



## Body Worn Cameras

<b><u>Section</u></b>	<b><u>Page</u></b>
<a href="#"><u>Section 1. Overview</u></a>	<a href="#"><u>2</u></a>
<a href="#"><u>Section 2. Pre-Operational Planning and Briefing</u></a>	<a href="#"><u>2</u></a>
<a href="#"><u>Section 3. Deployment of BWCs for Enforcement Operations</u></a>	<a href="#"><u>3</u></a>
<a href="#"><u>Section 4. Joint Operations</u></a>	<a href="#"><u>4</u></a>
<a href="#"><u>Section 5. Deviation from BWC Policy</u></a>	<a href="#"><u>4</u></a>
<a href="#"><u>Section 6. Placement of BWCs</u></a>	<a href="#"><u>5</u></a>
<a href="#"><u>Section 7. Storage of BWC Recordings</u></a>	<a href="#"><u>5</u></a>
<a href="#"><u>Section 8. Records Retention</u></a>	<a href="#"><u>5</u></a>
<a href="#"><u>Section 9. Restrictions on Use</u></a>	<a href="#"><u>6</u></a>
<a href="#"><u>Section 10. BWC Equipment</u></a>	<a href="#"><u>7</u></a>
<a href="#"><u>Section 11. BWC Recordings</u></a>	<a href="#"><u>7</u></a>
<a href="#"><u>Section 12. Permitted Reviews of BWC Recordings</u></a>	<a href="#"><u>8</u></a>
<a href="#"><u>Section 13. Treatment of BWC Recordings and Release Requests</u></a>	<a href="#"><u>9</u></a>
<a href="#"><u>Section 14. Training</u></a>	<a href="#"><u>10</u></a>
<a href="#"><u>Section 15. Expedited Public Release of DCIS BWC Recordings</u></a>	<a href="#"><u>10</u></a>
<a href="#"><u>Section 16. References</u></a>	<a href="#"><u>10</u></a>

### Section 1. Overview

- 1-1 This instruction establishes Defense Criminal Investigative Service (DCIS) policy and procedures, required by Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety,” May 25, 2022, and the Deputy Attorney General Memorandum Regarding Body Worn Camera Program, June 7, 2021, for the DCIS Body Worn Camera (BWC) program.
- 1-2 DCIS special agents (SAs) will only use BWC equipment in conjunction with official law enforcement and investigative activities involving members of the public. The safety of DCIS personnel and members of the public are the highest priorities.
- 1-3 A SA who fails to activate a BWC because an incident unfolds too quickly making activation impracticable or unsafe does not violate this policy. Approved exceptions are outlined in Section 3-6 of this policy.

### Section 2. Pre-Operational Planning and Briefing

- 2-1 All SAs that have BWCs and expect to activate them during a pre-planned arrest or search warrant, hereinafter referred to as enforcement operations, must receive an operational briefing. Prior to conducting enforcement operations, the Resident Agent in Charge (RAC) or their designee will conduct a briefing regarding the planned use of BWCs. The RAC or their designee shall discuss steps that can be taken to avoid recording undercover agent (UCA) personnel or Confidential Human Sources (CHS).
- 2-2 **DCIS-Led Enforcement Operations.** When conducting a DCIS-led enforcement operation with a partner LEA, the RAC will discuss BWC deployment during the joint operation with the partner agency’s team leader and/or team members, prior to the enforcement operation. The discussions shall include briefing the partner agency on the DCIS BWC policy and reviewing the partner agency’s BWC policy, if applicable. RACs should take special care to resolve any issues related to UCAs and CHSs. The DCIS case agent will document that these discussions occurred in the Operational Plan.
- 2-3 **Other Agency-Led Enforcement Operations.** When DCIS is not the lead on an enforcement operation with a partner LEA, the DCIS RAC will brief the partner agency’s team leader and/or team members of the DCIS BWC policy, prior to the enforcement operation. RACs should take special care to resolve any issues related to UCAs involved with the enforcement operation. The DCIS case agent will document that these discussions occurred in the Operational Plan or in cases where the other agency is drafting the Operational Plan, and not DCIS, the case agent should document that these discussions occurred in a separate Investigative Activity Report (IAR).
- 2-4 The RAC will immediately notify the Field Office Special Agent in Charge (SAC) of any unresolved conflicts with any partner agency related to BWC deployment. If the SAC is unable to resolve the conflicts, the SAC should immediately notify the Assistant Inspector General for Investigations, Investigative Operations (AIGI Investigative Ops)

or their designee.

