

Department  
of the Treasury



Bureau of  
Alcohol, Tobacco  
and Firearms

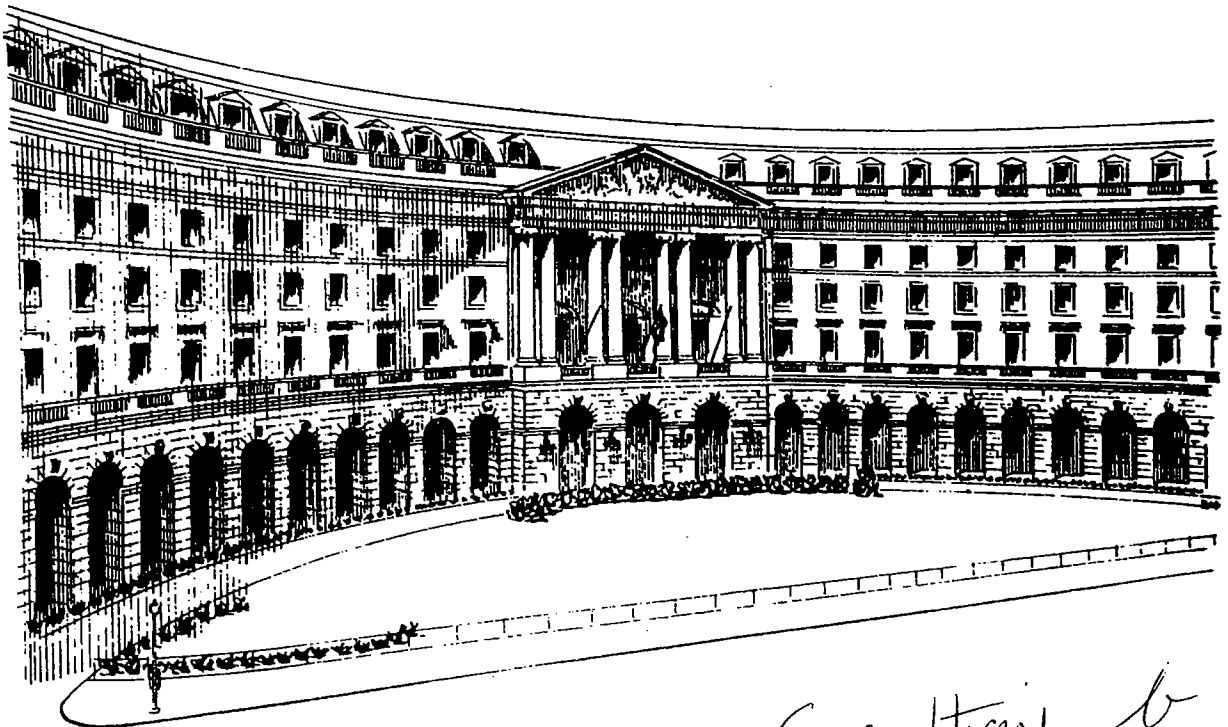
ORDER

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(Includes Chgs. 1-4)

ATF FIREARMS POLICY



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CHAPTER A. USE OF FORCE POLICY

1. USE OF FORCE.

- a. The primary consideration of the use of force is the preservation of life and the prevention of bodily injury. The objective in the use of force by a special agent is to establish and maintain lawful control.
- b. Force may be used under the following conditions and circumstances:
  - (1) To minimize the potential for injury and provide for the safety of the agent and others in response to perceived danger.
  - (2) When necessary to accomplish duties as authorized by law.
- c. The degree of force authorized is limited to that which is necessary to establish lawful order and control in a timely manner.

2. FIREARMS AUTHORITY.

- a. ATF special agents are granted authority by 26 U.S.C. section 7608 to bear firearms in furtherance of official law enforcement operations.
- b. Special agents will be armed with Bureau-issued firearms when actively engaged in the performance of their assigned law enforcement duties/responsibilities and at all other times deemed necessary. Exceptions may be made by the special agent in charge (SAC).
- c. Special agents are not authorized to be armed with other than Bureau-issued firearms under the authority of law. The personal use of privately owned firearms by special agents, i.e., hunting, target shooting, is governed by applicable State laws and regulations.

