

To: (b) (6)
From: (b) (6)
Sent: Tue 7/20/2021 12:42:33 AM
Subject: RE: BWC Phase I SOP
ATF - DEM - BWC - SOP - 21-07-12 - WITH COMMENTS (7-19-21).docx

Once you read over my notes, which I have no idea why it says '(b) (6)' is the one making the comments, then lets get together to discuss. You may want some things to stay the way they are. I've just noticed when I'm teaching off the PP, sometimes things don't make sense to me.....but that could just be me getting used to something new.

I'll read over things again and then we can get together on it.

From: (b) (6) >
Sent: Monday, July 12, 2021 4:56 PM
To: (b) (6) >
Subject: BWC Phase I SOP

(b) (6)
Alcohol, Tobacco, Firearms and Explosives
16009 N. 81st Street, Suite 100
Scottsdale, AZ 85260
Special Agent Project Officer-Digital Evidence Management
Technical Project Office
Special Operations Division
(b) (6)

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To: (b) (6)
Cc: (b) (6); (b) (6)
(b) (6); (b) (6)
From: Vanderplow, Paul D
Sent: Tue 9/7/2021 8:58:46 PM
Subject: FW: Body Worn Camera FY23 enhancement
Body Worn Cameras_06 16 2021 ja comment.docx

Good Evening,

Sorry for the delay on this, however with Hope on leave, this was the first chance I could address this inquiry:

From: (b) (6)
Sent: Tuesday, September 7, 2021 8:51 AM
To: (b) (6)
Cc: (b) (6); (b) (6)
Subject: TFOs and BWCs

Good morning (b) (6)

Do you have an approximate count as to how many TFOs are currently utilizing BWCs? JLEO does not track this information.

Please see question from FY 22 budget: **Body Worn Cameras (BWCs) – How many ATF TFOs use BWCs? What are we doing in Phase I and what is the total cost? Estimate for all agents in the FY23 proposal.**

Thanks,
(b) (6)

How many TFOs use BWC. We would have to poll the Divisions as (at this time) TFOs only wear them as a requirement of their specific Department. Additionally, some departments are still working through various MOUs to be in compliance to actually wear the devices. In short, we don't have an exact answer as there are a few variables that ATF does not control.

The Phase I iteration for BWC is for Agents only. TFOs were not outfitted in this effort (nor do we have any plans to).

For a final budget submission for this program in its entirety, I will direct you to a submission sent on 24-Jun-21 for the FY 23 enhancement.

The project officer in the program ((b) (6) partner) is SA (b) (6). She has been copied on this response and can address any additional items you may have.

Thank you

Paul

Paul D. Vanderplow | Division Chief
Bureau of Alcohol, Tobacco, Firearms and Explosives | Special Operations Division

O: (b) (6) | C: (b) (6) | E: (b) (6)

From: (b) (6)
Sent: Thursday, June 24, 2021 1:49 PM
To: (b) (6) >; (b) (6)
Cc: (b) (6) (b) (6) Vanderplow, Paul
D (b) (6)
Subject: RE: Body Worn Camera FY23 enhancement
Importance: High

Greetings,

We've received comments back from Joe Allen on the Body Worn Camera program initiative.

Please review and address any of his comments and concerns. If at all possible, can you return back by COB today.

Regards,
(b) (6)

(b) (6)
Chief, Budget Formulation
Financial Management Division | Office of Management
Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF)
Office: (b) (6) | (b) (6)



From: (b) (6)
Sent: Monday, June 14, 2021 2:37 PM
To: (b) (6) (b) (6)
Cc: (b) (6) (b) (6) Vanderplow, Paul
D (b) (6)
Subject: RE: Body Worn Camera FY23 enhancement

(b) (6) replies to the comments are in the attached. It may be best to contact Chief Vanderplow by phone if additional clarification is needed. Thank you.

From: (b) (6)
Sent: Monday, June 14, 2021 12:54 PM
To: (b) (6) (b) (6)
Cc: (b) (6) (b) (6) Vanderplow, Paul
D (b) (6)

Subject: RE: Body Worn Camera FY23 enhancement

Greetings,

The FY2023 Program Enhancements edits are starting to flow in from Sr Leadership. Please answer any questions w/comments feature and provide updated information as requested.

Let me know if you have any questions.

Regards,

(b) (6)

(b) (6)

Chief, Budget Formulation
Financial Management Division | Office of Management
Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF)
Office: (b) (6) | (b) (6)



From: (b) (6)

Sent: Monday, June 7, 2021 10:05 AM

To: (b) (6) >; (b) (6)

Cc: (b) (6) (b) (6) Vanderplow, Paul

D <(b) (6)>

Subject: Body Worn Camera FY23 enhancement

Good morning, FO's Body Worn Camera FY23 enhancement draft is attached for your consideration. The POC for this program is (b) (6). Please let us know what additional information may be required.

