of at least 90 days prior to the date of sale or delivery of a firearm. The following are examples that illustrate this definition:

DEFINITIONS

1. Over-the-counter Transaction--The sale or other disposition of a firearm by the transferor (*seller*) to a transferee (*buyer*), occurring on the transferor's licensed premises. This includes the sale or other disposition of a rifle or a shotgun to a non-resident transferee (*buyer*) occurring on such premises.
2. Published Ordinances--The publication (ATF P 5300.5) containing State firearms laws and local ordinances which is annually distributed to Federal firearms licensees by the Bureau of Alcohol, Tobacco and Firearms.
3. Under indictment or convicted in any court -- An indictment or conviction in any Federal, State or foreign court.
4. Intimate Partner -- With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabits or has cohabited with the person.

Example 1. A maintains a home in State X. A travels to State Y on a hunting, fishing, business, or other type of trip. A does not become a resident of State Y by reason of such trip.

Example 2. A is a U.S. citizen and maintains a home in State X and a home in State Y. A resides in State X except for weekends or the summer months of the year and in State Y for the weekends or the summer months of the year. During the time that A actually resides in State X, A is a resident of State X, and during the time that A actually resides in State Y, A is resident of State Y.

Example 3. A, an alien, travels on vacation or on a business trip to State X. Regardless of the length of the time A spends in State X, A does not have a State of residence in State X. This is because A does not have a home in State X at which he has resided for at least 90 days.

PAPERWORK REDUCTION ACT NOTICE

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the buyer (*transferee*) to receive firearms under Federal law. The information is subject to inspection by ATF officers. The information on this form is required by 18 U.S.C. 922.

The estimated average burden associated with this collection is 6 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF FORM 5300.35, Statement of Intent to Obtain a Handgun, page 2

INSTRUCTIONS FOR ATF F 5300.35

NOTICE

The Brady Handgun Violence Prevention Act is effective on February 28, 1994, and imposes a 5-day waiting period on the transfer of a handgun(s).

PRIVACY ACT

Disclosure of the individual's social security number is voluntary. Under 18 U.S.C. 923(g), ATF has the authority to solicit this information. The number may be used to verify the individual's identity.

WARNING

Any seller who knowingly transfers a handgun(s) to any person prohibited from receiving or possessing any firearm violates the law even though the seller has met the waiting period requirements.

INSTRUCTIONS TO TRANSFEREE (BUYER)

1. The buyer must personally complete Section A of the form and certify (sign) that the answers are true and correct.

If the buyer is unable to read and/or write, the answers may be written by other persons, excluding the licensee. Two persons (*other than the dealer*) will then sign as witnesses to the buyer's answers and signature.
2. The buyer shall print the responses to Section A, Items 1, 2, 3, 4, and 5.
3. The buyer must provide a valid government-issued photo identification to the seller that contains the buyer's name, date of birth, and residence address.
4. When a transferee (*buyer*) is a government employee (*for example, a police officer*) acquiring a firearm for official duties, the officer must complete items 1 through 3, answer question 5i, and sign the certification in Section A. If the transferee (*buyer*) is a government employee acquiring a firearm for personal use, he or she must complete Section A in its entirety.

INSTRUCTIONS TO TRANSFEROR (SELLER)

NOTE: This form need not be completed if the proposed transfer of a handgun(s) is subject to any of the alternatives in 27 CFR 178.102(b).

1. You may use Forms 5300.35 supplied by ATF or use photocopies of such forms. If photocopies are used, the photocopies must include the instructions.
2. The Federal 5-day waiting period is inapplicable and this form need not be completed if the transfer is subject to any of the alternatives in 27 CFR 178.102(b). Generally, these include transfers (a) pursuant to an official's written statement of the buyer's need for a handgun based upon a threat to life; (b) to buyers whose records have been checked and an official has verified eligibility to possess firearms; (c) of National Firearms Act weapons approved by ATF; and (d) certified by ATF as exempt because compliance with the waiting period is impractical. See § 178.102(b) for a detailed explanation of these alternatives.

If the transfer is subject to an alternative, the seller must obtain the supporting documentation required by § 178.131. A handgun(s) must not be transferred to any buyer who fails to provide such information.

3. If the proposed transfer of a handgun(s) is subject to the 5-day waiting period, the buyer must complete Section A, and the seller must complete Section B.
4. The seller must:
 - (a) ensure that the buyer completes Section A and signs and dates the statement;
 - (b) if the buyer's name is illegible, print the buyer's name above the name of the buyer; and

(c) establish the identity of the buyer by requiring the buyer to provide a valid government-issued photo identification bearing the buyer's name, date of birth, and residence address.

5. **SALE OF FIREARMS TO ALIENS** - You may ask a transferee (*buyer*) who is not a citizen of the United States to provide additional optional identification to establish that he or she is a resident of this State. Such documentation includes utility bills or lease agreements that would establish that he or she has resided in this State for at least 90 days prior to the date of this sale.
6. Within 1 day after the buyer furnishes the statement, the seller must provide notice of the contents of this statement to the Chief Law Enforcement Officer of the place of residence of the buyer. (*See Item 8 on the form.*)
7. Within 1 day after the buyer furnishes the statement, the seller shall sign and date the form in Item 11 and transmit a copy of this form, including its instructions to the Chief Law Enforcement Officer of the place of residence of the buyer. (*See Item 9 on the form.*)
8. The seller shall delay delivery of the handgun(s) until 5 business days (meaning days on which State Offices are open) have elapsed from the actual date the seller has furnished notice of the contents of the statement to the Chief Law Enforcement Officer. (*Unless, within the 5-day period, the seller has received no information from the Chief Law Enforcement Officer of the place of residence of the buyer that the buyer's receipt or possession of the handgun(s) would violate Federal, State, or local law.*)
9. After the seller has provided actual notice of the contents of the buyer's intent to obtain a handgun(s) to the Chief Law Enforcement Officer, this form must be maintained as part of the seller's permanent records, regardless of whether the transfer occurs.
10. If prior to the expiration of the 5-day waiting period or prior to actual delivery of the handgun(s) to the buyer, the seller receives notification from the Chief Law Enforcement Officer that the officer has reason to believe that the possession or receipt of a handgun by the buyer would violate the law, the seller is **prohibited** from transferring the handgun(s) to the buyer. Include in Item 10 any agency number or other identifier assigned by the Chief Law Enforcement Officer to the transaction.
11. Any seller, who after the transfer of a handgun(s) receives a report from a Chief Law Enforcement Officer containing information that the receipt or possession of the handgun(s) by the buyer would violate the law, shall within 1 business day communicate all information that the seller has about the transfer and the buyer to a) the Chief Law Enforcement Officer of the place of business of the seller and b) the Chief Law Enforcement Officer of the place of residence of the buyer. The seller should also provide this information to the local ATF office.
12. After the seller has provided a copy of this form to the Chief Law Enforcement Officer, any subsequent proposal(s) made by the same buyer to obtain a handgun(s) require the execution of a new ATF Form 5300.35.
13. After the seller has completed the handgun(s) transaction, the original ATF Form 5300.35 becomes part of the seller's permanent records. ATF Form 5300.35 must be attached to the ATF Form 4473 that reflects the handgun transfer.

INSTRUCTIONS TO CHIEF LAW ENFORCEMENT OFFICIALS

1. This form contains the statement of intent to obtain a handgun(s) by the person identified in Section A. The seller may not lawfully deliver the handgun(s) to the buyer until 5 business days have elapsed from the date the seller furnished actual notice of the contents of this statement to you, or you have notified the seller within the 5-day period that you have no information that the buyer's receipt or possession of the handgun(s) would violate Federal, State, or local law.

