

United States General Accounting Office

Report of the Committee on Commerce
Government Operations
Representatives

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SEP 23 1994

ACQUISITIONS

Office of Special Investigations

B-256319

April 26, 1994

The Honorable John M. Spratt, Jr.
Chairman, Commerce, Consumer, and
Monetary Affairs Subcommittee
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

On February 19, 1993, you requested that we investigate allegations that the Bureau of Alcohol, Tobacco, and Firearms (BATF), Department of the Treasury, mishandled or ignored important information concerning a suspected gunman in the January 25, 1993, shooting outside the Central Intelligence Agency (CIA) Headquarters compound in Langley, Virginia. A February 12, 1993, Washington Post article regarding the shooting raised concerns that BATF's handling of information provided by a gun store employee was inadequate. It was alleged that BATF's failure to follow up on the information allowed the suspect to flee the United States.

Background

On Monday, January 25, 1993, a gunman shot two CIA employees to death and wounded three others at an employee entrance of the CIA headquarters compound in Langley, Virginia. According to witnesses, a man fired several gun shots at CIA employees arriving for work and then drove away.

The incident occurred about 100 feet from CIA property in Fairfax County, Virginia, in an area over which the Fairfax County Police Department has authority to investigate criminal activity. Immediately following the shooting, the Fairfax County Police Department set up an investigative task force that included the Federal Bureau of Investigation (FBI) and the CIA Langley Security Protective Service.

Because of BATF's expertise in firearms, the Special Agent-in-Charge of the BATF Washington Field Office offered assistance to the task force. BATF agents joined the task force operation on January 26, 1993, and on the next day, January 27, began contacting the largest gun dealerships in the Washington, D.C., metropolitan area. BATF management instructed the special agents assigned to the BATF Washington Field Office to examine firearm sales records at the dealerships to identify purchasers of the 11 or more types of firearms capable of chambering 7.62 x 39 caliber ammunition. Such ammunition was consistent with the shell casings found at the crime scene.

Results in Brief

A BATF agent involved in the investigation of the shooting incident collected firearm sales records, including those of the suspected gunman, from a gun store in Northern Virginia and handled them in accordance with BATF regulations. The store manager and gunsmith claim that the gunsmith informed the BATF agent that a composite sketch (see app. I) of the suspected gunman looked like the individual who, a few days previously, had purchased an AK-47 assault rifle from the store. Although the evidence developed during our investigation tends to support the statements of the gunsmith and the store manager, the BATF agent involved denies that the gunsmith provided any identification of the composite.

Further, although it was alleged that BATF's failure to follow up on important information allowed the suspect to flee the United States, our investigation disclosed that the suspect had left the country on January 26, 1993, a day before the BATF agent visited the gun store on January 27.

Alleged Identification of CIA Murder Suspect

Gunsmith's and Manager's Account of Identifying Suspect's Composite Sketch

On Wednesday, January 27, 1993, at approximately 10:00 a.m., a BATF agent visited a gun store in Northern Virginia and identified himself to the manager as a BATF special agent. The agent stated that he wanted to review firearm sales records in relation to the investigation of the Langley/CIA shooting, showed a composite sketch of the suspect to the manager, and asked if the manager had any information about the suspect. When the manager did not identify the composite sketch of the suspect, the agent provided several copies of the wanted posters, including the composite, for display and distribution. The agent also requested to review firearm sales records for the 12 months prior to the day of the shooting.

The first file that the store manager provided to the BATF agent was that of Mir Aimal Kans¹ for the purchase of an AK-47 assault rifle. The file had been separated from the store's other files because, according to the manager, the customer had recently picked up the firearm² and the file had yet to be placed in storage boxes with other gun-purchase files. The

¹The investigative task force later identified Mir Aimal Kans as the suspect in the CIA shooting.

²The AK-47 assault rifle that Mr. Kans picked up from the store on January 22, 1993, had been ordered for him and was the only such rifle sold by the gun store within the previous 12 months.

manager then provided the agent several boxes of other firearm sales records for review.

At approximately 11:00 a.m., a gunsmith employed at the gun store entered the store and observed the agent examining firearm sales records. According to the gunsmith, the manager informed him that the agent was from BATF and was investigating the Langley shooting. The manager showed the wanted poster with the composite sketch to the gunsmith. According to the gunsmith and the manager, the gunsmith told the manager that he recognized the composite of the suspect and identified it as the man who had picked up an AK-47 a few days before. He recalled the man vividly because on the day the gun was delivered, according to the gunsmith, he helped the customer reassemble the weapon after the customer had dismantled it and could not put it back together. He also provided instruction to the customer on how to load and unload the weapon properly. The gunsmith told us that, at the time, he wondered why a person would purchase such a firearm if he did not have sufficient knowledge to handle it correctly.

