

ATF O 3020.1

08/17/99

Change 1 - 06/12/2002

Change 2 - 12/8/2005

ATF USE OF FORCE AND WEAPONS POLICY

FOREWORD

TO: All Bureau Supervisors and Field Operations Personnel

1. PURPOSE. This order provides instructions, procedures, guidelines, and policies concerning the use of force and related issues for ATF special agents and explosives enforcement officers.

2. DISCUSSION.

a. This order was devised to combine closely related policy matters previously published in various orders and memorandums and, in some instances, revises those policies in accordance with the U.S. Treasury Department's standards on use of force.

b. This directive is intended to be used in conjunction with the ATF Use of Force Training Guide, which is a compilation of previously approved lesson plans. It also contains training policy and guidelines associated with each individual lesson plan. It is intended to be a guide for all force instructors when conducting training. It is not intended to interfere with or replace this directive. Upon its approval, it will be supplied to all firearms instructor coordinators, who will be responsible for overseeing all force instruction within their respective field divisions. It is intended to be an ATF-published document.

3. CANCELLATIONS.

a. The following directives are canceled:

- (1) ATF O 3000.8, ATF Firearms Policy, dated 11/29/88.
- (2) ATF B 3000.7, Firearms Clearing Device, dated 04/26/95.
- (3) ATF B 3000.10, Dry-firing Weapons, dated 05/16/96.
- (4) ATF B 3000.12, Policy on the Use of Force, dated 04/18/96.
- (5) ATF B 1884.1, Handgun Safety Locks, dated 06/19/97.
- (6) ATF B 3020.2, Explosives Enforcement Officer Firearms Policy, dated 04/22/99.

b. The following memorandums are canceled:

- (1) Demonstration/Test Firing of Full Automatic Weapons, dated 04/28/89.

- (2) Shotgun Modification, dated 05/14/90.
- (3) Unsafe Loading/Unloading of Sig Pistols, dated 07/27/90.
- (4) Body Bunker Utilization and Training, dated 07/11/91.
- (5) Revision to Reporting of Shooting Incidents and Shooting Review Team Assignments, dated 07/24/91.
- (6) Revision to Shooting Review Team Assignments, dated 10/31/91.
- (7) Firearms Reporting Instructions for New Agent Training, dated 10/31/91.
- (8) Temporary Storage of Bureau Firearms, dated 12/05/91.
- (9) Revision to Shooting Review Team Assignments, dated 12/09/91.
- (10) ATF Firearms Policy, dated 02/03/92.
- (11) ATF National Firearms Training Program (telecommunications message), dated 03/24/92.
- (12) Ammunition Quality Assurance Program, dated 05/07/92.
- (13) ATF National Firearms Training Program, dated 06/01/92.
- (14) ATF Firearms Policy, dated 06/15/92.
- (15) Revision to Shooting Incident Review Team Assignments, dated 07/01/92.
- (16) ATF Firearms Policy, dated 07/07/92.
- (17) Duty Ammunition (telecommunications message), dated 07/07/92.
- (18) Use of Oleoresin Capsicum Spray, dated 07/15/92.
- (19) MP-5 Transitional Training, dated 07/30/92.
- (20) ATF Certified Firearms Instructors, dated 08/05/92.
- (21) Issuance of Firearms to Newly Hired Special Agents, dated 08/21/92.
- (22) Revision to Reporting of Shooting Incidents and Shooting Incident Review Team Assignments, dated 11/27/92.
- (23) Storage of Bureau-issued Weapons, dated 02/12/93.
- (24) Surrendering Primary Duty Firearm, dated 02/18/93.
- (25) Possible Malfunction of Bureau-issued MP-5's (telecommunications message), dated 02/18/93.
- (26) Oleoresin Capsicum Training, dated 03/26/93.
- (27) Field Use of and Maintenance of the Colt AR-15, dated

04/16/93.

- (28) SIGARMS Decocking Lever, dated 05/04/93.
- (29) Clarification on the Use of the AR-15, dated 07/26/93.
- (30) Revision to Shooting Incident Reporting Requirements, dated 10/22/93.
- (31) Revision to Shooting Incident Reporting Requirements, dated 11/09/93.

4. QUESTIONS. Any questions regarding this order should be directed to the Chief, Special Operations Division.

Director

EXPLANATION OF CHANGES TO ATF O 3020.1

CHANGE 1 – DATED 6/12/2002

Para. 33, Procedures for Carrying Firearms Aboard an Aircraft, was changed to:

a. Implement procedures, coordination's, and actions that Special Agents/Explosives Enforcement Officers should take in conjunction with Federal Air Marshals and flight crew when traveling armed in the event of a critical incident aboard an aircraft.

b. Incorporate the use of the Ground Security Coordinator/Station Manager at airports when encountering logistical problems while traveling armed aboard aircraft.

These changes were made to implement FAA changes.

CHANGE 2 – DATED 12/8/2005

Para. 42., Field Division Firearms Authorization, specifically subpara. 42.a.(7) was changed to reflect a change in the division firearm inventory level from 15 percent of authorized special agent positions to 4 percent of authorized special agent positions. See the following narrative for a complete explanation:

BACKGROUND AND DISCUSSION.

- a. In the past it was the practice of this agency to issue firearms to newly hired special agents after they reported to their respective field divisions. New special agents would receive firearm training in the field division and after qualifying, would be given a firearm and credentials prior to attending basic training classes. This policy was altered to permit the issuance of a firearm to only those newly hired special agents that had previous law enforcement experience; however every new agent was issued credentials. The policy now dictates that no newly hired special agent will be issued a firearm or credentials prior to the completion of all mandatory training conducted at the Federal Law Enforcement Training Center (FLETC).
- b. Duty carry firearms are now being issued at FLETC after the special agent new hire has received the appropriate level of law enforcement and firearms training. As special agents and explosive enforcement officers retire or separate from the agency firearms are being returned to the field division FIC. This shift in policy is increasing the inventory of replacement firearms in the field divisions. The current allowable field division firearms inventory level at 15 percent of authorized special agent positions is excessive. The number of new firearms available for the new hires will exceed demand in Fiscal Year 2006. All .40 caliber pistols less than four years old can be re-certified and re-issued to the new hires. Firearms Technology Branch is prepared to complete the firearms re-certification.

- c. A survey of the FIC's regarding the 4 percent figure was conducted by the Use of Force Training Branch with the following results:
- 22 out of 23 FIC's responded.
 - 1 replacement weapon in each of their places of duty. 3 FIC's
 - 15 percent of the authorized Special Agent positions. 1 FIC
 - 10 percent of the authorized Special Agent positions. 4 FIC's
 - 6 percent of the authorized Special Agent positions. 2 FIC's
 - 4 percent of the authorized Special Agent positions. 12 FIC's or 54 percent
- d. To facilitate this movement of new and used firearms to FLETC for issue, the current field division firearm inventory level at 15 percent of authorized special agent positions is reduced to 4 percent of authorized special agent positions.

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1. Department of the Treasury, Use of Force Policy, Treasury Order 105-12
2. Force Continuum Model
3. Department of Justice Representation in Critical Incidents
4. Sample Memorandum Delegating Authority to the Resident Agent in Charge/Group Supervisor for Administering the Bureau's Policy on Undercover Firearms
5. Sample Memorandum Authorizing the Use of Undercover Firearms
6. Physician Certification Statement (Sample Format)
7. Summary Information for Physicians Regarding ATF Firearms Qualification Procedures
8. ATF Range Safety Rules

**CHAPTER A. USE OF FORCE POLICY (NOTE: CHAPTER A HAS BEEN
SUPERSEDED BY ATF O 3020.2, USE OF FORCE POLICY, DATED
10/7/2008.)**

1. **BACKGROUND.** On October 17, 1995, the Secretary of the Treasury announced a uniform Departmentwide use of force policy for Treasury law enforcement officers. (See exhibit 1.) This policy governs the use of force, including deadly force, by ATF special agents/explosives enforcement officers (EEOs). The touchstone of Treasury's policy is the necessity for the use of force. The force used should be only to the degree necessary to ACCOMPLISH an arrest or other lawful purpose. In addition, the use of force, including deadly force, must be objectively reasonable under all the circumstances known to the officer at the time.
2. **SCOPE.** The policies set forth in this order apply to all ATF special agents and EEOs, unless specifically stated otherwise. See subparagraph 5b for applicability to non-ATF law enforcement officers.
3. **DEFINITIONS.**
 - a. **Level of Force.** Level of force refers to the degree of force deemed reasonably necessary under the circumstances to subdue a subject or otherwise accomplish a law enforcement purpose. Levels of force range from the use of minimal or no force, verbal direction, weaponless control techniques, the use of intermediate force, and finally, deadly force.
 - b. **Deadly/Lethal Force.** Deadly/lethal force is the use of any force that is likely to cause death or serious physical injury. This does not include force that is not likely to cause death or serious physical injury but unexpectedly results in such death or injury.
 - c. **Less Lethal Force.** Less lethal force is the level or degree of force used that is less likely to cause death or serious physical injury.
 - d. **Use of Force Model.** The Use of Force Model (exhibit 2) is a guide that illustrates the various levels or degrees of force that a special agent/EEO may be called upon to use depending upon the subject's level or degree of resistance.
 - e. **Control.** Control refers to situations wherein the use of force by a law enforcement officer is necessary to subdue a subject and effect an arrest or otherwise accomplish a law enforcement purpose.
 - f. **Close Quarter Countermeasure Techniques.** Close quarter countermeasure techniques are those techniques that are designed to meet levels of resistance beneath the employment of traditional deadly force. These techniques include officer/agent presence,

visual or verbal identification of an officer/agent, verbal commands, and physical control techniques/weaponless control techniques such as touch pressure points, strikes or blows with hands or feet, as well as the use of intermediate weapons such as impact weapons or oleoresin capicum (OC) spray.

- g. Defensive Tactics. The term "defensive tactics" refers to a wide range of techniques and practices including firearms training and close quarter countermeasures. It is not the intent of this policy to assume that a firearms instructor is also a close quarter countermeasure instructor or the reverse. Rather, all such techniques fall under the broad spectrum of defensive tactics.
- h. Followup Techniques. Followup techniques are designed to facilitate the orderly control of a subject and, when used properly, prevent the escalation of force. For the purposes of this order, followup techniques are normally intended to be physical restraints such as handcuffs, flexcuffs, and security chains, all of which are considered temporary restraining devices.
- i. Impact Weapons/Expandable Baton. An impact weapon is any device that can be used as a weapon capable of transferring kinetic energy to a subject upon impact through a strike or blow. An expandable baton is an example of an impact weapon. The ATF Use of Force Training Guide lists all current Bureau-approved expandable batons by manufacturer and model.
- j. OC Spray. OC spray is produced from the resin of cayenne pepper. Only Bureau-issued OC spray is authorized and cannot be modified or altered from the issued state or design.
- k. Defensive Tactics Instructor-Trainer. A defensive tactics instructor-trainer is certified by the Office of Training and Professional Development (TPD) to teach and certify other persons to become defensive tactics instructors.
- l. Defensive Tactics Instructor. A defensive tactics instructor is certified by TPD to teach and conduct refresher training in the area of defensive tactics.
- m. Certified Firearms Instructor. A certified firearms instructor is an ATF special agent who has been certified by the Chief, Career Development Division, TPD, as an ATF firearms instructor and has been appointed by the division director (DD).
- n. Firearms Instructor Coordinators (FICs). FICs are special agents who supervise all firearms instruction training in their field divisions and are responsible for reporting qualification scores to TPD.
- o. Use of Force Instructor. A use of force instructor is a special agent who is ATF certified in one or more of the following disciplines: defensive tactics, defensive tactics instructor-trainer, firearms, and

less lethal tactics.

- p. Treasury Law Enforcement Officer. For the purpose of this order, the term "Treasury law enforcement officer" includes ATF employees who have the authority to make arrests and carry/use firearms and/or other weapons.
- q. Division Director (DD). Under the field restructuring, the term "special agent in charge" has been replaced with "division director" to reflect the position's dual role.
- r. Temporary Storage. Storage of firearms in vehicles that is short term in nature (not to exceed 72 hours).