(Continued on reverse)

ATF FORM 5300.35, Statement of Intent to Obtain a Handgun, page 3

2. You are required to make a reasonable effort to ascertain within the 5-day period whether the buyer's receipt or possession of a handgun(s) would violate the law, including research in whatever State and local recordkeeping systems are available to you, and in the National Crime Information Center, to include a wanted person check and the Interstate Identification Index. For your information, the receipt or possession of a handgun by a person who falls within any category of persons listed in Section A, Item 5, would violate Federal law.
 3. At the earliest possible time, you should advise the seller if you have reason to believe that the buyer's receipt or possession of the handgun(s) would violate the law. Unless you notify the seller that the buyer's receipt or possession of a handgun(s) would violate the law, the seller may deliver the handgun(s) to the buyer. Notification either during or after the 5-day waiting period may prevent the unlawful receipt of a handgun(s). You are not required to notify the seller of the circumstances upon which your advice was based.
 4. Unless you determine that the buyer's receipt or possession of the handgun(s) may violate the law, you shall, within 20 business days from the date of the buyer's statement, destroy this form, any record containing information derived from this form and any record created as a result of the notice of the contents of this form.
 5. If you determine that the buyer is ineligible to receive or possess a handgun(s), you should maintain this form. The buyer may request that you provide the reason(s) for such determination and you must provide such reason(s) to the buyer within 20 business days after the receipt of the request. Your retention of this form may assist you in responding to such inquiries.
4. Misdemeanor Crime of Domestic Violence - A crime that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that involve the use or attempted use of physical force (*e.g., simple assault, assault and battery*), if the offense is committed by one of the defined parties. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.

EXCEPTION: For one who has been convicted of a misdemeanor crime of domestic violence, the prohibition does not apply if, under the law where the conviction occurred, the individual has been pardoned for the crime, or the conviction has been expunged or set aside, or the person has had civil rights restored, AND the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing any firearms.

5. State of Residence - The State in which an individual resides. An individual resides in a State if he or she is present in a State with the intention of making a home in that State. If an individual is on active duty as a member of the Armed Forces, the individual's State of residence is the State in which his or her permanent duty station is located. An alien who is legally in the United States shall be considered to be a resident of a State only if the alien is residing in the State and has resided in the State for a period of at least 90 days prior to the date of sale or delivery of a firearm. The following are examples that illustrate this definition:

Example 1. A maintains a home in State X. A travels to State Y on a hunting, fishing, business, or other type of trip. A does not become a resident of State Y by reason of such trip.

Example 2. A is a U.S. citizen and maintains a home in State X and a home in State Y. A resides in State X except for weekends or the summer months of the year and in State Y for the weekends or the summer months of the year. During the time that A actually resides in State X, A is a resident of State X, and during the time that A actually resides in State Y, A is a resident of State Y.

Example 3. A, an alien, travels on vacation or on a business trip to State X. Regardless of the length of the time A spends in State X, A does not have a State of residence in State X. This is because A does not have a home in State X at which he has resided for at least 90 days.

DEFINITIONS

1. The term "Chief Law Enforcement Officer" means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.
2. The term "handgun" means (a) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and (b) any combination of parts from which a firearm described by (a) can be assembled.
3. Convicted in any court of a crime for which the judge could have imprisoned you for more than one year -- 18 U.S.C. 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who has been convicted of a crime punishable by imprisonment for a term exceeding one year.

EXCEPTION: For one who has been convicted of a crime for which the judge could have imprisoned the individual for more than one year, the prohibition does not apply if, under the law where the conviction occurred, the individual has been pardoned for the crime, or the conviction has been expunged or set aside, or the person has had civil rights restored, AND the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing any firearms.

PAPERWORK REDUCTION ACT NOTICE

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the buyer (transferee) to receive firearms under Federal law. The information is subject to inspection by ATF officers. The information on this form is required by 18 U.S.C. §§ 922 and 923.

The estimated average burden associated with this collection is 6 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF FORM 3310.4, Multiple Purchase of Handguns, page 1

Form Approved: OMB No. 1512-0006 (8/31/95)

1. TRANSFEREE'S NAME (Buyer) (Last, first, middle)		3. DATE OF BIRTH		
2. RESIDENCE ADDRESS (Number, street, city, county, State, ZIP code)		4. PLACE OF BIRTH		
		5. RACE	6. SEX	
7. TYPE OF IDENTIFICATION		8. NUMBER ON IDENTIFICATION		
9. TOTAL SOLD IN FIVE DAYS				
TYPE (pistol or revolver)	SERIAL NUMBER	MANUFACTURER	CALIBER	QUANTITY
10. NAME & ADDRESS OF LICENSEE MAKING REPORT			11. DATE TRANSFERRED	
12. FFL NUMBER			COPY 1 - ATF FIELD DIVISION	

(FOLD ON THIS LINE)

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
REPORT OF MULTIPLE SALE OR OTHER
DISPOSITION OF PISTOLS AND REVOLVERS

INSTRUCTIONS

1. This form is to be used by licensees to report all transactions in which an unlicensed person has acquired two or more pistols and/or revolvers at one time or during five consecutive business days.
2. A separate form is to be submitted for each such person.
3. **The report is to be submitted to the ATF Law Enforcement Field Division Office for your area no later than the close of business on the day that the multiple sale or other disposition occurs. See the reverse side of this form for the address of the Law Enforcement Field Division Office for your area.**
4. Complete items 1 through 12. Keep copies 1 and 2 together, fold copy 2 over copy 1, and seal with adhesive tape. Affix postage and mail copies 1 and 2 to the appropriate ATF Law Enforcement Field Division Office. Forward copy 3 to the official designated by the State or local authorities to receive the form, or, in the absence of such designation, to the department of State police or State law enforcement agency in the jurisdiction where the handgun transfers occurred. Remove and retain copy 4 for your official records.
5. Additional forms may be obtained through the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150-5950, (703) 455-7801.

ATF F 3310.4 (7-94) PREVIOUS EDITIONS ARE OBSOLETE

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226**

**AFFIX
POSTAGE
HERE**

ATF FORM 3310.6, Interstate Firearms Shipment Report of Theft/Loss, page 1

(fold) Form Approved: OMB No. 1512-0007 (05/31/98)

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS INTERSTATE FIREARMS SHIPMENT REPORT OF THEFT/LOSS

	NAME	ADDRESS	TELEPHONE NO. (Area Code)
SHIPPER			
CONSIGNEE			(Area Code)
CARRIER			(Area Code)
SHIPPER/CARRIER (Claim or Investigation No.)		DATE SHIPPED	NAME OF REPORTING COMPANY
FIREARM(S) DESCRIPTION: UTILIZE ATTACHMENT IF ADDITIONAL SPACE REQUIRED.			
TYPE	MANUFACTURER	MODEL CALIBER	SERIAL NO.
		DATE	TELEPHONE NO. (Area Code)

INSTRUCTIONS: Report losses promptly. Fold card, staple closed and mail. Direct telephone inquiries to Washington, D.C. (800-424-9555) Firearms Interstate Theft Program Manager

PAPERWORK REDUCTION ACT NOTICE - This request is in accordance with Section 3507, Public Law 96-511, December 11, 1980. The information collection documents reports of theft or loss of firearms experienced by common carriers in interstate shipment. ATF uses the information to investigate and perfect criminal cases. The information requested is voluntary. The estimated average burden associated with this collection of information is 20 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Information Programs Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF F 3310.6 (11-94) PREVIOUS EDITIONS ARE OBSOLETE (fold)

**ATF FORM 3310.6, Interstate Firearms Shipment Report of
Theft/Loss, page 2**

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL,
TOBACCO AND FIREARMS

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FIREARMS ENFORCEMENT DIVISION
P.O. BOX 50220
TECHWORLD
WASHINGTON, D.C. 20226

ATF FORM 3310.11, Federal Firearms Licensee Theft/Loss Report, page 1

Form Approved: OMB No. 1512-0524 (01/31/97)

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FEDERAL FIREARMS LICENSEE THEFT/LOSS REPORT

All entries must be in ink. Please read notices and instructions on reverse carefully before completing this form.

