



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



CD- B78
Rev. 2

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. BWC Program Organization & Requirements

A. Program Management

- 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 Department of Interior (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, and
- 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.

II. Use of BWCs by Special Agents

BWCs must be deployed in situations when SAs interact with the public and the potential for the use of force is known to the agent. SAs must not use BWCs solely to document investigations (e.g., interviews) and for other purposes where no public contact is possible.

The following general principles apply in all circumstances:

SAs will activate their BWCs at the earliest possible opportunity of the interaction and must capture as much of the event as possible. BWCs must remain activated until the event is completed to ensure the integrity of the recording barring an exception described in this policy. However, the safety of OLE SAs and of the public takes precedence over recording incidents, and SAs must not allow the operation of BWCs to interfere with their own personal safety, the safety of others, or the safe operation of patrol vehicles. SAs must document their rationale for not activating a BWC when required by this policy.

OLE SAs may exercise discretion regarding advising individuals with whom they are interacting about the activation of a BWC.

OLE SAs are required to use their BWCs during the following:

1. **Planned Search Warrant and Arrest Operations:** All search warrants and pre-planned arrests.

2. **General Law Enforcement Activities:** 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 law enforcement operations in support of federal, state, and local partners.
3. **General Investigative Activities:** OLE SAs may engage in investigative activities that involve intentional public contacts that have reasonable potential to result in confrontation and thus constitute an elevated risk for use of force.

Refer to Table 1 for the specific activation and deactivation requirements for each activity.

Table 1 – BWC Activation and Deactivation Requirements

Activity	Activation Requirements	Deactivation Requirements
Search Warrants and Pre-planned Arrests	OLE SAs will activate their BWCs upon approaching a subject or premise	• When the arrest operation has concluded AND a subject is not OLE’s custody, or the search warrant scene is secured, a supervisor or team leader will determine when to end a BWC recording. • If unanticipated interactions with the public or other exigent circumstances arise, such as contentious or violent interactions that could lead to the use of force after an SA has deactivated their BWC, special agents will, if it is safe to do so, reactivate their BWC. • If a situation requiring BWC activation is ongoing, OLE SAs will end the BWC recording when relieved by another law enforcement officer AND leaving the scene.
General Law Enforcement Activities	The following interactions require BWC activation: • Interactions that are reasonably anticipated to result in law enforcement activity, including frisks, arrests, and field interviews; • Investigative contact with suspects, victims, and witnesses; • Crime interdiction stops; • Confiscation of evidence or contraband; • Calls for services involving crimes against persons; • Traffic stops; • Vehicle pursuits; • Upon activation of emergency equipment; • Arrest and/or transport of prisoners; • Any interaction with the public where OLE SAs believes an individual may become argumentative or combative; • Contact with persons OLE SAs reasonably suspect have committed a violation of law.	• 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 must 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. • OLE SAs should be aware of additional restrictions, requirements, and policies for interviewing minors without parental consent and while on school premises. • When a potential victim signals their 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.

General Investigative Activities	When the following types of contacts are planned in advance, SAs should activate their BWC: • Service of legal process (e.g., Grand Jury subpoenas), • Issuance of violation notices, • Seizure of personal property, • Consent searches, and • Investigative activities where facts for increased risk are known to the SA in advance (e.g., subject with violent criminal history).	• OLE SAs will deactivate their BWCs at the conclusion of the public contact.
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A. Positioning of BWCs

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

B. Documentation of Discontinuation of Recording

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

- i. If a BWC was not activated, the recording was interrupted, or the recording was terminated due to equipment failure, officer safety, or privacy, SAs must provide a detailed documentation of these circumstances in a Report of Investigation (ROI) or in a memorandum to their supervisor, whichever is appropriate.
- ii. If a BWC was not activated, the recording was interrupted, or the recording was terminated for any other reason not excepted within this policy, supervisors will report the incident, as necessary, in accordance with 441 FW 5.

C. 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.

D. 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 practicable 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.

E. 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 or the Department of Interior Office of the Inspector General 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.

F. 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 use of force incidents resulting in fatality or serious bodily injury; deaths in custody; and incidents involving the use of deadly force, 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. The AD-OLE will prioritize the expedited public release of BWC footage in these circumstances in accordance with Departmental policy.

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.

G. 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.

H. 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.

I. Deletion of Footage Created for Training Purposes

BWC footage created for legitimate, authorized training purposes may be destroyed once reviewed by the BWC Program Manager and destruction is authorized in writing by the SAC/INV, 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.

Acting Assistant Director
Office of Law Enforcement