

Order

ATF O 3020.4

SUBJECT: TASK FORCE OFFICER BODY-WORN CAMERA

DATE: 2 June 2022
RECERTIFICATION
DATE: 2 June 2027
OPI: 701200

TO: ALL FIELD OPERATIONS PERSONNEL

1. **PURPOSE.** This order establishes direction for the use of non-Alcohol, Tobacco, Firearms and Explosives (ATF) owned body-worn cameras (BWCs) by ATF Task Force Officers (TFOs) and Special Deputies (SD)¹ on federal task forces. This policy provides parameters for the use of BWCs by TFOs to the extent that a state or local law enforcement agency² requires their use by its officers during federal task force operations. For purposes of this policy, the term “BWC recordings,” refers to audio and video recordings and associated metadata recorded on non-ATF owned BWC’s while the TFO is engaged in federal law enforcement operations to include the investigation of fugitives sought on state and local warrants adopted by ATF. This policy does not apply to ATF-issued digital or electronic media recordings from vehicle dash cameras, digital cameras, closed-circuit television, unmanned aerial systems, telecommunications devices, or any other camera sensor device. ATF TFOs are prohibited from using other recording devices (e.g., personal digital cameras, personal smartphone cameras, etc.) for documenting law enforcement activities, including the documentation of evidence.
2. **DISCUSSION/BACKGROUND.** ATF partners with state and local law enforcement agencies throughout the nation on joint task forces. This relationship is vitally important to ATF and its mission to protect our communities. Several of these participating state and local agencies have implemented internal policies mandating the use of BWCs and have requested that their officers wear BWCs while conducting planned arrests and searches during ATF task force operations. Some state and local agencies, however, do not equip their officers with BWCs. To the extent state and local law enforcement agencies mandate BWCs for TFOs while engaged in ATF task force operations, ATF will permit federally deputized TFOs from those agencies to use their BWCs under the circumstances and in the manner cited in this policy.
3. **POLICY.** This policy becomes effective on the date of signature and will remain in effect unless modified or rescinded in writing. This policy is intended to direct ATF’s TFOs on the use of BWCs and provide further guidance on the following:
 - a. Use (activation/deactivation) of body-worn cameras by ATF TFOs.
 - b. Collection, storage, access, retention.
 - c. Federal Records Act.
 - d. Dissemination and Release of TFO body-worn camera recordings.
 - e. Expedited release.
 - f. Digital Evidence Management Standard Operating Procedures.
4. **CANCELLATION.** This policy directly supersedes the guidance provided by the DOJ Policy on Use of Body-Worn Cameras by Federally Deputized Task Force Officers, dated October 29, 2020, and will remain in effect until superseded, updated or cancelled.
5. **REFERENCES.** The following directives are referenced in this order:

¹ Special Deputies are synonymous with Task Force Officers for purposes of this document

² This policy applies equally to tribal and territorial law enforcement agencies.

- a. ATF O 3270.10D, The Disclosure, Documentation, and Handling of Investigative information, dated 12/19/2014.
- b. ATF O 3400.1E, Property Taken into Bureau Custody, dated 4/9/2021.
- c. ATF–DEM–SOP–20–0113.1443, Standard Operating Procedures for Digital Evidence Management.
- d. DOJ Order 0801.04, Electronic Mail and Electronic Messaging Records Retention, dated May 8, 2015.

6. USE OF BODY WORN CAMERAS DURING FEDERAL TASK FORCE OPERATIONS.

- a. Unless subject to specific exceptions below, TFOs employed by ATF that mandate the use of BWCs on federal task forces may wear and activate their recording equipment for the purpose of recording their actions during task force operations³ only during: (1) a pre-planned attempt to serve an arrest warrant or other pre-planned arrest; or (2) the execution of a search warrant.⁴ TFOs are authorized to activate their BWCs upon approaching a subject or premises, and must deactivate their BWCs when the scene is secured as determined by a federal supervisor on the scene as designated by the ATF O 3210.1C, Operational Plan. For purposes of this policy, the term “secured” means that the scene is safe and under law enforcement control.
- b. If there are unanticipated interactions with the public or other exigent circumstances, such as contentious or violent interactions that could lead to the use of force, TFO’s will, if and when it is safe to do so, reactivate their BWC either before, during, or after a pre-planned arrest or execution of a search warrant.
- c. In the event circumstances arise requiring additional law enforcement assistance to secure the scene, the TFO will end BWC recording when relieved from the scene by another law enforcement agency.
- d. TFOs are prohibited from recording: (1) undercover personnel; (2) confidential informants or confidential sources; (3) on-scene witness interviews prior to or after the operation; (4) personnel using specialized or sensitive investigative techniques or equipment; or (5) on-scene actions by any non-law enforcement persons who are assisting law enforcement personnel prior to or after the operation.
- e. TFOs are prohibited from activating the BWC if the TFO is using specialized or sensitive investigative techniques, operating in a sensitive area, or working in an undercover or covert status on behalf of the federal task force or ATF.
- f. Subject to the discretion of ATF, TFOs generally will not use their BWCs to record any activities related to investigations involving public corruption, medical facilities, national security, or other sensitive investigations.
- g. ATF’s policy permitting the limited use of BWCs on task forces does not apply to highly specialized or sensitive operations or groups as determined by ATF.

