

Department of the Interior Departmental Manual

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Chapter 41: Body Worn Cameras and Vehicle Mounted Cameras

Originating Office: Office of Law Enforcement and Security

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41.1 Purpose. This Chapter establishes policy governing the use of Body Worn Cameras (BWCs) and Vehicle Mounted Cameras (VMCs) by the Department of the Interior (Department) Law Enforcement Officers (LEOs).

41.2 Scope. This policy applies to all Department Bureaus/Offices that have law enforcement programs or employ LEOs.

41.3 Authority. This policy is issued pursuant to 5 U.S.C. § 301; 43 U.S.C. § 1454; Reorganization Plan No. 3 of 1950, (64 Stat. 1262), as amended; 54 U.S.C. § 102701 et seq., for the National Park Service; D.C. Code § 5-206 and related authorities for the U.S. Park Police; 43 U.S.C. §§ 1733(c)(1)-(2), for the Bureau of Land Management; law enforcement authorities specific to the Fish and Wildlife Service, including but not limited to 16 U.S.C. § 3375(b) and 16 U.S.C. § 460k-3; 25 U.S.C. § 2803, for the Bureau of Indian Affairs; and 43 U.S.C. § 373b, for the Bureau of Reclamation.

41.4 Policy. The Department recognizes the numerous benefits that derive from the use of BWCs and VMCs, including, but not limited to, enhancing public trust in law enforcement operations; increasing officer and public safety; ensuring greater transparency and accountability; providing accurate officer reporting and court testimony; bolstering evidence collection for investigative, prosecutorial, and disciplinary purposes; and facilitating opportunities for officer training. It is therefore the policy of the Department to use BWCs and VMCs, as detailed in this Chapter, to document encounters between LEOs and the public, while ensuring the constitutional and privacy rights of individuals are honored and respected.

This Chapter establishes Department-wide policy for the use of BWCs and VMCs. Each Department Bureau with a law enforcement program must establish its own policies and procedures concerning the use of BWCs and VMCs. While such policies and procedures may be tailored to Bureau-specific needs and considerations, they must comport with the minimum standards set forth in this Chapter. This Chapter does not apply to wiretapping or other covert monitoring activities.

41.5 **Responsibility.**

A. Assistant Secretary – Policy, Management and Budget (AS-PMB) is responsible for providing management direction and support for all Department law enforcement programs and activities through Department-wide policies, standards, and guidelines.

B. Deputy Assistant Secretary – Public Safety, Resource Protection and Emergency Services (DAS-PRE) is the Department’s primary law enforcement policy officer and the principal advisor to the Secretary, Deputy Secretary, and Assistant Secretary – Policy Management and Budget on law enforcement policy and operations.

C. Director, Office of Law Enforcement and Security (OLES) has the responsibility, as delegated by the DAS-PRE and pursuant to 112 DM 17 and 212 DM 17, for law enforcement policy development and for oversight of the Department’s law enforcement programs and is responsible for ensuring the proper implementation of this policy across the Department.

D. Bureau Directors are responsible for ensuring Bureau law enforcement programs, including BWC and VMC programs, are managed in accordance with law, regulation, and Departmental policy.

E. Bureau Directors of Law Enforcement (BDLE) are responsible for establishing and enforcing Bureau policies and procedures which comply with law, regulation, and Departmental policy.

F. Bureau/Office Law Enforcement Officers are responsible for complying with established law, policy, procedure, and standards governing the utilization of BWCs and VMCs.

G. Bureau Technology Administrators are responsible for managing BWC and VMC devices, associated hardware, and their maintenance. The designated Bureau personnel may also be referred to as system administrators or program managers.

41.6 **Definitions.** For the purpose of this Chapter, the following definitions will apply:

A. Activation. Manual or triggered recording to permanent memory.

B. Body Worn Camera. A recording device capable of recording video and audio signals and worn on the person by means of attachment to an article of clothing.

C. Camera or Video Footage. All forms of data recorded by a BWC or VMC including audio, video, still photographs and associated metadata.