Thank you,

(b) (6)

Acting CoS/Chief EO/EMS

(b) (6)



(b) (4), (b) (5), (b) (7)(E)



(b) (5)

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(b) (4), (b) (5), (b) (7)(E)



(b) (4), (b) (5), (b) (7)(E)



(b) (4), (b) (5), (b) (7)(E)



(b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

To: (b) (6)
From: Vanderplow, Paul D
Sent: Tue 8/31/2021 8:23:14 PM
Subject: FW: Body-Worn Camera supporting documents
ATF Policy BWC 8 23 21.docx
Axon ATF BWC Training Presentation.pdf
ATF - DEM - BWC - SOP - 21-08-31.docx

Good Afternoon,

For your information regarding the BWC program

Paul D. Vanderplow | Division Chief
Bureau of Alcohol, Tobacco, Firearms and Explosives | Special Operations Division
O: (b) (6) C: (b) (6) | E: (b) (6)

From: (b) (6)
Sent: Tuesday, August 31, 2021 12:29 PM
To: (b) (6); (b) (6)
Cc: Vanderplow, Paul D (b) (6); (b) (6); (b) (6);
(b) (6); (b) (6); (b) (6);
(b) (6); (b) (6); (b) (6); (b) (6);
(b) (6)

Subject: Body-Worn Camera supporting documents

I have attached the following body-worn camera supporting documentation for dissemination to your division.

- ATF Body-Worn Camera Policy
- Axon Training PowerPoint Presentation
- ATF Digital Evidence Management Standard Operating Procedures (SOP)

Regarding the SOP's please note the first 37 pages pertain to the **TFO BWC Program**, the ATF BWC program SOP's begin on page 38.

NOTE: These documents are still provisional and may change over the course of phase I.

In addition, your division personnel should begin to see the web clip survey on their phones. Unfortunately, OST informed me yesterday, due to inaccurate/incomplete Active Directories for the divisions they were required to send the web clip division-wide, therefore please notify the non-1811's in your division this web clip is for the BWC survey only.

Topics of discussion:

During the training, several topics were introduced that required further clarification. Below are those topics and the resulting responses:

1. How do I document BWC activations when I don't have an active ATF case?

Per Field Operations, each activation of a BWC will require documentation in an "actual" case in

NForce, therefore if you are assisting a partner agency i.e. the USMS on a pre-planned arrest or search warrant, or while doing so anticipate an interaction with the public that could lead to use of force, you will be required to open a case and document those in an ROI and under the property tab for each activation.

2. Can I store other digital evidence in Evidence.com?

Yes, an agent may store other digital evidence in Evidence.com, however **no electronic surveillance** media can be stored in Evidence.com.

3. If an agent is working with the FBI JTTF in the National Security Group, BWC's will not be activated during pre-planned arrest or search warrants.

4. Agents will wear the ballistic vests while conducting enforcement operations, however in the rare circumstances that require the covert vests, BWC wing clip mounts have been provided.

Additional Mounts:

Detroit FD should be receiving the single molle mounts, web clip mounts, and Flex 2 helmet mounts today. Phoenix will be receiving their web clip mounts today, the single molle mounts will be provided at a later date.

Finally, please notify your Division Sunflower point of contact you will be receiving a request to accept the BWC equipment in Sunflower.

(b) (6)

Alcohol, Tobacco, Firearms and Explosives
16009 N. 81st Street, Suite 100
Scottsdale, AZ 85260
Special Agent Project Officer-Digital Evidence Management
Technical Project Office
Special Operations Division

(b) (6)

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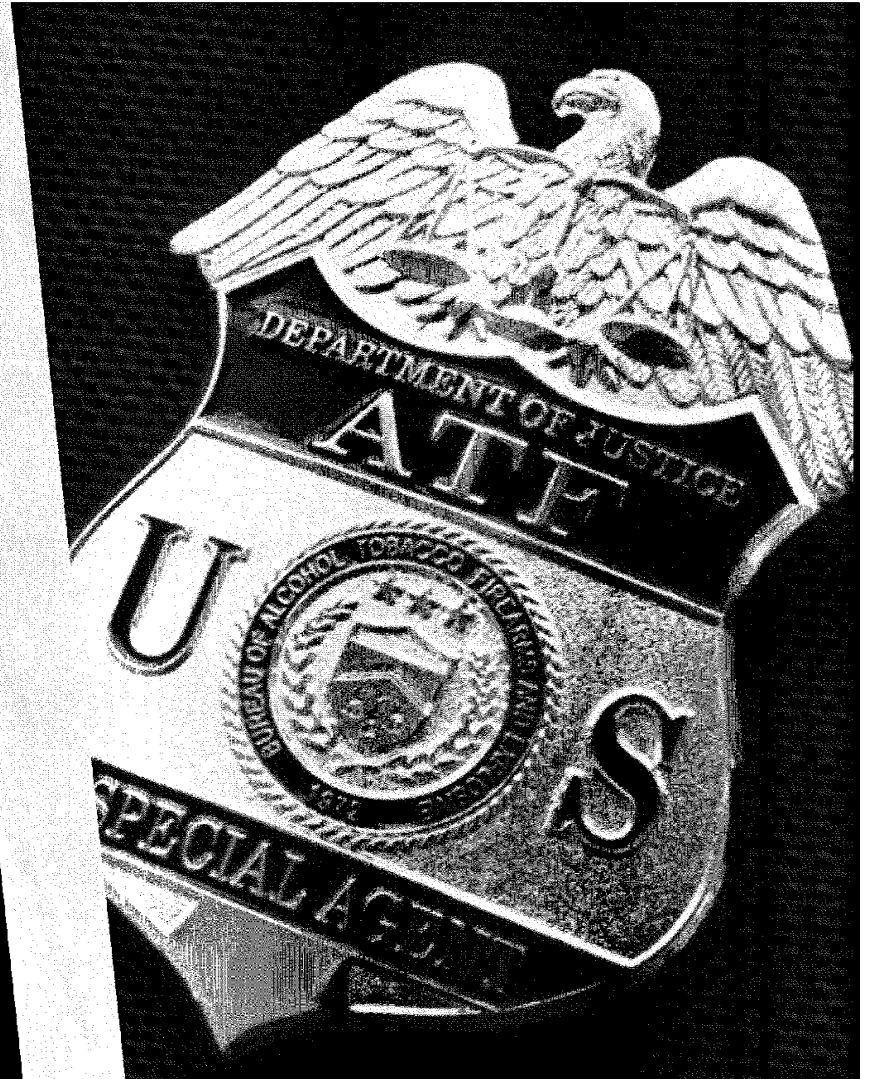
(b) (5)

