



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

The U.S. Department of the Interior and Its Bureaus Have Not Finalized and Implemented Their Body Camera Policies



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SEP 14 2022

Memorandum

To: Deb Haaland
Secretary of the Interior

From: Mark Lee Greenblatt
Inspector General

A handwritten signature in black ink, appearing to read "Mark Lee Greenblatt".

Subject: Final Inspection Report – *The U.S. Department of the Interior and Its Bureaus Have Not Finalized and Implemented Their Body Camera Policies*
Report No. 2021–WR–019

This report presents the results of our inspection to determine whether the U.S. Department of the Interior finalized its interim body camera policy and whether the bureaus operating body camera programs updated their respective policies.

Why We Conducted This Inspection

We reported in January 2018 (Report No. 2017–WR–012) that the Department’s draft body camera policy fell short of critical industry standards in areas such as data quality, systems security, and privacy.¹ We also found that individual bureau policies varied in content and implementation and that bureau body camera practices were not consistent with industry standards. For example, as we explained in the 2018 report, industry standards state that law enforcement agencies must maintain strict managerial control over all devices and recorded content. However, we found that officers at a U.S. Fish and Wildlife Service (FWS) refuge and a Bureau of Land Management (BLM) field office stored their body camera footage locally on their Department-issued computers, limiting supervisors’ access and control over the recorded content. The failure to adhere to industry standards increases the risk that investigative or judicial proceedings will be challenged for failure to properly maintain chain of custody for evidence and could lead to an erosion of public trust in Department and bureau law enforcement programs. We made 13 recommendations for the Department to address deficiencies in its draft policy, bring it in line with industry standards, and implement temporary measures for the bureaus until the Department issues a revised policy.

The Office of Law Enforcement and Security (OLES), which provides program guidance and oversees Department and bureau law enforcement activities, revised the Department’s draft

¹ In our [January 2018 report](#), we compared the Department’s draft body camera policy and bureau practices to the recommendations made by two widely recognized law enforcement authorities on the use of body cameras: the International Association of Chiefs of Police and the Police Executive Research Forum.

policy and issued an interim *Departmental Manual (DM)* body camera policy² on December 21, 2017 (446 DM 41), before we issued the final report in early 2018. Guidance in 212 DM 17 grants the OLES authority to “issue policy, interim policy, and guidance affecting Department law enforcement, security, homeland security, and intelligence programs.”³ The 2017 interim policy incorporated our recommendations and required bureaus that choose to implement body cameras to update their own policies to comply with the 2017 interim policy. It also stated that “all interim policies are simultaneously sent through the official surnaming process with the Office of the Executive Secretariat to become final.”⁴

We conducted this inspection to follow up on our previous evaluation, including the status of the 2017 interim policy and the bureaus’ own policies, particularly given increased attention on appropriate oversight of body cameras.⁵

What We Reviewed

To determine the status of Department and bureau body camera policies, we interviewed officials at the OLES and obtained and reviewed the body camera policies currently in use at the five bureaus and offices that have law enforcement responsibilities: the Bureau of Indian Affairs (BIA), the BLM, the FWS, the National Park Service (NPS), and the U.S. Park Police (USPP).⁶ We also interviewed officials from the Office of the Executive Secretariat and Regulatory Affairs (ExecSec) who are responsible for managing changes to the *Departmental Manual*.

We conducted our inspection in accordance with the *Quality Standards for Inspection and Evaluation* as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusions and recommendations.

What We Found

The Department has never issued a finalized body camera policy, even though its bureaus have been using body cameras since at least 2016. Additionally, three of the four bureaus that had body camera policies at the time of our 2018 report have not updated them to comply with the Department’s interim policy that was issued in late 2017. As a result, these bureaus continue to operate under policies that are not consistent with minimum standards established in the

² For the purposes of this report, we refer to the interim *Departmental Manual* chapter on body camera use as the “interim policy.”

³ In 2009, to expedite the release of new Department policies and policy updates, the Deputy Assistant Secretary – Law Enforcement, Security, and Emergency Management issued a memorandum to the bureau directors confirming that the OLES was authorized to issue interim law enforcement policies and that all interim policies would become effective immediately.

⁴ The “surnaming” process is the review and approval process used to finalize new or updated policies from multiple departmental offices, including the OLES (which, as noted above, has special authority to issue interim policies to bureaus before completing the surnaming process). The policies are tracked as they move from one reviewer to the next using the Department’s Data Tracking System.

