



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

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December 20, 2011

MEMORANDUM TO: All Special Agents in Charge

FROM: Assistant Director
Office of Field Operations

Assistant Director
Office of Strategic Intelligence and Information

SUBJECT: Addition of New Case Closing Codes in N-Force

This serves to advise you that effective **January 1, 2012**, new closing codes have been added to N-Force to allow for the tracking of cases where technical assistance is rendered or interdiction and deterrence efforts are used in lieu of arrest and prosecution.

The new N-Force closing code for Technical Assistance is as follows;

CLOSED - Technical Assistance - *This code **will be** used in any case where there was no arrest or recommendation for prosecution however technical assistance and expertise was provided to another law enforcement agency.*

This code previously appeared as "CLOSED - ATF ARSON/EXPLOSIVES TECHNICAL ASSIST" however it has been changed to allow for the tracking of technical assistance across all program areas. Certified Fire Investigators, Certified Explosives Specialists, and Explosive Enforcement Officers should continue to use this technical assist closing code as they did before and code their cases appropriately to Fire Enforcement Activity (A2C) or Explosives Enforcement Activity (A2B).

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Examples of where this new Technical Assistance closing code should be used include;

- The creation of a firearms interstate nexus report for another agency.
- The use of laboratory services for another agency (e.g., NIBIN test-fire, raising a firearm serial number).
- The providing of an intelligence product such as crime gun trace analysis, gang analysis, or crime mapping.
- One time or short term assistance in another agency's enforcement action.

The new N-Force closing code for Interdiction and Deterrence Actions is as follows;

CLOSED - Interdiction/Deterrence Actions - *This code will be used in any case where there was no arrest or recommendation for prosecution however cooperative compliance was sought from the suspect(s) through warnings, seizures, or other techniques.*

Interdiction and deterrence efforts can occur within any ATF program area. Interdiction and deterrence efforts can, in many cases, be equally as effective at stopping an illegal activity as perfecting a criminal case. Interdiction and deterrence efforts are most often used with individuals who lack criminal intent or appropriate knowledge of the law they are violating. In those situations, an interview with a verbal warning or service of a written warning may be all it takes to get that person to comply with the law by stopping their activity or by causing them to become licensed to continue their activity lawfully. The goal of interdiction and deterrence is cooperative compliance however, should this person not heed the warning and continue their activities, a warning serves the dual purpose of proving the willful and knowingly element of proof in some Federal violations.

Examples of cases that would be closed using the new Interdiction and Deterrence closing code are as follows;

- Firearms Trafficking - In situations where an agent follows up on a suspicious multiple purchase of handguns, a short time to crime trace, or a person selling firearms without a license at a gun show, those cases could be closed out using this code if the agent and supervisor determine that a warning would be appropriate due to lack of criminal intent or knowledge of the law. This closing code could also be used in straw purchase cases resulting in reasonable suspicion seizures of firearms where administrative forfeiture will take place but prosecution is not anticipated for a variety of reasons. ATF Order 3310.4b, Chapter K, has specific warning letter formats and requirements for use and documentation of service. The goal of ATF's firearms trafficking efforts is to prevent the unlawful diversion of firearms to those who would misuse them. This can be achieved through arrest but it can also be achieved through interdiction and deterrence by stopping those gray market operators who would comply with the law once warned of the law. The trafficking gets stopped without court and incarceration costs being incurred to the taxpayer.

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- Violent Crime/Gang Case - In a city that employs CEASEFIRE program (e.g., Cincinnati, OH; High-Point, NC) techniques where gang members are interviewed and warned or brought into meetings with community members and leaders and given options to change their ways and succeed or face investigation, arrest and incarceration, those initial efforts to deter gang members could be documented under a case closed with this code. In a number of instances around the country, techniques employed by ATF and local partners that are designed to disrupt and deter gang violence have been successful to the point where no actual prosecution results. This closing code will allow for an agent to document those efforts and accomplishments and will allow ATF to track and report on those successes.
- NICS - In situations where an agent has to retrieve a firearm in a delayed denial case or where an agent must warn an attempted purchaser in lieu of prosecution, this closing code may be used. Those efforts are designed to deter this person from engaging in further attempts to illegally acquire firearms and the added attention from an inquiring special agent is often successful toward that end. This will now be tracked in N-Force.
- Explosives - In a case where a private citizen is manufacturing ammunition for re-sale and is unaware of the licensing requirements or limits on the low explosive powder storage quantities, this closing code may be used if steps are taken to bring the person into compliance with the law and safeguard the public with respect to low explosive powder storage.

The above list is not all inclusive of the interdiction and deterrence techniques or program areas where those techniques may be applicable. As with any case, all interviews or other interactions with persons who are the subject of interdiction and deterrence efforts should be documented in a Report of Investigation. All warning letters should be served in compliance with policy, and all persons/suspects dealt with should be listed in N-Force.

Policy is currently under development for the use of interdiction and deterrence techniques with defendants whom the U.S Attorney's Office declines to prosecute. Those defendants will receive additional contact and attention from ATF and a new defendant charges disposition code will be added for use instead of "Prosecution Declined." It is anticipated this will be particularly useful in firearms trafficking/straw purchase investigations.

ATF employees have been effectively providing technical assistance and using interdiction and deterrence efforts in the field for many years without recognition of the value and effectiveness of these efforts in achieving overall program goals without the need for criminal arrest and prosecution. These new N-Force closing codes are the first step in efforts that will now be made to track this activity so that ATF can report on these efforts and so that special agents' efforts can be recognized. To highlight the importance of this, language on interdiction and deterrence knowledge and techniques is being developed for inclusion in special agent performance plans.

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Should you have any questions or require additional information with respect to this matter, please contact Firearms Trafficking and Interdiction Branch **Chief**- for policy matters, 202-64- or NFOCIS Branch Chief _____ for technical matters, 202-64



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