³ TFOs are authorized to wear and activate their recording equipment in accordance with this policy anywhere they are authorized to act as a police officer or peace officer under state, local, territorial, or tribal law.

⁴ For the execution of a search warrant, BWCs should not be used for searches of property lawfully in government custody or control, or search to obtain digital or electronic records executed by a third party.

- h. Authorization procedures for TFO BWC use must be consistent with any policy or procedure established by ATF, specifically, ATF–DEM–SOP–20-0113.1443.

7. COLLECTION, STORAGE, ACCESS, AND RETENTION.

- a. Consistent with applicable existing laws and requirements, including the E-Government Act of 2002, and to ensure the protection of privacy and civil liberties, ATF will only collect, use, retain, and disseminate information obtained from the TFO BWC for a properly authorized purpose.
- b. The special agent or TFO receiving the TFO BWC recording during a federal operation, pursuant to this policy, is responsible for downloading or transferring their TFO BWC recording consistent with any policy or procedure established by ATF, specifically, ATF–DEM–SOP–20-0113.1443.
- c. ATF will maintain policies or procedures to ensure that the TFO BWC recordings are preserved and accessible for use in applicable and properly authorized investigations and activities consistent with existing ATF policies and procedures, see ATF–DEM–SOP–20-0113.1443.
- d. ATF personnel may access and view TFO BWC recordings only for official ATF duties, including but not limited to:
 - (1) Assisting in accurate report writing. **Note:** The purpose of using TFO BWC recordings in writing reports is to maximize the accuracy of the report - not to replace independent recollection and perception of an event.
 - (2) ATF personnel may access and view BWC recordings prior to preparing reports or making statements regarding the use of BWCs when ATF agents, are part of a federal investigation, and may be assisting state and local law enforcement partners in pre-planned state search warrants, arrest warrants, or other pre-planned arrest operations.
 - (3) ATF personnel providing a statement as part of an administrative or criminal investigation pertaining to the use of deadly force or any death or serious bodily injury occurring during an attempt to serve an arrest warrant or other pre-planned arrest; or the pre-planned execution of a search or seizure warrant or order pre-planned arrest warrants, where BWC's were used, may access and view BWC recordings once an initial statement is made for the purpose of providing supplemental information as a continuation of their initial statement.
- e. Data collected by a TFO BWC that is retained must be maintained and safeguarded in accordance with applicable federal laws, Executive Orders, directives, policies, procedures, regulations, rules, standards, and other guidance to ensure that DOJ personnel with access to such data follow practices that are consistent with the protection of privacy and civil liberties.
- f. Retention and dissemination policies will comply with the Federal Records Act, Freedom of Information Act, and/or the Privacy Act. ATF, in coordination with appropriate agency records management officials, will ensure appropriate records retention schedules are in place for records generated through the use of BWC. Further, in accordance with the DOJ Policy on transitory records (see DOJ Order 0801.04, Electronic Mail and Electronic Messaging Records Retention), ATF will not retain information collected using BWCs that may contain personally identifiable information for more than 180 days, unless the retention of information is determined necessary for an authorized purpose and is maintained in a DOJ or agency Privacy Act system of records.

- g. Additional procedures governing data collection, retention, use of force, and disposal are reflected in the ATF–DEM–SOP–20-0113.1443.
- h. Use of all DOJ information systems, which may include TFO BWC component parts, may be monitored, recorded, and subjected to audit according to DOJ policy.