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

E. Individual. An inhabitant, resident or member of the public, independent of legal status or legal citizenship.

F. Law Enforcement Officer. Department employee sworn and commissioned to enforce criminal statutes and authorized to carry firearms, execute and serve warrants, search, seize, make arrests, and perform such duties as authorized by law.

G. Metadata. Data which provides context or additional information about other data.

H. Stand-by Mode. The BWC is powered on and the option to let the camera pre-record is selected before activation of the BWC. Also referred to as “Ready Mode”.

I. Storage Device. A digital device, such as a hard drive, or a cloud-based platform on or in which camera footage can be recorded, stored, managed, and accessed.

J. Unit. A designated subdivision of a Bureau, to include a field office, police agency or department, refuge, or park.

K. Vehicle Mounted Camera (VMC). A recording device mounted within the vehicle, capable of recording video and audio.

41.7 **Issuance of BWCs and VMCs.**

A. BWCs.

(1) Uniformed Personnel. Bureaus must issue BWCs to all uniformed, commissioned personnel of the Department who carry firearms and are regularly engaged in patrol activities and/or routinely interact with the public. Uniformed personnel are expected to wear BWCs as part of their standard uniform in a position consistent with this Chapter. Uniformed personnel shall leave their BWC in stand-by mode throughout their shift and utilize the BWC in a manner consistent with this Chapter. Bureau policy may establish exceptions for when wearing a BWC on patrol is not practicable due to concern the equipment may be damaged or destroyed (*e.g.*, while on aviation, boat, or snowmobile patrol), but such policy must include the requirement of obtaining permission from a supervisor prior to patrolling without wearing a BWC.

(a) All uniformed, commissioned personnel are responsible for inspecting their BWCs at the beginning of each shift and ensuring their equipment is working properly. It is the responsibility of the LEO to immediately notify a supervisor in the event of any malfunction or impairment.

(2) Investigative Personnel. Bureaus are not required to issue BWCs to investigative personnel, but rather may provide BWCs on a situational basis. However, investigative personnel must be provided a BWC when it is reasonably anticipated that they will be in a situation where activation of a BWC is required.

(a) When provided a BWC, investigative personnel are responsible for inspecting their equipment to ensure it is working properly. It is the responsibility of investigative personnel to immediately notify a supervisor in the event of any malfunction or impairment.

B. VMCs. The utilization of VMCs by Bureaus/Offices is optional. If VMCs are used, Bureaus are tasked with establishing their own policies regarding the issuance and use of VMCs. Bureau policy must ensure that at least one recording device (BWC or VMC) is used to capture the law enforcement activities listed in section [41.10](#). Even when BWCs are used, VMCs may also be utilized to help provide additional, accurate documentation of vehicle stops, roadside emergency responses, and other interactions with the public. For Bureaus that outfit their patrol vehicles with VMCs, policy should ensure the VMC equipment automatically activates when the vehicle's emergency equipment is in operation. VMCs must be used (and video footage stored, reviewed, and released) in a manner consistent with the use of BWCs, as set forth in this Chapter.

41.8 Positioning of BWCs. Bureaus must establish policy regarding the positioning of BWCs on the LEO's uniform or clothing. Such policy may be tailored to accommodate Bureau-specific needs and considerations; however, LEOs shall place BWCs in a position to capture footage representing the first-person point of view of the LEO. LEOs shall not intentionally obscure the view of their BWC. It is expected that LEOs will attach their BWCs to their outermost garment and position it at or above the midline of their torso. BWCs should not be worn on shoulders. LEOs shall ensure the BWC is properly attached to their body and shall not routinely use the BWC as an "off the body" surveillance tool.

41.9 Use of BWCs. Officer safety and public safety take precedence over recording incidents, and LEOs 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.

LEOs should activate their BWCs at the earliest possible opportunity of an 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 in order to ensure the integrity of the recording and the proper documentation of the interaction.

Bureaus must establish policy for documenting instances where a recording was not made, was interrupted, or was terminated in circumstances that contravene the policies in this Chapter. The Bureau policy must include a requirement that the LEO provide a stated reason why the interaction was not recorded in their incident, arrest, investigative, or related report.