3. FIREARMS USE POLICY.

- a. A firearm may be discharged when the special agent believes that there is no other means of control and perceives an imminent threat of death or serious bodily injury to himself/herself or other innocent persons.
- b. The authority to bear firearms carries with it an obligation to exercise discipline, restraint, and good judgment. Accordingly, adhere to the following Treasury policy:



- (1) Armed special agents on official business will not surrender their firearm to pilots or other airline personnel to gain boarding privileges. If that situation arises, another flight should be sought.
  - (2) Special agents will guard against the accidental exposure or display of a firearm, whether worn or secured in carry-on baggage.
  - (3) Special agents will not participate in antihijacking activities aboard an aircraft, unless requested to do so by the aircraft captain. Special agents must use their best judgment and place the safety of everyone aboard the aircraft above all alternative courses of action.
  - (4) If a firearm is stored in the special agent's luggage, it will be unloaded. Airline personnel will be notified of the presence of the firearm and permitted to inspect. The luggage must be hardsided and capable of being properly secured.
5. POLICY FAMILIARIZATION. Special agents must be familiar with the policies and procedures regarding the use of force, firearms and ammunition standards, firearms proficiency standards, and postshooting procedures. Each first-line supervisor will certify to the SAC on an annual basis that special agents within his/her group have been informed of the procedures.

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(5) Single-action trigger pull of 3 pounds or more.

(6) Steel frame weighing 19 or more ounces.

c. Undercover Firearm.

- (1) During a specific undercover assignment, the SAC or his/her delegate may authorize in writing, for a specific length of time, the use of an undercover firearm, provided the special agent has met minimum qualification requirements with the firearm. Upon completion of the assignment, the special agent will return the firearm and revert to the use of his/her primary duty firearm.
- (2) The SAC may delegate the authority and responsibility for administering the use of undercover firearms to the resident agent in charge (RAC) or group supervisor (GS), as appropriate. The RAC/GS will be accountable for ensuring complete compliance at his/her post of duty. (See Exhibits 1 and 2 for sample.)
- (3) The undercover firearm will meet the following specifications:
  - (a) Semiautomatic.
  - (b) Double action.
  - (c) 9 millimeter parabellum or .380 caliber.
  - (d) Barrel length not more than 5 inches.
  - (e) Single-action trigger pull of 4 pounds or more.

d. Special-Purpose Firearms. During special operations where the activity requires greater defensive tactics or operational effectiveness, special-purpose firearms may be utilized. These activities include but are not limited to the execution of warrants, arrests, and surveillances. Special-purpose firearms should meet the following specifications.

(1) Tactical Shotgun.

- (a) Remington, model 870 (pump action).
- (b) 12 gauge.
- (c) Barrel length of not less than 18 inches.
- (d) Overall length of not less than 26 inches.
- (e) Open sight.
- (f) Any exception to the criteria must be approved by the Chief, Special Operations Division.



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prop firearms custodian to determine the availability of the specific type of firearm. If not available, the custodian may recommend alternate prop firearms.

- (5) Silencers used as undercover props will first be certified as title II firearms by the Firearms Technology Branch and not fired after such certification. However, in some undercover situations, it may be necessary to shoot a firearm with a silencer attached; therefore, limited use will be permitted. Subsequent to shooting, the silencer will be resubmitted to the Firearms Technology Branch for examination and/or recertification. If the silencer becomes involved in the evidence chain of custody, a replacement may be requested from the Tactical Support Branch.
- (6) All firearms used in training or as undercover props will be certified as being in good operating condition by the Firearms Technology Branch before being approved for official use.
- (7) Firearms used only as display firearms need not be certified as being in good, operable condition, prior to official use.