⁵ See, e.g., *Police Cameras at the Department of the Interior: Inconsistencies, Failures, and Consequences: Hearing before the H. Committee on Natural Resources’ Oversight and Investigations Subcommittee*, 116th Cong. (2020).

⁶ The USPP is a unit of the NPS with jurisdiction in all Federal parks. USPP officers operate in the metropolitan areas of Washington, DC; New York, NY; and San Francisco, CA.

Department's interim body camera policy. For example, we found bureaus with body camera policies that lacked:

- Provisions for supervisory review of body camera recordings.
- Prohibitions on manipulating or deleting body camera recordings.
- Requirements for annual follow-up training.
- Identification of technology administrators and training managers.

Given the importance of body cameras for ensuring public safety, supporting investigative proceedings, and maintaining public trust in law enforcement, it is crucial that the Department and bureau law enforcement officers understand how to use them and that supervisors provide oversight of their use.

The Department Has Not Finalized its 2017 Interim Body Camera Policy

The Department informed us in March 2020 that the body camera policy was “in the queue” to become permanent. We determined, though, that the policy had never been routed through the necessary approval process used at the relevant time. In particular, according to Department policy, after issuing its interim body camera policy in 2017, the OLES should have sent it through the surnaming process used at the time to become permanent. As part of that process, the finalized policy should have been added to the *Departmental Manual* and posted to the Electronic Library of Interior Policies (ELIPS).

Based on interviews with ExecSec officials, it is our understanding that the Department's current surnaming process to revise a *Departmental Manual* chapter uses the Department's Data Tracking System (DTS) to log the review and approval steps.⁷ The Department's approval process uses the DTS to route the policy to various bureaus and officials for clearance and approval. Every policy should ultimately be provided to the Policy Management Unit, which is part of the Secretary's Immediate Office, for final approval and uploading into ELIPS.

However, OLES officials explained and ExecSec officials confirmed there was no record of the 2017 interim body camera policy being entered into the DTS as part of the formal approval and routing process. In May 2021, the OLES director stated that the office recently started updating the 2017 interim body camera policy and that the document is currently with the OLES Operation and Policy Group for review.

In September 2021, the Department provided us a preliminary version of its updates to the 2017 interim policy. The version we reviewed included the Department's earlier changes that it made in response to the recommendations published in the 2018 report to bring the policy in line with industry standards. The updated version also contained additional changes to provide clarity

⁷ An ExecSec official stated that none of the current ExecSec officials know how, if at all, the surnaming process differed in 2017.

and expand the guidance. The Department did not identify an estimated timeframe for completion of this policy.

Additionally, in April 2022, the Department’s Office of the Solicitor hired a new attorney who, according to the Department, has “specific expertise in law enforcement matters to ensure the legal sufficiency of critical *Departmental Manual* chapters and law enforcement policies, such as use of force and body cameras.”

Most Bureaus Have Not Updated Their Body Camera Policies, As Required by the 2017 Interim Policy

We also found that most bureaus did not update their body camera policies in accordance with the 2017 interim policy, which requires bureaus to establish comprehensive body camera policies that meet the requirements of that 2017 interim policy before employing body cameras. As a result, these bureaus continue to operate under bureau policies that are not consistent with minimum standards established in the Department’s interim body camera policy. See Figure 1 for examples of minimum standards that are missing from bureau body camera policies.

Figure 1: Department Body Camera Policy Requirements That Are Missing from Bureau Body Camera Policies

Department Requirement	Bureaus Missing the Requirement
Law enforcement supervisors should be able to view body camera recordings to investigate complaints and to identify footage for training or instructional use.	BLM
Bureau policy must prohibit law enforcement officers from manipulating or deleting body camera recordings.	BLM
Bureaus must provide annual follow-up training to uniformed law enforcement officers and managers on operating body cameras, managing recordings, legal requirements, and other relevant policies regarding body camera use.	BIA, BLM, NPS
Bureau policies must identify (1) a technology administrator to manage all aspects of body camera devices, associated hardware, and maintenance; and (2) a training manager to ensure that law enforcement officers who use body cameras are trained in the latest techniques and requirements.	BIA, BLM, NPS

Bureaus cited staff shortages, retirements, and the priorities of the previous administration as reasons for their lack of action. Regardless of the cause, by failing to incorporate these minimum standards in their body camera policies, bureaus are unable to demonstrate that they maintain the strict control over body camera devices and recordings that is necessary to ensure the integrity of their body camera programs. See Figure 2 for the status of each bureau’s body camera policy at the time of our inspection.