SECTION A - FEDERAL FIREARMS LICENSEE INFORMATION

FEDERAL FIREARMS LICENSE NUMBER _____ FEDERAL FIREARMS LICENSEE TELEPHONE NUMBER (Include area code) _____

TRADE/CORPORATE NAME AND ADDRESS OF FEDERAL FIREARMS LICENSEE
(Address should reflect the number, street address, city, State and ZIP code)

NAME, ADDRESS AND TELEPHONE NUMBER OF PERSON MAKING REPORT
(Address should reflect the number, street address, city, State and ZIP code. Include area code in the telephone number.)

SECTION B - THEFT/LOSS INFORMATION

	DATE	TIME	DESCRIPTION OF INCIDENT
DISCOVERED			<input type="checkbox"/> ROBBERY <input type="checkbox"/> LARCENY
POLICE REPORT NUMBER			<input type="checkbox"/> BURGLARY <input type="checkbox"/> OTHER
REPORTED TO ATF HOTLINE			ATF HOTLINE INCIDENT NUMBER _____

NAME AND ADDRESS OF LOCAL AUTHORITY TO WHOM REPORTED

SECTION C - DESCRIPTION OF FIREARMS

ACQUISITION DATE	MANUFACTURER	MODEL	CALIBER/ GAUGE	SERIAL NUMBER

CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND THAT FAILURE TO REPORT THE THEFT OR LOSS OF A FIREARM FROM MY INVENTORY OR COLLECTION WITHIN 48 HOURS AFTER THE THEFT OR LOSS IS DISCOVERED IS A VIOLATION OF 18 U.S.C. § 923 (g)(6) PUNISHABLE AS A FELONY.

AUTHORIZED SIGNATURE _____ DATE _____

ATF F 3310.11 (12-94)

ORIGINAL - FORWARD TO ATF

SECTION XV

IMPORTANT NOTICE

Section 923 (g), Title 18 U.S.C., requires each Federal Firearms Licensee (FFL) to report the theft/loss of a firearm from the licensee's inventory or from the collection of a licensed collector, within 48 hours of discovery to **the Bureau of Alcohol, Tobacco and Firearms (ATF)** by calling 1-800-800-3855 and to **local law enforcement authorities**.

FFLs who report a firearm as missing and later discover its whereabouts should advise ATF that the firearms have been located. Licensees reporting theft/loss of firearms registered under the National Firearms Act must provide written notification to the National Firearms Act Branch, pursuant to 27 C.F.R. § 179.141.

This form should not be used by common carriers for reporting the theft/loss of firearms. Thefts/losses from interstate shipments must continue to be reported on ATF F 3310.6, Interstate Firearms Shipment Report of Theft/Loss.

INSTRUCTIONS TO FEDERAL FIREARMS LICENSEES

1. FFLs must report the theft/loss of firearms to the ATF Theft Hotline Number (1-800-800-3855) within 48 hours of discovery.
2. This form is to be used to provide written notification of firearms thefts/losses **in addition to** reporting firearms thefts/losses to the ATF Theft Hotline. Document the date that you report the information to the ATF Theft Hotline in Section A of this form. An ATF Theft Hotline representative will provide you with an ATF Theft Hotline Incident Number. That number must be recorded in Section A of this form. **This form must be forwarded to the address referenced in item 5 within 48 hours of discovery.**
3. A separate form is required for each theft/loss report. This form must be prepared in ink, signed, and dated. Please use ATF F 3310.11A, Federal Firearms Licensee Theft/Loss Report Continuation Sheet, when the number of lost/stolen firearms exceeds the space allowed in Section C.
4. The description of the lost or stolen firearms provided in Section B of this form should be identical to the information contained in the Record of Acquisition and Disposition required by 27 CFR Part 178 Subpart H.
5. Upon completion, the original must be forwarded to the following address:

**Bureau of Alcohol, Tobacco and Firearms
Tech World Post Office
Post Office Box 50220
Washington, D.C. 20226**

6. Copy 1 should be removed and retained as part of the licensee's permanent records.
7. FFLs must reflect the theft/loss as a disposition entry in the Record of Acquisition and Disposition required by 27 CFR Part 178, Subpart H. The disposition entry should indicate whether the incident is a theft or loss, the ATF Theft Hotline Report Number, and the Incident Number provided by the local law enforcement agency.
8. Should any of the firearms be located, they should be re-entered into the Record of Acquisition and Disposition as an acquisition entry.
9. Additional forms may be obtained through the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia, 22150-5950, (703) 455-7801.

PAPERWORK REDUCTION ACT NOTICE

The information required on this form is in accordance with the Paperwork Reduction Act of 1980. The purpose of this information is to provide notification to ATF of the theft or loss of firearms from the inventory of a Federal firearms licensee and from the collection of a licensed collector. The information is subject to inspection by ATF offices. The information on this form is required by 18 U.S.C. 923(g)(6).

The estimate average burden associated with this collection is 24 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC, 20226, and the Office of Management and Budget, Paperwork Reduction Project (1512-0524), Washington, DC 20503.

ATF FORM 5000.21, Referral of Information, page 1

Form Approved: OMB No. 1512-0035 (04/30/95)

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
REFERRAL OF INFORMATION**
(See Instructions on back)

U.I. NUMBER

PART I - REFERRAL

1. TO: *(Title, agency and address)*

2. DATE

The following information and attachment *(Check applicable box)* are sent to you as requested, are referred to you for consideration as potential criminal or civil violations coming under your jurisdiction.

COMPLETE FOR REFERRALS OR REQUESTS OUTSIDE ATF - DOES DOES NOT contain confidential returns or return information under 26 U.S.C. 6103.

COMPLETE IF APPLICABLE: This is a confirmation of a referral made by telephone in person on _____.

