




U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

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MEMORANDUM FOR DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS
AND EXPLOSIVES
ADMINISTRATOR, DRUG ENFORCEMENT
ADMINISTRATION
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, UNITED STATES MARSHALS SERVICE HEADS
OF LITIGATING COMPONENTS
ALL UNITED STATES ATTORNEYS

FROM: THE DEPUTY ATTORNEY GENERAL 

SUBJECT: Combating Illegal Machine Gun Conversion Devices through
Enhanced Enforcement, Training, and Intelligence Sharing

The Department of Justice (Department) continues to make important strides in combating gun violence, helping to secure significant reductions in violent crime over the last two years through execution of our [Comprehensive Strategy for Reducing Violent Crime](#) (Violent Crime Reduction Strategy). This success has been made possible by the Department's partnership with state and local law enforcement, strategic deployment of our federal resources to where they are needed most, and the hard work and tenacity of Department personnel.

As we continue to execute the Violent Crime Reduction Strategy by focusing on the most significant drivers of violent crime to improve public safety, we must address the rising threat posed by illegal machinegun conversion devices (MCDs), such as "switches" or "auto sears." As the Supreme Court recently explained, an MCD "permits a shooter to fire multiple shots while engaging the trigger only once." *Garland v. Cargill*, 602 U.S. 406, 420 n. 4 (2024).¹ An MCD thus converts a semiautomatic weapon into a machinegun that fires more than one shot automatically through a single pull of the trigger, enabling more rapid and often less accurate gunfire.

¹ In *Cargill*, the only devices at issue were non-mechanical bump stocks attached to rifles with a standard semiautomatic trigger assembly. *Id.* at 411 n.1. While the Court's interpretation of the National Firearms Act (NFA) and Gun Control Act (GCA) in *Cargill* is instructive, the Court did not directly address mechanical bump stock devices or MCDs in its decision. There are pertinent functional and mechanical differences between MCDs and non-mechanical bump stocks. *Id.* The term "machinegun conversion device," as used in this memorandum, refers only to unlawful devices that function in a manner that enables the shooter to fire multiple shots while engaging the trigger only once.

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Whether or not attached to a firearm, MCDs themselves constitute machineguns under the NFA and GCA. Making, selling, transporting, or possessing MCDs is thus illegal under federal law, except in very limited circumstances. Yet law enforcement agencies across the country have witnessed increased proliferation and use of unlawful MCDs, notwithstanding their well-established illegality. As reflected in the recent National Firearms Commerce & Trafficking Assessment issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), in the decade prior to 2021, ATF saw a 570% increase in MCD recoveries.² MCDs are now the most frequently recovered type of illegal firearm, accounting for almost 55% of the firearms recovered in ATF trafficking investigations between 2017 and 2021.³

The increasing demand for and use of MCDs by criminals do not just present a threat to public safety, they are also perilous for law enforcement officers, who serve courageously in the face of this highly dangerous weaponry. MCDs have been linked to an increasing number of notorious homicides, including a mass shooting at a sweet sixteen party in Dadeville, Alabama, where four young people were slain; a drive-by shooting in Cincinnati, Ohio, where an 11-year-old boy was killed; and a law enforcement-involved shooting in Houston, Texas where an officer was killed during a narcotics arrest. Increased criminal use of MCDs is, in part, related to their relatively cheap cost and ease of production as a result of technological advancements in additive manufacturing, such as 3D printers that can be operated out of a home.

To confront this growing public security threat, the Department must redouble its efforts to hold accountable individuals who illegally manufacture, sell, traffic, or use MCDs. So today, I am directing the following actions by Department personnel:

Establishing the Action Network to Terminate Illegal Machinegun Conversion Devices (ANTI-MCD) Committee. To help focus the Department's resources on efforts that will have the most significant impact on curbing the proliferation of MCDs, today we are establishing a standing committee—the Action Network to Terminate Illegal Machinegun Conversion Devices (ANTI-MCD)—that will be co-chaired by ATF and a United States Attorney, and will consist of representatives of each of the Department's law enforcement components, the Civil and Criminal Divisions, the Executive Office for United States Attorneys, and the Office of the Deputy Attorney General (ODAG). The ANTI-MCD Committee will meet on a regular basis to provide leadership and guidance for how to best deploy Department resources to reduce the proliferation of MCDs, work with interagency and external partners on initiatives and joint MCD prosecution and enforcement efforts, and ensure coordination among Department components and other stakeholders. The ANTI-MCD Committee will also propose additional initiatives and make recommendations to ODAG on all aspects of the Department's

² See NFCTA, *Firearms Trafficking Investigations (Volume II): Crime Guns (Part VIII)* at p. 4 available at www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-vii-recommendations/download.