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US BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Agent, Group Supervisor,
and SAC/Admin/Trainer Training



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APPENDIX

A

**Department of Justice Policy on Use of
Body-Worn Cameras by Federally
Deputized Task**



U.S. Department of Justice
Washington, D.C.

USE OF BODY-WORN CAMERAS BY FEDERALLY DEPUTIZED TASK FORCE OFFICERS

The Department of Justice (Department or DOJ) permits the use of body worn cameras (BWCs) by task force officers (TFOs) on federal task forces. This policy provides the parameters for the use of BWCs by TFOs to the extent that a state or local law enforcement agency¹ requires their use by its officers during federal task force operations. DOJ law enforcement agencies may issue internal standard operating procedures to implement TFO use of BWCs consistent with this policy.² For purposes of this policy, the term, "TFO BWC recordings," refers to audio and video recordings and associated metadata from TFO BWCs made while the TFO is working under federal authority, including state and local warrants adopted by a federal agency.

I. BACKGROUND

The Department of Justice partners with state and local law enforcement agencies throughout the nation on joint task forces. This relationship is vitally important to the Department and its mission to protect our communities. Several of these participating state and local agencies have implemented internal policies mandating the use of BWCs and have requested that their officers wear BWCs while conducting planned arrests and

¹ This policy applies equally to tribal and territorial law enforcement agencies.

² This policy provides Department components with internal direction. It is not intended to, does not, and may not be relied upon to create any substantive or procedural rights enforceable at law by any party in any civil or criminal matter.

searches during federal task force operations. Some state and local agencies, however, do not equip their officers with BWCs. To the extent state and local law enforcement agencies mandate BWCs for TFOs while engaged in federal task force operations, the Department will permit federally deputized TFOs from those agencies to use their BWCs under the following circumstances.

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

Unless subject to specific exceptions below, TFOs employed by a law enforcement agency that mandates the use of BWCs on federal task forces may wear and activate their recording equipment for the purpose of recording their actions during task operations³ only during: (1) a planned attempt to serve an arrest warrant or other planned arrest; or, (2) the execution of a search warrant.⁴ TFOs are authorized to activate their BWCs upon approaching a subject or premises, and must deactivate their BWCs when the scene is secured as determined by the federal supervisor on the scene as designated by the sponsoring federal agency. For purposes of this policy, the term “secured” means that the scene is safe and under law enforcement control. In the event circumstances arise requiring additional law enforcement assistance to secure the scene, the TFO will end BWC recording when relieved from the scene by another law enforcement officer. TFOs are prohibited from recording: (1) undercover personnel; (2) confidential informants or confidential sources; (3) on-scene witness interviews prior to or after the operation; (4)

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

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

personnel using specialized or sensitive investigative techniques or equipment; or (5) on-scene actions by any non-law enforcement persons who are assisting law enforcement personnel prior to or after the operation. TFOs are prohibited from activating their BWC if the TFO is using specialized or sensitive investigative techniques, operating in a sensitive area, or working in an undercover or covert status on behalf of the federal task force or federal agency as determined by the federal agency sponsoring the task force. Subject to the discretion of the federal agency sponsoring the task force, TFOs generally shall not use their BWCs to record any activities related to investigations involving public corruption, medical facilities, national security, or other sensitive investigations. The Department's policy of permitting the limited use of BWCs on task forces does not apply to highly specialized or sensitive operations or groups as determined by the federal agency sponsoring the task force.

