



Office of the Attorney General

Washington, D.C. 20530

November 8, 2019

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS
ALL HEADS OF DEPARTMENT COMPONENTS
ALL LAW ENFORCEMENT AGENCIES

FROM: THE ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "U. P. Bauer", is written over the text "THE ATTORNEY GENERAL".

SUBJECT: Project Guardian

Reducing gun violence and enforcing federal firearms laws are among the Department's highest priorities. Working with our law enforcement partners across the country, we have seen our combined efforts to fight violent crime pay off, as the violent crime rate fell 3.9 percent between 2017 and 2018, after troubling increases in 2015 and 2016. Even with these positive results, too much gun violence still plagues too many communities, and it is particularly traumatizing when it impacts our schools, houses of worship, workplaces, and public gatherings. This Department must not be complacent when there is more we can accomplish to make America safer. This Department is committed to decreasing vigorously, effectively, and immediately the gun violence that deprives too many communities of the safety and security they need to flourish.

Fortunately, from our past experience, we know the strategies that can work effectively to reduce gun violence. For example, in earlier decades when violent crime was much higher than it is today, the Department instituted the highly successful Triggerlock program. Through Triggerlock, the Department worked in close partnership with state, local, and tribal law enforcement and prosecutors to ensure that criminals contributing to gun violence would face appropriate charges and sentences at the federal level. We have also seen proven results through our recent reinvigoration of the Project Safe Neighborhoods (PSN) program, which in many ways built on the success of Triggerlock and similar forerunners and shares a strategic framework centered on close coordination with state, local, and tribal partners to ensure maximum impact of federal resources.

Beginning today, we further strengthen and recommit our efforts to reduce gun violence through the launch of Project Guardian. Project Guardian will build upon Triggerlock's and PSN's focus on coordination with all law enforcement partners to maximize the impact of federal prosecution resources. In addition, Project Guardian will assure that the Department vigorously enforces the laws that ensure effective operation of the National Instant Criminal Background Check System (NICS), and will also improve information-sharing by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) when a prohibited individual attempts to purchase a

firearm and is denied by the NICS, to include taking appropriate actions when a prospective purchaser is denied by the NICS for mental health reasons. Finally, Project Guardian will create greater coordination under, and use of, ATF Crime Gun Intelligence Centers (CGICs), which employ modern technology and intelligence-gathering methods to assist law enforcement in investigating and preventing gun crimes.

Project Guardian is complementary to PSN and other current Department efforts to combat violent crime. Project Guardian is designed to ensure that each United States Attorney's Office (USAO) develops and maintains a robust and effective gun crime prosecution strategy, in conjunction with ongoing PSN efforts to reduce violent crime. Project Guardian will accomplish this goal through enhanced and strategic investigation and prosecution of individuals and organizations involved in the illegal acquisition or attempted acquisition, possession, use, and trafficking of firearms.

Project Guardian is based on five principles:

- 1. Coordinated prosecution.** Federal prosecutors and law enforcement will coordinate with state, local, and tribal law enforcement and prosecutors to consider potential federal prosecution for new cases involving a defendant who: (a) was arrested in possession of a firearm; (b) is believed to have used a firearm in committing a crime of violence or drug trafficking crime prosecutable in federal court; or (c) is suspected of actively committing violent crime(s) in the community on behalf of a criminal organization. United States Attorneys will be able to utilize any coordination mechanism that effectively works in their particular jurisdiction taking into consideration the specific violent crime problems in their districts, as well as law enforcement and prosecutorial resources. Moreover, for any new case in these categories that state, local, or tribal law enforcement identify for coordination, to the extent practical and if not already done, law enforcement should conduct appropriate background checks to determine any history of felony convictions, any applicable state or federal fugitive warrants, and any applicable federal prohibitions on firearms possession. United States Attorneys will also develop criteria and, if appropriate, provide training or outreach for facilitating such referrals and for making charging decisions for federal prosecution based on the particular needs and circumstances of the jurisdiction.
- 2. Enforcement of federal firearms laws and background checks.** United States Attorneys, in consultation with the ATF Special Agent in Charge (SAC) in their district, will create new, or review existing, guidelines for intake and prosecution of federal cases involving false statements made during the acquisition or attempted acquisition of firearms from Federal Firearms Licensees. For all cases involving false statements on ATF Form 4473 (including lie-and-try, lie-and-buy, and straw purchasers), unlicensed firearms dealers, and other individuals involved in the illegal trafficking of firearms, the guidelines must place particular emphasis on: (a) violent persons, such as individuals convicted of violent felonies or misdemeanor crimes of domestic violence, individuals subject to protective orders, and individuals who are fugitives where the underlying offense is a felony or misdemeanor crime of domestic violence; (b) individuals suspected of

involvement in criminal organizations or of providing firearms to criminal organizations; and (c) individuals involved in repeat denials. This prioritization is especially important for “lie and try” cases given the high volume of firearm purchase denials issued by the NICS each year.

