



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Office of Law Enforcement



CD- B78

CHIEF'S DIRECTIVE

SUBJECT: Body Worn Camera Systems

PURPOSE: This Chief's Directive establishes body worn camera (BWC) policy for Office of Law Enforcement (OLE) special agents (SAs). This directive does not apply to digital or electronic media recordings from other recording sources, such as: dash cameras, digital cameras, phones, or closed-circuit television.

SCOPE: This directive applies to all OLE SAs engaged in activities where the use of force is possible – including while serving arrest warrants, executing planned arrest operations, and during the execution of search warrants.

AUTHORITY:

446 DM 41 Use of Body Worn Cameras

DEFINITIONS:

Activation: Manual or triggered recording to permanent memory.

Body-Worn Camera (BWC): A recording device capable of recording video and audio signals and worn on the person by means of attachment to any article of clothing. A BWC is not a covert camera used for recording evidence and otherwise covered with a consensual monitoring policy.

Body-Worn Camera Footage (BWC Footage): All digital footage captured by a BWC including audio, video, still photographs and associated metadata.

Deactivation: Physically pressing the appropriate button on the camera that will end the recording. Deactivation returns the device to stand-by mode.

Media File: Digital file made by a recording device that provides a visual and/or audio record of the event it recorded.

Metadata: Data that provides context or additional information about other data.

Stand-by Mode: The BWC is powered on and the option to let the camera pre-record is selected before the activation of the BWC. Also referred to as "ready mode."

Storage System: A digital device, such as a hard drive, or a cloud-based platform on or in which BWC footage can be captured, stored, accessed, and managed.

POLICY:

I. Requirements for BWC Availability and Use

A. Operational Requirements

- i. Procurement and issuance of all BWCs will be handled by the BWC Program Manager in coordination with OLE Headquarters (HQ). OLE employees will follow all applicable requirements and policies for management of personal property in accordance with 310 FW 3.
- ii. The BWC Program Manager is responsible for managing all aspects of BWCs; associated hardware and maintenance needs; approving all storage solutions; and implementing procedures requiring the downloading of all camera footage.
- iii. The Training and Development Unit (TDU), in coordination with the BWC Program Manager and HQ Investigations Unit (INV), will ensure that all SAs are trained in the latest techniques and requirements for the use of BWCs.

B. Hardware Requirements

OLE SAs must only use BWCs issued by OLE. At minimum, BWCs must be capable of manual activation and deactivation, allow for a minimum of a 30-second pre-event recording mode, and the storage of data associated with BWCs must comply with DOI Records Management Systems. BWC settings and configurations must be able to be administratively set by the BWC Program Manager. The tampering with, modifying, or dismantling of any hardware or software components associated with BWC devices is strictly prohibited.

C. Training Requirements

OLE supervisors and SAs will receive an initial and annual follow-up training that consists of the following:

- i. The operation of BWCs;
- ii. Procedures for managing and preserving BWC footage; and,
- iii. Legal requirements and prohibitions pertaining to BWC use.

OLE supervisors will receive annual and follow-up training that consists of the following:

- i. Procedures for processing BWC footage for use as evidence,
- ii. Required retention times for BWCs
- iii. How to safeguard BWC footage; and,
- iv. Other relevant procedures and policies regarding BWC use.

D. Data Management and Data Storage Requirements

All BWC footage will initially be uploaded to OLE's approved Storage System. The Storage System must meet the following minimum criteria:

- i. Be approved by the Department of Interior Office of the Chief Information Officer (OCIO);
- ii. Comply with the requirements of the Privacy Act of 1974 and all applicable Departmental regulations;
- iii. Be capable of integrating with and sharing with the Department's Records Management System through an industry standard Application Programming Interface (API) or similar integration method.
- iv. Allow for the retention of BWC footage and metadata for a time sufficient to comply with the applicable records retention schedule;
- v. Allow for the retention of BWC footage and metadata for a time sufficient cover the two-year statute of limitations under the Federal Tort Claims Act.
- vi. Allow the BWC Program Manager, OLE supervisors, and OLE SAs to review, prepare, and download BWC footage for use as evidence without the assistance of an outside contractor.

Storage systems must also properly document all actions taken with BWC footage stored within the system to preserve the chain of custody of the footage and establish an audit trail of all user activity for those with access to BWC footage.

All BWC footage associated with an investigation must be downloaded from the approved Storage System by the case agent, maintained in the investigative case file, and retained in accordance with the associated records retention schedule.