### **Section 3. Deployment of BWCs for Enforcement Operations**

- 3-1 SAs will wear and activate DCIS-issued BWCs for the purposes of recording their actions during the tactical portion of enforcement operations, where the use of force may reasonably be anticipated.
- 3-2 **BWC Activation.** Upon the direction of the On-Site Team Leader, RAC, or their designee, all participating SAs upon approaching a subject or premises during an enforcement operation shall activate BWCs. If while wearing a BWC pursuant to this policy, a SA encounters an individual who demonstrates pre-assault indicators, consistent with the agent's training and experience, the SA should activate their BWC if it is safe and practical to do so. The On-Site Team Leader, RAC, or their designee, can direct an agent to re-engage BWC recording at any time during an enforcement operation. SAs cannot deploy BWCs for anything other than an enforcement operation.
- 3-3 **BWC Deactivation.** SAs shall deactivate their BWCs only at the direction of the On-Site Team Leader, RAC, or their designee, when that individual determines, at their discretion, the scene is secured. For purposes of this policy, the term "secured" means that the scene is safe and under law enforcement control.
- 3-4 **Search Warrants.** When executing a search warrant, the On-Site Team Leader, RAC or their designee, may authorize SAs to deactivate their BWCs once the location or person being searched has been secured and all individuals present have been secured and searched for officer safety reasons. The On-Site Team Leader, RAC, or their designee, will use their discretion to determine when team members conducting perimeter security during the execution of the warrant may stop recording.
- 3-5 **Planned Arrests.** The On-Site Team Leader, RAC, or their designee, may authorize the deactivation of most BWCs once they have determined the scene is secure and any arrestees are handcuffed and placed in the transport vehicle. At least one law enforcement officer shall remain with anyone arrested. DCIS SAs must continue to wear their BWCs and leave them in the Ready (Buffering) or equivalent mode while on the scene of an arrest and during prisoner transports from the scene of an arrest.
- 3-6 **Exceptions to BWC Activation.**
- The On-Site Team Leader, the RAC, or their designee, may authorize SAs to deactivate their BWCs if the enforcement operation is of such a duration that BWCs need to be deactivated to conserve power and/or for temporary storage.
  - A SA may deactivate their BWC at any time the SA needs to obtain emergency medical attention or needs to attend to a personal matter that takes them away from a planned operation, such as using the restroom.

- If a SA activates their BWC on their own in accordance with paragraph 3-2 of this instruction and there is no On-Site Team Leader, RAC or designee present, the SA may deactivate their BWC when it is safe and practical to do so.

#### **Section 4. Joint Operations**

- 4-1 When conducting enforcement operations with a partner law enforcement agency (LEA) that will deploy BWCs during the operation, SAs will comply with this Instruction. This section applies to both DCIS-led enforcement operations and other LEA-led enforcement operations.
- 4-2 Prior to an operation using BWCs, the SAC overseeing the operation shall notify the AIGI, Investigative Ops or their designee of any unresolved conflicts with any partner LEA regarding BWC deployment during the operation.
- 4-3 The AIGI Internal Operations (Internal Ops) or their designee must approve any deviation from the DCIS BWC policy in writing and the case agent must document the deviation in the Operational Plan. SAs must address any policy deviations in a decision memorandum to the AIGI Internal Ops through the SAC overseeing the operation prior to the operation. Under exigent circumstances, the AIGI Internal Ops or their designee may give oral authorization, which the case agent must subsequently document in the corresponding case file.