8. FEDERAL RECORDS.

- a. All TFO BWC recordings made during ATF task force operations, including recordings retained by the TFO's parent agency and/or in the possession of any third party engaged by the parent agency to store or process BWC recordings, will be deemed federal records of the DOJ and ATF pursuant to the Federal Records Act.
- b. In all circumstances TFO BWC recordings will be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with law enforcement proceedings.
- c. TFO BWC recordings may also be potential evidence in an ongoing investigation subject to applicable federal laws, rules, and policy concerning any disclosure or dissemination.
- d. All TFO BWC recordings are deemed privileged under applicable DOJ rules, regulations, policies, procedures and relevant case law, absent appropriate redaction prior to disclosure or dissemination.
- e. Nothing in this policy will be deemed to provide a right of public access to TFO BWC recordings. TFO BWC recordings are controlled by, and the property of, the DOJ and will be retained and managed by ATF or the federal agency that created the TFO BWC recording.
- f. ATF is responsible for considering requests to release TFO BWC recordings, including expedited public release requests. The TFO BWC recordings may only be released, (to include publicly or litigation), consistent with the DOJ and ATF's existing rules and policies concerning federal records, including investigative materials.

9. DISSEMINATION AND RELEASE OF TFO BODY-WORN CAMERA RECORDINGS.

- a. All TFO BWC recordings made during federal task force operations are federal records and must be retained and disseminated in accordance with all applicable federal laws, policies, and procedures including the Federal Records Act, Freedom of Information Act and/or the Privacy Act.
- b. All TFO BWC recordings made during federal task force operations will be provided to ATF.
- c. The TFO's parent agency is authorized to use the TFO BWC recordings for internal investigations of its personnel consistent with the parent agency's policies and procedures. The parent agency must provide written notification to ATF of any internal review.

10. EXPEDITED RELEASE.

- a. There is a presumption ATF will publicly release all TFO BWC recording(s) that depict an incident resulting in the serious bodily injury or death of another, as soon as practical unless there exist specific and compelling grounds to justify withholding, which cannot be resolved by redaction, partial withholding, or other means. Such TFO BWC recording(s) may only be withheld upon written approval by the ATF Director. If ATF determines that

exigent circumstances, including the need to maintain public safety or preserve the peace, necessitate accelerating the release timeline ATF will devote all necessary resources to review, redact, and publicly release the BWC recording(s) at the earliest possible time, no later than 72 hours from the determination of exigent circumstances. Exceptions will be exceedingly rare and must be personally approved by the ATF Director upon a finding of compelling circumstances.

- c. If TFO BWC recording(s) depict conduct committed solely by a TFO resulting in serious bodily injury or death of another, the parent agency shall notify ATF if it plans to publicly release the recording(s). Following the notification, the parent agency may immediately release the recording(s) with any redactions as appropriate, giving as much advance notice as possible to ATF as to the time and manner of its release. Following the notification, the parent agency may release such recording(s), subject to any redactions as appropriate. The parent agency's notification to ATF shall be made to the SAC. The SAC will provide further notifications within ATF as appropriate.
 - d. If a TFO parent agency plans to release TFO BWC recording(s) from a BWC issued by the parent agency that depict conduct committed solely by an ATF agent resulting in serious bodily injury or death of another, the TFO's parent agency must notify and coordinate the release with ATF, providing as much advance notice as possible as to the time and manner of its release. Following the notification, the TFO's parent agency may release such recording(s), subject to any redactions as appropriate. The parent agency's notification to ATF shall be made to the SAC. The SAC will provide further notifications within ATF as appropriate.
11. DIGITAL EVIDENCE MANAGEMENT STANDARD OPERATING PROCEDURES. ATF-DEM-SOP-20-0113.1443 has established procedures, consistent with this policy providing guidance to ATF special agents for use of TFO BWCs:
- a. Circumstances where TFO BWC equipment may fail to operate prior to or during a planned operation.
 - b. Documenting the use of TFO BWCs in reports of investigation or other agency documentation or systems.
 - c. Establishing rules governing the viewing of TFO BWC recordings by ATF special agents prior to preparing reports or making statements regarding an administrative or criminal investigation of the special agent.
 - d. Reporting of any use of deadly force or any death or serious bodily injury occurring during operations where TFO BWCs were used, including required notification to appropriate ATF headquarters directorates.
 - e. The use of TFO BWCs when special agents, as part of a federal investigation, may be assisting state and local law enforcement partners in pre-planned state search warrants, arrest warrants, or other pre-planned arrest operations.
12. FORMS AVAILABILITY. Except where noted, forms outlined in this document are located on the ATF Web Portal, Knowledge Center Forms Website.
13. RIGHTS OF THIRD PARTIES. Nothing in this order is intended to create or does create an enforceable legal right or private right of action
14. RECORDS RETENTION REQUIREMENTS. Documents outlined in the order must be retained in accordance with ATF O 1340.5A, Records Management Program and ATF O 1340.7A, ATF Records Control Schedule.

15. QUESTIONS. Questions regarding this order should be directed to the Special Operations Division (SOD), BWCHQ@ATF.GOV.

A handwritten signature in blue ink, appearing to read "David L. ...", is written over a horizontal line.

Deputy Director