II. Standards

A. Positioning of BWCs

OLE SAs shall place BWCs in a position to capture footage representing the first-person point of view of the OLE SA. OLE SAs shall not intentionally obscure the view of their BWC. It is expected that OLE SAs will attach their BWCs to their outermost garment and position it above the midline of their torso. BWCs should not be worn on shoulders. OLE SAs shall ensure the BWC is properly attached to their body and shall not use the BWC as an "off the body" surveillance tool.

B. Activation and Deactivation of BWCs During Planned Search Warrant and Arrest Operations

- i. Unless subject to a specific exception below, OLE SAs will 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; or (2) the pre-planned execution of a search or seizure warrant or order. OLE SAs will activate their BWC's upon approaching a subject or premises and will deactivate their BWCs when:
 1. The arrest has concluded;
 2. or the search warrant scene is secured.

- ii. When a supervisor is available on scene, they can make the determination when to end a BWC recording.
- iii. If there are unanticipated interactions with the public or other exigent circumstances, such as contentious or violent interactions that could lead to the use of force, special agents will, if it is safe to do so, reactivate their BWC either before, during, or after a planned arrest or execution of a search or seizure warrant or order.
- iv. OLE SAs will end the BWC recording when relieved by another law enforcement officer AND leaving the scene.

C. Activation, Deactivation, and Discretionary Use of BWCs During Patrol Activities, Enforcement Details, and other Activities Where the Potential for Use of Force Exists

OLE SAs occasionally perform uniformed law enforcement details, deterrent patrols, protection projects for federal trust species, emergency support function (ESF) deployments where the mission is pre-defined to include routine law enforcement functions, and other planned operations in support of federal, state, and local law enforcement partners. When engaged in these types of overt law enforcement operations, and absent an exception or justification for not recording outlined in this policy, OLE SAs must deploy their BWCs for the purpose of recording as outlined in this section.

- i. Activation.
 - 1. Interactions that are reasonably anticipated to result in law enforcement activity, including frisks, arrests, and field interviews;
 - 2. Investigative contact with suspects, victims, and witnesses
 - 3. Crime interdiction stops;
 - 4. Confiscation of evidence or contraband;
 - 5. Calls for services involving crimes against persons;
 - 6. Traffic stops;
 - 7. Vehicle pursuits;
 - 8. Upon activation of emergency equipment;
 - 9. Arrest and/or transport of prisoners;
 - 10. Any interaction with the public where OLE SAs believes an individual may become argumentative or combative;
 - 11. Contact with persons OLE SAs reasonably suspect have committed a violation of law.

Activation of the BWC is to occur at the earliest possible opportunity of the interaction and should capture as much of the event as possible, starting with the decision to engage an individual or vehicle. BWCs should remain activated until the event is completed to ensure the integrity of the recording.

The safety of OLE SAs and of the public take precedence over recording incidents, and officers shall not allow the operation of BWCs to interfere with their own personal safety, the safety of others, or the safe operation of patrol vehicles. Such rationale for not activating a BWC shall be documented.

OLE SAs may exercise discretion regarding advising individuals with whom they are interacting with about the activation of a BWC or that the individual is being recorded.

- ii. Deactivation and Discretionary Use of BWC Recordings. The following guidelines outline instances when the OLE SA may use discretion when using a BWC or otherwise deactivate a BWC recording.
 1. OLE SAs should deactivate their BWCs when interacting with victims of crimes, post-incident, upon their request. In such circumstances, the OLE SA must document the decision to deactivate the BWC. Additionally, OLE SAs shall be aware that crime victims generally have a right of confidentiality when interacting with community-based victim assistance providers and should make every effort to ensure that these interactions or communications are not recorded.
 2. OLE SAs should be aware of additional restrictions, requirements, and policies for interviewing minors without parental consent and while on school premises.
 3. When a potential victim signals his or her reluctance to make a statement on camera, OLE SAs have the discretion to decide whether to deactivate their BWC. This discretion extends to witnesses wanting to provide an anonymous tip.

D. Documentation of Discontinuation of Recording

BWC should remain activated as required by this policy to strengthen the integrity of the recording.

