



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Public and Governmental Affairs

Washington, DC 20226

www.atf.gov

May 21, 2024

The Honorable Jim Jordan
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Jordan:

This responds to your letter to Director Steven Dettelbach, dated April 22, 2024, regarding the execution of a search warrant by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) at the residence of Bryan Malinowski and ATF's compliance with the Department of Justice's (Department) body-worn camera policy.

ATF is dedicated to protecting our communities from violent criminals, the illegal use and trafficking of firearms and explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products. To accomplish that mission, ATF agents and task force officers from state and local law enforcement in the field follow investigations where the evidence leads them, including, when required, by applying for search warrants from judges and executing them as authorized. In this work to uphold the law and protect the American public, ATF agents and task force officers put their lives and safety on the line every single day across the nation.

On March 19, 2024, ATF agents and task force officers, with the assistance of the Little Rock Police Department, executed a court-authorized search warrant after a federal magistrate judge found probable cause to believe that Mr. Malinowski had engaged in the illegal sale of firearms in violation of 18 U.S.C. § 922(a)(1)(A) (dealing in firearms without a license) and 18 U.S.C. § 922(a)(6) (unlawful acquisition of a firearm). As set forth in the search warrant affidavit, the evidence showed that Mr. Malinowski had purchased at least 150 firearms, and resold many of these firearms. In fact, as the affidavit states, six of the firearms purchased by Mr. Malinowski were subsequently recovered in criminal investigations, including a recovery in California involving a Norteno gang member. The affidavit also contains evidence that Mr. Malinowski more than once sold firearms to a felon, who had been convicted of robbery, including at a parking lot in Little Rock. A copy of the unsealed search warrant materials in this matter (bearing Bates production numbers HJC-2024-00001 to HJC-2024-00050) are enclosed for your reference.

During execution of the court-authorized search warrant, Mr. Malinowski opened fire on law enforcement. An ATF agent was shot and wounded. Mr. Malinowski was also shot in the exchange of fire and later died from his injuries.

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It is standard practice for there to be a review following an officer-involved shooting. Here, as has been publicly reported, both ATF and the Little Rock Police Department affirmatively requested an after-action investigation of the incident by the Arkansas State Police (ASP) Criminal Investigation Division.¹ Following typical procedure, the ASP investigation file was turned over to the district prosecutor for review.² The Department and ATF have fully cooperated with ASP and prosecutors regarding this incident and will continue to do so. Consistent with longstanding Department policy and to protect the integrity of the ongoing investigation, we are unable to comment further on this matter at this time.³ Because neither the Department nor ATF are the investigating entity in this matter, we also are not—and would not properly be—in possession of that investigative file.

In 2021, the Department directed its law enforcement components, including ATF, to develop plans for phased implementation of body-worn cameras, including identifying the resource requirements necessary for full nationwide implementation, in order to continue building the trust and confidence of the American people in the work of the Department. In announcing that policy, the Department indicated that nationwide implementation of the body-worn camera policy was reliant on securing necessary funding from Congress.⁴ In conformity with the Department's approach, ATF is executing phased implementation of body-worn cameras. As you may be aware, in our FY 2025 budget, the Department has again requested funding to complete deployment of body-worn cameras throughout ATF, consistent with requests for such funding in prior years. To date, however, Congress has not included sufficient programmatic enhancements in ATF appropriations to enable nationwide body-worn camera deployment. Nevertheless, ATF continues its phased implementation, per the Department's policy, and has completed deployment in about a third of its field divisions—but not yet in the field division covering Arkansas. Accordingly, the ATF agents at the scene where the court-authorized search warrant was executed were not equipped with body-worn cameras.⁵

We hope that this information is helpful, and we anticipate responding to your inquiry further after conclusion of the pending review of this incident by state authorities in Arkansas. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

¹ See ASP, *ASP CID Investigating Officer-Involved Shooting in West Little Rock* (Mar. 19, 2024), available at www.dps.arkansas.gov/news/asp-cid-investigating-officer-involved-shooting-in-west-little-rock/.

² See ASP, *Case File in March Officer-Involved Shooting to be Turned Over to Prosecutor* (Apr. 22, 2024), available at www.dps.arkansas.gov/news/case-file-in-march-officer-involved-shooting-to-be-turned-over-to-prosecutor/.

³ Moreover, consistent with standard protocol, neither ATF nor the Department have received a copy of the investigation file related to ASP's review.

⁴ See Department, *Justice Department Announces First Federal Agents to Use Body-Worn Cameras* (Sept. 1, 2021) (“The department's plans include a phased implementation of BWCs, and rely upon Congress to secure the necessary funding to equip agents nationwide with BWCs.”), available at <https://www.justice.gov/opa/pr/justice-department-announces-first-federal-agents-use-body-worn-cameras>.

The Honorable Jim Jordan

Sincerely,

Brian D. Nickey
Acting Deputy Assistant Director
Public and Governmental Affairs

cc: The Honorable Jerrold L. Nadler, Ranking Member

(Enclosures)