According to the gunsmith and the manager, the gunsmith walked to the opposite side of the counter and faced the agent, held the composite up at eye level, pointed to it, and told the agent, "[This] looks like the guy who was here last week and picked up an AK-47 assault rifle." The gunsmith said that when the agent looked at him and did not respond, he repeated his statement and added, "This really looks like the guy." The manager told us that he asked the gunsmith, in the agent's presence, if he was talking about the AK-47 sold the previous week and that the gunsmith confirmed that point. The manager said that he next told both the agent and the gunsmith that he had already provided the file to the agent and the agent had made a copy of it. Then, according to the manager, the agent responded that he had received "that" file and the agent continued to review and copy files.

BATF Agent Disputes Gunsmith's and Manager's Account

Although the initial discussion between the BATF agent and the store manager is not in dispute, the agent provided us a different account of his discussions with the gunsmith. The BATF agent told us that he showed the composite to the gunsmith and asked if he recognized the suspect. The gunsmith said that he did not. According to the agent, no one at any time identified the suspect's composite or related the Kansi file to the composite. When we described the gunsmith's and manager's account of his visit, the agent said, "It did not happen." The agent said that the

gunsmith talked to him about various things but that they did not discuss identification of the composite drawing or an AK-47 assault rifle.

Gun Store Submission of Kansi's File to Police Officials

The gun store owner told us that when he called the store about 20 minutes after the agent's departure, both the gunsmith and manager described the situation to him. According to the gunsmith, after the BATF agent left the store on January 27, at approximately 1:00 p.m., the gunsmith felt that the agent had not taken him seriously in his attempt to identify the composite sketch as the AK-47 purchaser, Mr. Kansi. When the owner arrived at the store that afternoon, he contacted the Sheriff of Falls Church, Virginia, who also worked part-time at the gun store. He explained to the sheriff that the gunsmith and manager had told the BATF agent about their suspicions but that the agent "blew them off."³ The gunsmith then immediately faxed to the sheriff the Firearms Transaction Record dated January 22, 1993, and the receipt for the purchase from Mr. Kansi's AK-47 purchase file.⁴

The sheriff informed us that he discussed the matter immediately with a Falls Church Police Investigator, told him of the gunsmith's composite recognition, and provided the records to the investigator. According to the investigator, he contacted the Fairfax County Police Department immediately. The investigator spoke with, and passed the Kansi file to, a Fairfax County investigator that same day, January 27, specifically informing the investigator that the gunsmith had identified the composite. The Fairfax County investigator received the records concerning Mr. Kansi's purchase of the AK-47 assault rifle at approximately 4:00 p.m. Within an hour, he prepared a report regarding his discussion with the Falls Church investigator and faxed the records and report to the task force headquarters. He did not inform the task force that the gunsmith had identified the composite but called the task force the next day to determine if it had received the records and report. The Fairfax County investigator said he did not recall if the Falls Church investigator had told him about the composite recognition. The Falls Church investigator also followed up the next day to determine if the file had been provided to the right persons. The Fairfax County investigator assured him that it had been submitted to and received by the task force.

³The sheriff confirmed the statements of the gun store owner, manager, and gunsmith.

⁴Also on January 27, a second BATF agent entered the gun store at approximately 5:00 p.m. but left without further discussion when the store manager informed him that a BATF agent had been there earlier that day. The store manager informed us that he had not discussed the gunsmith's identification of the composite with the second agent because the gunsmith had already submitted the records to the sheriff. The gunsmith said he had not spoken with the second agent.

BATF's Handling of Kansi File

The BATF agent said that he had visited other gun stores on January 27 and collected firearm sales records. At the end of his work day, he returned all collected records to BATF. BATF marked and organized the records according to the gun dealer or store from which the firearms had been sold. BATF then copied the records and submitted them the next morning, January 28, to the task force headquarters at the Fairfax County Police Department.

We examined BATF's files and confirmed that the Kansi file had been marked and handled in the same manner as other collected firearm sales records. We reviewed the BATF administrative order⁵ regarding the handling and referral of evidence. In the event the gunsmith effectively communicated to the agent that the composite resembled Mr. Kansi, the BATF agent's handling of the Kansi file was not consistent with the administrative order. Alternatively, if the gunsmith did not inform the agent that the composite resembled Mr. Kansi, we found no discrepancy between the order's directions and the way in which the collecting BATF agent handled the Kansi file.