4. USE OF FORCE.

- a. Generally, the primary consideration for the use of force is the timely and effective application of the appropriate level of force required to establish and maintain lawful control. Paramount considerations are preserving life and preventing bodily injury. The use of force, including deadly force, can be governed by a variety of factors and reaction time. These and other factors all contribute to the "totality of circumstances." The levels of force are designed to be fluid in nature and not a rigid process requiring a step-by-step approach before proceeding or receding to another level of force. Special agents/EEOs can enter into the use of force model/guide at the level that they deem is an appropriate response to the escalation or de-escalation of resistance by the subject.
 - (1) The degree of force authorized is limited to that which is necessary to establish lawful order and control in a timely manner. **IF FORCE OTHER THAN DEADLY FORCE REASONABLY APPEARS TO BE SUFFICIENT TO ACCOMPLISH AN ARREST OR OTHERWISE ACCOMPLISH THE LAW ENFORCEMENT PURPOSE, DEADLY FORCE IS NOT JUSTIFIABLE.** Exhibit 2 illustrates the various levels or degrees of force that a special agent/EEO may be called upon to use depending upon the subject's level or degree of resistance.
 - (2) It should be recognized that special agents/EEOs frequently find themselves in unpredictable and rapidly evolving situations and are often forced to make split-second decisions concerning the level of force that is appropriate and necessary in a particular circumstance. Exhibit 2 is intended to serve as a guide.
- b. Deadly Force. An ATF special agent/EEO may use deadly force only when necessary (i.e., when the special agent/EEO has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the special agent/EEO).

or to another person). Reasonable belief, for purposes of this policy, means facts and circumstances, including the reasonable inferences drawn therefrom, known to the special agent/EEO at the time of the use of deadly force that would cause a reasonable special agent/EEO to conclude that the use of deadly force was necessary.

- (1) Fleeing Felons. Deadly force may be used to prevent the escape of a fleeing subject if there is probable cause to believe the following:
 - (a) The subject has committed a felony involving the infliction or threatened infliction of serious physical injury or death; and
 - (b) The escape of the subject would pose an imminent danger of death or serious physical injury to the special agent/EEO or to another person.
- (2) Verbal Warnings. If feasible and if to do so would not increase the danger to the special agent/EEO or others, a verbal warning to submit to the authority of the special agent/EEO shall be given before using deadly force.
- (3) Vicious Animals. Deadly force may be directed against dogs or other vicious animals, when necessary, in self-defense or in defense of others.

5. POLICY FAMILIARIZATION.

- a. Special agents/EEOs must be familiar with the policies and procedures on the use of force as well as with the other policies and procedures set forth in this order with respect to firearms and ammunition standards, firearms proficiency standards, and procedures for reporting the use of firearms and other weapons. DDs and the Chief, Arson and Explosives Programs Division, shall ensure that all special agents/EEOs are familiar with this order. All FICs shall certify on a quarterly basis that special agents/EEOs have been informed of the Treasury use of force policy. FICs shall forward this certification to the DDs (Assistant Director (TPD) for Headquarters special agents and EEOs) on a quarterly basis. DDs will then report to the Assistant Director (TPD).
- b. Non-Treasury law enforcement officers who are participating in task forces that are sponsored, led, or funded by ATF must comply with this order. DDs are responsible for notifying these law enforcement officers of the policies in this order. This applies to any State, local, and other non-Treasury law enforcement officers who participate in any formal or ongoing ATF task force. It does not apply to non-Treasury law enforcement officers who work with ATF on an ad-hoc basis or who assist in a one-time law enforcement operation.

6. RIGHTS OF THIRD PARTIES. Nothing in this order is intended to create or does create an enforceable legal right or private right of action.

7. OTHER CONSIDERATIONS.

- a. The ATF Use of Force Training Guide will list and update as needed firearms, ammunition, and use of force weaponry by manufacturers and models. The ATF Use of Force Training Guide may be obtained by contacting TPD.
- b. If a special agent/EEO is injured as a result of a use of force encounter, he or she must report this on a CA-1/02 to his or her supervisor as soon as practical.

8 - 10 RESERVED

CHAPTER B. LESS LETHAL WEAPONS

SECTION 1. USE OF LESS LETHAL WEAPONS

11. BACKGROUND. To assist special agents and EEOs in dealing with violent encounters, ATF has adopted a program that provides the special agent and EEO with comprehensive methods of combating resistance. The Bureau's plan encompasses but is not limited to verbal commands, physical restraints, comealongs, pressure points, hand and foot strikes, impact weapons, and chemical agents, all of which are designed to provide special agents with options to overcome violent encounters and meet appropriately the levels of resistance encountered.
12. CLOSE QUARTER COUNTERMEASURES. ATF has approved the use of close quarter countermeasure techniques. Before using these techniques, special agents/EEOs must be familiar with and adhere to the following policies, guidelines, and procedures:
 - a. All special agents/EEOs shall be trained in close quarter countermeasure techniques in accordance with the ATF Use of Force Training Guide. This course will be taught by ATF-approved instructors.
 - b. Special agents/EEOs should be cautioned that certain blows, strikes, and restraints (e.g., baton strikes to the head, choke holds, chest or abdominal thrusts with impact weapons), by the inherent nature of their application, may result in serious injury or death. As such, they are classified under Bureau guidelines as deadly force. Use or application of these techniques shall be considered only as a last resort to counter deadly force assaults.
13. EXPANDABLE BATON USE POLICY.
 - a. Expandable batons are the only Bureau-approved impact weapons. However, use of non-Bureau-issued "improvised" impact weapons is authorized in urgent situations when immediate application of an impact weapon will prevent the escalation of force and when a Bureau-issued baton is not readily available. Use of any impact weapon, Bureau issued or not, is governed by the direction and training presented in this order.
 - b. ATF will only issue expandable batons to special agents/EEOs. Before being issued an expandable baton, special agents/EEOs must be familiar with and adhere to the following policies, guidelines, and procedures:
 - (1) Before being issued an expandable baton, special agents/EEOs will successfully complete the sanctioned training on the use and handling of batons taught by the Bureau.

- (2) Special agents/EEOs shall not carry expandable batons that are not Bureau issued.
- (3) Bureau-issued expandable batons are not to be modified or altered from the issued state or design.
- (4) All expandable batons must be carried in a safe, accessible, and concealed manner. (Concealment is not necessary during tactical operations.) It is recommended that the expandable baton be carried in a scabbard specifically designed for the baton.
- (5) Any use of a baton on a subject shall be reported as outlined in paragraph 15.
- (6) Modifications and reviews of Bureau-issued expandable batons, training courses, and/or reporting procedures will be conducted as needed.

14. OLEORESIN CAPSICUM (OC) SPRAY USE POLICY. ATF has approved the use of OC spray. Before being issued OC spray, special agents/EEOs must be familiar with and adhere to the following policies, guidelines, and procedures:

- a. All special agents/EEOs shall successfully complete the sanctioned OC spray training taught by the Bureau. This course will be taught by a certified ATF instructor.
- b. Special agents/EEOs shall not carry OC spray that is not Bureau issued or approved.
- c. OC spray canisters shall be carried in a safe manner, thereby limiting the ability of subjects to gain access to them.
- d. If OC spray is used on a subject, and control has been established, decontamination procedures will be instituted if necessary. If the subject exhibits or complains of persistent skin or eye irritation, washing the infected area with cool water and soap will alleviate the irritation. If respiratory symptoms occur, special agents/EEOs should immediately obtain medical treatment for the subject.
- e. Any use of OC spray on a subject shall be reported as outlined in paragraph 15.

15. PROCEDURES FOR REPORTING THE USE OF LESS LETHAL WEAPONS.

a. Use of Less Lethal Weapons.

- (1) Involved Special Agents/EEOs. Special agents/EEOs shall immediately report any incident involving the use of less lethal weapons to their supervisors and ensure that medical attention is rendered to the subject, if necessary.

- (2) Resident Agents in Charge/Group Supervisors (RAC/GSs) or Chief, Explosives Technology Branch (ETB), for EEOs. RAC/GSs or the Chief, ETB, shall immediately telephonically report the facts and circumstances of the incident to the DD or Chief, Arson and Explosives Programs Division. The Office of Inspection, Investigations Division, should also be notified immediately by telephone.
- (3) DDs/Chief, Arson and Explosives Programs Division. DDs/Chief, Arson and Explosives Programs Division, shall transmit a significant activity report (SAR) and any additional reports deemed necessary to the appropriate deputy assistant director (Field Operations) (DAD(FO)).
- (4) DAD(FO). The DAD(FO) shall forward a copy of the SAR and additional reports to the Chief, Special Operations Division (SOD) (Attn: Special Agent in Charge, Critical Incident Management Branch).
- (5) Special Agent in Charge, Critical Incident Management Branch. The Special Agent in Charge, Critical Incident Management Branch, shall maintain a copy of the SAR and any additional reports and forward them to the Chief, Specialized Investigative Programs Branch, TPD. This data will be compiled in a data base for statistical analysis as needed.

b. Use of Force Application Resulting in Serious Bodily Injury or Death:

NOTE: This section does not pertain to use of force applications involving firearms. Refer to ATF O 8200.3, Post-shooting Incident Reviews, for shooting incident procedures.

- (1) Involved Special Agents/EEOs. Special agents/EEOs who cause serious bodily injury or death through the use of any force application are required to follow these procedures:
 - (a) Determine the physical condition of the injured person, rendering first aid when appropriate. Request emergency medical aid and notify local law enforcement authorities of the incident and location.
 - (b) Secure the location, if appropriate.
 - (c) Immediately notify their supervisor.
- (2) RAC/GSs or Chief, ETB, for EEOs. RAC/GSs or the Chief, ETB, shall immediately report the facts and circumstances of the incident to the DD or Chief, Arson and Explosives Programs Division, and do the following:
 - (a) RAC/GSs or the Chief, ETB, shall coordinate with

other law enforcement agencies with investigative jurisdiction to prevent duplication of effort and conflict of jurisdiction. ATF shall cooperate with the lead investigative agency.

- (b) Although ATF is obligated to fully cooperate with other investigative agencies—making witnesses and evidence available to them in a manner, time, and place that is mutually agreed upon—RAC/GSs or the Chief, ETB, shall ensure that the involved special agent(s)/EEO(s) does not discuss the incident with anyone other than a supervisor, designee of choice, and/or Office of Inspection representatives.
 - (c) RAC/GSs or the Chief, ETB, shall ensure that the special agent(s)/EEO(s) is afforded an opportunity to seek Department of Justice representation when the use of force becomes the subject of a State or local criminal investigation. (See exhibit 3.)
 - (d) RAC/GSs or the Chief, ETB, shall ensure that only the lead investigative agency processes the incident scene for evidentiary purposes.
- (3) DDs/Chief, Arson and Explosives Programs Division.
DDs/Chief, Arson and Explosives Programs Division, shall do the following:
- (a) Immediately report by telephone to the appropriate DAD(FO) the facts and circumstances of the incident. A SAR will also be transmitted to the appropriate DAD(FO) and the Chief, SOD.
 - (b) Immediately notify the Office of Inspection, Investigations Division, by telephone.
 - (c) Determine if the Peer Support Program Coordinator should be notified.
 - (d) Immediately notify the Office of Chief Counsel, Assistant Chief Counsel (Litigation), who will facilitate obtaining Department of Justice representation.

16. CARRYING BATONS AND OC SPRAY ABOARD AIRCRAFT.

- a. Special Agents. Federal Aviation Administration (FAA) regulations at 14 C.F.R. section 108.11 pertain to carrying weapons aboard aircraft. When special agents are authorized to carry weapons, and follow the procedures required for carrying firearms aboard an aircraft, the baton is automatically covered and can be carried on the aircraft with the firearm. However, if special agents are not carrying firearms but wish to bring a baton or other police

equipment aboard the aircraft, they must coordinate in advance with the carrier and with security personnel. Batons may be packed in checked luggage; however, in accordance with FAA regulations, neither OC spray nor any other chemical agent shall be brought aboard aircraft.

- b. EEOs. EEOs must check all weapons, batons, etc.

17 - 20 RESERVED

SECTION 2. TRAINING

21. GENERAL

- a. All use of force courses will be taught by Bureau- approved instructors or certified staff at the Federal Law Enforcement Training Center (FLETC).
- b. Special agents/EEOs will complete a Bureau-approved defensive tactics course prior to being issued a baton or OC spray. TPD will maintain all records of training. (See ATF Use of Force Training Guide.)
- c. In order to carry an expandable baton or OC spray, special agents/EEOs will be certified semiannually by successfully completing a refresher training course encompassing close quarter countermeasures, expandable baton, and OC spray techniques. An ATF-approved instructor must teach this course. (See ATF Use of Force Training Guide.)
- d. In order to carry OC spray, and as required by ATF O 2902.9A, Hazard Communication Program, all special agents/EEOs shall complete hazard communication training to cover OC spray safety procedures, health risks, storage, and first aid administration for exposure prior to use of chemicals. Special agents/EEOs shall receive specific training on or review the Material Safety Data Sheet for OC spray, particularly the sections dealing with exposure effects and special protective and handling recommendations. TPD will maintain all records of training.
- e. Instructors will use the Bureau-approved firearms training tracking system to document all training.