3. NAME(S) OF PRINCIPALS INVOLVED IN POSSIBLE VIOLATION

4. STATUTE(S) POSSIBLY VIOLATED

5. FEDERAL LICENSES AND/OR PERMITS HELD *(Type and number)*

6. ATF OFFICER UNCOVERING POTENTIAL VIOLATION

7. POST OF DUTY

8. SUMMARY OF SIGNIFICANT FACTS AND/OR EXPLANATION OR DESCRIPTION OF ATTACHMENT *(Continue on a separate sheet, if necessary.)*

9. ATF OFFICIAL APPROVING REFERRAL *(Signature)*

10. DATE

11. TITLE AND ADDRESS

12. TELEPHONE NO.

PART II - RESPONSE *(See Instruction 4.)* REQUESTED NOT REQUESTED

1. THE REFERRAL ABOVE IS ACCEPTED REJECTED *(Explain below)* OTHER *(Explain below)*

2. DATE

3. ACTION PLANNED OR TAKEN AND COMMENTS *(Continue on a separate sheet, if necessary.)*

4. SIGNATURE

5. TITLE OF OFFICIAL

6. ADDRESS

7. TELEPHONE NO.

COMPLETE FOR REFERRALS WITHIN ATF: THIS RESPONSE IS INTERIM FINAL

ATF F 5000.21 (4-95) PREVIOUS EDITIONS ARE OBSOLETE

INSTRUCTIONS

1. **PURPOSE.** Use this form to internally refer potential violations of ATF administered statutes and to externally refer to the appropriate Federal, State or local enforcement/regulatory agency potential violations of other statutes. Also, use this form to transmit information (including confirmation of oral transmittals) to, or to document inspections (on-site) by, another Federal, State or local agency, that identifies, directly or indirectly, a licensee permittee, taxpayer, applicant, or any person (individual, partnership, corporation, etc.), connected with, or alleged to have committed, a possible violation of, or to have incurred a possible liability for tax or other imposition under, any Federal statute enforced by ATF.
 - b. Copy for district office licensee or permittee file, when referring potential violations.
 - c. Copy for the approving official's file, when referring potential violations.
 - d. Make additional copies when necessary for:
 - (1) Market Compliance Branch, Bureau Headquarters, when referring FAA Act trade practices violations to State or local agencies.
 - (2) Office of Liaison and Public Information, Disclosure Branch, Bureau Headquarters, when referring to a State agency returns or return information under 26 U.S.C. 6103.
2. **PREPARATION**
 - a. The ATF officer uncovering the potential violation or, in the case of a transmittal of requested information, the appropriate individual will complete items 3 through 8 in Part I, as applicable.
 - b. The approving ATF official will complete the remaining items in Part I. For referrals by Criminal Enforcement, the RAC or SAC is the approving official. In the case of referrals by Regulatory Enforcement personnel, the approving official is the ADD or CTS, except that referrals concerning firearms and explosives matters may be approved by the Supervisor, Firearms and Explosives Licensing Section. Referrals of FAA Act trade practices violations, to Criminal Enforcement and other FEDERAL agencies will be approved by the Chief, Market Compliance Branch. Referrals by the Audit Services Division will be approved by the audit manager.
3. **DISTRIBUTION**
 - a. Original, with any attachments, and the recipient's response copy to the appropriate ATF official or other agency. If form is used to transmit requested information, do not include response copy.
4. **RESPONSE**
 - a. **ACTION BY RECIPIENT ATF OFFICE.** Complete Part II and return to the originating office within 10 working days of receipt of a referral of potential violations. Submit an interim response if an investigation will continue past the 10-day period, and final response upon completion of the investigation.
 - b. **ACTION BY OTHER RECIPIENT AGENCY.** Please complete Part II when a referral of potential violations under your jurisdiction has been received and return to the originating office.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1980. This information collection is used to determine the response of and value to, other Federal and State government agencies and bodies of information supplied by ATF. ATF may use the response to coordinate actions of law enforcement. The information is voluntary.

The estimated average burden associated with this collection of information is 1 hour per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestion for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, and the Office of Management and Budget, Paperwork Reduction Project (1512-0035), Washington, D.C. 20503.

ATF FORM 3312.1, Crime Gun Information, Referral/Request Form, page 1

(Formerly ATF F 7520.2, Trace Request)

OMB No. 1512-0541

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS CRIME GUN INFORMATION REFERRAL/REQUEST FORM <i>(FAX completed form to 800-578-7223 or telephone 800-788-7133 to speak to an ATF employee)</i>	FOR NTC DATA ENTRY ONLY
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PART I - DESIGNATION OF REQUEST/REFERRAL *(Check one block)*

<input type="checkbox"/> FIREARMS TRACE REQUEST <i>(PARTS II, III, IV, V, VIII)</i>	<input type="checkbox"/> STOLEN FIREARMS INFORMATION REFERRAL <i>(PARTS II, III, IV, V, VI, VIII)</i>	<input type="checkbox"/> OBLITERATED SERIAL NUMBER FIREARMS INFORMATION REFERRAL <i>(PARTS II, III, IV, V, VII, VIII)</i>	<input type="checkbox"/> SUSPECT GUN ENTRY <i>(PARTS II, III, IV)</i>
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CHECK THE APPROPRIATE PRIORITY IF THIS IS A FIREARMS TRACE REQUEST **URGENT** **ROUTINE**

CHECK THIS BLOCK IF THIS IS A FIREARMS TRACE REQUEST ON A FIREARM WHERE THE SERIAL NUMBER HAD BEEN OBLITERATED BUT WAS RECOVERED. IF THIS BLOCK IS CHECKED, PLEASE COMPLETE PART VII AS TO THE METHOD OF OBLITERATION.

CHECK THIS BLOCK IF THIS FIREARM HAS ALREADY BEEN SUBMITTED FOR INTEGRATED BALLISTIC IDENTIFICATION SYSTEM (IBIS) TESTING.

PART II - REQUESTER/REFERRER INFORMATION

1. REQUESTING SPECIAL AGENT/OFFICER'S NAME	2. CASE NUMBER	3. ORI NUMBER	4. BADGE NUMBER	5. BOC CODE <i>(ATF only)</i>
6. TELEPHONE NUMBER	7. FAX NUMBER	8. ADDRESS <i>(Field office/Department, street, city, State, ZIP Code)</i>		

8. REMARKS: DO NOT TRACE BEYOND RETAIL DEALER DO NOT TRACE BEYOND WHOLESALE/DISTRIBUTOR THIS IS A TRACE STUDY INFORMATION ONLY/ RESULTS NOT NEEDED

OTHER INSTRUCTIONS:

PART III - FIREARMS DESCRIPTION *(***Required Field)*

1. MANUFACTURER***	2. TYPE***	3. MODEL***	4. CALIBER***	5. SERIAL NUMBER
6. COUNTRY OF ORIGIN***	7. IMPORTER***	8. OTHER MARKINGS OR INFORMATION		

PART IV - FIREARMS POSSESSOR/ASSOCIATE INFORMATION

1. NAME OF FIREARM POSSESSOR <i>(Last, First, Middle)</i>	2. DATE OF BIRTH	3. IDENTIFICATION NUMBER	4. PLACE OF BIRTH	5. SEX	6. RACE
7. ADDRESS <i>(Street, apartment no., city, State, ZIP Code)</i>					
1. NAME OF ASSOCIATE <i>(Last, First, Middle)</i>	2. DATE OF BIRTH	3. IDENTIFICATION NUMBER	4. PLACE OF BIRTH	5. SEX	6. RACE
7. ADDRESS <i>(Street, apartment no., city, State, ZIP Code)</i>					

PART V - FIREARM RECOVERY LOCATION INFORMATION

1. RECOVERY DATE	2. RECOVERY LOCATION <i>(Street, apartment no., city, State, ZIP Code)</i>
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PART VI - STOLEN FIREARM SOURCE LOCATION INFORMATION

1. DATE OF THEFT/LOSS	2. INDIVIDUAL REPORTING THEFT/LOSS <i>(Name/Date of Birth)</i>	3. CHECK HERE IF FEDERAL FIREARMS LICENSEE
4. LOCATION OF THEFT/LOSS <i>(Street, apartment no., city, State, ZIP Code)</i>		

PART VII - METHOD OF SERIAL NUMBER OBLITERATION *(Circle codes that apply. See instructions on back for definitions.)*

1. GRV 2. GRC 3. GRS 4. SCN 5. SCB 6. DRI 7. ELS 8. PUN 9. PND 10. TCH 11. MAN 12. OTHER _____

PART VIII - TYPE OF CRIME INVOLVEMENT *(Circle one applicable NCIC Code)*

0301 IMMIGRATION	1201 ROBBERY	2299 BURGLARY	5212 WEAPON/POSSESSION
0907 HOMICIDE <i>(On Police Officer)</i>	1212 CARJACKING	2499 STOLEN VEHICLE	5299 WEAPON/OFFENSE
0999 HOMICIDE	1301 AGG. ASSAULT <i>(Family)</i>	2899 STOLEN PROPERTY	OTHER <i>(Provide NCIC Code and description)</i>
1099 KIDNAPPING	1399 AGG. ASSAULT <i>(On Police Officer)</i>	3599 DANGEROUS DRUGS	
1199 SEX ASSAULT	1602 THREAT	3803 CRUELTY/SPOUSE	

Designate if firearms trafficking, gang and/or juvenile involvement; circle yes or no and designate the project code.