III. STORAGE OF TASK FORCE OFFICER BODY WORN CAMERA RECORDINGS IN FEDERAL TASK FORCE OPERATIONS

The TFO activating a BWC during federal task force operations is responsible for downloading, or having his/her parent agency personnel download, the resulting TFO BWC recordings. Once the TFO BWC recording is downloaded, it shall be placed onto external media (e.g., DVD, hard drive, etc.), or another mutually agreeable delivery mechanism, and promptly provided to the federal task force. The TFO parent agency will provide to the sponsoring federal agency a recording that qualifies as a "duplicate" under Federal Rule of Evidence 1001(e).⁵ The federal agency sponsoring the task force shall

⁵ Under Fed. R. Evid. 1001(e), "[a] 'duplicate' means a counterpart produced by a mechanical, photographic, chemical, electronic, or other equivalent process or technique that accurately reproduces the original."

maintain the TFO BWC recording from the TFO as appropriate in the federal agency's files.

IV. FEDERAL RECORDS

All TFO BWC recordings made during federal task force operations, including such recordings retained by the TFO's parent agency and/or in the possession of any third party engaged by the parent agency to store or process BWC recordings, shall be deemed federal records of the Department and the federal agency sponsoring the task force pursuant to the Federal Records Act. In all circumstances, TFO BWC recordings shall be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings, and as potential evidence in a federal investigation subject to applicable federal laws, rules, and policy concerning any disclosure or dissemination; and therefore deemed privileged absent appropriate redaction prior to disclosure or dissemination. Nothing in this policy shall be deemed to provide a right of public access to TFO BWC recordings. TFO BWC recordings are controlled by, and the property of, the Department and will be retained and managed by the federal agency sponsoring the task force. The federal agency sponsoring the task force is responsible for considering requests to release TFO BWC recordings. These records cannot be disseminated without the written permission of the Department, subject to the following exceptions:

A. Internal Dissemination

The TFO's parent agency is authorized to use TFO BWC recordings for internal investigations of its personnel consistent with the parent agency's policies and

procedures, but may not disseminate the BWC recording outside the parent agency or for public release without the written permission of the Department. The parent agency shall provide written notification to the sponsoring federal agency prior to any internal review.

B. Expedited Public Release

If TFO BWC recording(s) depict conduct committed solely by a TFO resulting in serious bodily injury or death of another, the TFO's parent agency shall notify the sponsoring federal agency⁶ and the United States Attorney as early as possible if it desires to publicly release the TFO's BWC recording(s). The sponsoring federal agency and the United States Attorney will expeditiously review the recording(s) and provide official concurrence with public release as soon as practical, unless there are specific and compelling circumstances justifying an objection to public release that cannot be resolved by redaction or other means. Upon official concurrence, the TFO's parent agency may immediately release the recording(s) with any agreed-upon redactions, giving as much advance notice as possible to the sponsoring federal agency and United States Attorney as to the time and manner of its release.

⁶ The notification may be to the Special Agent in Charge (SAC) of the federal agency sponsoring the task force or, in the case of United States Marshals Service-led task forces, the local United States Marshal and the Assistant Director (AD) / Investigative Operations Division (IOD) of the U.S. Marshals Service, and any discussions, negotiations, and concurrence may be made by the SAC or, in the case of the US Marshals Service, the local US Marshal and AD/IOD, after appropriate consultation within their agency.

V. MEMORIALIZATION

Subject to the guidance set forth in this policy, the SAC of the sponsoring federal law enforcement agency or, in the case of United States Marshals Service-led task forces, the Assistant Director of the Investigative Operations Division, is responsible for memorializing any agreement with a state and local law enforcement agency on the use of BWCs by federally deputized TFOs during federal task force operations. Upon notification to the United States Attorney, the SAC or AD/IOD shall execute a Memorandum of Understanding (MOU), or addendum to a preexisting MOU, prior to use of BWCs by TFOs that sets forth the details for the use of BWCs by TFOs on the task force consistent with this policy. Prior to entering into any agreement, the TFO's parent agency shall provide to the federal agency sponsoring the task force the details regarding the BWC system and cameras, including the details of any system protections, to the satisfaction of the federal agency, and any state or local policies or laws applicable to the TFO's use of BWCs, including any retention policies. This MOU shall make clear that TFO BWC recordings, including such recordings residing in the state/local agency's BWC system or other copies retained by the agency and/or in the possession of any third party engaged by the agency to store or process BWC recordings, are deemed to be federal records, subject to federal retention and information access laws, regulations, policies, and procedures. The federal agency sponsoring the task force will ensure that all participating agencies are informed of which participating agencies, if any, mandate BWC use by their respective TFOs, and provide all participating agencies with this policy.