- i. If a BWC was not activated, was interrupted, or was terminated due to equipment failure, officer safety, privacy, or investigative purposes during activities associated with an ongoing investigation, SAs must provide a detailed documentation of these circumstances in a Report of Information (ROI).FWS Form 3-332 (Record of Information that May Become Testimony) within the Law Enforcement Management Information System (LEMIS), or in a memorandum to their supervisor, whichever is appropriate.
- ii. If a BWC was not activated, was interrupted, or was terminated for any other reason not specified within this policy, supervisors will report the incident, as necessary, in accordance with 441 FW 5.

E. Prohibition of use:

OLE SAs are prohibited from intentionally recording: (1) undercover (UC) or covert personnel when working in an UC or cover status on behalf of OLE; (2) cooperating private individuals (CPIs) or sources of information (SOIs); (3) events that may reveal sensitive law enforcement matters (e.g., operational briefings, dignitary/protection details, etc.); (4) on-scene actions by any non-law enforcement persons who are assisting law enforcement personnel prior to or after the operation; (5) First Amendment activities or demonstrations without a nexus to an investigation or law enforcement activity; (6) legally recognized privileged or confidential communications; (7) while the BWC is not worn by an SA; and (8) for personal use or non-official activities.

F. Downloading and documenting footage:

Special agents are prohibited from manipulating or deleting BWC footage. All BWC footage must be downloaded to the designated storage system in its entirety as soon as practical and possible. If BWC footage is associated with an investigation, it will be labeled and categorized as such within the storage system. Case agents or reporting agents must note in an ROI that footage exists for the associated search and/or arrest warrants in accordance with 449 FW 2.6(F)(2).

BWC footage that may become evidence in a criminal, civil, or administrative case, or may result in a complaint by an individual must be retained and preserved consistent with existing policy on evidence collection and retention.

G. Review of footage:

Special agents may review their own camera footage to aid them in preparing accurate reports or to refresh their memories before making a statement about a recorded incident. Supervisors may view camera footage during the investigation of complaints and to identify camera footage appropriate for training and instructional use. The Professional Responsibility Unit (PRU) or the Department of Interior Office of the Inspector General (DOI-OIG) may review camera footage as part of an internal investigation of complaints. Non-supervisory agents should not have access to video footage absent a legitimate law enforcement or other agency reason for reviewing the footage. Videos should not be viewed or shared by anyone without a legitimate law enforcement purpose. Civilians are not allowed to review the camera footage at the scene of an incident.

H. Release of footage:

OLE SAs may share BWC footage with Assistant United States Attorneys (AUSAs), attorneys from the Department of Interior (DOI) Office of the Solicitor, state and local prosecutors, and outside law enforcement agencies on a case-by-case basis, as necessary upon obtaining first-line supervisory approval.

In incidents resulting in fatality or serious bodily injury, the Assistant Director, OLE (AD-OLE), in coordination with the local AUSA's office, must determine when to release the camera footage to the public; in these circumstances, the AD-OLE has final authority to release the footage to the public.

All public release of camera footage must adhere to the provision of the Freedom of Information Act (FOIA). The public and media may only request video or audio recordings from BWCs under FOIA (see 203 FW 1).

OLE will not release BWC footage associated with a criminal or administrative investigation to the public because of a FOIA request, including requests associated with allegations of misconduct or equal employment opportunity complaints, until the investigation is adjudicated and no other actions are outstanding.

I. Redaction of Footage:

Prior to releasing BWC footage to the public, BWC may be redacted for the following reasons:


- i. To prevent the release of sensitive investigative or operational law enforcement tactics, techniques, and procedures.
- ii. To prevent the release of the identities of covert personnel, including undercover agents/employees, SOIs, and CPIs.
- iii. To protect legitimate privacy concerns of private citizens and law enforcement personnel, to include potentially sensitive information such as faces, personally identifiable information, medical information, nudity, and the preservation of dignity.

All redactions must be documented within the storage system's audit trail. Redactions will be handled by the BWC Program Manager.

J. Deletion of Footage Inappropriately or Unintentionally Recorded:

BWC footage may be destroyed with written authorization from an OLE SA's supervisor and concurrence from the BWC Program Manager if it was inappropriately or unintentionally recorded (for example, a prohibited recording as outlined in this policy), so long as it is not reasonably anticipated the recording will become evidence in a criminal, civil, or administrative case, or result in a complaint by an individual. The BWC Program Manager will perform all deletions as appropriate and in accordance with all applicable Departmental and Bureau guidelines.

**EDWARD
GRACE**

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Assistant Director for Law Enforcement