#### **Section 5. Deviation from BWC Policy**

- 5-1 Deviations from policy related to BWC activation or deactivation shall be handled as follows.
- 5-2 **Pre-Approved Deviations.** A SA must address policy deviations in a decision memorandum to the AIGI Internal Ops through the SAC overseeing the operation prior to an operation. The SAC must coordinate a legal sufficiency review with the Office of General Counsel. The AIGI Internal Ops, or their designee, must approve, in writing, any deviation from the DCIS BWC policy and if applicable, the SA must document the deviation in the Operational Plan.
- 5-3 **Unplanned Deviations.** A SA must document any deviation from policy related to BWC activation or deactivation due to device malfunction, operator error, or other circumstances, within 48 hours, in a memorandum to the SAC overseeing the operation through the RAC and provide a copy to the BWC Program Manager (PM). The SA must upload a copy of the unplanned deviation to the applicable Case Reporting and Information Management System (CRIMS) Virtual Case File (VCF). SAs must address why the recording was not made, why the recording was interrupted, and/or why the recording was terminated.

**Section 6. Placement of BWCs**

- 6-1 If a SA is wearing a tactical ballistic vest, they will wear the BWC on the outside/front of the tactical ballistic vest. SAs will wear their tactical ballistic vest over their clothing.
- 6-2 SAs will secure BWCs to their outer clothing, lanyard, or belt when they are not wearing a tactical ballistic vest.
- 6-3 SAs should ensure their clothing and other objects on their person do not obstruct their BWC and that their BWC is capturing what is in front of them. SAs should not alter tactically sound principles to accommodate the BWC's visual recording. SAs should remember to seek cover and concealment and use proper tactics to ensure their safety while wearing the BWC even if doing so obstructs the BWC's coverage.
- 6-4 If a UCA participates in the operation and the SAs on the scene are not able to take measures to avoid recording the identity of the UCA, the RAC will inform the BWC PM and note this occurrence in the IAR memorializing the operation. The BWC PM will coordinate with the OGC and the cognizant government attorney, to include an Assistant U.S. Attorney, DoJ Trial Attorney, Judge Advocate General or other prosecutor, on what steps should be taken to redact any images and voice recordings of any UCAs.

**Section 7. Storage of BWC Recordings**

- 7-1 SAs will upload BWC recordings as soon as possible, usually within 24 hours, to the DCIS-controlled cloud storage service. The BWC PM will control access to the recordings. If a SA believes that sensitive or classified information is captured on the BWC, the SA will follow the procedures outlined in paragraph 9-4 of this instruction.

**Section 8. Records Retention**

- 8-1 BWC recordings will be securely stored according to DCIS-mandated retention procedures as outlined in DCIS Instruction (DCISI) 42, "Investigative Records Management."
- 8-2 BWC recordings that are not associated with complaints or allegations made against DCIS employees and do not contain information pertinent to the case being investigated will be maintained in accordance with DCISI 42 unless a request is provided in writing to the BWC PM through the AIGI Internal Ops or their designee. These recordings will be maintained in a DCIS-controlled cloud storage service where they are initially uploaded.
- 8-3 BWC recordings associated with information pertinent to the case being investigated, such as a spontaneous statement of a subject, witness, or law enforcement officer, will be downloaded and kept with the case file in accordance with DCISI 42, case records retention policy, and consistent with federal law. These recordings may also be discoverable, or contain Brady or Jencks material, and should be turned over to the trial attorney when appropriate.