APPENDIX B
Acronyms

ASAC	Assistant Special Agent in Charge
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BWC	Body-Worn Camera
CC	Office of Chief Counsel
CS	Confidential Source
DAD	Deputy Assistant Director
DFB	Digital Forensics Branch
DOJ	Department of Justice
FMS	Field Management Staff
FO	Office of Field Operations
FRO	Force Review Office
KEP	Kinetic Energy Projectile
OPRSO	Office of Professional Responsibility and Security Operations
OSII	Office of Strategic Intelligence and Information
OST	Office of Science and Technology
SA	Special Agent
SAC	Special Agent in Charge
SES	Senior Executive Service
SOD	Special Operations Division
SOP	Standard Operating Procedure
SSA	Supervisory Special Agent
SSD	Solid State Drives
TFO	Task Force Officer
TOB	Technical Operations Branch
UC	Undercover
USAO	United States Attorney's Office

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U.S. Department of Justice
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530
June 7, 2021

MEMORANDUM FOR ACTING DIRECTOR, BUREAU OF ALCOHOL, TOBACCO,
 FIREARMS & EXPLOSIVES
 ACTING ADMINISTRATOR, DRUG ENFORCEMENT
 ADMINISTRATION
 DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
 DIRECTOR, UNITED STATES MARSHALS SERVICE
 ASSISTANT ATTORNEY GENERAL FOR
 ADMINISTRATION
 EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

FROM: THE DEPUTY ATTORNEY GENERAL *via M. M. M. M.*

SUBJECT: BODY-WORN CAMERA POLICY

The Department of Justice recognizes that transparency and accountability in law enforcement operations build trust with the communities we serve. Although the Department’s law enforcement components do not regularly conduct patrols or routinely engage with the public in response to emergency calls, there are circumstances where the Department’s agents encounter the public during pre-planned law enforcement operations. The Department is committed to the use of body-worn cameras (BWCs) by the Department’s law enforcement agents in such circumstances.

In October 2020, the Department announced a policy that permits state and local officers on Department of Justice Task Forces to wear and activate BWCs when the use of force is possible – while serving arrest warrants, executing other planned arrest operations, and during the execution of search warrants. Today, based on recommendations from the Department’s law enforcement components, I am directing the Acting Director of the Bureau of Alcohol, Tobacco, Firearms & Explosives; the Acting Administrator of the Drug Enforcement Administration; the Director of the Federal Bureau of Investigation, and the Director of the United States Marshals Service to develop and submit for review, within 30 days, component BWC policies that require agents to wear and activate BWC recording equipment for purposes of recording their actions during: (1) a pre-planned attempt to serve an arrest warrant or other pre-planned arrest, including the apprehension of fugitives sought on state and local warrants; or (2) the execution of a search or seizure warrant or order.

Memorandum from the Deputy Attorney General
Subject: Body-Worn Camera Policy

Page 2

Each law enforcement component shall develop its policy and a phased implementation plan for compliance with the above directive no later than 30 days from the date of this memorandum, and shall designate a senior official with responsibility for implementation and oversight of its BWC policy. Each component also shall ensure immediately that partners serving on DOJ-sponsored task forces are aware of the current Department policy that permits state and local officers on DOJ task forces to wear and activate BWCs.

Each component's BWC policy shall include:

- the responsibilities for Department agents to carry, operate, maintain, and secure the equipment, including when to activate and deactivate BWCs;
- the type(s) of BWC equipment authorized for use;
- the duration of time and scope of the BWC footage preserved prior to its activation (i.e., buffering period);
- specialized or sensitive investigative techniques or equipment that may require different treatment under the BWC policy;
- procedures governing the collection, storage, access, retention, use, and dissemination of BWC recordings, consistent with applicable federal laws;
- procedures governing the use of BWCs by all members of Department-sponsored task forces; and
- procedures for the expedited public release of recordings in cases involving serious bodily injury or death.

In addition, as soon as practicable, each component shall:

- submit for the approval of the Department's Chief Privacy and Civil Liberties Officer a Privacy Impact Assessment of the component's planned use of BWCs and associated equipment prior to implementation of its BWC policy, and a plan for annual privacy reviews;
- consult with the Office of Records Management to ensure the component's BWC policy is fully compliant with all records-related laws, regulations, rules, policies, and guidance;
- work with the Justice Management Division to assess resource requirements to fully implement its BWC policy and build upon the resources allocated to the Department to support BWC usage in FY22; and
- design evaluation metrics that can be used to measure the impact of its BWC policy.

Memorandum from the Deputy Attorney General
Subject: Body-Worn Camera Policy

Page 3

Finally, within 90 days, the Executive Office for U.S. Attorneys should develop training for prosecutors regarding the use of BWC recordings as evidence, building on existing trainings related to the discovery implications of these recordings.

I am proud of the job performed by the Department's law enforcement agents, and I am confident that these policies will continue to engender the trust and confidence of the American people in the work of the Department of Justice.

APPENDIX F

Category	Description
ATF Special Agent BWC	Default category that should be selected for every SA BWC recording
ATF Task Force Officer (TFO) BWC	Default category that should be selected for every ATF TFO BWC recording
Use of Force – Shooting (ATF)	Selection for video that includes firearm discharge by a ATF employee
Use of Force – Shooting (TFO)	Selection for video that includes firearm discharge by a Task Force Officer
Use of Force – Other (ATF)	Selection for video that includes non-firearm use by an ATF employee (CEW, etc)
Use of Force – Other (TFO)	Selection for video that includes non-firearm use by a Task Force Officer (CEW, etc)
Use of Force – K9 Bite	Selection for video that includes a K9 bite
Serious Injury/Death to Personnel (ATF/TFO)	Selection for video that includes injury or death of either ATF employees or Task Force Officers
Serious Injury/Death to Subject	Selection for video that includes injury or death of the subject of pre-planned arrest warrant or pre-planned search warrant
Serious Injury/Death to Other	Selection for video that includes injury or death of another individual
Damage to Property (By ATF/TFO)	Selection for video that includes damage to non-ATF property caused by either ATF SA's or TFO's
Damage to ATF Property/Vehicle (by other)	Selection for video that includes damage to ATF property or vehicles by non-ATF employees or TFO's
Litigation	Selection for video that includes FOIA, Bivens, Touhy, torts, media releases

