U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building
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Washington, DC 20530

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FEB 6 2007

Mr. John Feinblatt
Criminal Justice Coordinator
The City of New York, Office of the Mayor
Municipal Building, One Centre Street
Tenth Floor North
New York, NY 10007

Dear Mr. Feinblatt:

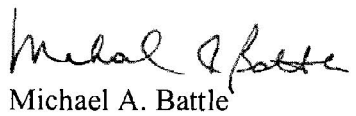
This letter is to follow up to the recent activities conducted by the City of New York with respect to 15 federally-licensed firearms dealers against which the City filed a civil lawsuit on May 15, 2006. As the Director of the Executive Office for United States Attorneys, I am writing to you on behalf of each United States Attorney in whose district the City of New York's contracted investigators took action.

As I communicated to you in May of 2006, the evaluation and investigation of this matter is within the jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Accordingly, the materials your office provided to ATF's New York Field Division were referred to the appropriate ATF field offices for evaluation. Recently, the ATF field offices concluded their evaluation and investigation, and consulted with their respective United States Attorney's Office. The United States Attorneys' Offices in each district wherein the City of New York conducted activities have carefully reviewed the matters and considered all of the materials. Each United States Attorney's Office has concluded that the circumstances surrounding the purchases do not rise to a level that would support a criminal prosecution.

Although a decision has been made not to move forward with case filings in these matters, you should be aware that there are potential legal liabilities that may attach when persons outside of law enforcement undertake actions typically reserved for law enforcement agents. This risk is particularly acute when such persons, however well-intentioned, but without proper law enforcement authority, misrepresent that they are the actual purchasers of the firearms when, in fact, the purchases are being made on behalf of another person or entity (for instance, on behalf of the City). In addition, civilian efforts can unintentionally interrupt or jeopardize ongoing criminal investigations.

We appreciate your interest in this matter. Please do not hesitate to contact the Department of Justice if we can be of assistance in other matters.

Sincerely,



Michael A. Battle
Director

cc: The Honorable John L. Brownlee
The Honorable Gregory G. Lockhart
The Honorable Reginald I. Lloyd
The Honorable Roslynn R. Mauskopf
The Honorable Patrick L. Meehan
The Honorable David E. Nahmias
The Honorable Charles P. Rosenberg
The Honorable Lisa Godbey Wood