22. INSTRUCTORS AND INSTRUCTOR-TRAINERS

- a. ATF defensive tactics instructor-trainers will successfully complete a Bureau-sanctioned instructor-trainer course. Upon completing this training, instructor-trainers will be certified to instruct close quarter countermeasure techniques.
- b. ATF defensive tactics instructor-trainers may instruct and certify other special agents as ATF defensive tactics instructors.

- c. Certified ATF defensive tactics instructors will instruct all defensive tactics courses and refresher classes (semiannual qualification). (See ATF Use of Force Training Guide.)
- d. All instructors and trainers will instruct at least one ATF defensive tactics course annually to maintain their qualification as instructors.
- e. Instructors will maintain a complete set of documentation, forwarding originals to the designated field division FIC or designated training coordinator, who will forward the student list to the DD, who will place it in the field division firearms records. In the case of special agents assigned to Headquarters or EEOs, the FIC will forward the student list to the Assistant Director (TPD) or Chief, Arson and Explosives Programs Division, as appropriate.
- f. TPD will maintain the certification status of all instructors.
- g. A copy of the above-mentioned certification will be attached to every completed class roster.

23. **IMPLEMENTATION.**

- a. Expandable batons and OC spray will only be authorized for and issued to special agents/EEOs. Likewise, ATF will only provide expandable baton and OC spray training and close quarter countermeasure techniques instruction to special agents/EEOs. All special agents/EEOs will undergo defensive tactics instruction through one or more of the following sources: field office level, through safety and survival programs offered at FLETC (and/or around the country at various locations), or through specialized training such as Special Response Team (SRT) training. All agents/EEOs need to be fully trained and meet semiannual and annual recertification standards.
- b. Those special agents/EEOs attending New Professional Training will receive their batons and OC spray from their respective field divisions upon completing a defensive tactics course provided by FLETC or ATF instructors. For new special agents who have law enforcement experience in which they carried a baton or OC spray, a certified defensive tactics instructor may conduct the requisite training for the new agents and issue their batons and OC spray before they attend New Professional Training or the Criminal Investigator Training Program (CITP). Special agents will demonstrate their proficiency in the use of the expandable baton and OC spray as outlined in the ATF Use of Force Training Guide.

24. **REFRESHER TRAINING.** All special agents/EEOs will attend a semiannual close quarter countermeasure training course (minimum of 4 hours), which is to be conducted by a certified defensive tactics instructor. Special agents/EEOs attending the refresher training course will demonstrate their proficiency in the use of the expandable baton and OC

spray as outlined in the ATF Use of Force Training Guide.

25. **DOCUMENTATION.** All certified instructors shall ensure that proper documentation is maintained concerning the basic course and all subsequent refresher courses. The field division shall maintain original documentation, with a copy forwarded to TPD semiannually. Documentation shall consist of the following information:
- a. Special agent/EEO's name.
 - b. Special agent/EEO's assigned field division or office.
 - c. Date and location of training.
 - d. Hours of training.
 - e. Signatures of special agent/EEO and instructor certifying that training was conducted under the Bureau's guidelines and policies.
 - f. Certifying documentation (only for basic and instructor courses).

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RESERVED

CHAPTER C. FIREARMS

31. FIREARMS AUTHORITY.

- a. Special agents/EEOs are granted authority by 26 U.S.C. section 7608 to bear firearms in furtherance of official law enforcement operations.
- b. Special agents are considered available for duty 24 hours a day, 7 days a week in a standby or on-call status. For this reason, special agents will be armed at all times while on duty. Leave status does not suspend special agents' authority to carry firearms. Accordingly, special agents are authorized to be armed at all times and expected to protect themselves and the public subject to the rules set forth in this chapter.
- c. EEOs may carry firearms while on duty, but are not authorized to carry firearms in an off-duty status. (Exceptions may be made by the Chief, Arson and Explosives Programs Division.) Although EEOs may carry firearms while on duty, they may not carry them aboard aircraft. EEOs may carry firearms at all times, except aboard aircraft, while in an official travel status while away from their assigned field offices.
- d. Special agents/EEOs are authorized to carry only Bureau-approved firearms and ammunition. (See the ATF Use of Force Training Guide for list of Bureau-approved firearms and ammunition.)
- e. No Bureau employees shall possess or carry personal firearms while on duty even if they possess State permits authorizing them to be armed.

32. FIREARMS USE POLICY.

- a. In carrying a firearm, special agents/EEOs shall adhere to the use of force principles set forth in chapter A of this order.
 - (1) Deadly Force. As set forth in chapter A, deadly force is appropriate when the special agent/EEO has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the special agent/EEO or to another person. If feasible, and if to do so would not increase the danger to the special agent/EEO or to others, a verbal warning to submit to the authority of the special agent/EEO shall be given before using deadly force.
 - (2) Warning Shots. Warning shots are not permitted for special agents/EEOs, except when exercising the U.S. Secret Service's protective responsibilities consistent with policy guidelines promulgated by the Director, U.S. Secret Service.

(3) Vehicles. Special agents/EEOs may not fire a weapon solely to disable a moving vehicle, except when engaged in the protective responsibilities of the U.S. Secret Service consistent with policy guidelines promulgated by the Director, U.S. Secret Service.

(4) Firing at the Operator of a Vehicle. Special agents/EEOs may fire weapons at the driver or other occupants of a moving motor vehicle only when:

(a) The special agent/EEO has a reasonable belief that the subject poses an imminent danger of death or serious physical injury to the agent/EEO or to another person; and

(b) The public safety benefits of using such force outweigh the risks to the safety of the special agent/EEO or other persons.

(5) Vicious Animals. See chapter A, subparagraph 4b(3).

(6) Fleeing Felons. See chapter A, subparagraph 4b(1).

b. Special agents/EEOs are permitted, when appropriate, to display a firearm in order to avoid its actual use. As a general rule, however, special agents/EEOs should draw their handguns only when they believe use of a handgun may be required. Shoulder weapons should be concealed unless the type of weapon or the situation requires display.

c. Special agents/EEOs shall not voluntarily surrender their firearms to a violator if they have the means to resist. Special agents/EEOs shall refuse all such demands, seeking other courses of action to resolve the conflict and/or deciding on an appropriate course of action.

d. All special agents/EEOs should refer to ATF O 8200.3 for Bureau-reporting procedures after a shooting incident.

* 33. PROCEDURES FOR CARRYING FIREARMS ABOARD AN AIRCRAFT.

a. The authority of ATF special agents to carry firearms is found in 26 U.S.C. section 7608(a)(1). ATF special agents are considered available for duty 24 hours a day, 7 days a week, in a standby or on-call status and will be armed at all times while on duty. Further, as leave status does not suspend a special agent's authority to carry firearms, special agents are authorized to be armed at all times. Because ATF special agents are always on standby or in an on-call status, they fall in the FAA category of Federal law enforcement officers who may need to carry firearms whether or not on official travel. The previously described procedures and the following guidelines will be followed:

- (1) Armed special agents whether on official business or on leave status will not surrender their firearms to pilots or other airline personnel to gain boarding privileges. If the pilot or airline refuses boarding privileges, another flight must be sought, if practicable.
- (2) Special agents will guard against accidentally exposing or displaying their firearm, whether worn or secured in carry-on baggage. Agents shall keep their firearm concealed and out of plain view. Special agents are prohibited from placing their firearm in an overhead storage bin and are required to keep their firearm on their person or within their immediate control.
- (3) In the event an unruly passenger is on board the commercial aircraft, special agents shall only intervene when asked by the airline crew, or when human life is clearly at risk.
- (4) If a hijacking occurs during a flight and a Federal Air Marshal is on board, special agents are advised not to intervene unless requested to do so by the Federal Air Marshal. If no Federal Air Marshal is on board the aircraft and a hijacking occurs, special agents must use their best judgment and take the necessary action to prevent loss of life or serious bodily injury.
- (5) If firearms must be stored in special agents' checked luggage (i.e., not in their custody and control), the firearms will be stored unloaded. Airline personnel will be notified of the presence of the firearms and permitted to inspect. The luggage must be hard sided and capable of being properly secured. If special agents do not have hard-sided luggage, they may rent a hard sided storage box from the airline. If no safe options are available, special agents should consider another flight. (Additionally, see the Special Agent Flying Armed Handbook, which may be obtained by contacting Training and Professional Development.)
- (6) Prior to flying armed, special agents are required to certify that they have completed the ATF Special Agent Flying Armed Handbook, required by the FAA.
- (7) If a special agent cannot resolve a problem with any representative of the air carrier, to include the captain of an aircraft prior to departure, you should immediately request the assistance of the air carrier's GROUND SECURITY COORDINATOR OR STATION MANAGER.

b. Special agents shall cooperate fully with the FAA's procedures regarding carrying firearms aboard commercial aircraft, which are prescribed in 14 C.F.R. section 108.219. Excerpts from those regulations are detailed as follows:

- (1) Special agent must be authorized to have a firearm.
- (2) Special agent must notify the carrier that access to the firearm is required in connection with the performance of duty.
- (3) Special agent must notify the carrier of intent to board the carrier with a firearm at least one (1) hour prior to flight departure or, in an emergency, as soon as possible.
- (4) Special agent must identify himself or herself to the carrier by presenting appropriate credentials.
- (5) No armed law enforcement officer may board an aircraft if he or she has consumed an alcoholic beverage within the previous 8 hours. No armed law enforcement officer may consume alcoholic beverages while armed aboard an aircraft.

c. EEOs will not carry firearms aboard the passenger section of an aircraft, either on their person or in carry-on baggage.

- (1) Exceptions to the above in certain cases may be made by the Chief, Arson and Explosives Programs Division. EEOs must request the exception in advance, in writing, and must receive written authorization from the Chief, Arson and Explosives Programs Division, prior to traveling. EEOs will follow policy as cited in subparagraphs 33.a. and b. when authorized to fly armed.
- (2) Except in specific pre-approved instances, EEOs' firearms will be stored unloaded, with safety lock engaged, in their checked baggage. Airline personnel will be notified of the presence of firearms and will be permitted to inspect, if necessary. When firearms will be carried onboard, EEOs will notify the carrier at least one (1) hour before departure or, in an emergency, as soon as possible. When firearms are stored in checked baggage, the baggage must be hard sided and capable of being properly secured in accordance with FAA requirements. EEOs will adhere to appropriate FAA rules when transporting firearms in the cargo area of a plane, to include the following:

- (a) Regulations are prescribed in 14 C.F.R. section 108.219 regarding carrying firearms onboard aircraft. Section 108.219(a)(2) discusses the transport of unloaded firearms in checked baggage aboard an aircraft.
- (b) EEOs will adhere to, and cooperate fully with, the FAA's regulations and procedures regarding the transportation of firearms.
- (c) EEOs must identify themselves to the carrier by presenting appropriate credentials.

CHAPTER D. FIREARMS STANDARDS

41. **FIREARMS STANDARDS.** Special agents/EEOs will carry only Bureau-approved firearms. (See ATF Use of Force Training Guide.) If alterations to Bureau firearms are required, FICs shall forward the firearms to the Firearms Technology Branch (FTB) for inspection by the Chief, FTB, or his or her designee. Modifications will be conducted, if needed, by FTB or the FTB-designated outside source.
- a. **Primary Duty Firearm.** The primary duty firearm for all ATF special agents/EEOs is designated in the ATF Use of Force Training Guide and shall be carried during all law enforcement activities.
 - b. **Auxiliary (Backup) Firearm.** Special agents working in an undercover capacity may carry auxiliary firearms as backup weapons or in place of the primary duty firearm during undercover operations; however, auxiliary firearms may not be carried in place of the primary duty firearm during law enforcement activities (e.g., execution of arrest and search warrants). The auxiliary firearm may be carried during off-duty hours in place of the primary duty firearm. Except during law enforcement activities, Headquarters special agents may carry auxiliary firearms in place of primary duty firearms.
 - c. **Undercover Firearms.**
 - (1) During a specific undercover assignment, the DD or his or her designee may delegate authority to a RAC/GS to issue a firearm that is conducive to an operation. (See exhibits 4 and 5.) Special agents to whom such firearms are issued must meet qualification requirements with those firearms before they may be carried during the undercover assignment. These firearms are to be used in undercover situations in which special agents deem the primary duty firearm or auxiliary firearm inappropriate.
 - (2) Undercover firearms should be issued from the field division inventory. However, if the field division inventory does not include the firearm requested by the special agent, the DD may request the assistance of other field divisions in obtaining the firearm.
 - (3) The following pertains to the use of undercover firearms:
 - (a) If the DD approves the request, he or she will instruct the FIC to issue the firearm to the requesting special agent. Before issuance, the special agent will meet qualification requirements with the firearm in the same manner as he or she would with his or her primary duty firearm. The FIC will supply the firearm

at the qualification session and formally issue it to the special agent after he or she attains a qualifying score. The proficiency requirements outlined in chapter F shall apply to undercover firearms.