Category	Description
3 rd Party Individual	3 rd party individual or individuals not associated with the warrant
3 rd Party Vehicle/Tag	3 rd party vehicle or tag not associated with the warrant
Arrest Warrant	Contains execution of a pre-planned arrest warrant
Complaint (IAD, OPRSO)	Video that has been identified as relevant in a complaint against the ATF or an ATF employee
Evidence Seized (By ATF/TFO)	Includes evidence seized by ATF employees or TFO's
Exigent Review Request	DOJ policy exigent review applies
Investigation (IAD)	Identified as relevant in an internal investigation
Litigation-ATF Legal Counsel	Identified as relevant in litigation
Minor Individual	Includes a minor individual
OPRSO	Relevant to OPRSO
Search Warrant	Contains the execution of a pre-planned search warrant
Sensitive Investigative Techniques	Includes sensitive investigative techniques (TOB, EUP,SRT)
Source of Information, CS or UC	Includes a source of information, confidential source or under cover individual
Training (SOD)	Training exercise
ATF Vehicle/Tag	Includes an ATF vehicle or tag
Vehicle Involved Arrest	Includes a vehicle involved arrest
FFL Investigation	Includes evidence involving investigation of a Federal Firearms Licensee
Arson Investigation	Investigation of a suspected Arson
Category	Description
Explosives Investigation	Evidence involved in an explosive's investigation
TBD	
TBD	
TBD	
TBD	
TBD	

(b) (5)

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(b) (5)

(b) (5)

(b) (5)

To: Henning, Patrick J. (b) (6)
From: (b) (6)
Sent: Wed 7/28/2021 4:04:40 AM
Subject: FW: New Mexico TFO MOU
DOC012.pdf
ATF BWC-TFO Checklist 12_04_2020.pdf

Pat,

I am the TFO BWC Training Coordinator for ATF. I see that Valencia County SO is now on board and it looks like the TFO's are assigned to your group. Is this correct? I am in the process of coordinating a training date for the Evidence.com (where ATF will store all BWC footage). How many TFO's do you have from Valencia County SO? Could you provide me with the following TFO info please:

Name
Email Address
ATF Credential Badge Number
Assigned Group –
RAC – You (unless under a different group)

Don't hesitate to reach out to me or to SSA (b) (6) with any questions. She will be coming to Albuquerque to train all the agents on the new BWC and provide training for Evidence.com at that time, but I'll be at NRT recert training that week. How far is VCSO from Albuquerque? I think Albuquerque is Bernalillo County isn't it.

Thanks,
(b) (6)
ATF
Special Agent
Special Operations Division
(b) (6)

From: Henning, Patrick J. (b) (6)
Sent: Tuesday, June 29, 2021 12:30 PM
To: (b) (6)
Subject: New Mexico TFO MOU

Hello (b) (6) the one sheriff's office that you were on standby for a few weeks ago has returned the BWC docs. Could you take a look at them please? A couple things I noticed on the Addendum:

- 1.
- 2.

(b) (5)

Thank you,
Pat

(b) (5)

(b) (5)

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(b) (5)

(b) (5)

(b) (5), (b) (6)

ATTACHMENT 1

Standard Operating Procedures for Task Force Officer Body-Worn Camera Program

BODY-WORN CAMERA TASK FORCE OFFICER AGENCY CHECKLIST

Complete separate checklist for each agency employing task force officers that will use body-worn cameras (BWC). Attach additional sheets if necessary.

Date: June 22, 2021

ATF Division	Task Force	State/Local Agency
	Albuquerque Group I	Valencia County Sheriff's Office
Person Completing Checklist		
Name	Phone Number	Email Address
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)@co.valencia.nm.us

A. State & Local Legal Authority		
List and attach any state or local laws applicable to BWCs or impacting BWCs (e.g., open records laws, legal retention requirements, etc.); and other pertinent legal guidance (e.g., significant case law, State AG Opinions, etc.). If none, enter "N/A." Add additional rows as necessary.		
Title	Cite	Comments
THE INSPECTION OF PUBLIC RECORDS ACT	NMSA 1978, Chapter 14, Article 2	https://law.justia.com/codes/new-mexico/2011/chapter14/article2/section14-2-1/
Body Cameras while on duty	NMSA 1978, 29-1-18	https://codes.findlaw.com/nm/chapter-29-law-enforcement/nm-st-sect-29-1-18.html
B. TFO Parent Agency Policies		
List and attach any policy, procedure, or other written directive from the TFO's parent agency applicable to TFOs' use of BWCs. Include any union or other labor agreement requirements regarding BWCs applicable to TFOs. If none, enter "N/A." Add additional rows as necessary.		
Title	Cite	Comments
VCSO SOP	VCSO 2-36.01	https://public.powerdms.com/ValenciaCSO/tree

Answer the following questions, including any applicable citation (e.g., state or local law, agency policy, vendor contract, etc.).