³ See NFCTA, *Firearms Trafficking Investigations (Volume III): National Illegal Firearm Recoveries (Part X)* at p. 4 available at www.atf.gov/file/190676/download.

efforts to address the proliferation of MCDs, including research and data collection, policy updates, resource allocation, and coordination with our federal, state, local, Tribal, and territorial prosecution and law enforcement partners.

Upgrading Seizure Tracking, Technology Monitoring, and Intelligence Gathering and Dissemination. Department law enforcement components will update and enhance their tracking of MCDs, including timely recording of trackable data on numbers and types of MCDs seized during law enforcement operations, and provide a progress report to ODAG and the ANTI-MCD Committee within 90 days. ATF will continue to monitor changes in MCD technology and gather intelligence on trends in MCD seizures and prosecutions on a real-time basis. Working with the ANTI-MCD Committee, ATF will then disseminate a quarterly MCD intelligence bulletin across the Department, providing the latest data and trends concerning this threat.

Enhancing MCD Prosecution Initiatives. A core pillar of the Department's Violent Crime Reduction Strategy involves targeted and forceful prosecution of the most significant drivers of violent crime—and that includes individuals who illegally manufacture, use, sell, transfer, or possess MCDs. To enhance those efforts, I am directing each U.S. Attorney's Office to prioritize combating MCDs in a manner tailored to the threats posed to their particular communities by employing a comprehensive and district-specific MCD enforcement strategy. To that end, U.S. Attorneys should convene collaboration meetings within 90 days with federal, state, local, Tribal, and territorial law enforcement and prosecution partners to identify promising MCD-related enforcement practices and ensure seamless coordination. Following these efforts, U.S. Attorneys will provide a summary of their District's MCD strategies to ODAG and EOUSA, either as a stand-alone submission or as part of their semi-annual Project Safe Neighborhoods report, no later than January 15, 2025.

Identifying Applicable and Appropriate Federal Charges. Department prosecutors should consider all available charges when evaluating a potential MCD-related prosecution. Where supported by the evidence and the [Principles of Federal Prosecution](#), MCD possession may be prosecuted under 18 U.S.C. § 922(o); trafficking of MCD-equipped firearms may be prosecuted under 18 U.S.C. § 933; and use of an MCD-equipped firearm during and in relation to a crime of violence or drug trafficking crime may be prosecuted under 18 U.S.C. § 924(c), among other available authorities. Because 18 U.S.C. § 924(c)(1)(B)(ii) provides for a 30-year mandatory minimum sentence for the use of a machinegun, such as an MCD-equipped firearm, prosecutors considering such a charge should carefully apply the Principles of Federal Prosecution and the [General Department Policies Regarding Charging, Pleas, and Sentencing](#). Given the significant threat to public safety and law enforcement posed by MCDs, such a charge may be warranted where other applicable charges “would not sufficiently reflect the seriousness of defendant's criminal conduct, danger to the community, harm to victims, or other considerations.”

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Launching National Enhanced MCD Training Initiative. Today, the Department is announcing the launch of a national MCD initiative to expand existing efforts to educate and train federal, state, local, Tribal, and territorial law enforcement and prosecution partners, as well as Department agents and prosecutors, on legal, operational, and technical issues relating to the manufacture, sale, trafficking, and use of MCDs and the available enforcement options. To further this initiative, ATF will develop and keep current training that addresses the constantly evolving MCD threat, including designs, manufacturing techniques, distribution networks, and operational impacts. Working with the ANTI-MCD Committee, ATF will develop and disseminate materials designed to assist investigators and prosecutors in prosecuting and bringing enforcement and forfeiture actions against those who manufacture, possess, transfer, sell, or use MCDs. Finally, ATF will designate a national MCD Coordinator to serve as a resource for federal, state, local, Tribal, and territorial law enforcement officers and prosecutors on questions involving MCDs. Department law enforcement and task force officers should rely upon ATF's MCD Coordinator as an expert resource on all enforcement-related issues concerning MCDs.

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MCDs represent a growing threat to communities and law enforcement across the country. Combating the spread of these deadly weapons and continuing to drive down violent crime will require the dedicated and coordinated efforts of the entire law enforcement community. In implementing and building upon the above measures, I am confident that the Department, together with its many partners, will meet this challenge. Thank you for your attention to this important matter and for all that you do to further the Department's fight against violent crime.