FIREARMS TRAFFICKING	YES	NO <i>(Circle one if known)</i>	JUVENILE INVOLVEMENT	YES	NO <i>(Circle one if known)</i>
GANG INVOLVEMENT	YES	NO <i>(Circle one if known)</i>	PROJECT CODE:	_____ <i>(Enter Code if applicable)</i>	

ATF FORM 3312.1, Crime Gun Information, Referral/Request Form, page 2 (Formerly ATF F 7520.2, Trace Request)

INSTRUCTIONS

(Please type or print clearly when completing this form)

PART I - DESIGNATION OF REQUEST/REFERRAL

Check the appropriate box to designate whether the form is being used as a request or referral of information to the National Tracing Center (NTC). ONLY one box may be checked. Complete the appropriate PARTS of this form as designated under the block that is checked.

If the firearms trace request block is checked then the requester must designate the trace status as either URGENT or ROUTINE by checking the appropriate block.

URGENT - (Priority I) Trace request where the firearm being traced was used in the homicide/wounding of a police officer, used to shoot at a police officer, used in a crime of violence, or the trace information is essential to apprehend or hold a suspect. The reason for requesting an URGENT trace MUST be stated in the remarks section appearing in PART II, block 8.

ROUTINE - (Priority II) Trace request where the results information is needed to complete an investigation.

If this firearm has been submitted for Integrated Ballistic Identification System (IBIS) examination prior to this request or referral, please check the appropriate block. If this trace request involves a firearm where the serial number had been obliterated but was restored, please check the appropriate block in PART I and follow the instructions noted there.

Partial Serial Number Trace Capabilities - Firearms having only a partial serial number remaining, or firearms where a portion of an obliterated serial number has been raised, may be traceable. The NTC may be able to provide the investigator with a list of potential recipients of the firearm. Investigators may want to contact the NTC directly to determine the feasibility of tracing such a firearm.

Obliterated Serial Number Firearm Information Referral - Investigators should provide all the information normally provided to the NTC when tracing a firearm in instances where a firearm with an obliterated serial number is recovered. In addition, the investigator should provide information as to the method of serial number obliteration by using one of the standard obliteration terms provided in PART VII. The NTC collects this information and analyzes these recoveries for potential investigative leads. It should be noted that current NTC analysis indicates that the majority of firearms recovered with an obliterated serial number were illegally trafficked after being purchased as part of a multiple purchase of firearms or after being stolen.

Stolen Firearm Information Referral - Investigators should provide all the information normally provided to the NTC when tracing a firearm when they recover a firearm(s) that is determined to have been stolen. The NTC collects this information and analyzes these recoveries for potential investigative leads relating to patterns in theft/source and recovery (location/possessor) information.

Suspect Gun Entry - A suspect gun is an unrecovered firearm(s) that is suspected to have been illegally trafficked or diverted. For example, multiple sales reports and licensee records indicate that an individual has purchased 25 firearms, 15 of which have been recovered in crimes, and 10 of which have not been recovered. The 10 unrecovered firearms could be listed as suspect guns as it is suspected that these remaining firearms have also been illegally trafficked. Investigators should provide the identifying information for suspect guns to the NTC. When doing so, an investigator should complete the appropriate PARTS of this form and state in the remarks section of PART II, Block 8, whether the firearm(s) is part of a multiple purchase of firearms or part of a theft of firearms from a Federal firearms licensee or interstate carrier. Entry of suspect gun information into NTC systems will assist the investigation as the investigator will be notified whenever a suspect gun(s) is recovered in a crime(s) in other location(s). This can provide the investigator with valuable leads. To enter a firearm into the suspect gun database an investigator MUST have an open investigation.

PART II - REQUESTER/REFERRER INFORMATION

Provide the information as requested in Blocks 1 through 7 in PART II. Block 5 only needs to be completed if the requester is an ATF employee. Please ensure the Badge number is always included.

Please note in Block 8, instructions, any special information or requests the requester wants to make known to the NTC. For example, the requester may want to advise the NTC that it is important to trace the firearm even if it was manufactured prior to 1985.

PART III - FIREARM DESCRIPTION

- MANUFACTURER** - Always include the entire name of the manufacturer as it appears on the firearm (e.g., Smith and Wesson, Glock).
- TYPE** - Indicate pistol, revolver, rifle, shotgun, etc. Any handgun that does not have a cylinder is classified as a pistol. Also, indicate if single-action or double-action capability. Differentiate between rifle and carbine. If it is a shotgun or rifle, indicate when multi-barrel or combination gun.
- MODEL** - The model designation can be a letter of numerical designation, brand name, or a combination thereof.
- CALIBER OR GAUGE** - Always specify (e.g., 9mm, 12 ga., .38 cal.).
- SERIAL NUMBER** - Always include letter prefix, suffix, code numbers or letters over the serial numbers, or letters over the serial number. If a different serial number appears several places, indicate location of each.
- COUNTRY OF ORIGIN** - This may appear on the frame or receiver, under the grips, or other hidden locations.
- IMPORTER** - Always include the exact name of the importer and give helpful information about importer markings. An imported firearm CANNOT be traced without this information.

PART IV - FIREARM POSSESSOR ASSOCIATE INFORMATION

Please provide all requested information on the possessor of the firearm (that person from whom the firearm was taken) and the possessor's associate (that person who was with the possessor at the time of firearm recovery). Complete this section by providing as much information as is known. List all requested date information by month day year. Use the following codes to designate race:

American Indian or Native Alaskan - I	Asian or Pacific Islander - A
Black, not of hispanic origin - B	Hispanic - H
White, not of hispanic origin - W	Unknown - U

PART V - FIREARM RECOVERY LOCATION INFORMATION

ALWAYS provide the recovery location and recovery date of the firearm.

PART VI - STOLEN FIREARM SOURCE LOCATION INFORMATION

If this is a stolen firearms information referral, please provide the NTC with the location and date of recovery as well as the victim's name. Also indicate if the victim was a Federal firearms licensee.