C. BWC System

1	Name/model of BWC used by agency? Attach technical specifications.	Visual Labs application used on an android smart phone
2	Internal storage of recordings or external with a 3 rd party vendor? If a 3 rd party, identify the vendor, attach contract.	external storage by Visual Labs
3	Does the BWC system include a “buffer” or “pre-record” function, or a “post-record” function? If so, state the length of the buffer/pre-record and/or post-record, and whether it is audio only or both audio and video.	Its does include but it is not active with any of our cameras.
4	Can the system be configured to give designated ATF personnel direct access to view and copy TFO recordings at the ATF office?	Yes a log in can be created for someone at ATF.
5	Will ATF need specialized software or equipment to view recordings? If so, specify.	Internet access or windows media player for downloads
6	Will ATF need specialized software or equipment to copy recordings? If so, specify.	No
7	Does the system have an audit function that will identify persons who accessed, downloaded, or copied recordings?	Yes
8	How will ATF cases be identified in the agency’s system?	The person making the recording can mark it any way they choice
9	What metadata can be obtained from BWC recordings?	Deputy who took the recording, date & time, GPS, speed, tags, bookmarks, and captions
10	How long will recordings be preserved in the agency’s system? Attach any agency retention schedule, and note whether it is mandated by state /local law or agency policy only.	It is decided by the operator making the recording. 6 months minimum to indefinitely.
11	Does the BWC system allow restriction of BWC recording access to specific persons within the agency?	Three levels, Admin, supervisor, and user
12	How does agency handle inadvertent/accidental recordings?	no different than any other recording
13	How does agency handle requests to delete BWC recordings?	we can not delete. recordings are deleted automatically based on retention set by user
14	Will the TFO be able to charge the BWC and/or download/upload the recordings into the agency’s BWC system at the ATF task force office?	recordings are done on a cell phone and are automatically uploaded as long as there is cell service.
15	Does the BWC have a GPS function? If so, is the function available to the TFO, and what is the agency’s policy regarding use of GPS? Can it be deactivated on TFO BWCs?	yes it has GPS and it can not be deactivated.

16	Does the BWC have a “live stream” capability? If so, is the function available to the TFO, and what is the agency’s policy regarding use of “live streaming” with BWCs? Can it deactivated on TFO BWCs?	It does have the capability and cannot be deactivated. can only by done by Lt or above.
17	Does the agency utilize facial recognition technology with BWC recordings?	No.
18	Provide an agency point-of-contact who can provide information regarding system security and protections, and location and security precautions of data storage facilities. <i>*Do not attach this information.*</i>	(b) (6), (b) (7)(C)

D. BWC Use

1	Are there any exceptions under agency policy to the requirement to record search warrant executions or arrests?	No.
2	What is the agency's policy regarding BWC recording of CSs?	to not record
3	Does agency prohibit BWC recording in any specific situations? If so, list.	undercover operations
4	Under agency policy, are there circumstances when a supervisor may direct the officer to record or not record?	no only to stop recording depending on situation.
5	What is the agency's policy regarding citizen notification of BWC recording?	no requirement to notify citizens
6	If the TFO's BWC is inoperable does the agency's policy permit the TFO to participate in enforcement activities if a replacement is not readily available?	yes but the incident must be documented.

E. Law Enforcement Access to BWC Recordings

1	Are officers allowed to review BWC recordings before writing reports? Giving statements? <ul style="list-style-type: none"> If so, are they allowed to view only recordings from their own BWC, or are they allowed view BWC recordings from other officers? 	Yes they can review their recordings. Only supervisors can review others recordings. they can review but someone else must show them the recording.
2	If officers are allowed to review recordings are there any exceptions? If so list the exceptions, e.g., internal investigations, critical incidents (e.g., officer-involved shooting (OIS), use of deadly force, etc.)?	With an OIS they don't review until they have meet with their attorney.
3	Who in the parent agency will have access to TFOs' BWC recordings involving ATF/federal cases?	Admins, supervisors and evidence custodian.
4	Does agency restrict access to BWC recordings involving a critical incident (e.g., OIS)? If so, who has access in those situations?	no we do not restrict access unless there is a specific need.
5	Will members of the parent agency be able to identify ATF cases in the BWC system? How?	The TFO can "tag" the recording with relevant info
6	Does the agency require random or directed supervisory review/audit of officer videos for policy compliance or other issues? If so, will this include TFO recordings of ATF cases?	no requirement to audit recordings.
7	Will non-law enforcement employees of the parent agency or municipality have access to ATF BWC recordings, e.g., IT? If so, are they CJIS-compliant (e.g., CJIS background checks)?	The only no LE person with access are the two evidence custodians and IT person all have had a CJIS background checks.
8	Are officers allowed to make copies of BWC recordings, or must they obtain recordings from someone else within the agency?	They can download recordings.
9	Are officers allowed to possess copies of recordings outside the police facility, or retain possession of copies for personal use?	Not unless they submit a request just as any other citizen could.
10	Does the agency have a policy prohibiting sharing of recordings outside of law enforcement for non-official reasons?	Yes we do.
11	Does the agency have a policy prohibiting the posting of BWC recordings to the Internet, social media sites, or the media for non-official purposes?	yes we do.
12	Does the agency have a policy prohibiting officers from wearing or using privately owned BWCs or any other non-issued BWC?	yes we do.
13	Do any other law enforcement entities or personnel have direct access to recordings, e.g., prosecutor's office?	not at this time.