12. DISTRICT FIREARMS AUTHORIZATION.

- a. Each district is authorized an inventory of firearms, not to exceed the following levels:
  - (1) One primary duty firearm per authorized special agent position.
  - (2) One auxiliary firearm per authorized special agent position.
  - (3) One undercover firearm per every two authorized special agent positions.
  - (4) One tactical shotgun per authorized special agent position.
  - (5) One assault rifle per every three authorized special agent positions.
  - (6) Four CERTIFIED FUNCTIONAL undercover prop firearms per every post of duty and a limited number at the district office.
  - (7) District offices and posts of duty are authorized to maintain a limited number (approximately 1) of firearms in their inventory for use as replacement firearms.
- b. Any excess firearm(s) in the district or post of duty inventory meeting the approved firearm standards, as described herein, will be reported to the Chief, Special Operations Division, for redistribution, as needed. Excess firearm(s) in the district or post of duty inventory not meeting the firearm standards will be surplus.



\*  
Weapons WILL NOT be stored anywhere within the passenger compartment of a vehicle (e.g., glove compartment, console, under the seat). Additionally, Bureau-issued firearms WILL NOT be temporarily stored or secured in vans, station wagons, or "hatchback-style" vehicles.

- (5) If stored in an enforcement vehicle, all weapons will be removed during periods of vehicle maintenance or extended storage of the vehicle.
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14. FIREARMS MAINTENANCE AND REPAIR.

- a. Special agents will maintain Bureau firearms in good, operable condition, to include appropriate cleaning, lubrication, and protection against misuse.
- b. Bureau firearms will not be technically altered or modified from factory specifications. Issued revolver or pistol handgrips may be replaced, upon the prior verbal approval of the RAC/GS. The grips must allow for proper firearm function.
- c. When a Bureau firearm is in need of repair, the RAC/GS will advise the district T00 of the nature of the problem and the description of the firearm.
  - (1) The district T00 will determine whether to replace or repair the firearm. If a repair is necessary, the firearm will be properly packaged and mailed, with an accompanying letter, directly to the appropriate factory for repair. (See Exhibit 3 for sample letter.)
  - (2) The factory armorer will repair and return the firearm to the RAC/GS and send the invoice to the district office.
  - (3) Repairs by other sources are not authorized.
- d. A record of firearms maintenance will be kept by the district T00. The record will include, at a minimum, the following information:
  - (1) Firearm description.
  - (2) Firearm condition.
  - (3) Maintenance date.
  - (4) Location where maintenance is performed.
  - (5) Description of work performed.
- e. All Bureau-issued firearms will be examined during each firearms qualification by the district small arms instructor to ensure safe operability and proper maintenance.



CHAPTER D. FIREARMS PROFICIENCY STANDARDS

31. BACKGROUND. The authority to carry a firearm during the official performance of duty accompanies with it an obligation to maintain high standards of firearms proficiency, as well as a constant awareness of safe practices. ATF training requirements are designed to promote uniform standards of marksmanship proficiency and safety throughout the Bureau.
32. RESPONSIBILITIES.
- a. The SAC is responsible for the implementation of the Small Arms Training Program in his/her district.
  - b. The special agent is responsible for developing his/her marksmanship proficiency through study and practice in the safe and effective utilization of Bureau firearms.
33. INITIAL TRAINING AND QUALIFICATION REQUIREMENTS.
- a. Special agents having no prior law enforcement experience may be issued a firearm after they successfully complete Criminal Investigator School (CIS) and meet the minimum qualification requirements with a primary duty firearm. If CIS cannot be provided within 30 days, special agents may be issued a firearm ONLY after completing the following training:
    - (1) The SAC will ensure that instruction to new special agents without prior law enforcement experience be extracted from the CIS firearms courses and provided by certified firearms instructors. The instruction will include the Treasury's use of force policy (see ch. A), policies relevant to reporting the discharge of a firearm in the performance of duty (other than a training exercise), and fundamental firearms training, including but not limited to, nomenclature of firearm, safety rules and regulations, familiarization with operational function of firearm, basic shooting fundamentals (i.e., grip, stance, sight picture, and trigger control), marksmanship instruction, situational response, and weapon maintenance. Other CIS firearms instruction courses can be included, depending on the resources available at the district level. The new special agent will also be required to meet the minimum qualification requirements on the Practical Revolver Course or the Sig qualification course, whichever is applicable.
    - (2) The certified firearms instructor (CFI) shall prepare a memorandum to the SAC listing the special agents who participated in the program and specifying the courses taught, the dates and location of the instruction, scores, and recommendations by the CFI. Upon receipt of the memorandum, the SAC may authorize the issuance of a Bureau firearm by signing the memorandum. The memorandum shall be filed in the district office small arms program records. The training and scores shall be entered on the individual special agent's ATF F 2410.2, Special Agent's Weapons Qualification Record.