- 8-4 BWC recordings associated with use of force incidents involving DCIS employees, complaints or allegations made against DCIS employees, or any other investigations of DCIS employees, will be retained as directed by the AIGI Internal Ops, or their designee, in consultation with the OGC. All use of force incidents where video footage is recorded will be reviewed in accordance with DCISI 38, "Use of Force."
- 8-5 BWC recordings associated with normal training exercises (i.e., no injuries) will be deleted after the appropriate instructor (Use of Force PM, firearms instructor, control tactics instructor, use of force instructor, etc.) reviews the recordings for teachable scenarios and confirms it is acceptable to delete the recording. If a teachable scenario is found, the instructor will ask the SA(s) involved if they would like their faces redacted and/or voices changed from the recording before the footage is used in future trainings. The BWC PM will redact faces and mask voices, as requested. The unredacted BWC recording will be deleted after all changes are made to the training video.
- 8-6 In situations where sensitive law enforcement information or high confidentiality impact level information is recorded with the BWCs, such as UCAs or CHSs, SAs will contact the BWC PM.

### **Section 9. Restrictions on Use**

- 9-1 SAs equipped with BWCs should be mindful not to record in insensitive locations, inappropriate locations, or locations with privacy protections. SAs will only use BWCs in conjunction with official law enforcement duties and not personal activities.
- 9-2 **Prohibited Use of BWCs.** Absent approval from the AIGI Internal Ops, or their designee, in consultation with any assigned prosecutor or the OGC if no prosecutor is assigned, BWCs shall not be used to record:
- Interviews with victims, witnesses, or subjects.
  - Operations taking place in a detention facility.
  - Operations involving personnel in cleared facilities, i.e. in a Sensitive Compartmented Information Facility (SCIF) or a Cleared Defense Contractor (CDC).
- 9-3 SAs will not use BWCs outside of the United States and its territories without prior concurrence from the Department of Justice Office of International Affairs, the prosecuting attorney or Judge Advocate General, and appropriate host nation authorities. SAs must document the concurrence in writing and receive AIGI Investigative Ops approval.
- 9-4 If a SA suspects they captured classified information on their BWC (audio or video), the SA must not dock the camera in the docking station. The SA will secure the camera in a GSA approved safe and contact the BWC Program Manager for further guidance.

- 9-5 **Redacting BWC Recordings.** The BWC PM will coordinate and handle any redaction requirements for BWC footage.

### **Section 10. BWC Equipment**

- 10-1 SAs shall only use BWCs issued by DCIS. SAs should exercise reasonable care when using BWCs to ensure they function properly. SAs should keep their BWC fully charged and ensure full charge prior to deployment.
- 10-2 **Storage.** SAs will not leave BWCs, or any associated equipment stored in a government owned vehicle (GOV) at any time, including while TDY. SAs must leave their BWC docked in the office when not in use to ensure the BWC receives regular updates.
- 10-3 **Loss or Theft of Equipment.** SAs will report the loss or theft of a BWC to their immediate supervisor as soon as possible, but no later than 24 hours after the discovery of the loss or theft. The immediate supervisor shall notify the BWC PM and their SAC.
- 10-4 **Damaged, Malfunctioning, or Inoperable Equipment.** If a SA's BWC malfunctions or is damaged, the SA shall notify their RAC. The RAC will follow DoD OIG policy outlined in Inspector General Instruction 7000.14, Volume 2, "Financial Liability for Government Property Lost, Damaged, Destroyed, or Stolen," for damaged BWCs. SAs will also notify the BWC PM of any equipment malfunctions as soon as possible.

### **Section 11. BWC Recordings**

- 11-1 The BWC equipment and all data, images, video, audio, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of DCIS. Other than the BWC PM and any assigned BWC Administrators, no DCIS personnel shall, edit, alter, erase, duplicate, copy, share, or otherwise release, disclose, or distribute in any manner, any BWC recordings. SAs may review their own BWC recordings and access BWC recordings associated with their assigned cases to perform the essential functions of their job, subject to the restrictions below, but may not share their recordings with others.
- 11-2 **Requests for Disclosure of BWC Recordings.** All requests for disclosure of BWC information shall be processed according to the DCIS BWC Procedures (BWC Procedures) found on the Internal Operations SharePoint and should be coordinated through the BWC PM, in consultation with the OGC, as described in the BWC Procedures. The BWC PM or appointed BWC Administrator will make any necessary redactions to BWC footage. An OGC attorney and/or a government attorney will review the redacted BWC footage prior to disclosure.
- 11-3 **Deleting Recordings.** The AIGI Internal Ops, or their designee, the Deputy Inspector General (DIG), or the Inspector General, in consultation with the OGC, must approve a SAs request to delete a portion or portions of a recording (e.g., accidental recording). SAs will document the request in a memorandum and submit through their supervisor

and SAC. The memorandum must state the reason(s) for the request to delete the recording. The SAC must provide the approved request to the BWC PM. The BWC PM may delete the recording only after receiving the requested memorandum and written approval.