14	Does the parent agency investigate TFO-involved shootings (or other TFO-involved events involving death or serious injury), or is this done by another agency? If another agency: <ul style="list-style-type: none">• Identify the agency.• Is there an agreement, policy, or protocol in place with the agency for handling these situations? If so, attach.	No we do not, NM State Police has done all of our OIS events. There is no written agreement for this.
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F. External Access to BWC Recordings

<p>1</p>	<p>How does the agency handle external requests for BWC recordings?</p> <ul style="list-style-type: none"> • Criminal discovery, subpoenas? • Civil/administrative discovery, subpoenas? • Open record/freedom of information requests? • Media requests? • Union requests? Is there an agreement with the union regarding union disclosure of BWC recordings? If so, attach copy. 	<p>locate recording, asses if they have to pay, redact if required, and then sent recording.</p> <p>There is no union agreement for the recordings.</p>
<p>2</p>	<p>If the agency uses a 3rd party vendor to store recordings:</p> <ul style="list-style-type: none"> • is security of or access to recordings addressed in the contract? • are background checks of vendor employees addressed in the contract? <p>If so, attach copy.</p>	<p>Yes data stored on Microsoft Azure Government Cloud</p>
<p>3</p>	<p>How does the agency handle redaction of BWC recordings prior to public release?</p>	<p>yes we do.</p>

To: (b) (6)
From: (b) (6)
Sent: Wed 7/28/2021 4:23:41 AM
Subject: RE: New Mexico TFO MOU

Hey what do you think about any Albuquerque TFO's (Valencia County SO) attending the portion of training for E.com when you are in Albuquerque training SA's on the BWC pilot program? I could provide them with the TFO Policy right now for them to read and sign off on. The E.com training should be consistent between TFO's and SA's shouldn't it? I could initially provide them with the recorded version and if they felt they needed more, let the also attend (b) (6) live-in person training of just the E.com portion (obviously the TFO wouldn't need to be there for the camera training). Just a thought since it's in the Phoenix FD.....

(b) (6)

From: (b) (6)
Sent: Wednesday, June 30, 2021 11:23 AM
To: (b) (6)
Subject: FW: New Mexico TFO MOU

Visual Labs is the name of the BWC vendor...

(b) (6)
Alcohol, Tobacco, Firearms and Explosives
16009 N. 81st Street, Suite 100
Scottsdale, AZ 85260
Special Agent Project Officer-Digital Evidence Management
Technical Project Office
Special Operations Division
(b) (6)

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From: Henning, Patrick J. (b) (6)
Sent: Tuesday, June 29, 2021 12:30 PM
To: (b) (6)
Subject: New Mexico TFO MOU

Hello (b) (6) the one sheriff's office that you were on standby for a few weeks ago has returned the BWC docs. Could you take a look at them please? A couple things I noticed on the Addendum:

1.

(b) (5)

2.

(b) (5)

Thank you,
Pat

To: (b) (6)
From: (b) (6)
Sent: Wed 7/28/2021 12:24:45 PM
Subject: RE: New Mexico TFO MOU

Ok sounds good!

From: (b) (6)
Sent: Wednesday, July 28, 2021 7:19 AM
To: (b) (6)
Subject: Re: New Mexico TFO MOU

I do t think that works, the two are actually pretty different. I will talk to (b) (6) today about setting up another virtual training for the TFO BWC program.

ATF Senior Special Agent/Digital Evidence Management Systems Project Officer (b) (6)

On Jul 27, 2021, at 9:23 PM, (b) (6) wrote:

Hey what do you think about any Albuquerque TFO's (Valencia County SO) attending the portion of training for E.com when you are in Albuquerque training SA's on the BWC pilot program? I could provide them with the TFO Policy right now for them to read and sign off on. The E.com training should be consistent between TFO's and SA's shouldn't it? I could initially provide them with the recorded version and if they felt they needed more, let the also attend (b) (6) live-in person training of just the E.com portion (obviously the TFO wouldn't need to be there for the camera training). Just a thought since it's in the Phoenix FD.....

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Sent: Tuesday, June 29, 2021 12:30 PM

To: (b) (6)

Subject: New Mexico TFO MOU

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1.

A large black rectangular redaction box covers the content of the list item. Inside the box, the text "(b) (5)" is written in large white font. The "(b)" is on the left and the "(5)" is on the right, separated by a space.

2.

Thank you,
Pat