41.10 Mandatory Use of BWCs.

A. At a minimum and absent an exception or justification for not recording, as outlined in sections [41.11](#) and [41.12](#), LEOs must activate their BWCs 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, local, and tribal warrants;
- (2) The execution of a search or seizure warrant or order;
- (3) Interactions that are reasonably anticipated to result in law enforcement activity, including investigatory stops and interviews;
- (4) Investigative contact with suspects and witnesses;
- (5) Crime interdiction stops;
- (6) Confiscation of evidence or contraband;
- (7) Calls for services involving crimes against persons;
- (8) Traffic stops;
- (9) Vehicle and foot pursuits;
- (10) Upon activation of emergency equipment;
- (11) Arrest and/or transport of prisoners;
- (12) Contact with persons the LEO reasonably suspects have committed a violation of law; and
- (13) Any interaction with the public where the LEO believes an individual may become argumentative or combative, *but see* sections [41.11 A and B](#), with respect to victims' privacy and sections [41.12](#) with respect to demonstrations or other First Amendment activities.

41.11 Discretionary Use of BWCs. For all interactions with the public not listed in sections [41.10](#) and [41.12](#), LEOs have discretion in deciding whether to use their BWCs. Discretion and good judgment should be exercised with an aim toward achieving the goals of this Chapter.

A. The Department promotes the recording of interviews of witnesses and potential victims in an effort to ensure accurate officer reporting and enhance evidence collection. Such recorded evidence may be critical in situations related to sexual assault, domestic violence, child abuse, and other crimes against persons. However, when a potential victim signals their reluctance to make a statement on camera, LEOs have the discretion to decide whether to use their BWC. This discretion extends to witnesses wanting to provide an anonymous tip.

B. LEOs should not use their BWCs when conducting lethality or danger assessments and safety planning with victims of crimes.

C. If an LEO is permitted to be in a certain location under the Fourth Amendment and applicable law, they may use their BWCs in a manner consistent with this Chapter. However, in locations where individuals have a heightened privacy interest, such as a residence, LEOs should exercise care and good judgment to avoid gratuitous recording and to respect the privacy interests of the individual. Bureaus may elect to establish more stringent policy regarding the protection of privacy interests, provided the policy promotes the use of BWCs for the activities listed in [41.10](#).

D. LEOs should be aware of individuals' rights to privacy with respect to their healthcare information and personally identifiable information, particularly within a medical setting or facility (*e.g.*, mental health facility, hospital setting, or while interacting with emergency medical services personnel).

E. LEOs should be aware of additional restrictions, requirements, and policies for interviewing minors without parental consent and while on school premises.

F. LEOs should be sensitive to cultural and religious events where photography or videography is discouraged. The rationale for not activating a BWC shall be documented in an investigative report.

41.12 **Prohibited Use of BWCs and VMCs.**

A. BWCs and VMCs should not be used solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution or laws of the United States. The use of BWCs and VMCs must have a valid, lawful purpose consistent with the objectives of this Chapter and the mission of the Department. LEOs shall not covertly record the participants of a demonstration or other First Amendment activity absent a nexus to an investigation, law enforcement activity, or an individual's request for assistance. LEOs shall operate BWCs in stand-by mode during demonstrations and other First Amendment activities, unless an LEO reasonably believes one of the enumerated events listed in section [41.10](#) is occurring.

B. The use of BWCs and VMCs are prohibited to record encounters with undercover LEOs or confidential informants, as well as recording legally recognized privileged and confidential communications (*e.g.*, attorney/client, doctor/patient, victim/community-based victim advocate, etc.).

C. The use of BWC and VMCs for non-official activities (*e.g.*, restroom breaks, locker room activities) is prohibited.

D. The use of BWCs and VMCs to record events that may reveal sensitive law enforcement matters (*e.g.*, operational briefings, dignitary/protection details) is prohibited.

E. Unless approved in an investigative plan or by a supervisor, surreptitious or covert recordings with BWCs or VMCs are prohibited. LEOs shall not record from an unattended BWC except under circumstances where an individual would not have reasonable

expectation of privacy, such as a suspect detained in the backseat of a patrol car or in a detention room.