- 11-4 The BWC PM will maintain all requests and final decisions.
- 11-5 **Access and Review of BWC Recordings.** Access to stored BWC recordings will be password protected, recorded automatically by the system software, and audited periodically by the BWC PM to ensure that only authorized users' access the recordings and associated data for legitimate and authorized purposes. All logins, video access, and other actions taken in the system software is placed in an audit trail log that is reviewable by the BWC PM and the BWC PM's supervisor. The BWC PM will note all requests to review recordings in the system software. This information may be discoverable and could be requested by the prosecution or the defense during court proceedings. In addition, this information may be requested as part of a DCIS internal management review or a DoD OIG OPR inquiry.

## **Section 12. Permitted Reviews of BWC Recordings**

- 12-1 **Permitted Reviews.** A SA may access BWC recordings associated with their assigned cases, including their own BWC recordings, in order to perform the essential functions of their job, including but not limited to such review necessary to draft and review an IAR describing an operation. A SA may also access their own BWC recordings when necessary to respond to allegations of administrative or criminal misconduct or poor performance relating to the recorded enforcement activity, subject to the limitations of subsections (2) and (3) immediately below.
- 12-2 **Reviews by Subjects.** A SA who is the subject of an administrative investigation relating to the recorded enforcement activity may review their own BWC recording prior to submitting to an interview regarding their conduct. The SA may review their BWC recording, and the footage of other DCIS agents present during the enforcement operation with their attorney or other representative, provided the attorney or representative signs a non-disclosure agreement. The SA cannot make or take a copy of the recording.
- 12-3 **DCIS Special Agent-Involved Shootings/Use of Force Incidents.** DCIS SA-involved shootings (AIS) or other use of force incidents (including deadly force) will be reviewed and investigated. That review may result in administrative, civil, and/or criminal investigations. As soon as practicable and safe, after any such incident, the involved SA should be informed by their supervisor that they should not discuss the incident with anyone during the pendency of any preliminary investigation other than a personal or agency attorney. See DCISI 38, "Use of Force," for additional information on use of force incidents. The involved DCIS SA(s) and any other DCIS SA(s) who witnessed the AIS or use of force incident should provide their BWCs to the on-scene supervisor immediately following the incident once it is safe to do so. If the on-scene supervisor is involved or witnessed the AIS or use of force incident, the BWCs should be provided to



the next senior DCIS agent on-scene. The on-scene supervisor or other senior DCIS SA will power down the cameras upon receipt to prevent anyone from viewing the footage via cell phone applications. The on-scene supervisor or other senior DCIS SA will upload the videos from all the BWCs collected, in accordance with Section 8 of this instruction. The involved DCIS SA(s) and any other DCIS SA(s) who witnessed the AIS or use of force incident cannot view their BWC recording without the concurrence of the assigned prosecutor.

- 12-4 **Internal Inquiries and Investigations.** DoD OIG personnel conducting internal inquiries or investigations may review BWC recordings in connection with such investigations. DCIS personnel requesting to review a DCIS SA's BWC recordings for the purpose of this subsection will submit a memorandum to the Inspections and Compliance PM. The memorandum shall state the reason for the request.
- 12-5 **Training.** DCIS may use BWC recordings for training purposes. Access to those recordings will be coordinated through the BWC PM. When necessary, the BWC PM, in consultation with the OGC, will obtain the written permission of any DCIS personnel whose recordings or images are depicted in any training videos.
- 12-6 **Supervisory Review.** DCIS supervisors may view BWC recordings to conduct "after action debriefs" and for situational awareness relating to an investigation where BWC or other recordings may be released outside of DCIS due to a public interest, expedited release requirements, administrative reviews, or pending or anticipated criminal or civil litigation. Nothing in this policy is intended to restrict the authority of the Inspector General, the DIG-INV, the General Counsel, or their designees, from reviewing recordings in the performance of their official duties. Requests to review SAs BWC recordings for the purpose of this subsection shall be made in writing to the BWC PM and shall state the reason(s) for the request.