- (b) The undercover firearm can be used for up to 90 days. This time period can be extended an additional 90 days via written request by the special agent to the DD should the need continue.
- (c) Upon completing the undercover phase of the investigation, the firearm will be returned to the FIC for inclusion in the division inventory or to the field division that provided it.

d. Tactical Firearms. (NOTE: See chapter G also.)

- (1) Tactical firearms are considered field division and field office assets; however, at the RAC/GS's discretion and with the FIC's concurrence, such firearms may be assigned to special agents.
- (2) All tactical firearms will be identified in the ATF Use of Force Training Guide. Any exception to the criteria as identified in the ATF Use of Force Training Guide must be approved by the Chief, FTB.

42. FIELD DIVISION FIREARMS AUTHORIZATION.

a. Each division is authorized a firearms inventory not to exceed the following levels:

- (1) One primary duty firearm per authorized special agent/EEO position.
- (2) One auxiliary firearm per authorized special agent position.
- (3) One undercover firearm per every five authorized special agent positions.

NOTE: Special agents/EEOs may not carry personally owned firearms.

- (4) One tactical shotgun per every two authorized special agent positions.
- (5) At least one Bureau-issued tactical rifle per field office in addition to Bureau-issued tactical rifles stored in the field division assigned to an SRT. If the inventory allows, field offices may have one Bureau-issued tactical rifle per every three special agent positions.
- (6) One Bureau-issued tactical carbine per every three authorized special agent positions in addition to tactical

carbines stored at the field division and assigned to an SRT.

- (7) An amount of replacement firearms equal to 4 percent of authorized special agent positions or a 4 firearm minimum. *
 - b. Firearms in the field division or field office inventory exceeding the authorized levels as described above will be reported to the Chief, Material Management Branch, via ATF F 1850.11, Declaration of Excess Personal Property, for appropriate action in accordance with ATF O 1850.2B, Personal Property Management.
 - c. Firearms taken into ATF possession by means of seizure, purchase, or abandonment may be placed into Government service as outlined in ATF O 3400.1A, Property Taken Into Bureau Custody.
 - d. Questions regarding firearms inventories exceeding the authorized levels will be directed to the appropriate DAD(FO).
43. FIREARMS CLEARING DEVICES (FCDs). Firearms acquired by ATF through purchase, abandonment, retention, seizure, or any other means must be cleared and made safe before they are transported, shipped, or stored. To assist with the safe clearing of weapons taken into ATF custody, an FCD will be provided to all ATF offices that acquire and/or store firearms.
- a. Responsible Officials.
 - (1) The responsibility for the acquisition, distribution, and use of FCDs will be placed with the Technical Operations Branch (Office of Science and Technology (OST)), which will ensure that FCDs are available for each office having a requirement and will work with TPD to develop a standard operating plan for training procedures, proper safety procedures, and placement of FCDs. The Technical Operations Branch will be the focal point for all questions, problems, and procedures relating to FCDs.
 - (2) The Technical Operations Branch (OST) is responsible for designing, developing, producing, testing, and shipping FCDs. A Technical Operations Branch tactical operations officer will assist in developing standard operating procedures for the safe use and proper placement of FCDs in all ATF field offices that establish a requirement.
 - (3) FCDs should not be considered portable and are not intended to be transported to or from other firearms seizure or impoundment locations.
 - (4) RAC/GSSs, in conjunction with field division FICs, are responsible for ensuring that FCDs are properly assembled according to the instructions provided by the Technical

Operations Branch. RAC/GSs will ensure that FCDs are placed inside the firearms vault room or in close proximity to collocated vaults. This is where firearms entering or leaving the vault room or firearms storage areas can be safely loaded/unloaded by using the FCD. RAC/GSs, or the Chief, ETB, for EEOs, will also ensure that each special agent is fully briefed on the required safe usage of the FCD, as delineated in the standard operating procedure, when weapons are being cleared prior to transporting, shipping, or storing.

- (5) Vault custodians or alternate custodians will ensure that FCDs are properly and safely used when any weapon is cleared before placement in or after removal from the firearms storage room.
- (6) DDs, or the Chief, ETB, for EEOs, have overall responsibility for ensuring that every field office that handles, stores, moves, or ships firearms has an FCD; that the FCD is properly placed in close proximity to the firearms storage area; that all special agents are properly trained in the safe usage of FCDs; and that special agents who transport, ship, or store firearms fully utilize the FCD.

- b. Prohibited Action. FCDs are not to be used as test-firing devices. No firearm may be intentionally fired into these devices. Test-firing will continue to be accomplished on a firing range or other safe and environmentally approved facility.

44. FIREARMS ACCOUNTABILITY, INVENTORY, AND STORAGE.

- a. Accountability. The Chief, Material Management Branch, will ensure proper control and accountability of all Bureau-owned firearms. A master record of Bureau-owned firearms will be kept by the Chief, Material Management Branch, and will be reconciled annually with field division inventories. DDs will implement control and accountability procedures for all Bureau-owned firearms in field division inventories. For the annual inventory of firearms issued to special agents/EEOs assigned to Bureau Headquarters, the assistant directors of each directorate will confirm proper reconciliation.

- (1) DDs (assistant directors for Headquarters) will maintain accountability of all firearms in their inventories (whether or not issued to a special agent/EEO) by means of a weapons log.

- (a) Weapons Log. The weapons log will fully describe each firearm and annotate the name of the special agent/EEO to whom the firearm is assigned. The log will serve as a meticulous chain of custody of all

Bureau-owned firearms.

- (b) Movement of Firearms Outside the Assigned/Owning Office. If for any reason a firearm is temporarily moved outside the assigned/owning field division (for repair, loan to another field division, etc.), the log shall describe movement of the firearm between any ATF offices, and ATF F 1851.1, ITEMS Property Transfer Transaction Record, and ATF F 1850.23, Release and Receipt of Property, shall document such movement. If the firearm is sent by common carrier, a return receipt will be obtained and filed with the weapons log.

- (c) Preparation to Ship or Mail a Firearm.

1 _____ Safety is foremost when shipping or mailing firearms. Before shipping or mailing a firearm, special agents/EEOs shall visually and physically inspect the firearm to ensure that it is unloaded. If during this process special agents/EEOs encounter a firearm that they are unfamiliar with, they should contact the division FIC or FTB for instructions on the proper procedure to render the firearm safe. **NO FIREARM IS TO BE SHIPPED OR MAILED LOADED.**

2 _____ After inspecting the firearm, special agents/EEOs shall use a plastic tie wrap to render safe the firearm.

3 _____ If a firearm is shipped or mailed and is found to be loaded, the DD or appropriate assistant director for Headquarters of the respective shipping office shall conduct an investigation into the circumstances involving the shipping or mailing of the loaded firearm. After completing the investigation, the DD shall forward a report of his or her findings to the appropriate DAD(FO). The DAD(FO) shall review the facts and circumstances surrounding the mailing or shipping of a loaded firearm on a case-by-case basis to determine negligence on the part of an employee. An employee who is found negligent may be subject to disciplinary action.

- (2) When firearms are permanently transferred between field divisions, the receiving DD will forward a completed ATF F 1851.1 and ATF F 1850.23 to the Chief, Material

Management Branch, who will then update the master record.

- (3) When agents are transferred, a field division representative will conduct a joint inventory of all Bureau-owned firearms and other property with the agent being reassigned. The office will initiate an ATF F 1851.1 and ATF F 1850.23 reflecting the firearms and other property to be transferred with the agent. The transferring agent will sign for the property and indicate the organization to which he or she is being transferred. Disposition of the form will be as per ATF O 1850.2B.
- (4) When a field office identifies an excess firearm/weapon, the field office shall report the excess firearm/weapon to the division's FIC for possible redistribution within the division. If there is no divisionwide requirement, the FIC will prepare ATF F 1850.11, Declaration of Excess Personal Property, and forward it to the Material Management Branch for final disposition instructions.
- (5) Special agents/EEOs are responsible at all times for the proper security of their Bureau-issued firearms and shall notify their supervisors immediately in the event of loss or theft. Supervisors shall then verbally notify the Office of Inspection within 2 hours of the loss or theft of a firearm. The verbal notification shall be followed by a written report. A copy of the written report shall be forwarded to the Chief, Material Management Branch, who shall prepare a Report of Survey (ATF F 1850.10).
- (6) Whenever a Bureau-issued firearm is lost, stolen, damaged, or destroyed, Material Management Branch personnel shall initiate a Report of Survey in compliance with ATF O 1850.2B. A report of the incident is referred to the Professional Review Board by the Office of Inspection or the Headquarters survey board. If an employee is found to be negligent, the Professional Review Board will issue proposed discipline within the range specified in ATF O 2130.1, Employee Conduct and Accountability.
- (7) When a special agent/EEO is permanently separated from service, the DD or Chief, ETB, shall obtain any firearms in that special agent/EEO's custody before the separation of service. (Other use of force weaponry in that agent/EEO's custody shall also be obtained.) If the firearms are transferred/ reassigned, the DD or Chief, ETB, shall notify the Chief, Material Management Branch, of the transfer/reassignment within 3 days. Before the

transfer/reassignment of any firearm, the weapon should be forwarded to FTB for inspection/repair and recertification. Weapons turned into the FIC should be forwarded to FTB as soon as possible for the above inspection.

- b. **Annual Inventory.** In accordance with ATF O 1850.2B, an annual inventory is required to properly account for Bureau-owned firearms, weapons, and other equipment.

- (1) The Chief, Material Management Branch, will forward a master inventory of all firearms assigned to a division, as well as those assigned to its subordinate offices. **UNLIKE PREVIOUS PRACTICE WHERE ALL FIREARMS WERE ACCOUNTED FOR AT THE DIVISION LEVEL, FIREARMS ARE NOW ACCOUNTED FOR AT THE LOCATION WHERE THEY ARE MAINTAINED AND STORED.** Upon receipt of the inventory, the division will forward each field office the portion of the inventory pertaining to that office. DDs, or appropriate assistant director for Headquarters, will ensure that all firearms in their inventories are properly accounted for by serial number. The division FIC is the person solely responsible for managing, controlling, and reconciling all weapons assigned within the division.
- (2) Because firearms are accounted for at the field office, the RAC/GS is responsible for designating an inventory officer and a disinterested second party (i.e., an employee who is not normally involved in the firearms accountability process and who does not report to the RAC/GS) who will jointly conduct the inventory and complete the office certification page. They will ensure that each firearm listed on the inventory contains the agent/EEO's complete name or the field office where the firearm is physically located if not assigned to an agent/EEO. This includes firearms assigned to non-ATF law enforcement personnel. As an option, the FIC may visit each field office to serve as the inventory officer and conduct the inventory with the disinterested second party.
- (3) The inventory will be conducted by visually inspecting all Bureau-owned firearms, including serial numbers, and comparing them to the master inventory and the weapons log. All field office discrepancies (shortages and overages) shall be substantiated with supporting documentation and reported to the division FIC along with the annotated master inventory. The FIC will reconcile individual field office reports and return a final consolidated division inventory to the Material Management Branch. The DD and FIC, or appropriate Headquarters division chief and FIC, will

acknowledge completion of the inventory and concurrence with the noted discrepancies by signing the certification page.

- (4) Discrepancies between the weapons log and the visual inspection of the firearms will be reported to the DD or appropriate Headquarters division chief, who will notify the Office of Inspection.

c. Firearms Storage.

- (1) Bureau-issued firearms, when not carried or in the immediate custody and control of special agents/EEOs, shall be stored in secured, locked locations. At the office, secured, locked locations include lock boxes, file cabinets, and desk drawers. At no time is a firearm to be left in an unlocked file cabinet or desk drawer. While at their residences, special agents/EEOs are strongly encouraged to store their firearms in a locked area as well as use trigger locks.
- (2) All special agents/EEOs must be issued safety locks, as well as instructions for their use, for all Bureau firearms issued to them.
- (3) The Bureau-approved method for temporarily storing and securing Bureau-issued firearms in a GOV is in a locked trunk of a GOV equipped with a secondary-lock system, such as a short chain secured by a padlock, thereby double locking the trunk. The DD or the division chief of the division in which the vehicle is assigned must approve any secondary lock system that is chosen for a GOV. An alarm system is not an acceptable alternative to a secondary lock.
- (4) If the GOV does not have a trunk, such as a sports utility vehicle, hatchback, or van, then Bureau-issued firearms may only be stored in the GOV if it is equipped with a Bureau-approved lock box that is specifically designed for firearms storage and that is permanently affixed to the GOV chassis.
- (5) If special agents/EEOs are in travel status using a GOV and must store Bureau-issued firearms overnight, subparagraphs 3 and 4, above, must be adhered to. This is preferable to unnecessarily displaying the firearms to the public at temporary lodging. However, special agents/EEOs must not leave firearms overnight at an airport or other remote parking location (e.g., park and rides) even if the firearms are stored in a double-locked trunk or approved lock box. Special agents/EEOs must always attempt to use the most secure parking available, but should be particularly cautious if

firearms are stored overnight at temporary lodging.