PART VII - METHOD OF SERIAL NUMBER OBLITERATION

If this is an obliterated serial number firearm information referral, please indicate the method of obliteration using one of the standard terms/term abbreviations:

- Grinder Concave (GRV)** - Obliteration process that results in a concave grinder impression in the area where the serial number once was.
- Grinder Coarse Surface (GRC)** - Obliteration process that results in a coarse sanded surface in the area where the serial number once was that is on an even plane with the surrounding unaffected areas of the firearm.
- Grinder Smooth Surface (GRS)** - Obliteration process that results in a smooth surface in the area where the serial number once was that is on an even plane with the surrounding unaffected areas of the firearm.
- Scratched Pointed Hand Tool (SCN)** - Obliteration process that utilizes a pointed hand tool such as an awl or nail to scratch/disfigure the serial number until it is unreadable.
- Scratched Broad Tipped Hand Tool (SCB)** - Obliteration process that utilizes a broad pointed hand tool such as a standard blade screwdriver or chisel to scratch/disfigure the serial number until it is unreadable.
- Drill (DRI)** - Obliteration process that utilizes a drill to bore out the serial number. If this process was used, note how many holes were made and whether the holes were through and through in the remarks section of Part II, block 8.
- Electric Scribe (ELS)** - Obliteration process that utilizes an electric scribe to scratch/disfigure the serial number by making several passes over the area, or pressing the scribe into each character in the serial number until it is unreadable.
- Punch (PUN)** - Obliteration process that utilizes a tool to make a series of punch marks/holes, randomly or in a pattern, over and around the serial number until it is unreadable.
- Peened (PND)** - A type of obliteration process where a hammer or similar blunt object is used to pound the area containing the serial number until it is unreadable.
- Torch (TCH)** - Obliteration process where a blow torch is used to distort/melt the area containing the serial number until it is unreadable.
- Manufactured (MAN)** - A firearm that bears no serial number as it was unlawfully manufactured without a serial number. (By law all firearms manufactured after 1968 must have a serial number affixed)

PART VIII - TYPE OF CRIME INVOLVEMENT

Please circle the most appropriate NCIC Code designating the type crime the firearm was involved with. Also designate if this firearm was involved with a gang, juvenile(s), firearms trafficking, and if this request has a special project code.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used by Federal, State and local law enforcement officials to request that the Bureau of Alcohol, Tobacco and Firearms trace firearms used or suspected to have been used in crimes.

The estimated average burden associated with this collection of information is 6 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF FORM 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War, page 1

Form Approved: OMB No. 1512-0017

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
**APPLICATION AND PERMIT FOR IMPORTATION OF FIREARMS,
AMMUNITION AND IMPLEMENTS OF WAR**
NOT FOR USE BY MEMBERS OF THE UNITED STATES ARMED FORCES
(Submit in triplicate)

INSTRUCTION SHEET FOR ATF FORM 6 PART I (5330.3A)
(Detach this instruction sheet before submitting your application)

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The purpose of this information collection is to allow ATF to determine if the article(s) described on the application qualifies for importation by the importer, and to serve as the authorization for the importer. This information is mandatory (18 U.S.C. 925(d), 26 U.S.C. 5844, 22 U.S.C. 2778).

The estimated average burden associated with this collection of information is .5 hour(s) per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information a currently valid OMB control number.

GENERAL INFORMATION

1. An approved ATF Form 6 - Part I (5330.3A) is required to import firearms, ammunition, and implements of war into the United States or any possession thereof, except for certain exempt importations prescribed in 27 CFR parts 47, 178 and 179. A military member of the U.S. Armed Forces who is on active duty outside the U.S., or who has been on active duty outside the U.S. during the 60-day period immediately preceded the intended importation, should complete ATF Form 6 - Part II (5330.3B) to import sporting type firearms or ammunition for his personal use.
2. Any person engaged in the business of importing firearms or ammunition for resale must be licensed as an importer under the Gun Control Act of 1968 and, if he is importing firearms, ammunition, firearms parts or implements of war (*other than sporting shotguns, shotgun shells, or shotgun parts*) he must also be registered as an importer under the Arms Export Control Act of 1976. No permit to import such articles for resale will be issued until the importer is properly licensed and registered.
3. A Federal firearms licensee, other than an importer, may make an occasional importation of sporting firearms or ammunition (*excluding surplus military*) for himself or an unlicensed person in the licensee's State, provided that the firearms and ammunition are intended for personal use of the person for whom imported and not for resale. ATF Form 6 - Part I (5330.3A) is used to obtain approval for such importation.
4. A permit is not required for a firearm or ammunition brought into the United States or any possession thereof by any person who can establish to the satisfaction of Customs that such firearm or ammunition was previously taken out of the United States or any possession thereof by such person.
5. An alien entering the U.S. temporarily may submit this application to import his personally owned firearms and ammunition. If the application is otherwise in order, the application (*permit*) will be approved on the conditions that it is not unlawful for the individual to possess the firearms and ammunition in the States in which he travels and that the firearms and ammunition will not be disposed of in the United States but taken out of the United States when the individual departs. No permit is required for a nonresident of the United States to bring firearms and ammunition into the United States for legitimate hunting or lawful sporting purposes, provided that the firearms and such ammunition as remains following such shooting activity are to be taken out of the United States by such person upon conclusion of sporting activity.
6. A nonlicensed person may submit this application to import his personally owned ammunition (*not firearms*) into the U.S. for his personal use and not for resale.
7. A nonresident U.S. citizen returning to the United States or a nonresident alien immigrating to the United States, from a permanent residence outside of the United States may complete and forward the enclosed Form 6 Part I permit application without having to utilize the services of a federally licensed firearms dealer. The nonresident should include a statement, either on the application form or on an attached sheet, that the firearms are being imported for his personal use and not for resale and that he is a nonresident U.S. citizen returning to the United States, or is a nonresident alien immigrating to the United States. The firearms must accompany the nonresident on entry into the United States, since once he is in the United States, and has acquired residence in a State, he may not directly import a firearm. If the firearms do not accompany him, either handcarried or in his baggage (*accompanied or unaccompanied*), he must engage the services of a federally licensed firearms dealer in his State of residence to import the sporting firearms (*excluding surplus military*) for him.

PREPARATION

8. The applicant shall prepare this form in triplicate. Required signatures must be in ink on all copies. Other entries must be in ink or be typewritten.
9. The application should be submitted approximately 60 days prior to the intended importation. All copies shall be submitted to:

Director
Bureau of Alcohol, Tobacco and Firearms
Washington, D.C. 20226
Attention: Firearms and Explosives Imports Branch
10. Any questions concerning the application should be referred to the Imports Branch at the above address or telephone (202) 927-8320.
11. If a licensee is acting as an agent for an individual who wishes to import an article, the licensee must complete items 1 thru 14. The name, address, and telephone number of the individual for whom the firearm(s) is intended should appear in item 9.

APPROVAL

12. The Director will approve the application or advise the applicant of the reason for the disapproval. In some cases it may be necessary to request additional information or to have the firearm or ammunition sent to ATF for examination to determine the import status.
13. The permit is valid for 12 months from the date of approval. The approved application will serve as the permit to import the article(s) described on the form.
14. After approval, the Director will retain two copies and forward the original to the applicant or his designated agent, along with copies of ATF Form 6A, Release and Receipt of Imported Firearms, Ammunition and Implements of War.

(INSTRUCTIONS CONTINUED ON REVERSE)

ATF FORM 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War, page 2

RELEASE FROM CUSTOMS

15. No photographic or other copy may be used, unless certified by the Director, to effect release of the firearms or ammunition from Customs. No amendments or alterations may be made to an approved permit, except by the Director.
16. An approved ATF Form 6 - Part I (5330.3A) which is unused, expired suspended or revoked shall be returned immediately to the Director, Bureau of ATF, Washington, D.C. 20226, Attention: Firearms and Explosives Imports Branch.
17. The ATF Form 6A, with Section I completed, the approved permit, and any other necessary documents, must be presented to the U.S. Customs Service officials handling the importation to effect release of the firearms or ammunition.