- 3. Improved information sharing.** Sharing information regarding attempts by prohibited persons to purchase firearms with our local and state law enforcement partners enhances public safety. Consequently, on a regular basis, and as often as practicable given current technical limitations, ATF will provide to state law enforcement fusion centers a report listing individuals for whom NICS has issued denials, including the basis for the denial, so that our state and local law enforcement partners can take appropriate steps under their laws.
- 4. Coordinated response to mental health denials.** In addition, NICS denials based on mental health adjudications described by 18 U.S.C. § 922(g)(4) should command the Department’s increased attention and scrutiny. Each United States Attorney should ensure that whenever there is federal case information regarding individuals who are prohibited from possessing a firearm under § 922(g)(4), such information continues to be entered timely and accurately into the USAOs’ case-management system for prompt submission to NICS. The Executive Office for United States Attorneys will continue to facilitate the transmission of USAOs’ case information to NICS and to share information regarding all NICS denials based on the USAOs’ case information, including denials based on mental health prohibitions. ATF should engage in additional outreach to state and local law enforcement on how to use this denial information to better assure public safety. United States Attorneys should consult with relevant district stakeholders, including ATF and state or local law enforcement and mental health departments, to assess the feasibility of adopting disruption and early engagement programs to address mental-health-prohibited individuals who attempt to acquire a firearm and to counter the threat of mass shootings. Finally, in any firearms case appropriate for prosecution, including any individual prohibited under § 922(g)(4), United States Attorneys should consider, when the record supports it, recommending court-ordered mental health treatment as part of any sentence issued.
- 5. Crime gun intelligence coordination.** Federal, state, local, and tribal prosecutors and law enforcement will work together to ensure effective use of ATF CGICs, and all related resources, to maximize the use of modern intelligence tools and technology, such as the National Integrated Ballistic Information Network (NIBIN) and Firearm Tracing, to investigate and prevent gun crime. These investigative tools can greatly enhance our speed and effectiveness in identifying trigger-pullers and finding their guns, but their usefulness depends in large part on having state, local, and tribal law enforcement partners share with ATF ballistic evidence and firearm recovery data, among other intelligence. Coordinating the collection and use of such information will allow prosecutors and law enforcement to maximize efforts against those who are most responsible for committing acts of violence

in our communities. United States Attorneys and ATF SACs may utilize any coordination mechanism that effectively works in their particular jurisdiction. Jurisdictions that do not have a CGIC should engage in crime gun intelligence coordination based on the crime gun intelligence resources that are available in that jurisdiction.

This five-point framework will enable ATF and each United States Attorney, in collaboration with state, local, and tribal law enforcement partners, to reduce gun crime in a way that is adaptable to local circumstances and needs, while leveraging the power of federal law and federal courts against the most violent and dangerous offenders.

We remain cognizant that federal law enforcement represents only about 15% of all law enforcement resources nationwide. That is why our partnerships with—and support of—state, local, and tribal law enforcement and the communities they serve are critical to addressing gun crime. As part of Project Guardian, the Department will make available training and technical assistance to our state, local, and tribal partners, to ensure they have the information they need to succeed. Further information on available training opportunities will be forthcoming.

The Deputy Attorney General will oversee implementation of Project Guardian, direct Department components to provide any necessary support for this program, and issue any clarification and guidance he deems appropriate for its effective implementation. As part of that implementation, I expect that all United States Attorneys, working with the ATF SAC in their district, will develop a plan to reduce gun crime that incorporates the above principles and will review their referral and prosecution guidelines to ensure consistency with these principles and the Department's gun crime reduction priorities. To assist in developing that plan, the Executive Office for United States Attorneys and ATF will issue implementing guidance.

I know you share my grave concern regarding the gun violence that has plagued our communities and that you are committed to preventing gun violence whenever possible. By initiating Project Guardian, we take an important step in increasing the safety and security of our communities. I look forward to hearing in the coming months about your implementation of this program, which will help make our country a safer place for all.