- (6) If a special agent/EEO is in official travel status and using a privately owned, leased, or rental vehicle, temporary storage of a Bureau-issued firearm in the vehicle may be considered under the following conditions:

- (a) In the judgment of the special agent/EEO, the vehicle is the most secure storage available when circumstances exist that would preclude personal possession by the special agent/EEO; and
- (b) The firearm is UNLOADED, CONCEALED, AND SECURED by a secondary locking device to a permanent part of the vehicle in the trunk area (i.e., the firearm is secured by handcuffs to trunk hinge); or if the vehicle is a van, hatchback, or sports utility vehicle, the firearm may be secured by a secondary locking device to a permanent fixture in the passenger compartment of the vehicle (i.e., handcuffed to the seat frame). UNDER NO CIRCUMSTANCES WILL A FIREARM BE STORED UNSECURED IN THE PASSENGER COMPARTMENT OF ANY VEHICLE. THE GLOVE COMPARTMENT OR CONSOLE OF A VEHICLE SHALL NOT BE CONSIDERED A SECURE STORAGE AREA.

- (7) If a special agent/EEO is off duty and is using a privately owned, leased, or rental vehicle, and circumstances preclude personal possession by the special agent/EEO, temporary storage of a Bureau-issued firearm in the vehicle may be considered when, in the judgment of the special agent/EEO, the vehicle is the most secure storage available. In these instances the special agent/EEO must adhere to the storage requirements listed in subparagraph 44c(6)(b), above.

- (8) It is the sole responsibility of the special agent/EEO to safely secure his or her Bureau-issued firearms at all times. While the most secure method is on the person of the special agent/EEO, temporary storage under the above conditions may be considered. It is impossible to give examples of every situation that may arise where temporary storage other than on the person of the special agent/EEO may be necessary. The Office of Inspection will investigate the loss or theft of a firearm and forward a report to the Professional Review Board. The Professional Review Board will review the facts and circumstances of the incident on a case-by-case basis to determine any culpability on the part of the

special agent/EEO. If an employee is found to be negligent, the Professional Review Board will issue proposed discipline within the range specified in ATF O 2130.1.

- (9) When opening the trunk of any vehicle containing sensitive equipment such as firearms, special agents/EEOs should use discretion so that public attention is not drawn to the Bureau-issued firearms.
- (10) The above security measures are basic. Special agents/EEOs must exercise good judgment and common sense when assessing the security of Bureau-issued firearms. Additionally, when special agents/EEOs utilize vehicles for temporary storage of firearms, it is imperative that extra caution be given to parking locations. Finally, when special agents/EEOs will be absent for an extended period of time, they should consider alternative storage options other than their vehicles (e.g., field office vault).

45. FIREARMS MAINTENANCE AND REPAIR.

- a. Special agents/EEOs will ensure that Bureau-issued firearms are kept in good operable condition through appropriate cleaning, lubrication, and protection against misuse.
- b. Bureau-issued firearms will not be technically altered or modified from factory specifications without the approval of the Chief, FTB. FTB cannot and will not authorize alterations unless the modifications are inspected by FTB to ensure that they have been done properly. Issued firearms hand grips may be replaced and slip-on grip boots may be used upon receiving prior verbal approval of the RAC/GS. Hand grips and slip-on grip boots must allow for proper firearm function. After such alterations, the field division FIC must visually inspect and approve the firearm. (See ATF Use of Force Training Guide.)
- c. When a Bureau-issued firearm is in need of repair, the RAC/GS will advise the field division FIC of the nature of the problem and will describe the firearm. The field division FIC will determine whether to replace or repair the firearm. The FIC may repair the firearm if he or she is a currently certified armorer on that particular weapon system. If a repair is necessary beyond the training of the FIC, the firearm will be properly packaged and mailed to the Chief, FTB, for repair. For EEOs, they will send the firearm to the Chief, FTB. Headquarters will issue a firearm of similar make, model, and caliber pending the repair and return of the original firearm. Repairs by other sources are not authorized.
- d. Field division FICs will keep a firearms repair record. The record will include, at a minimum, the following information:

- (1) Firearm description.
 - (2) Firearm condition.
 - (3) Maintenance date.
 - (4) Location where maintenance was performed.
 - (5) Description of work performed.
- e. FICs will examine annually all Bureau-issued firearms to ensure safe operation and proper maintenance. In addition, FICs or firearms instructors will examine each firearm before its use at every range day to ensure safe operation and maintenance. FICs will instruct agents/EEOs on proper maintenance of firearms.
- f. Immediately following any training, every agent/EEO will ensure that all firearms are properly cleaned and lubricated.

CHAPTER E. AMMUNITION

51. **AMMUNITION STANDARDS.** ATF will furnish ammunition to special agents/EEOs for use during the performance of duty. No other ammunition will be authorized for use in Bureau law enforcement operations except in an emergency situation.

- a. New ammunition will be issued to each special agent/EEO for firearms proficiency training exercises. All previously issued ammunition will be expended.
- b. Bureau-issued ammunition will not be technically altered or modified from factory specifications.
- c. Only Bureau-issued ammunition will be used for training activities. Training ammunition may be other than current duty ammunition (e.g., frangible, simmunitions, bird shot). Bureau-issued ammunition that has been replaced by new duty ammunition will be expended during training.
- d. Ammunition specifications for Bureau-issued firearms will be determined annually by the Chief, Career Development Division, and the Chief, FTB.

52. AMMUNITION ACCOUNTABILITY AND STORAGE

a. Accountability.

- (1) The DD, assistant directors for Headquarters, will ensure the control and accountability of all Bureau-issued ammunition. Ammunition will be used only for law enforcement operations or training exercises. The procedures necessary to ensure this control/accountability may be delegated to the RAC/GS, the tactical operations officer, and/or the FIC.
- (2) Special agents/EEOs are responsible for the security of Bureau-issued ammunition.

- b. **Storage.** Ammunition should be stored in a cool, dry, locked area located out of the view of non-Bureau personnel.

53. **PROCUREMENT OF SUPPLIES.** FICs must refer to the ATF Use of Force Training Guide for procurement and reporting instructions.

CHAPTER F. FIREARMS PROFICIENCY STANDARDS

61. **BACKGROUND.** Inherent with the authority to carry a firearm is an obligation to maintain high standards of firearms proficiency, as well as a constant awareness of safety. ATF training requirements are designed to promote these standards.
62. **CERTIFIED FIREARMS/USE OF FORCE INSTRUCTORS.**
 - a. DDs will select certified firearms/use of force instructor candidates who have demonstrated superior competency in the use of firearms and/or self-defense techniques, basic instructor skills, awareness of firearms safety, the use of force model, and the ability to impart firearms and use of force training to special agents.
 - b. Upon designating a special agent as a certified firearms/use of force instructor candidate, the DD will notify the Chief, Career Development Division, Attn: Chief, Specialized Investigative Programs Branch, to request the agent's attendance at an 80-hour firearms instructor-training course at FLETC and/or a 40-hour close quarter countermeasures course.
63. **MARKSMANSHIP.**
 - a. There are two types of marksmanship certificates available for distribution in the field: Expert and Distinguished Expert.
 - b. Expert certificates may be earned by firing a score of 100 percent on the pistol qualification course. The DD will issue this certificate.
 - c. A Distinguished Expert certificate may be earned by firing a score of 100 percent in four consecutive semiannual static qualification sessions. To make a request for the Distinguished Expert certificate, a memorandum should be submitted to the Assistant Director (TPD) providing the name, field office, scores, and date.
64. **RECORDKEEPING.**
 - a. At the direction of the DD (Assistant Director (TPD) for Headquarters), the FIC will maintain a record of each special agent/EEO's firearms qualification scores (including nonqualifying scores) on ATF F 2410.2, Special Agent's Weapons Qualification Record, or a Bureau-approved computerized software program. The DD (Assistant Director (TPD) for Headquarters) will maintain all firearms records. The DD or his or her designee will ensure that these records are complete and accurate. A copy of these records will then be forwarded to the Chief, Career Development Division, ATTN: Firearms Training Program Manager, on a quarterly basis.
 - b. The field division FIC will document quarterly the inspection of all Bureau-issued firearms in a Bureau-approved computerized

software program.

- c. When a special agent is transferred, the DD, or appropriate Headquarters division chief, will forward the ATF F 2410.2, or computerized records, to the receiving field division.

65. RESPONSIBILITIES.

- a. DDs, assistant directors for Headquarters, are responsible for implementing the firearms policy in their divisions. When necessary, they may delegate responsibility for supervising a qualification session to the FIC or a firearms instructor. The firearms instructor will record the scores and provide them to the FIC along with a certification that a safety briefing was conducted that included the Treasury use of force policy and Use of Force Model.
- b. Special agents/EEOs should always strive to develop and maintain the highest level of firearms marksmanship. All special agents/EEOs are responsible for attending firearms training as required by this chapter. Special agents/EEOs must become familiar with and qualify with all firearms used by the Bureau.
- c. DDs, assistant directors for Headquarters, may suspend a special agent/EEO's authority to carry a firearm if he or she has failed to meet the minimum proficiency standards. DDs or their designees, or the Chief, ETB, in the case of EEOs, may take custody of firearms from agents/EEOs until this requirement has been satisfied. (See paragraph 67.)

66. INITIAL TRAINING AND QUALIFICATION REQUIREMENTS.

NOTE: Law enforcement experience, for the purpose of this order, is at least 1 year of employment as a special agent or officer with a Federal, State, or local police agency in which the employee received firearms training comparable to that of CITP conducted at FLETC. The employee must have been required to carry a firearm during the performance of his or her duties, enforcing Federal, State, or local criminal statutes.

- a. Unless authorized by the Director or his or her delegate, newly hired special agents/EEOs without prior law enforcement experience **SHALL NOT BE AUTHORIZED TO CARRY FIREARMS** until they have completed CITP at FLETC. Before any firearms are issued to special agents/EEOs who have completed CITP, DDs/Chief, Arson and Explosives Programs Division, will ensure that the special agents/EEOs have demonstrated a satisfactory understanding of the use of force policy and safe and proper firearms handling techniques and can meet minimum firearms qualification requirements and successfully complete Firearms Training System (FATS) training.

b. At the discretion of the DD, new special agents with prior law enforcement experience from Federal, State, or local agencies may be issued an ATF firearm.

(1) New special agents with prior law enforcement experience who carried a Sig Sauer pistol prior to becoming ATF special agents must receive a minimum of 4 hours of instruction by a certified firearms instructor on ATF and Treasury use of force and safety policies. Agents must display a satisfactory understanding of these policies, exhibit safe and proper handling of the issued firearm, meet the minimum qualification requirements on the appropriate course of fire, and complete a FATS training session. (See ATF Use of Force Training Guide.)

(2) If new special agents carried a firearm other than a Sig Sauer pistol during their prior law enforcement experience and are initially issued a Sig Sauer pistol prior to attending CITP, they must complete the Sig Sauer Transitional Training Program (SSTTP) in addition to the above requirements. (See ATF Use of Force Training Guide.)

(3) All new special agents must receive instruction from the FIC or his or her designee on range safety and the ATF Use of Force Model.

c. During CITP, special agents/EEOs will usually receive a block of instruction on the Sig Sauer pistol that includes the material normally covered by the SSTTP, familiarization shooting, and qualification with the Sig Sauer. If the SSTTP is not conducted during CITP, FICs will conduct an SSTTP as soon as possible for these agents/EEOs. This includes qualification with the Sig Sauer and a night/low light course. (See ATF Use of Force Training Guide.)

d. Each EEO will be required to qualify with all Bureau-issued long guns and complete any required transitional training. The FIC will inform TPD, by memorandum, of the EEO's qualification and suitability to carry Bureau-issued firearms. After the EEO has completed CITP, qualified with the firearms, and received a positive recommendation by the FIC, the Chief, ETB, will submit a memorandum to the Assistant Director (FEA) requesting that a duty firearm be issued to the EEO.

67. **REQUIREMENTS FOR MAINTAINING FIREARMS PROFICIENCY.**

Without exception, all special agents/EEOs shall maintain firearms proficiency standards. This includes all levels of supervision, regardless of assignment. The FIC, or firearms instructor designee, has authority over all personnel, including supervisors, during ATF qualification sessions.