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of the Sig. The agent shall fire a minimum of 200 rounds for familiarization AND meet the minimum qualification requirements on the Sig course.

- (b) The re-certification program will be conducted by a CFI. The CFI shall document the training and the SAC shall authorize the issuance of the Sig pistol in accordance with the procedures specified in paragraph 33a(2).

#### 34. SUSTAINING QUALIFICATION REQUIREMENTS.

a. Firearms proficiency standards will be sustained by all special agents on a quarterly, semiannual, or annual basis, as follows:

- (1) All special agents are required to meet minimum qualification requirements quarterly on the following courses:
  - (a) Primary Duty Firearm. Practical Revolver Course, Tactical Revolver Course, or Semiautomatic Pistol Course, as appropriate.
  - (b) Auxiliary Firearm. Practical Revolver Course, Tactical Revolver Course, or Five-shot Revolver Course, as appropriate.
  - (c) Optional--Undercover Firearm. Semiautomatic Pistol Course.
- (2) All special agents are required to meet minimum qualification requirements semiannually on the Tactical Shotgun Course and Assault Rifle Course.
- (3) All special agents are required to meet minimum qualification requirements annually on the Night Fire Course.
- (4) Any special agent who fails to meet minimum qualification requirements on a particular course of fire will not be certified to use that particular firearm. After retraining by the district firearms instructor, if the special agent is not able to meet minimum qualification requirements, the SAC will advise the Chief, Planning and Analysis Division, of additional training requirements.
- (5) As a part of each firearms training session, the SAC will ensure that each special agent receives no less than 1 hour of instruction relative to the Bureau's firearms/ammunition standards and procedures, and the use of force policy, as prescribed in this order.
- (6) All firearms qualification training will be scheduled during normal duty hours. The SAC may reschedule regular duty hours on those days when night firing is conducted.



- b. The district small arms instructor will enter the qualification scores onto the ATF F 2410.2 to record the training, as well as the documentation of inspection of all Bureau-issued firearms.
- c. When a special agent is transferred, the SAC will forward the ATF F 2410.2 to the receiving district.

39. PROCUREMENT OF SUPPLIES.

- \* a. The SAC will notify the Chief, Planning and Analysis Division, of his/her district's annual ammunition needs no later than June 30th of each year. \*
- b. Targets will be obtained by each district office directly from the ATF Distribution Center.

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- e. Should the involved special agent's firearm be secured for evidentiary purposes or ballistics examination, another weapon will be issued to the special agent, unless there is cause to the contrary.
- f. Special agent(s) involved in a shooting incident should be encouraged to contact his/her spouse or family as soon as possible. If the agent has been injured, and so requests, the agent's family will be contacted in person by a designated agent. In the case of seriously injured special agent, notification of his/her family should be done immediately and in person. The post of duty will also be notified of the injured agent's condition, in order to provide an accurate response to family members seeking information. It is important that family notification occur before press and/or media accounts appear.
- g. The scene of the shooting incident should be processed for evidentiary purposes, in coordination with any other agency with jurisdiction. Evidence from the scene should include:
  - (1) A diagram showing the location of each agent and the location that each shot was fired.
  - (2) Photographs showing the involved special agent's field of view at the time of the firearm discharge.
  - (3) Photographs showing the location of any shooting victim(s).
  - (4) Evidence gathered, including blood, spent cartridges, weapons, and fingerprints.
  - (5) All involved firearms should be examined for ballistic comparison with any recovered bullets. An inventory should be maintained pertaining to the firearms' possessor, firearm description, type of ammunition, and number of spent rounds.
  - (6) The general area of the scene canvassed for witnesses. Witnesses to the shooting incident should be encouraged to submit written statements.
  - (7) Copies of reports from all involved law enforcement or emergency department personnel.
  - (8) Copies of all telecommunications tapes pertaining to the initial call to emergency personnel, etc.
  - (9) Copies of all hospital, autopsy, laboratory, and photographic records.