18. The Customs officer, after determining that the importation is in order, will execute the certificate of release on ATF Form 6A.
19. The Customs officer will forward the ATF Form 6A to the address shown on the form and return the permit and any additional copies of ATF Form 6A, to the applicant.

FORMS

Additional Forms are available from:

Bureau of Alcohol, Tobacco and Firearms
ATF Distribution Center
P.O. Box 5950
Springfield, VA 22150-5950

PRIVACY ACT INFORMATION

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552(a)(e)(3)).

1. **AUTHORITY.** Disclosure of the information requested on ATF Form 6 Part I (5330.3A) is mandatory pursuant to 18 U.S.C. 925 and Section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778, 26 U.S.C. 5844) to obtain a permit to import firearms, ammunition, and implements of war.
2. **PURPOSE.** To determine if the article(s) qualifies for importation by the applicant.
3. **ROUTINE USES.** The information will be used by ATF to make determinations set forth in paragraph 2. In addition, information may be disclosed to other Federal, State, foreign and local law enforcement and regulatory agency personnel to verify information on the application and to aid in the performance of their duties with respect to the enforcement and regulation of firearms and/or ammunition where such disclosure is not prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the application when such disclosure is not prohibited by law.
4. **EFFECTS.** Failure to supply complete information will delay processing and may cause denial of the application.

ATF FORM 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War, page 3

Form Approved: OMB No. 1512-0017
FOR ATF USE ONLY

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
APPLICATION AND PERMIT FOR IMPORTATION OF FIREARMS,
AMMUNITION AND IMPLEMENTS OF WAR
NOT FOR USE BY MEMBERS OF THE UNITED STATES ARMED FORCES (Submit in triplicate)

PERMIT NO. _____
VALID FOR 12 MONTHS AFTER THE DATE OF APPROVAL (ITEM 17 BELOW)

SECTION I - APPLICATION

1. FEDERAL FIREARMS LICENSE (If Any)	2. TELEPHONE NO.	3. COUNTRY OF EXPORTATION
LICENSE NO. _____	EXPIRATION DATE _____	_____
4. RETURN APPROVED PERMIT TO (Enter name, address and ZIP Code if different than applicant's)		5. APPLICANT'S NAME AND ADDRESS (Including ZIP Code)
_____		_____
6. NAME AND ADDRESS OF FOREIGN SELLER		7. NAME AND ADDRESS OF FOREIGN SHIPPER
_____		_____

8. DESCRIPTION OF FIREARMS AND AMMUNITION (For firearms, enter (SG) - Shotgun; (RI) - Rifle; (PI) - Pistol; (RE) - Revolver)										
	NAME AND ADDRESS OF MANUFACTURER a	TYPE (SG), (RI), (PI), (RE) b	CALIBER GAUGE OR SIZE c	MODEL (MFRS) DESIGN d	LENGTH OF BARREL e	OVERALL LENGTH (Inches) f	SERIAL NO. g	NEW (N) OR USED (U) h	QUANTITY (Each type) i	UNIT COST j
FIREARMS										
AMMUNITION		(Ball Wad- cutter, Shot, etc.)								
IMPLEMENTS OF WAR	(See Art I thru XII (Except firearms & ammunition) of U.S. Munitions Import List, 27 CFR Part 47)									

9. SPECIFIC PURPOSE OF IMPORTATION (Use additional sheets, if necessary)

10. ARE YOU REGISTERED PURSUANT TO THE ARMS EXPORT CONTROL ACT OF 1976 <input type="checkbox"/> YES <input type="checkbox"/> NO	11. IF "YES", GIVE REGISTRATION NO.

Under the penalties provided by law, I declare that I have examined this application, including the documents submitted in support of it, and, to the best of knowledge and belief, it is true, correct, and complete.

12. SIGNATURE OF APPLICANT	13. TITLE	14. DATE

SECTION II - FOR ATF USE ONLY (Please make no entries in this section)

15. THE APPLICATION HAS BEEN EXAMINED AND THE IMPORTATION OF THE FIREARMS, AMMUNITION, AND IMPLEMENTS OF WAR DESCRIBED HEREIN IS:

APPROVED

PARTIALLY APPROVED FOR THE REASON INDICATED HERE OR ON ATTACHED LETTER

DISAPPROVED FOR THE REASON INDICATED HERE OR ON ATTACHED LETTER

16. SIGNATURE OF THE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS	17. DATE

ATF FORM 6A Release and Receipt of Imported Firearms, Ammunition and Implements of War, page 1

Form Approval: OMB No. 1512-0019 (03/31/97)

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
RELEASE AND RECEIPT OF IMPORTED FIREARMS, AMMUNITION AND IMPLEMENTS OF WAR**
(See Instructions on Back)

SECTION I - IMPORTATION INFORMATION

(Use a separate ATF Form 6A (5330.3C) to describe articles imported under each permit. Also, use a separate form for each shipment under the same permit.)

1. NAME AND ADDRESS OF IMPORTER		2. NAME AND ADDRESS OF FOREIGN SELLER	
		3. NAME AND ADDRESS OF FOREIGN SHIPPER	
4. FEDERAL LICENSE NO. <i>(If any)</i>	EXPIRATION DATE	5. COUNTRY WHERE MANUFACTURED	
6. IMPORT PERMIT NO. <i>(When Importation Authorized by Permit)</i>	7. TELEPHONE NO.	8. GROSS VALUE OF SHIPMENT <i>(In U.S. dollars)</i>	

9. SHIPMENT OF FIREARMS, AMMUNITION AND/OR IMPLEMENTS OF WAR

NUMBER AND KINDS OF PACKAGES <i>a</i>	DESCRIPTION <i>(name of manufacturer; type of firearm, model, caliber, serial number, etc.; caliber, size or gauge and type of ammunition, e.g., ball, incendiary, wadcutter, etc.)</i> <i>b</i>	QUANTITY EACH TYPE <i>c</i>

SECTION II - CERTIFICATION OF RELEASE FROM U.S. CUSTOMS SERVICE

10. PORT OF ENTRY	11. CUSTOMS ENTRY OR ID NO.	12. TYPE OF ENTRY <input type="checkbox"/> CONSUMPTION <input type="checkbox"/> WAREHOUSE <input type="checkbox"/> INFORMAL	13. DATE RELEASED
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14. I certify that the above articles were authorized for importation by the Director, Bureau of Alcohol, Tobacco and Firearms, and were released from the custody of the U.S. Customs Service or were authorized to be removed from a Customs bonded warehouse or foreign trade zone.

IMPORT PERMIT NUMBER:

15. SIGNATURE OF CUSTOMS OFFICIAL	16. TITLE	17. DATE
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SECTION III - VERIFICATION OF IMPORTATION

(completed by licensed importers only)

18. I HAVE EXAMINED THE ABOVE SHIPMENT AND FOUND IT TO:

CONTAIN THE FIREARMS, AMMUNITION AND/OR IMPLEMENTS OF WAR IN THE EXACT QUANTITY AND AS DESCRIBED IN ITEM 9 ABOVE, OR

CONTAIN THE FOLLOWING DISCREPANCIES:

I declare under the penalties provided by law, that this verification of Importation is true, correct and complete to the best of my knowledge and belief and that each firearm is marked and can be identified as required by 27 CFR Part 178.