- a. During the first and third quarters of each fiscal year, special agents/EEOs are required to meet minimum qualification requirements with the following firearms:
- (1) Primary Duty Firearm. Primary duty firearm qualification course.
 - (2) Shotgun. ATF shotgun qualification course.
 - (3) Tactical Carbine. Tactical carbine qualification course.
 - (4) Tactical Rifle. Qualification course for that weapon. Agents who are going to carry a tactical rifle operationally must qualify with it using the qualification course for that weapon.
 - (5) Auxiliary Firearm (If Issued). Qualification course for that weapon.
 - (6) Optional--Undercover Firearm (If Issued). Qualification course for that weapon.

- b. During the first and third qualifying sessions, special agents/EEOs will be given two opportunities to qualify with their primary duty firearm. Failure to achieve a qualifying score is considered a failure to qualify with that particular firearm. In this instance, these procedures will be followed:

- (1) Upon conclusion of the session, the agent/EEO shall turn in his or her firearm to the FIC. The firearms instructor will notify the DD of the special agent's failure. (For special agents assigned to Headquarters and EEOs, the FIC will notify the appropriate division chief.) The DD or Headquarters division chief will advise the special agent/EEO that his or her authority to carry a firearm has temporarily been suspended. The DD or Headquarters division chief will advise the FIC to arrange for a remedial session. The firearm will be reissued to the special agent/EEO after remedial training is completed and the agent/EEO receives a qualifying score.
- (2) If by the end of the regular qualifying quarter the special agent/EEO has still failed to qualify with his or her primary duty firearm, the FIC will retain the firearm. The special agent/EEO will then attend remedial training, scheduled by the FIC or designee as soon as possible. Remedial training will include both classroom and live-fire instruction. The special agent/EEO must successfully complete this training followed by a live-fire qualification for score. (See ATF Use of Force Training Guide.)
- (3) If a special agent/EEO fails to achieve a qualifying score, the DD or Headquarters division chief will notify the special

agent/EEO that he or she will not participate in any field investigative duties until successful remediation has been achieved. If the special agent is the DD or a Headquarters division chief, the FIC will notify the Firearms Training Manager, TPD, of the failure. The appropriate DAD will then be notified. He or she will advise the DD or division chief that he or she will not participate in any field investigative duties until successful remediation is achieved and that he or she must comply with this order.

- (4) The FIC will determine the number of hours for remedial training based on the nature of the problem experienced by the agent/EEO and range availability.
 - (a) This training should consist of classroom instruction and practical exercises that focus on safety, firearms handling, and shooting fundamentals.
 - (b) The FIC or designee may use alternative training equipment such as a simulated video firearms training system or conversion kits that fire nonlethal training ammunition. The FIC must document all remedial training and notify the DD or appropriate Headquarters division chief upon completion.

- (5) Special agents who fail to qualify with an undercover firearm, auxiliary weapon, shotgun, tactical carbine, or tactical rifle will be instructed to attend ATF remedial training under the direction of the FIC or a certified ATF firearms instructor until a qualifying score is obtained. **UNDER NO CIRCUMSTANCES WILL ANY ATF SPECIAL AGENTS CARRY ANY OF THE ABOVE-MENTIONED BUREAU-OWNED FIREARMS IF THEY HAVE FAILED TO QUALIFY WITH THEM.** However, such a failure to qualify (except for the primary duty firearm) will not disqualify a special agent from participation in field investigative duties. (See ATF Use of Force Training Guide.)

- c. Firearms training is a schedule priority. Special agents/EEOs will adjust their work schedules to attend firearms training and qualifications on a quarterly basis as required. If a special agent/EEO cannot attend, he or she must request advanced approval from his or her DD or Headquarters division chief to attend a makeup session or may qualify with another ATF office.

NOTE: When a special agent/EEO qualifies/attends quarterly qualification sessions at another ATF office, he or she is required to obtain a written certification from the FIC who conducted the qualification session that includes that special agent/EEO's scores. The special agent/EEO shall provide the written certification to the

FIC in his or her permanent office before the end of the quarter.

(1) If for some reason the special agent/EEO is unable to attend firearms training (i.e., because of emergencies or court), the agent/EEO must immediately notify the DD or appropriate division chief, stating the reason the qualification will be missed. The DD (or appropriate division chief) will notify the FIC and advise him or her that the agent/EEO will not attend the qualification session and that approval has been granted for the agent/EEO to attend the next available makeup session during that quarter.

(2) If a special agent/EEO has an unexcused absence, any Bureau-issued firearm in his or her possession will be taken by the DD or Headquarters division chief until a qualification session can be scheduled by an ATF firearms instructor. **EXCEPT AS DELINEATED IN SUBPARAGRAPH d, BELOW, NO SPECIAL AGENT/EEO WILL BE AUTHORIZED TO CARRY ANY FIREARM IF HE OR SHE HAS NOT ATTENDED A QUALIFICATION SESSION FOR MORE THAN 6 MONTHS.** Special agents/EEOs cannot miss a static and tactical qualification consecutively during the fiscal year.

d. A special agent/EEO who is pregnant or has a temporary/ short-term medical condition that would prevent him or her from participating in standard quarterly firearms qualifications and/or use of force training sessions must submit to his or her DD or appropriate division chief for Headquarters, through his or her first-line supervisor, a written statement from his or her physician.

(1) The physician's statement should reflect that such participation would likely have a negative or detrimental impact on his or her current medical condition. The DD or appropriate division chief will then issue a written waiver excusing the special agent/EEO from the standard firearms and use of force training sessions and notify the pertinent FIC of this waiver. The special agent/EEO may then qualify via an alternative ATF-approved, computer-simulated training, such as FATS. The special agent/EEO must also obtain a written physician's statement indicating that this type of training will not have an adverse effect on his or her current medical condition. (See exhibit 6, Physician Certification Statement (Sample Format).)

(2) A special agent/EEO may provide the Summary Information for Physicians Regarding ATF Firearms Qualification Procedures (exhibit 7) to his or her physician when the employee requests to participate in the alternative firearms

qualification and is seeking to have the Physician Certification Statement completed by his or her physician. Exhibit 7 contains general information regarding what a standard "live-fire" qualification involves in terms of physical demands, range conditions, noise, lead exposure, cleaning procedures, and other items. Exhibit 7 is intended to serve as a brief, ready-reference document to be disseminated to physicians only for the purposes of this section.

- (3) An FIC will document alternative FATS training. FATS equipment may be used to satisfy four consecutive standard quarterly firearms training sessions. The use of the FATS equipment eliminates the problems of lead contamination, noise, and other potential health hazards for the affected special agent/EEO. After four consecutive quarters of using the FATS alternative, the special agent/EEO must resume participation in the standard quarterly firearms training sessions.
 - (4) The special agent/EEO will be required to obtain written notification (exhibit 6) from his or her physician stating that the temporary medical condition no longer exists before being permitted to participate in the firearms qualification session.
 - (5) Failure to meet the FATS requirement will result in the revocation of the special agent/EEO's authorization to carry his or her duty firearm with which he or she has failed to qualify (as well as any auxiliary firearms or long guns).
- e. The FIC will report quarterly qualification scores for all courses of fire to the DD for field special agents or the appropriate division chief for Headquarters special agents/EEOs. For field special agents, the DD will then forward a copy to the Assistant Director (TPD).
- f. During the second and fourth quarters of each fiscal year, special agents/EEOs are required to participate in mandatory tactical firearms training except as delineated in subparagraph 67d(2).
- (1) This training will be scored on a pass/fail basis in accordance with the ATF Use of Force Training Guide.
 - (2) The primary emphasis of this training will be agent/EEO safety/survival and may include simulated enforcement activities using role players. This training may also include but is not limited to reloading drills, force on force training with nonlethal conversion kits, room-clearing exercises, felony vehicle stops, and simulated firearms training.
 - (3) The FIC should select challenging topics from the ATF Use

of Force Training Guide that focus on improving tactical skills as well as building shooter confidence.

- (4) Quarterly tactical training will be conducted in a manner that will fulfill the requirements as outlined in the ATF Use of Force Training Guide. This training may be conducted over a period of up to 2 days, or 16 hours.
 - (5) Special agents who are not able to attend tactical training may, with DD approval, attend a makeup session and fire a static qualification course for score with the primary duty weapon. For Headquarters special agents/EEOs, this approval must be given by the appropriate division chief. (See requirement in subparagraph 67c(1) and (2)) In the case of DDs, they shall contact their respective DAD(FO) for approval.
- g. As part of each use of force training session, the FIC will conduct a safety briefing to ensure that each special agent/EEO receives instruction on the Bureau's firearms and ammunition standards, Use of Force Model, range safety, and home safety and storage. (See ATF Use of Force Training Guide.)
- h. All firearms training will be scheduled during normal duty hours. Supervisors may reschedule regular duty hours on those days when low light firing is conducted.
- i. During tactical firearms training sessions, any special agent/EEO who wears specialized equipment during enforcement operations will be required to meet firearms proficiency standards while wearing that equipment (e.g., fanny packs, shoulder holsters, ankle holsters, tactical gloves, goggles, helmet, etc.). Agents/EEOs must demonstrate to the firearms instructor safe handling of their unloaded weapons with this specialized equipment before conducting live fire training. The firearms instructor will ensure that agents/EEOs are safely handling their firearms with the specialized equipment in accordance with the range safety rules outlined in the ATF Use of Force Training Guide.
- j. If an agent/EEO's primary duty firearm is taken out of service for repair and a similar firearm is reissued, qualification requirements for that particular firearm shall be met as soon as possible. However, if the agent/ EEO has previously qualified with his or her primary duty firearm during that same quarter, then no additional qualification is required.
- k. All operable firearms assigned to a field office inventory will be brought to the range at least semiannually to be function checked and fired. RAC/GSs must ensure that these weapons are inspected and cleaned and that all special agents assigned to the

field office are familiar with the weapons.

68. **REQUIREMENTS FOR MAINTAINING FIREARMS PROFICIENCY FOR SPECIAL AGENTS ASSIGNED OUT OF COUNTRY.** Any requests for variances to the below policies shall be addressed to the Assistant Director (TPD).

- a. Special agents assigned to out-of-country locations will be required to meet all firearms qualification standards for those firearms that they are authorized to use or carry while in that foreign country.

- (1) Qualifications may be performed by a Bureau firearms instructor or a qualified and recognized firearms instructor from a fellow Federal agency utilizing the ATF-approved qualification course of fire. The ammunition used during the qualification session must be ATF issued. Variances to the ammunition standards or variances to qualify using another Federal agency's approved course of fire must be approved by the Assistant Director (TPD).

- (2) Special agents assigned out of country will be authorized to qualify with a like firearm if they return to the United States for a quarterly qualification.

- (3) All firearms scores shall be reported to the Assistant Director (TPD).

- b. Special agents assigned to foreign countries where they are not authorized to carry firearms will be excused from the quarterly qualification requirement. These agents are not allowed to possess/carry firearms until they have properly met all firearms qualification standards set forth by the Bureau. They will store their firearms in a location approved by their division chiefs while they are out of the country.

69. **RANGE SAFETY.**

- a. The firing range selected by the FIC for qualification and tactical training purposes should accommodate the various ATF qualification courses. Qualification courses should be conducted on outdoor ranges. If the range is in poor condition due to inclement weather or other factors, the FIC may either modify the courses of fire or use the smaller version targets. Qualifications may also be conducted on an indoor range, provided adequate facilities are available. The FIC may base his or her decision for using an indoor range on outdoor weather conditions, geographic availability of ranges, or other factors that may prohibit firing on an outdoor range. In these situations, modifications to courses are permitted to use indoor ranges.
- b. Non-law enforcement officers are only allowed to shoot at the range

with the DD's approval and under the direction and supervision of an ATF-certified firearms instructor. Non-law enforcement officers are to be given specific safety instructions prior to shooting. Range safety briefings will be more comprehensive and will address areas of the range that are off-limits, disposition of loaded/unloaded firearms, etc.