Figure 2: Bureau Body Camera Policy Updates, Compliance with Departmental Requirements, and Status

Bureau	Last Updated	Compliant	Status of Body Camera Use and Policy
BIA	2016	No	The BIA does not use body cameras. The BIA halted its body camera program in 2016 ⁸ due to incompatible hardware and data storage issues and does not plan to restart the program until it updates its body camera policy and standardizes its camera hardware. As of October 2021, the draft policy was with the BIA Field Operations Directorate policy group for review.
BLM	2012	No	The BLM uses body cameras. The BLM drafted its updated body camera policy in July 2021, and the BLM Executive Leadership Team completed its review. The policy is awaiting final approval from the Office of the Solicitor and the Acting Director for the BLM's Office of Law Enforcement and Security.
FWS	2019	Yes	The FWS uses body cameras. In response to our prior report, the FWS updated its body camera policy and issued it in final on May 6, 2019.
NPS	2015	No	The NPS uses body cameras. The NPS is updating its body camera policy in coordination with the Office of the Solicitor and is also creating an Office of Public Trust to oversee policy inquiries, Freedom of Information Act requests, and video redaction assistance.
USPP	2021	Yes	The USPP uses body cameras. On May 18, 2021, the USPP issued an interim body camera policy and implemented it at its San Francisco Field Office to help the USPP identify and address any necessary changes to the program before it is rolled out to its field offices in New York, NY, and Washington, DC.

Why This Matters

As an initial matter, the Department should finalize its own policy. Although the bureaus themselves are taking action to update policies, it has been more than 4 years since the

⁸ Although the BIA halted its body camera program in 2016, BIA officials told us during our review that the BIA possessed an inventory of 55 body cameras that were purchased around 2016. We included the BIA in the scope of this review since the BIA's existing policy would be effective if these cameras were to be used. In August 2022, BIA officials told us that the 55 body cameras are no longer serviceable and need disposal.

Department issued interim guidance. A finalized, Department-level policy is important to provide guidance to the bureaus and help ensure consistency with industry standards, clarify expectations for body camera use, and provide transparency.

In addition, as we stated in our 2018 report regarding the Department's body camera policy, the bureaus that have not updated their body camera policies to comply with the Department's interim policy continue to operate body cameras using policies that lack critical industry standards. As a result, their implementation of successful body camera programs is at risk, particularly in areas such as data quality, systems security, and privacy. These concerns have only grown in the years since we issued the report, particularly given the increased public and congressional attention to the appropriate use of body cameras. Without prioritizing development of body camera policies, the Department cannot achieve its objective of having body camera programs that are designed to support law enforcement strategies to improve public and officer safety.

On May 25, 2022, the White House issued Executive Order No. 14074,⁹ requiring the heads of all Federal law enforcement agencies to ensure that their respective agencies issue body camera policies that meet or exceed requirements outlined in a U.S. Department of Justice memorandum dated June 7, 2021.¹⁰ The executive order also requires that these body camera policies be made public and include protocols for expedited public release of body camera footage following incidents involving serious bodily injury or deaths in custody. OLES officials told us that the OLES and the bureaus are working with the Office of the Solicitor to update and finalize 446 DM 41 to ensure compliance with the executive order and our recommendations.

What We Recommend

We make two recommendations to help the Department and bureaus improve oversight and management of body camera programs.

We recommend that the Department:

1. Develop reasonable milestones to finalize and implement its body camera policy.
2. Independent of a finalized Department policy, ensure that bureaus using body cameras update and finalize their policies within a defined timeframe to comply with any applicable interim or final Department policy.

⁹ Executive Order No. 14074, 87 Fed. Reg. 32,945 (May 25, 2022), *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, (available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order-on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/>).

¹⁰ U.S. Department of Justice, *Body-Worn Camera Policy* (June 7, 2021) (available at <https://www.justice.gov/dag/page/file/1402061/download>).