19. SIGNATURE OF IMPORTER	20. TITLE OR STATUS <i>(Individual, member of firm; if officer of corporation, give title)</i>	21. DATE
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ATF FORM 6A Release and Receipt of Imported Firearms, Ammunition and Implements of War, page 2

INSTRUCTIONS

- 1. General.** ATF Form 6A (5330.3C) is required for every importation of firearm(s), ammunition or implement(s) of war unless the person importing or bringing the articles into the United States establishes to the satisfaction of U.S. Customs Service that he previously took the articles out of the United States.
- 2. Section I. Action by Importer.** - To obtain release of firearm(s), ammunition and/or implements of war from the custody of U.S. Customs, the importer should complete Section I of the form. The importer should present this form and his Permit, ATF Form 6 - Part I (5330.3A) or ATF Form 6 - Part II (5330.3B) to U.S. Customs. *(A person who is licensed as an importer of firearms or ammunition should prepare Section I of the form in duplicate and use the copy of his verification of importation, as directed by instruction 4.)*
- 3. Section II. Action by U.S. Customs Official.** - The Customs official should complete Section II of this form if he is satisfied that the shipment of firearm(s), ammunition and/or implements of war was authorized by the Director, Bureau of Alcohol, Tobacco and Firearms. The Customs official should return the Permit, ATF Form 6 - Part I (5330.3A) or ATF Form 6 - Part II (5330.3B) to the importer and mail the Form 6A to the address specified below.
- 4. Section III. Action by Licensed Importer.** - (a) Within 15 days after the article(s) has been released from Customs custody, the licensed importer shall complete Section III of his copy of the form and mail it to the address specified below.
(b) [Title 27 CFR Part 178 requires that] Within 15 days after release from Customs custody, each firearm imported shall be identified by engraving or casting on it the following: (1) serial number, (2) model, (3) caliber or gauge, (4) name of manufacturer and country where manufactured, and (5) the name, city and State of the importer. The licensed importer shall also post in his permanent records all required information regarding the importation (27 CFR 178.112).

PRIVACY ACT INFORMATION

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. Section 552a(e)(3)).

- 1. AUTHORITY.** Solicitation of this information is made pursuant to the Gun Control Act of 1968 (18 U.S.C. Section 925(a)(4)), and Section 38 of the Arms Export Control Act of 1976 (22 U.S.C. Section 2778). Disclosure of this information by the applicant is mandatory for the release and receipt of imported firearms, ammunition, and implements of war.
- 2. PURPOSE.** To determine that the importation of firearms and ammunition has taken place, to verify that the term(s) was (were) released to and received by the importer or his agent, and to verify that the items released were the items listed on the application for importation.
- 3. ROUTINE USES.** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, the information may be disclosed to other Federal, State, foreign and local law enforcement and regulatory agency personnel to verify information on the application and to aid in the performance of their duties with respect to the regulation of firearms or ammunition. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law.
- 4. EFFECTS OF NOT SUPPLYING THE INFORMATION REQUESTED.** Failure to supply complete information will delay processing and may cause denial of the application.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. This information collection is mandatory pursuant to 18 U.S.C. 925, 26 U.S.C. 5844, and 22 U.S.C. 2778. The purpose of this information collection is to allow ATF to determine that the article(s) described on the form have been released by the U.S. Customs Service to the importer and to verify that the article(s) authorized to be imported were received by the importer.

The estimated average burden associated with this collection information is .4 hour(s) per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

MAILING INFORMATION

CHIEF, FIREARMS AND EXPLOSIVES IMPORTS BRANCH
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20226

ATF FORM 6A (5330.3C) (7-91)

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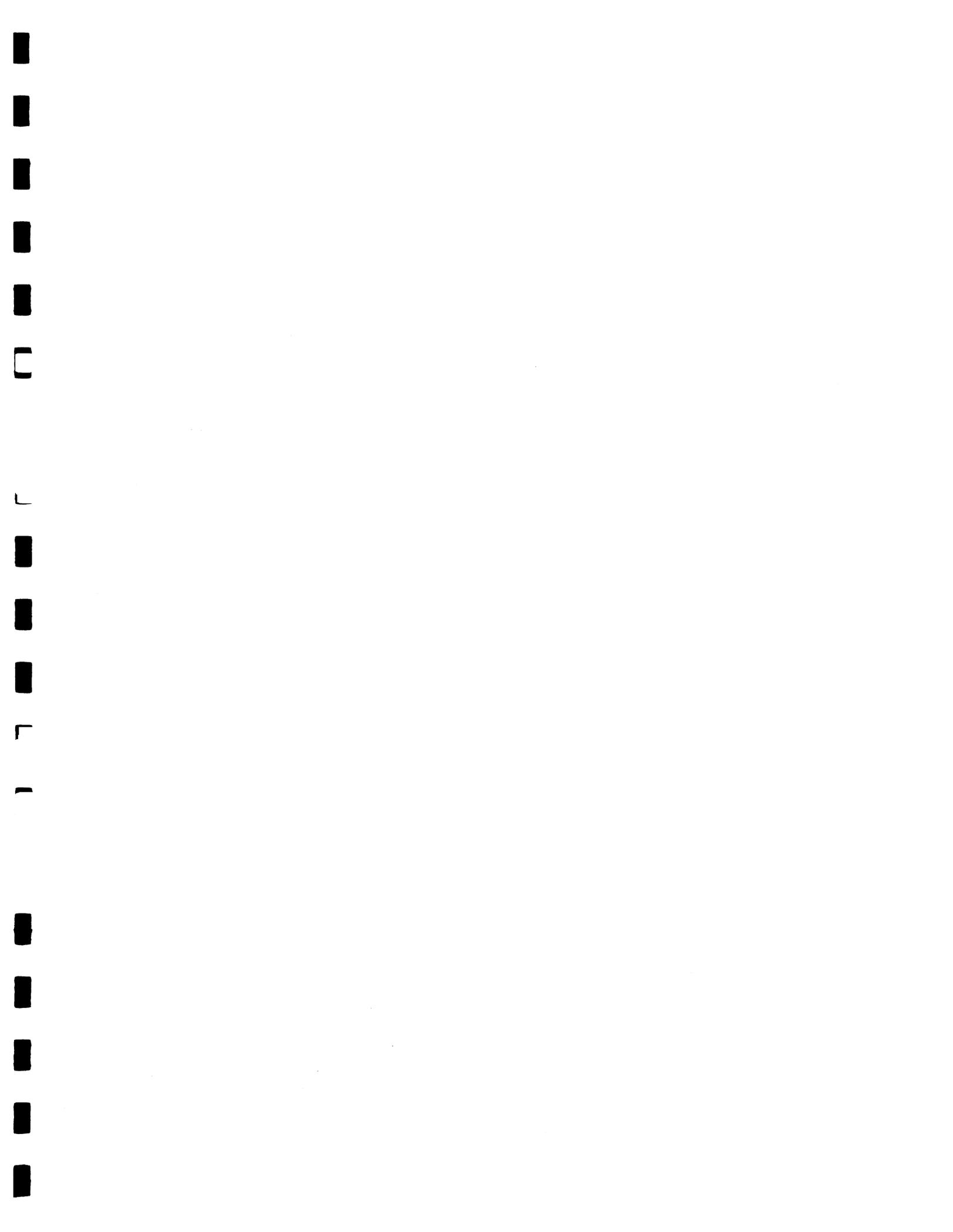
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National Criminal Justice Reference Service (NCJRS)

Box 6000

Rockville, MD 20849-6000

SECTION
XV



ATF P 3317.1 (10-97)