Identification of Mr. Kansi as the Suspect

As the task force received information from its various sources, each document was sequentially numbered; listed on a chronological, handwritten log; and entered into a computer database. On February 6, 1993, an investigative analyst identified Mr. Kansi as a suspect when the analyst linked the Kansi/weapon-purchase files submitted by both BATF and the gun store owner, through the Fairfax investigator, and a missing-person report filed by Mr. Kansi's roommate. However, Mr. Kansi was one of several suspects identified through such linkages at this level of the investigation.

On February 9, 1993, an arrest warrant was issued for Mr. Kansi on the charge of capital murder, based on forensic identification of the AK-47 found in Mr. Kansi's apartment as the weapon used in the Langley shooting. On February 10, 1993, the task force confirmed that Mr. Kansi had left the country on January 26, 1993. The task force did not know that the gunsmith had reportedly identified the composite until the February 12, 1993, Washington Post article. As of April 18, 1994, Mr. Kansi had not been arrested on these charges. (See app. II for a chronology of events leading to and following the shooting.)

⁵BATF Order 03270.10A, "Criminal Enforcement Investigative Reports," sec. 33 (p. 30), discusses referrals to other law enforcement agencies.

BATF and Police Officials' Reaction to the Allegation That BATF Mishandled Investigative Information

Insisting that he be allowed to clarify BATF's position in this matter, the Special Agent-in-Charge of the BATF Washington Field Office made the following comments. He told us that he believes the gun store employees are being untruthful and that they made their statements in response to media pressure. He noted that the employees did not make public statements until after Kanshi had been publicly identified as a suspect in the shooting. Further, the Special Agent-in-Charge believed that the gunsmith had not identified Kanshi as the man to whom he had sold an AK-47 assault weapon a few days before the January 25 shooting. The Special Agent-in-Charge also raised the issue that the gun store owner, to protect himself from liability in the shootings, had fabricated the story about the BATF agent's ignoring the gunsmith's identification of the composite. The Special Agent-in-Charge told us that BATF officials strongly believe that the agent acted properly in his actions in this matter.

Fairfax County police officials, including the Chief, commended BATF's work on the investigation.

Methodology

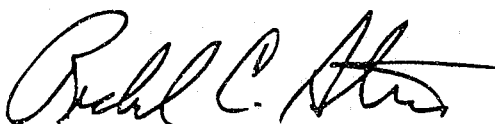
We conducted our investigation between March 1993 and January 1994. We interviewed officials of the Fairfax County Police Department; the Falls Church police and sheriff's departments; the BATF; and the Security Protective Service, CIA Headquarters, Langley, Virginia, as well as the owner and employees of the gun store located in Chantilly, Virginia.

We reviewed pertinent records from each of the above sources, as well as the BATF administrative order. We also spoke with the author of the February 12, 1993, Washington Post article, "Gunsmith Says Tip on Kanshi Went Unheeded," for clarification of certain details.

As agreed, we did not obtain agency comments on this report. As arranged with your office, unless you publicly release its contents earlier, we will not make this report available to others until 15 days after the date of this letter. At that time, we will make copies available to others on request.

If you have any questions concerning this report, please contact me or Assistant Director Donald G. Fulwider of my staff on (202) 512-6722. Major contributors to this report are listed in appendix III.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard C. Stiener". The signature is written in a cursive style with a prominent initial "R".

Richard C. Stiener
Director

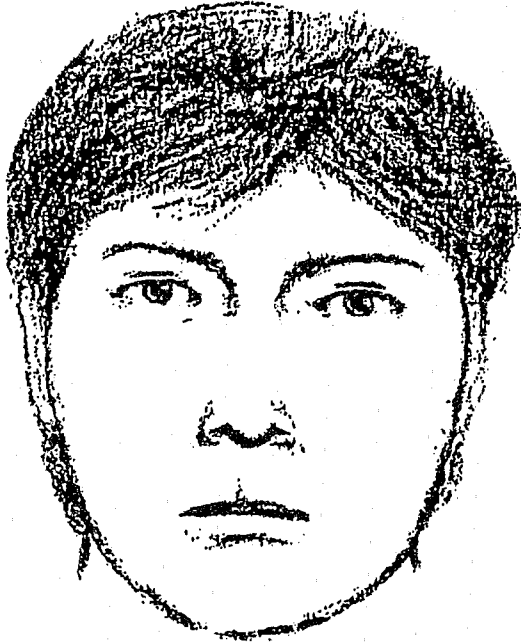
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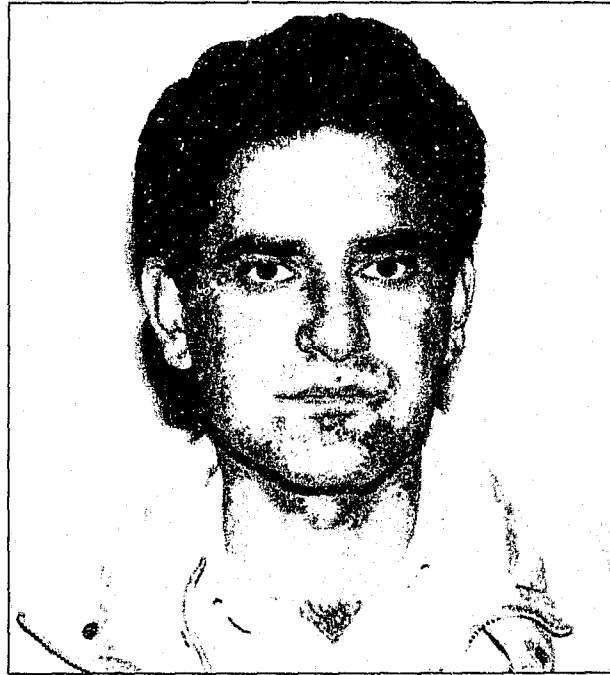
Abbreviations