- c. Juveniles (persons under 18) will be allowed on ATF-operated firearms ranges ONLY with the approval of the appropriate DD (Assistant Director (TPD) for Headquarters ranges). Parental permission is required in writing, in advance. No juvenile will be allowed to fire any firearms while under the supervision of an ATF range officer.
- d. The ATF range officer's responsibilities will include the authority to dismiss others from the range.
- e. The minimum ratio of firearms instructors to agents/EEOs will be 1 to 10 on the firing line.
- f. Agents/EEOs who do not attend the safety briefing and use of force policy review required before every qualification session will not be allowed to qualify that day. Receipt of the briefing and policy review is considered part of the mandatory quarterly training.
- g. As part of the range safety briefing, the ATF firearms instructor will advise all agents/EEOs on the safe handling and carrying of all Bureau-issued firearms and, specifically, shoulder-mounted firearms. The safe carry position for tactical firearms (e.g., Heckler & Koch MP-5, Colt AR-15/M-16, Remington Model 870, 12 gauge shotgun) is with the safety "ON" and finger outside the trigger guard. During enforcement activities, all tactical firearms should normally be loaded, with a round chambered and the safety placed "ON." The safety should only be placed "OFF" when, in the perception of the agent/EEO, a threat level may exist that would necessitate the use of the weapon. Regardless of the position of the safety, the agent/EEO's shooting finger should remain outside the trigger guard until the agent/EEO is prepared to fire the firearm. When, in the perception of the agent/EEO, the threat level no longer necessitates the use of the weapon, the safety must be immediately placed "ON" to ensure that the firearm does not unintentionally discharge. It is imperative that prior to slinging the weapon the agent/EEO places the safety "ON."
- h. The ATF firearms instructor shall read the ATF Range Safety Rules (exhibit 8) prior to all firearms qualification and training sessions.
- i. Personally owned firearms on ATF-controlled ranges are prohibited at all times.

70. GENERAL FIREARMS SAFETY. The seriousness of firearms safety

cannot be overstated. Any ATF employee who violates the basic safety standards will be subject to disciplinary action.

- a. Special agents/EEOs are responsible for the maintenance and safe operation of Bureau-issued firearms. Special agents/EEOs will keep Bureau-issued firearms in good working order by regularly cleaning and properly storing them. Firearms will be unloaded before cleaning. Any mechanical problem with a Bureau-issued firearm must be brought immediately to the FIC's attention. The FIC will see to the repair of the firearm, issuing a replacement to the special agent/EEO if necessary.
- b. The safest storage for a firearm is on the special agent/EEO's person. Special agents/EEOs will not carry primary duty firearms in briefcases, gym bags, etc., while engaged in field work. Special agents/EEOs will be armed at all times while on duty except as cited in subparagraph c, below.
- c. If it is impractical for a special agent/EEO to carry a firearm in the corridors of a building that houses Government office space, Bureau-issued firearms will then be kept secured in the office space. A locked desk or file cabinet will suffice for temporary storage of this type. Firearms will not be left in the open unattended or stored in an unlocked desk, file cabinet, or temporary storage area.
- d. When storing Bureau-issued firearms in their homes, special agents/EEOs will store them in an ATF-issued gun safe or utilize an ATF-issued safety lock. It is imperative that agents/EEOs store their Bureau-issued firearms in a secure manner to prevent non-ATF employees (e.g., children, guests, etc.) from handling them.
- e. There will be no dry-firing in office space at any time. (NOTE: This does not apply to FATS training sessions.)

71. **ISSUING BUREAU-OWNED FIREARMS TO NON-ATF LAW ENFORCEMENT OFFICERS.** If a non-ATF law enforcement officer is to be issued a Bureau-owned firearm, the following requirements apply:

- a. The law enforcement officer must be assigned to a task force in which ATF participates.
- b. The requesting RAC/GS must obtain, via memorandum, the approval of the DD of the field division in which the task force operates.
- c. The FIC will report to the Chief, Material Management Branch, the issuance of an ATF firearm to a non-ATF law enforcement officer on ATF F 1851.1, clearly noting the officer's agency.
- d. The law enforcement officer must be fully informed of the Use of Force Model set forth in this order, and he or she must comply with

those policies. This will be documented by the FIC of the field division in which the task force operates.

- e. The law enforcement officer will attend and complete any transitional training associated with the particular firearm prior to receiving his or her authorization to carry the firearm. This training will be administered by the FIC of the field division in which the task force operates. If the law enforcement officer has completed this training through his or her agency or the firearm manufacturer, the law enforcement officer may present documentation of this training to the FIC. Presentation of such documentation will suffice and will be documented by the FIC for ATF.
- f. The law enforcement officer will meet ATF firearms proficiency standards with respect to any Bureau-owned firearm(s) he or she is authorized to carry. Proficiency will be demonstrated on an ATF qualification course, administered by the FIC of the field division in which the task force operates. The FIC will then document the qualification.
- g. All firearms standards and policies, to include quarterly firearms training sessions, that apply to ATF special agents/EEOs will apply to any law enforcement officer issued a Bureau-owned firearm. This includes range and operational safety, proficiency, maintenance, and firearms storage requirements. Documentation that the task force officer has been advised of this policy will be kept by the FIC conducting the qualification sessions. If there is any breach in any of the firearms standards, the FIC will document it and immediately notify the DD.
- h. Use of ATF-issued firearms is not permitted for purposes other than official task force business (e.g., second jobs, private security work, etc.).

CHAPTER G. SPECIALIZED EQUIPMENT

81. **TWO-ROUND BURST MP-5.** ATF recognizes that high-risk operations require specialized equipment and weapons. The Heckler & Koch MP-5 9mm carbine, with a two-round firing selector switch, is considered a specialty firearm to be used only in high-risk operations. The following criteria apply for use of this weapon:
- a. The Heckler & Koch MP-5 9mm carbine, with a two-round firing selector switch, will only be used by SRT personnel.
 - b. SRT personnel will train with and maintain this specialty weapon.
82. **FIREARMS SCOPES AND LIGHT SYSTEMS.** Bureau-approved firearms scopes and light systems shall be identified in the ATF Use of Force Training Guide.

83 - 90 RESERVED

BY ORDER OF THE
SECRETARY OF THE TREASURY



DATE: October 17, 1995
TREASURY ORDER 105-12

Sunset Review: October 17, 1995

SUBJECT: Policy on the Use of Force

1. By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. §321(b), I hereby establish a Treasury policy on the use of force. The policy set forth herein is intended to set a uniform standard for the use of deadly force and to provide broad guidelines for the Treasury Law Enforcement Bureaus. The provisions of this Order apply to all Treasury Law Enforcement Officers.

2. **Definitions.**

a. **Treasury Law Enforcement Officer**, for the purposes of this Order, includes any Treasury employee who has authority to make arrests and/or carry, or use, firearms and/or other weapons.

b. **Treasury Law Enforcement Bureau**, for purposes of this Order, includes any bureau or office within the Department which employs Treasury Law Enforcement Officers.

c. **Weaponless Control Techniques** includes officer presence, identification, verbal commands and physical control techniques, such as comealongs, touch pressure points, and empty hand strikes.

d. **Intermediate Weapons** are weapons other than firearms or lethal weapons with non-lethal munitions that are approved by each Treasury Law Enforcement Bureau.

e. **Deadly Force** is the use of any force that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury but unexpectedly results in such death or injury.

3. **Use of Force Policy.**

a. The primary consideration in the use of force is the timely and effective application of the appropriate level of force required to establish and maintain lawful control. A paramount consideration is the preservation of life and prevention of bodily injury.

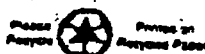
b. The respective Treasury Law Enforcement Bureau heads shall set forth guidelines for weaponless control techniques, intermediate weapons and firearms or lethal weapons with non-lethal munitions, in accordance with that bureau's law enforcement mission.

4. **Use of Deadly Force Policy.**

a. **Deadly Force.** Treasury Law Enforcement Officers may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.

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b. Fleeing Felons. Deadly force may be used to prevent the escape of a fleeing subject if there is probable cause to believe:

(1) the subject has committed a felony involving the infliction or threatened infliction of serious physical injury or death; and

(2) the escape of the subject would pose an imminent danger of death or serious physical injury to the officer or to another person.

5. Use of Non-Deadly Force. If force other than deadly force reasonably appears to be sufficient to accomplish an arrest or otherwise accomplish the law enforcement purpose, deadly force is not necessary.

6. Verbal Warnings. If feasible and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

7. Warning Shots. Warning shots are not permitted, except as follows.

a. Warning shots may be used by Treasury Law Enforcement Officers in exercising the U.S. Secret Service's protective responsibilities, consistent with policy guidelines promulgated by the Director, U.S. Secret Service.

b. Warning shots may be used by the U.S. Customs Service on the open waters, consistent with policy guidelines promulgated by the Commissioner of Customs.

8. Vehicles.

a. Weapons may not be fired solely to disable moving vehicles, except as follows: Treasury Law Enforcement Officers, in exercising the U.S. Secret Service's protective responsibilities, may fire weapons solely to disable moving vehicles, consistent with policy guidelines promulgated by the Director, U.S. Secret Service.

b. Weapons may be fired at the driver or other occupant of a moving motor vehicle only when:

(1) the officer has a reasonable belief that the subject poses an imminent danger of death or serious physical injury to the officer or to another person; and

(2) the public safety benefits of using such force outweigh the risks to the safety of the officer or other persons.

9. Vicious Animals. Deadly force may be directed against dogs or other vicious animals when necessary in self-defense or defense of others.



10. Training and Proficiency Standards. Each Treasury Law Enforcement Bureau shall:

a. require newly-appointed Treasury Law Enforcement Officers to satisfactorily complete either Basic Criminal Investigator Training or Basic Police Training, as administered by the Federal Law Enforcement Training Center, unless otherwise authorized by the bureau head or his/her designee, prior to being authorized to carry or use a firearm;

b. be responsible for establishing training and re-training standards which ensure that Treasury Law Enforcement Officers are proficient in the use of weaponless control techniques and intermediate weapons as authorized by that bureau; and

c. consistent with its mission, establish qualification and firearms familiarization standards and, at least on a semi-annual basis, require Treasury Law Enforcement Officers to establish and maintain their proficiency in the use of authorized firearms. The Secretary or his/her designee may grant an exception to this subsection upon a showing of good cause.

11. Treasury Law Enforcement Bureaus may supplement this policy with policy statements or guidance consistent with this policy. It is the responsibility of the Treasury Law Enforcement Bureaus to review such policy statements or guidance in a timely and comprehensive manner.

12. Rights of Third Parties. Nothing in this Order and the attached commentary is intended to create or does create an enforceable legal right or private right of action.

Robert E. Rubin

Robert E. Rubin
Secretary of the Treasury

Attachment



Commentary Regarding the Use of Deadly Force

I. Introduction.

The Department of the Treasury (the "Department") hereby establishes a uniform policy with respect to the use of deadly force. The policy and this commentary provide practical guidance for officers who must make grave decisions regarding the use of deadly force under the most trying of circumstances. The policy also is intended to maintain uniformity among the various Departmental components and to achieve uniform standards and training with respect to the use of deadly force. Although each component may still develop and conduct its own training on deadly force, the policy governs the use of deadly force under all circumstances.

The policy is the product of discussion among the various law enforcement agencies whose personnel are called upon to make decisions regarding the use of deadly force, of review of the current policies governing the use of force, and of advice of legal counsel from various Treasury and Justice Department components, including those charged with law enforcement, defense of civil actions filed against the government, enforcement of civil rights, and provision of constitutional advice. In developing the policy, it became apparent that decisional law provides only limited guidance regarding the use of deadly force.¹ In addition, as a matter of principle, the Treasury Department deliberately did not formulate this policy to authorize force up to constitutional or other legal limits.²

II. Definitions

Deadly force is the use of any force that is likely to cause death or serious physical injury. When an officer of the Department uses such force it may only be done consistent with this policy. Force that is not likely to cause death or serious physical injury, but unexpectedly results in such harm or death, is not governed by this policy.

¹ Many issues addressed in the policy and this memorandum have never been addressed in reported decisions or the law remains unresolved. Courts would step outside their proper role if they formulated detailed policies with respect to the procedures governing deadly force; in contrast, the Department has the discretion to determine what the policy should be and to provide guidance to its employees with regard to these solemn issues. Cases arise in procedural postures--typically civil tort or civil rights actions, or motions to dismiss or overturn criminal charges or convictions--in which a wrongful act on the part of the government may not lead to recovery or sanctions. As a result, the court often does not reach the question of whether the use of force was wrongful.

² The leading Fourth Amendment cases in this area are Tennessee v. Garner, 471 U.S. 1 (1985) and Graham v. Connor, 490 U.S. 386 (1989).



TO 105-12

ATF O 3020.1

08/17/1999

Exhibit 1

Probable cause, reason to believe or a reasonable belief, for purposes of this policy, means facts and circumstances, including the reasonable inferences drawn therefrom, known to the officer at the time of the use of deadly force, that would cause a reasonable officer to conclude that the point at issue is probably true. The reasonableness of a belief or decision must be viewed from the perspective of the officer on the scene, who may often be forced to make split-second decisions in circumstances that are tense, unpredictable, and rapidly-evolving. Reasonableness is not to be viewed from the calm vantage point of hindsight.