F. The personal use of BWCs and VMCs is strictly prohibited.

41.13 Advisement. Bureaus must establish policy regarding whether an LEO is required to advise an individual whom they are interacting with about the activation of a BWC or otherwise notify the individual that they are being recorded. LEOs may find that such a notification can be an effective tool to de-escalate a law enforcement interaction. Bureaus may elect to establish policies that require advisement to victims of certain crimes, such as domestic violence, sexual assault, or child abuse, whereby the recording of an interview may be re-traumatizing or detrimental to the health and well-being of the victim.

41.14 Downloading, Documentation, and Storage of Video Footage.

A. Bureaus must establish policy regarding the manner in which video footage from BWCs and VMCs is downloaded, documented, and stored. However, at a minimum, the following requirements must be included in Bureau policy:

(1) The manipulation, deletion, altering, editing, or otherwise modification of BWC and VMC video footage is strictly prohibited, except as authorized by law or Department policy. Deletion or erasing of video footage must only occur in a manner set forth by the Bureau's retention and preservation policy;

(2) Video footage must be uploaded to the designated storage platform; footage shall not solely be stored locally on computers, phones, or personal devices;

(3) Video footage must be uploaded in its entirety at the earliest possible opportunity;

(4) Procedures must be established regarding the proper labeling and categorization of camera footage;

(5) Procedures must be established requiring LEOs to note in their incident, arrest, investigative, or related reports whether camera footage exists for the event in question. In the event an LEO engaged in one of the enumerated activities listed in section [41.10](#) without recording the event, the LEO must document in the report the reason why a recording was not made, was interrupted, or was prematurely terminated; and

(6) All Department BWC and VMC recordings shall remain the property of the Department.

B. Storage and Managerial Control of Video Footage. Bureaus must establish policy for the storage and control of video footage, recognizing that law enforcement offices must maintain strict managerial control over all BWCs, VMCs, and recorded content. Bureau policy must identify the levels of personnel who may access stored video footage. Non-supervisory

LEOs 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 lawful purpose. Bureau policy must include the creation of an audit trail within the control system to maintain a chain of custody. Any viewing, sharing, downloading, or redaction of the video must be identifiable on the audit trail.

41.15 Retention and Preservation of Video Footage.

A. Bureaus must establish policy for the preservation and retention of BWC and VMC video footage. Bureau policy must include procedures for preserving video footage that is reasonably anticipated to become evidence in a criminal, civil, or administrative case or may result in a complaint by an individual. Procedures for preserving potential evidence must be consistent with Department and Bureau policy for evidence collection and retention.

B. Bureaus may also create policy for the deletion of video footage that was inappropriately or unintentional recorded (*e.g.*, recording prohibited under section [41.12](#)). However, such recordings cannot be destroyed in the event they are reasonably anticipated to become evidence, including possibly becoming the basis of an individual's complaint. If a recording was performed in a manner inconsistent with this policy and is not reasonably anticipated to become evidence in a criminal, civil, or administrative case or result in a complaint by an individual, Bureau policy may authorize its immediate destruction provided the LEO's supervisor provides written authorization and the deletion is performed by the Bureau defined technology administrator in a manner consistent with Department and Bureau retention policies.

41.16 Review of Video Footage. Bureaus must establish policy governing when LEOs and their supervisors may review video footage. The review of video footage must be for a lawful purpose.

A. Review of Video Footage by LEOs. Bureau policies may allow uniformed LEOs to review their own BWC and/or VMC footage to aid them in preparing accurate reports or to refresh their memories before making a statement about a recorded incident. However, Bureaus may elect to establish policy that requires a LEO to be interviewed by the Bureau or appropriate investigating entity prior to viewing the footage in instances where it is reasonably anticipated that the LEO's own conduct may be at issue, including events involving the use of force.

B. Review of Video Footage by Supervisors. LEO supervisors may view video footage during the investigation of complaints and to identify video footage appropriate for training or instructional use. Bureau policies must identify the procedures for supervisory review of video footage and outline the circumstances in which video footage may be used for performance evaluations and in disciplinary actions, all of which must be consistent with applicable employment and labor laws.