BATF	Bureau of Alcohol, Tobacco, and Firearms
CIA	Central Intelligence Agency
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
OSI	Office of Special Investigations

Suspect's Composite Sketch and Photograph



FAIRFAX COUNTY POLICE
COMPOSITE SKETCH
Composite Number 1163
Date of Sketch 1-25-93



MIR AIMAL KANSI
aka Mir Aimal KASI

Source: Fairfax County Police Department, Fairfax, Virginia

Chronology of Events

The Fairfax County Police Department provided us much of the following information.

01/10/93	Kansi purchased AR-15 and Makarov 9mm handgun at gun store. (He returned with the AR-15 in 1 hour because a round had jammed in the chamber.)
01/16/93	Kansi picked up two handguns at gun store.
01/21/93	Kansi returned AR-15 to gun store.
01/22/93	Kansi picked up a previously ordered AK-47 assault rifle at gun store, trading in the AR-15 for this weapon. Kansi also bought three 50-round boxes of ammunition capable of being chambered in an AK-47. Gunsmith aided Kansi.
01/25/93	Langley shooting occurred. Fairfax County Police Department created and led a task force. CIA Langley Security Protective Service and FBI assisted. BATF contacted Fairfax County Police Department to offer assistance. First task force meeting held, and agency responsibilities established. (Established hotlines, including a 24-hour Task Force Hotline; a procedure for tracking follow-up information; the mechanical aspects of investigation, including daily briefings; communications with local and federal agencies; and a lead-tracking database system. Discussed investigative follow-up and addressed staffing needs.) Kansi purchased airline ticket. (5:00 p.m.)
01/26/93	Task force met with BATF to discuss assistance. (10:00 a.m.) Kansi boarded flight to New York at Dulles International Airport. (5:30 p.m.) In New York, he boarded a flight to Pakistan.
01/27/93	BATF agent reviewed weapon-purchase files at gun store and retained copies of Kansi's and other files. (10:00 a.m. - 1:00 p.m.) Gunsmith faxed Kansi's file (firearm purchase receipt) to Falls Church sheriff; sheriff passed file to Falls Church investigator; investigator telephoned Fairfax County investigator and faxed file; Fairfax County investigator prepared report and faxed it with file to task force. (Beginning approximately 4:00 p.m.) Second BATF agent visited the gun store to review files and was told by the store manager that an agent had previously been there. Second agent left without further discussion. (Approximately 5:00 p.m.)
01/28/93	Kansi's roommate reported Kansi missing by filing a missing-person report with the Fairfax County Police Department. Kansi arrived in Pakistan.

(continued)

Appendix II
Chronology of Events

02/06/93	Task force linkage of information from missing-person report and weapon-purchase documents identified Mir Aimal Kanshi as possible suspect.
02/08/93	Task force made consent-search of Kanshi's apartment, finding the AK-47 purchased at the gun store.
02/09/93	Laboratory made positive identification of AK-47 as weapon used in Langley shooting. Search warrant was executed on Kanshi's apartment, and arrest warrant was issued for Kanshi.
02/10/93	Task force confirmed Kanshi's departure from the United States.
02/12/93	Washington Post article appears.
02/20/93	Task force confirmed that Kanshi had arrived in Pakistan on 01/28/93.
03/05/93	Task force was downsized and its hotline disconnected.
As of 04/18/94	International search for Kanshi continued.

Major Contributors to This Report

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