43. POST-SHOOTING REACTIONS.

- a. There is a wide variation of reactions to shooting incidents. Research indicates that the majority of law enforcement officers involved in shootings experience moderate to severe trauma reactions.



- (3) Under the Federal Tort Claims Act, a lawsuit may be filed against the Government for allegedly negligent or other wrongful acts committed by a special agent during the course of employment. Because the Government is named as a defendant, the Government will defend the case and be responsible for any compensatory judgment or settlement.
- (4) In the event that both a special agent and the Government are named as defendants, the Government generally will provide for the defense and may pay any compensatory judgment or settlement entered jointly against the United States and the special agent. In the unlikely event that punitive damages are assessed against the special agent for gross negligence, they must be paid by the special agent.

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CHAPTER F. SHOOTING REVIEW TEAM PROCEDURES

51. BACKGROUND.

- a. An administrative review will be conducted by the DADLE of incidents involving firearm discharges at or by special agents and other law enforcement agents/officers in the course of Bureau operations (not including training).
- b. The issues addressed during the shooting incident review relate to those facts which may have directly or indirectly contributed to the shooting incident.

52. RESPONSE.

- a. Upon notification of a shooting incident, the DADLE will activate a shooting incident review team composed of special agents to conduct a thorough administrative review of the matter.
- b. If matters relating to possible special agent misconduct surface, the DADLE will be notified of the circumstances immediately. The DADLE will, in turn, notify the Assistant Director, Office of Internal Affairs (OIA), of any suspected violation of the Rules of Conduct or breach of integrity on the part of a special agent. OIA will then evaluate the facts and determine if an investigation by OIA is appropriate.
- c. In those instances in which an investigation is conducted by OIA, the shooting incident review will be coordinated with OIA.

53. INVESTIGATION. The shooting incident review will include but will not be limited to the determination of the facts and circumstances related to the incident. At the conclusion of the review, the members of the shooting incident review team will confer with the district SAC to report their findings, conclusions, and recommendations.

- \* 54. REPORT. The shooting incident review team will report the facts and circumstances of the review in writing to the DADLE within 10 days. Each of the following areas will be addressed:

- a. A synopsis of the case and circumstances evolving prior to the incident.
- b. A synopsis of events of the incident, specifically addressing the following areas:
  - (1) Identification, assignment, and positions of all persons present during the incident, to include ATF personnel, other law enforcement personnel, witnesses, and suspects.
  - (2) Suspect identification, to include name, date of birth, home address, criminal record, reputation, pending criminal charges, and arrest status.



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55. ADMINISTRATION.

- a. Upon review of the shooting incident written report, the DADLE may mandate an additional investigation. The DADLE may also establish a committee to further study the incident and/or make additional inquiry or action based on the recommendations of the shooting incident review team.
- b. Upon acceptance of the written report, the DADLE will provide a copy of the report to the affected SAC and OIA.
- c. The Chief, Special Operations Division, will maintain an administrative file of all shooting incident review reports according to prescribed directives. The Chief, Special Operations Division, will also prepare a semiannual review of shooting incidents to determine the existence of commonality, with appropriate recommendations to the DADLE.
- d. The DADLE may, in addition to shooting incident reviews, establish an incident review team for the purpose of inquiry into other critical incidents involving employees of the Office of Law Enforcement.



John Doe