41.17 Release of Video Footage.

A. Public Release of BWC and VMC Video Footage. Bureaus must establish policy governing the release of BWC and VMC video footage that is consistent with this Chapter.

(1) The Department will strive to expedite the public release of BWC and VMC video footage following incidents involving serious bodily injury or death in order to promote transparency and accountability. The public release of such video footage also must be consistent with applicable law, including the Privacy Act of 1974, and shall take into account the duty to protect the privacy rights of the persons depicted in the footage and any need to protect ongoing law enforcement operations. It is therefore Department policy that the decision to expedite the public release of BWC and VMC video footage depicting serious bodily injury or death (or any event that is reasonably anticipated to garner substantial media attention) will be made in consultation with the Director, OLES. Bureaus must notify the Director, OLES of the existence of any such video footage at the earliest possible opportunity.

(2) The decision to publicly release video footage pursuant to a request under the Freedom of Information Act (FOIA) will be made by the Bureau's FOIA Office, in consultation with the Solicitor's Office and in a manner consistent with all Department and Bureau policies governing FOIA productions. Bureaus must establish policy for tracking and documenting the public release of video footage.

(3) LEOs are prohibited from releasing BWC and/or VMC video footage to members of the public, including but not limited to disseminating video footage on social media or through news and media outlets. This does not prohibit the Bureaus/Offices from releasing such footage in a manner consistent with all applicable laws.

B. Release of BWC and VMC Video Footage to Other Government Agencies and Components. Other Government agencies and components (*e.g.*, prosecutor's office) may have a legitimate law enforcement need or requirement for obtaining BWC and/or VMC video footage. Bureaus must establish policy for sharing or providing video footage with these other entities. Bureau policy must allow professional responsibility offices (including the Department's Office of Inspector General) to obtain a copy of the video footage as part of an investigation.

41.18 **Training.** Bureaus must establish policy to ensure their personnel are properly trained on the use of BWCs and VMCs. Bureau policy must identify a training manager to make sure that LEOs who use BWCs are trained in the latest techniques and requirements relating to their use.

A. At a minimum, Bureaus must provide initial and annual follow-up training to LEOs and LEO supervisors on the following topics:

- (1) The operation of BWCs;
- (2) Procedures for managing and preserving BWC video footage;
- (3) Legal requirements and prohibitions pertaining to BWC use; and
- (4) Other relevant Bureau policies and procedures regarding BWC use.

B. At a minimum, Bureaus must also provide initial and annual follow-up training to LEO supervisors, Freedom of Information Act and Privacy Act personnel, and Bureau technology administrators designated to manage video footage on the following topics:

- (1) Procedures for processing BWC video footage for use as evidence;
- (2) Retention and preservation requirements for video footage; and
- (3) Safeguarding video footage.

41.19 **Hardware and Software Requirements.**

A. Bureaus must establish policy regarding the procurement, inventory, maintenance, and accountability of BWCs and associated hardware and storage systems. Such policy must include identifying the type(s) of BWC equipment authorized for use and the technology administrator. The designated technology administrators approve all storage solutions and implementation procedures requiring the downloading of all BWC/VMC footage.

B. Non-agency-issued or personally owned video and/or video recording devices (including personal, non-government issued cell phones) are prohibited for law enforcement use without written permission of a supervisor.

C. The tampering with, modifying, or dismantling of any hardware or software components associated with BWC and VMC devices is strictly prohibited.

D. All BWC systems must meet the following requirements:

- (1) Be approved by the Department's Office of the Chief Information Officer (OCIO) before initiating any procurement action;
- (2) Comply with the requirements of the Privacy Act of 1974 and all applicable Department regulations.
- (3) Allow a minimum of a 30-second pre-event recording mode;
- (4) 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;
- (5) Allow retention of BWC video footage and metadata for a time that is sufficient to comply with the applicable records retention schedule; and
- (6) Allow the designated Bureau technology administrators and LEO supervisors to review, prepare, and download BWC footage for use as evidence without the assistance of an outside contractor.

41.20 **Rights of Third Parties.** This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.