

[REDACTED]

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**From:** Dodson, John W.  
**Sent:** Thursday, May 27, 2010 11:12 AM  
**To:** Voth, David J.  
**Subject:** Proposal  
**Attachments:** PROPOSED UNDERCOVER.docx

John W. Dodson / Special Agent / ATF - Phoenix Group VII  
[REDACTED]  
Phoenix, AZ 85012  
[REDACTED]

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

[REDACTED]

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**From:** Dodson, John W.  
**Sent:** Thursday, May 27, 2010 11:48 AM  
**To:** Voth, David J.  
**Subject:** Change of last paragraph.  
**Attachments:** PROPOSED UNDERCOVER.docx

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**From:** Voth, David J.  
**Sent:** Thursday, May 27, 2010 12:14 PM  
**To:** Dodson, John W.  
**Subject:** the Order we need to include  
**Attachments:** Doc2.docx

## ATF 3310.4(b) 148(a)(2)

### 148. "WEAPONS TRANSFERS".

- a. Considerations. During the course of illegal firearms trafficking investigations, special agents may become aware of, observe, or encounter situations where an individual(s) will take delivery of firearms, or transfer firearm(s) to others. In these instances, the special agent may exercise the following options:
  - (1) In cases where probable cause exists to believe a violation of law has occurred and the special agent determines there is a need to intervene in the weapons transfer (e.g., the recipient of the firearms is a known felon; it is known the firearms will be used in crime of violence), the special agent shall do so but should place concerns for public safety and the safety of the involved special agents as the primary determining factor in exercising this option.
  - (2) **In other cases, immediate intervention may not be needed or desirable, and the special agent may choose to allow the transfer of firearms to take place in order to further an investigation and allow for the identification of additional coconspirators who would have continued to operate and illegally traffic firearms in the future, potentially producing more armed crime.**
- b. Alternative Intervention Methods. In the event it is determined by the special agent that a weapons transfer should not take place, the special agent may consider alternative methods of intervention other than arrest and/or search warrants that will prevent the culmination of the weapons transfer but allow the investigation to continue undetected. These alternative methods are considered to be a course of action that must be approved by the RAC/GS or SAC as previously noted. These alternative interventions may include, but are not limited to:
  - (1) A traffic stop (supported by probable cause to search or supported by a traffic violation allowing for plain view observations) by a State or local marked law enforcement vehicle that would culminate in the discovery and retention of the firearms. This would prevent 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.

- (2) If the firearms are being shipped out of the United States via a common carrier via checked luggage or freight, the firearms may be seized/or recovered by the special agents, in coordination with the U.S. Customs Service under border search authority, without detection by the traffickers. This 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 Pen 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.
- (3) If the firearms are being shipped via the U.S. mail, coordination with the U.S. postal inspectors will assist the special agents in recovery of the firearms without detection by the traffickers. 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.
- (4) If the special agent chooses to arrest the individual(s) with the firearm(s), the possibility exists that a debriefing of this individual will yield other members of the organization, or the individual(s) will agree to participate in a controlled delivery of the firearm(s) to the original intended receivers.

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**From:** Dodson, John W.  
**Sent:** Thursday, May 27, 2010 12:51 PM  
**To:** Voth, David J.  
**Subject:** Vers - 3.0  
**Attachments:** PROPOSED UNDERCOVER.docx

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