### **Section 13. Treatment of BWC Recordings and Release Requests**

- 13-1 In all circumstances, BWC recordings shall be treated as law enforcement sensitive, the premature disclosure of which could reasonably be expected to interfere with law enforcement investigations and potential proceedings. BWC recordings will also be treated as potential evidence in a federal investigation subject to applicable federal laws, rules, and policies concerning any such disclosure; and therefore, deemed privileged absent appropriate redaction prior to disclosure. All requests for DCIS BWC recordings unrelated to a pending DCIS criminal investigation or case will be forwarded to the BWC PM, who will consult with the OGC, and determine whether recordings will be released. Nothing in this policy shall be deemed to provide a right of public access to BWC recordings. DCIS BWC recordings are controlled by, and the property of, the DCIS and will be retained and managed by the DCIS.
- 13-2 **Requests for Disclosure of BWC Recordings.** All official use requests for disclosure of BWC will be processed in accordance with IG Instruction 5200.02, "Official Use Request Program." Any routine Freedom of Information Act (FOIA) or Privacy Act requests will

be released pursuant to routine DoD OIG and/or DCIS policy.

#### **Section 14. Training**

- 14-1 The DCIS Training Division shall ensure that all SAs receive the required training on the use of BWCs in accordance with the policies in this instruction.
- 14-2 To ensure the proper use and operation of BWCs, as well as maintain compliance with privacy and civil liberties laws, SAs must establish and maintain proficiency and knowledge related to BWC deployment. Training for BWC deployment consists of three modules: Initial, Familiarization, and Refresher.
- 14-3 Prior to deployment of BWCs, each SA must complete a DCIS-approved initial training module to ensure the proper use and operation of the BWC, as well as compliance with privacy and civil liberties laws. Additionally, each SA must complete a practical training exercise utilizing BWCs prior to deployment of the BWC for an operation.
- 14-4 SAs must complete an annual BWC familiarization module in conjunction with control tactics training or firearms training, to maintain proficiency in the use of BWCs and ensure continued functionality of the devices. If SAs are unable to complete the required scheduled training, they will raise the need for alternate training with their RAC. The RAC shall review and approve their alternate training.
- 14-5 SAs must receive a refresher module during DCIS in-service training to ensure the proper use of the BWC, as well as compliance with privacy and civil liberties laws.

#### **Section 15. Expedited Public Release of DCIS BWC Recordings**

- 15-1 If DCIS BWC recordings depict conduct resulting in serious bodily injury or death of another, DCIS shall notify the Inspector General as early as possible to determine whether to publicly release the BWC recordings. After consultation with and concurrence, the OIG shall notify the U.S. Attorney as early as possible of the desire to release the BWC recordings publicly. OIG and the U.S. Attorney will expeditiously review the recordings 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 DCIS may immediately release the recordings with any agreed-upon redactions, giving as much advance notice as possible to the U.S. Attorney as to the time and manner of its release.

#### **Section 16. References**

- 16-1 These policies and procedures are in accordance with the following references:
- Deputy Attorney General Memorandum Regarding Body-Worn Camera Policy, June 7, 2021

- Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Publics Trust and Public Safety,” May 25, 2022
- DCIS Special Agents Manual Chapter 42, “Investigative Records Management,” August 2011
- DCIS Instruction 38, “Use of Force,” December 2023
- IG Instruction 5400.07, “Freedom of Information Act Program,” February 13, 2020
- IG Instruction 5200.02, “Official Use Request Program”