



# OFFICE OF THE INSPECTOR GENERAL

## U.S. Department of Justice

(202) 514-3435 | [oig.justice.gov](http://oig.justice.gov)

FOR IMMEDIATE RELEASE

March 1, 2017

### **DOJ OIG Releases Report on Investigations of the Osorio and Barba Firearms Trafficking Rings**

The Department of Justice (DOJ) Office of the Inspector General (OIG) announced today the release of a report about federal law enforcement agencies' handling of information concerning the traffickers of two firearms that were used in the February 15, 2011 attack in Mexico by members of the Los Zetas drug trafficking organization on Immigration and Customs Enforcement (ICE) agents Victor Avila and Jaime Zapata. Agent Zapata died from his injuries and Agent Avila was seriously wounded.

The DOJ OIG's review found problems with how the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) assimilated information concerning three of the traffickers – brothers Otilio Osorio and Ranferi Osorio, and their neighbor Kelvin Morrison – and with the timeliness of ATF's response to mounting evidence that they were committing firearms offenses. However, as we note in the report, we do not believe that it is possible to identify what specific investigative steps should have been taken at the time, or precisely when arrests should have occurred.

We also identified one instance after the shooting of Agents Avila and Zapata where, during a search of a residence, we believe ATF had both the opportunity and legal authority to seize firearms in the possession of the Osorio brothers, but it did not do so. Those firearms subsequently were recovered at a crime scene in Mexico.

Additionally, we found deficiencies with the Drug Enforcement Administration's (DEA) and an Assistant U.S. Attorney's (AUSA) handling of the narcotics investigation of one the traffickers, Manuel Barba. Among our concerns, we found that the AUSA should not have agreed to Barba's release from federal custody in July 2010 following his indictment and ultimate plea to drug charges, and that a DEA agent, his supervisor and the AUSA failed to alert ATF about Barba's potential trafficking so that ATF could determine what investigation was appropriate.

Our review found no evidence that the Federal Bureau of Investigation (FBI), ATF Headquarters, or DOJ were alerted to or aware of the criminal activities of the traffickers before the shooting of Agents Avila and Zapata. Nor did we find deficiencies regarding those notification processes. We also found that ATF agents handling the investigation that resulted in the re-arrest of Barba and the arrest of a fifth trafficker, Robert Riendfliesh, diligently pursued leads

and took effective investigative steps, and that they appropriately consulted and coordinated their activities with federal prosecutors.

We did not make recommendations for improvement in this report, as we believe that the recommendations contained in our 2012 report on Operation Fast and Furious and in our 2016 report on the implementation of those recommendations are sufficient to address the deficiencies we identified here. The OIG will continue to monitor the progress of the Department and its law enforcement components to address the deficiencies we identify in today's report, and their efforts to implement our recommendations from prior reports.

Please note that today's report contains pseudonyms, each of which is identified as such. The names of Agents Zapata and Avila, as well as the names of all five traffickers named above, are real.

**Report:** Today's report is available on the OIG's website at the following link: <https://oig.justice.gov/reports/2017/o1701.pdf>.

**Multimedia:** To accompany today's report, the OIG has released a 6-minute podcast featuring a member of the review team discussing the report's findings. The podcast and a downloadable transcript are available at the following link: <https://oig.justice.gov/multimedia/>.