We provided a draft of this report to the Department for review. The Department concurred with our recommendations.¹¹ For Recommendation 1, the Department provided a target implementation date of October 14, 2022, to finalize 446 DM 41 and stated that it “may be required to promulgate Department policy by issuing a Law Enforcement Policy Bulletin to meet the August 24, 2022 deadline established by Executive Order No. 14074.” For Recommendation 2, the Department stated that it will work with the bureaus’ law enforcement programs and the Office of the Solicitor to ensure that bureau policy is implemented by December 31, 2022. Based on the Department’s response, we consider the recommendations resolved but not implemented. See Attachment 1 for the full text of the Department’s response; Attachment 2 lists the status of each recommendation.

We will refer both recommendations to the Office of Policy, Management and Budget for implementation tracking and to report to us on their status. In addition, we will notify Congress about our findings, and we will report semiannually, as required by law, on actions you have taken to implement the recommendations and on recommendations that have not been implemented. We will also post a public version of this report on our website.

If you have any questions, please contact me or Kathleen Sedney, Assistant Inspector General for Audits, Inspections, and Evaluations, at 202–208–5745.

Attachments (2)

¹¹ In addition, the Department provided comments on the text of the report itself. We have incorporated certain information as appropriate but made no substantive changes to our conclusions or recommendations.

Attachment 1: Responses to Draft Report

The U.S. Department of the Interior's response to our draft report follows on page 9.



United States Department of the Interior
OFFICE OF THE SECRETARY

Office of Law Enforcement and Security
1849 C Street NW
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To: Kathleen Sedney
Assistant Inspector General
Audits, Inspections, and Evaluations

From: Robert D. Maclean
Director
Office of Law Enforcement and Security

P.P. Osceola Red Shirt OSCEOLA
Assistant Director RED SHIRT
Office of Law Enforcement and Security

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Subject: Office of Law Enforcement and Security Response to: Draft Inspection
Report No. 2021-WR-019

Thank you for allowing the Office of Law Enforcement and Security (OLES) an opportunity to review and comment on the Draft Inspection Report. Below is our response to the Draft Inspection Report findings and recommendations.

OLES has provided a redline strikeout version of the Draft Inspection Report (as an attachment) to clarify and add context to Department Manual Chapter authority, the authority to promulgate Department Law Enforcement Policy, and the complexities of this particular chapter.

Below are the responses to both recommendations in the Draft Inspection Report, including the steps that OLES has taken or will be taking to address them.

Recommendation #1 (as amended by OLES - see attached) - Develop reasonable milestones to finalize and implement its body camera Departmental Manual Chapter (446 DM 41).

OLES Response: Concur with Recommendation #1. The draft of 446 DM Chapter 41 (body worn cameras) is currently with the Office of the Solicitor (SOL) and was briefed to the Bureau Directors of Law Enforcement on June 15, 2022. Additionally, OLES and SOL are meeting with DHS and DOJ to clarify language and intent of DOJ policies to ensure the Department's DM is appropriately aligned with Executive Order 14074 of May 25, 2022. The draft DM will follow the Department's Office of Executive Secretariat and Regulatory Affairs' (ExecSec) DM process to be reviewed and surmamed in the Data Tracking System

(DTS) and uploaded to the Electronic Library of Interior Policies (ELIPS). The target date for uploading the DM to DTS is August 17, 2022. Depending on the length of the surnaming/DTS process, OLES may be required to promulgate Department policy by issuing a Law Enforcement Policy Bulletin to meet the August 24, 2022, deadline established by EO 14074. Target date of finalizing 446 DM 41 is October 14, 2022.

Recommendation #2 (as amended by OLES - see attached) - Independent of a finalized Department Manual Chapter, ensure that bureaus using body cameras update and finalize their policies within a defined timeframe to comply with any applicable DM or final Department law enforcement policy.

OLES Response: Concur with Recommendation #2. OLES will work with the Bureau's law enforcement programs and SOL to ensure that Bureau policy is implemented by December 31, 2022.

OLES remains actively engaged with the Bureaus, SOL, and ExecSec to ensure the appropriate DMs and Law Enforcement Policies are appropriately promulgated in a manner that adheres to and supports each of the pillars of procedural justice and the direction of EO 14074.

Responsible Official: Rob MacLean; Director, Office of Law Enforcement and Security; Office of the Secretary.

Attachment 2: Status of Recommendations

Recommendation	Status	Action Required
1, 2	Resolved but not implemented	We will refer these recommendations to the Office of Policy, Management and Budget to track implementation.



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