III. Principles on Use of Deadly Force

The Department of the Treasury recognizes and respects the integrity and paramount value of all human life. Consistent with that primary value, but beyond the scope of the principles articulated here, is the Department's full commitment to take all reasonable steps to prevent the need to use deadly force, as reflected in Departmental training and procedures. Yet even the best prevention policies are on occasion insufficient, as when an officer serving a warrant or conducting surveillance is confronted with a threat to his or her life. With respect to these situations and in keeping with the value of protecting all human life, the touchstone of the Department's policy regarding the use of deadly force is necessity. Use of deadly force must be objectively reasonable under all the circumstances known to the officer at the time.

The necessity to use deadly force arises when all other available means of preventing imminent and grave danger to officers or other persons have failed or would be likely to fail. Thus, employing deadly force is permissible when there is no safe alternative to using such force, and without it the officer or others would face imminent and grave danger. An officer is not required to place him or herself, another officer, a suspect, or the public in unreasonable danger of death or serious physical injury before using deadly force.

Determining whether deadly force is necessary may involve instantaneous decisions that encompass many factors, such as the likelihood that the subject will use deadly force on the officer or others if such force is not used by the officer; the officer's knowledge that the subject will likely acquiesce in arrest or recapture if the officer uses lesser force or no force at all; the capabilities of the subject; the subject's access to cover and weapons; the presence of other persons who may be at risk if force is or is not used; and the nature and the severity of the subject's criminal conduct or the danger posed.

Deadly force should never be used upon mere suspicion that a crime, no matter how serious, was committed, or simply upon the officer's determination that probable cause would support the arrest of the person being pursued or arrested for the commission of a crime. Deadly force may be used to prevent the escape of a fleeing subject if there is probable cause to believe: (1) the subject has committed a felony involving the infliction or threatened infliction of serious physical injury or death; and (2) the escape of the subject would pose an imminent danger of death or serious physical injury to the officer or to another person.



As used in this policy, "imminent" has a broader meaning than "immediate" or "instantaneous." The concept of "imminent" should be understood to be elastic, that is, involving a period of time dependent on the circumstances, rather than the fixed point of time implicit in the concept of "immediate" or "instantaneous." Thus, a subject may pose an imminent danger even if he or she is not at that very moment pointing a weapon at the officer.

IV. Lesser Means

Intermediate force. If force lesser than deadly force could reasonably be expected to accomplish the same end, such as the arrest of a dangerous fleeing subject, without unreasonably increasing the danger to the officer or to others, then it must be used. Deadly force is not permissible in such circumstances, although the reasonableness of the officer's understanding at the time deadly force was used shall be the benchmark for assessing applications of this policy.

Verbal warnings. Before using deadly force, if feasible, officers will audibly command the subject to submit to their authority. Implicit in this requirement is the concept that officers will give the subject an opportunity to submit to such command unless danger is increased thereby. However, if giving such a command would itself pose a risk of death or serious bodily harm to the officer or others, it need not be given.

Warning shots and shooting to disable. Warning shots are not authorized, except (1) in furtherance of the Secret Service's protective mission, or (2) by the Customs Service on the open waters. Other than these two exceptions, discharge of a firearm is usually considered to be permissible only under the same circumstances when deadly force may be used — that is, only when necessary to prevent loss of life or serious physical injury. Warning shots themselves may pose dangers to the officer or others.

Attempts to shoot to wound or to injure are unrealistic and, because of high miss rates and poor stopping effectiveness, can prove dangerous for the officer and others. Therefore, shooting merely to disable is strongly discouraged.

Motor vehicles and their occupants. Experience has demonstrated that the use of firearms to disable moving vehicles is either unsuccessful or results in an uncontrolled risk to the safety of officers or others. Shooting to disable a moving motor vehicle is forbidden except in furtherance of the Secret Service's protective mission.

An officer who has reason to believe that a driver or occupant poses an imminent danger of death or serious physical injury to the officer or others may fire at the driver or an occupant only when such shots are necessary to avoid death or serious physical injury to the officer or another, and only if the public safety benefits of using such force reasonably appear to outweigh any risks to the officer or the public, such as from a crash, ricocheting bullets, or return fire from the subject or another person in the vehicle.

Except in rare circumstances, the danger permitting the officer to use deadly force must be by means other than the vehicle.



TO 105-12

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Exhibit 1

V. Miscellaneous

Deadly force may be directed against dogs or other vicious animals when necessary in self-defense or defense of others.

Nothing in this policy and the attached commentary is intended to create or does create an enforceable legal right or private right of action.

Exhibit 2

FORCE CONTINUUM MODEL

LEVELS OF RESISTANCE

1. PSYCHOLOGICAL INTIMIDATION
2. VERBAL NONCOMPLIANCE
3. PASSIVE RESISTANCE
4. DEFENSIVE RESISTANCE
5. ACTIVE AGGRESSION
6. DEADLY FORCE ASSAULTS

LEVELS OF CONTROL

1. AGENT PRESENCE
2. VERBAL DIRECTION
3. SOFT EMPTY HAND
TECHNIQUES
4. HARD EMPTY HAND
TECHNIQUES
5. INTERMEDIATE WEAPONS
6. DEADLY FORCE

SUBJECT MAY ENTER THE CONTINUUM AT ANY LEVEL.

AGENT MAY ENTER THE CONTINUUM AT ANY LEVEL THAT REPRESENTS A REASONABLE RESPONSE TO THE PERCEIVED THREAT POSED BY THE SUBJECT.



NIEP
JMSL

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20535

OCT 15 1998

ATF O 3020.1
08/17/1999
Exhibit 3

CC-47,230 L:IMK

MEMORANDUM TO: Assistant Director (Field Operations)
FROM: Chief Counsel
SUBJECT: Department of Justice Representation in
Critical Incidents

As you know, we have participated in a Department of Justice Working Group on providing emergency, interim legal representation of federal employees involved in "critical incidents." "Critical incidents" are defined as the discharge of a weapon or use of force resulting in death or serious bodily injury which becomes the subject of a state or local criminal investigation.

The Attorney General has agreed in principle that emergency, interim legal representation of federal employees involved in such critical incidents should be provided by approved private counsel at government expense for a limited period until the Department of Justice has an opportunity to consider the representation issue and determine whether to provide a Department of Justice attorney. Procedures for providing such representation are still under consideration and review by the Department of Justice.

During the interim, in the event of a "critical incident," the ATF supervisor at the scene should contact the appropriate Assistant Chief Counsel or Division Counsel. If they are not available, the supervisor should contact Imelda M. Koett, Associate Chief Counsel (Litigation) at 202-927-8229 (Pager: 800-759-8888, PIN No. 283-0687). The ATF supervisor should provide facts which indicate that the incident occurred while the employee was acting within the scope of employment, general facts surrounding the critical incident, and indicate that the employee seeks representation for the state or local criminal investigation. The Associate Chief Counsel (Litigation) will then contact the employee and the Department of Justice, Civil Division, Constitutional Torts Branch, to seek emergency representation.


Stephen J. McHale

Exhibit 4

MEMORANDUM TO: Resident Agent in Charge/Group Supervisor
_____ Field Office

FROM: Division Director
_____ Field Division

SUBJECT: Delegation Order: Use of Undercover Firearms

Effective _____, you are delegated the authority and responsibility for administering the Bureau's policy on the use of undercover firearms in your field office.

Henceforth, you will be accountable for ensuring complete compliance with the applicable provisions as set forth in ATF O 3020.1, ATF Use of Force Policy.

John Doe

Exhibit 5

MEMORANDUM TO: Special Agent _____
Field Office
THRU: Firearms Instructor Coordinator
FROM: Resident Agent in Charge/Group Supervisor
Field Office
SUBJECT: Use of Undercover Firearm

During the course of criminal investigation number _____, you are authorized to use the following firearm during undercover activity:

Firearm manufacturer:

Type:

Model:

Caliber:

Serial number:

ATF F 2410.2, Special Agent's Weapons Qualification Record, indicates that, within the last 3 months (date) _____, you met minimum qualification standards with the above-described firearm.

Upon completing the undercover activity, you will return the undercover firearm and revert to the use of your primary duty firearm.

John Doe.

PHYSICIAN CERTIFICATION STATEMENT

(Sample format)

1. Name of employee:
2. Date:

(FILL IN EITHER PARTS A & B OR PART C AS APPLICABLE)

A. Based on my examination and/or ongoing care/treatment of _____, it is my professional opinion that participation in ATF's standard quarterly firearms qualification (live fire) sessions would likely have a negative or detrimental impact on his/her current medical condition.

B. Based on my examination and/or ongoing care/treatment of the aforementioned patient, it is my professional opinion that participation in ATF's computer-simulated video firearms training will NOT have a negative or detrimental impact on his/her current medical condition.

C. Based on my examination and/or ongoing care/treatment of _____, it is my professional opinion that participation in ATF's standard quarterly firearms qualification (live fire) sessions will NOT have a negative or detrimental impact on the overall health and medical condition of the aforementioned patient.

3. Name, Date, and Signature of Physician:
4. Address of Physician:

SUMMARY INFORMATION FOR PHYSICIANS REGARDING
ATF FIREARMS QUALIFICATION PROCEDURES

- ATF special agents or explosives enforcement officers (EEOs) must participate in firearms qualifications/mandatory training sessions four times a fiscal year (quarterly) during a 12-month period.
- The standard method for qualification to occur is via "live-fire" courses, which may be conducted at either an indoor or outdoor firing range.
- The venue for qualifications can vary, as can the weather conditions and temperature, range and/or ground conditions, length of the session, and number of shooters participating simultaneously in the session.
- Special agents/EEOs will fire approximately 300 rounds of live ammunition, of various calibers and impact, from a variety of five different firearms, including a tactical shotgun. It should be noted that this is the minimum number of rounds that could be fired on an average qualification day, not a maximum or absolute number.
- Shooting occurs from a variety of body positions, including standing, kneeling, prone, and barricade positions, and also involves moving quickly from various points and distances on the firing range, both toward and away from the targets and other shooters.
- In addition to participating in static firearms qualification sessions, agents/EEOs must participate twice a year in tactical training sessions, which may involve unlimited live-fire shooting from a variety of positions, scenario/reality-based training, and close-quarter countermeasures, which include hand/body strikes and expandable baton strikes and OC spray. This training occurs with other ATF personnel.

- After completing any firearms training session, agents/EEOs must assist with gathering and removing the spent ammunition cartridges from the shooting range/training area. This is done by agents/EEOs using their hands and bending/kneeling to pick up the cartridges from the ground/grass.
- In addition, all agents/EEOs must complete a thorough cleaning of all of their duty firearms and any other Bureau-issued firearms fired during the course of that day's training session. Cleaning involves using various chemicals and solvents and physically breaking down and assembling the various firearms. Other tools, such as brushes, swabs, rags, and air-compression guns, are also typically used.
- Throughout a training session, agents/EEOs are continuously exposed to the noise/sounds of live-fire ammunition, from both their own firearms and those of all other shooters occupying the range during that time period.
- Finally, throughout a training session, agents/EEOs are continuously exposed to the residual lead dust and/or particles that occur when ammunition is fired from a firearm. Lead particles will become airborne throughout the immediate range/training and cleaning areas, as well as become sedentary on agents/EEOs' skin, hair, clothing, boots, and other equipment items.

Exhibit 8

ATF RANGE SAFETY RULES

1. REMEMBER the line is always loaded during each phase of fire until the command is given to unload and holster an empty firearm. Then, the final command of "the line is safe" is given.
2. When using a pistol or revolver, the firearm is to be securely snapped in the holster before the start of each phase of fire.
3. IMMEDIATELY obey all commands of the range officer.
4. Since the line is hot during each course, do not bend over to retrieve empty magazines or move from your position until given the command to do so.
5. NO commands will be given to reload during any phase of fire. The shooter must think and react to an empty weapon or a partially empty weapon.
6. Keep muzzle pointed down range at all times, especially during reloading.
7. Keep finger off the trigger and along the side of the frame until firearm is pointed down range and on target.
8. When using a pistol, the firearm is to be decocked and kept pointed at the target when in the ready cover position.
9. At the end of each phase of fire, the line will be hot (i.e., holstered firearms will be loaded and tactical (shoulder-mounted) firearms will be loaded with the safety on). Any empty magazines or speed loaders dropped during the phase of fire will be retrieved and filled only after the command is given. The shooter will not handle the firearm or top off a magazine in the firearm when it is holstered.
10. Shooters are expected to clear jams/malfunctions on their own and then continue the phase of fire. No alibis will be permitted unless there is a failure of the firearm.
11. Eye and ear protection will be worn at all times.