



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

**U.S. DEPARTMENT OF THE INTERIOR
LAW ENFORCEMENT'S BODY CAMERA
POLICY AND PRACTICES ARE NOT
CONSISTENT WITH INDUSTRY
STANDARDS**



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INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

Memorandum

JAN 30 2018

To: Harry Humbert
Deputy Assistant Secretary, U.S. Department of the Interior

From: Mary L. Kendall 
Deputy Inspector General

Subject: Final Evaluation Report – U.S. Department of the Interior Law Enforcement’s Body Camera Policy and Practices Are Not Consistent With Industry Standards
Report No. 2017-WR-012

This memorandum transmits our final evaluation report on the use of body cameras by U.S. Department of the Interior law enforcement offices. We evaluated the Department’s draft body camera policy and determined that it did not include critical industry standards and should be revised prior to finalizing. We also evaluated body camera practices of four bureaus with law enforcement functions and determined they are not consistent with industry standards.

We make 13 recommendations to address the deficiencies in the Department’s draft policy and bureau practices that, if implemented, will improve consistency with industry standards and strengthen body camera programs throughout the Department. The Department responded to our draft report on November 28, 2017. Based on its response, we consider Recommendations 1 – 7 and 9 – 13 resolved but not implemented, and Recommendation 8 resolved and implemented.

If you have any questions regarding this memorandum or the subject report, please contact me at 202-208-5745.

The legislation creating the Office of Inspector General requires that we report to Congress semiannually on all audit, inspection, and evaluation reports issued; actions taken to implement our recommendations; and recommendations that have not been implemented.

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Results in Brief

The Office of Inspector General evaluated the Department's draft body camera policy and determined that it did not include critical industry standards and should be revised prior to finalizing. The OIG also evaluated body camera practices of four bureaus with law enforcement functions and determined that they were not consistent with industry standards.

Department officials drafted a high-level policy to provide bureaus the ability to develop bureau-specific policies and standards at their discretion. As a result, the Department's high-level policy does not include critical industry standards that we believe should be mandatory. We identified two leading authorities on law enforcement use of body cameras—the International Association of Chiefs of Police and the Police Executive Research Forum—and conclude that by adopting their recommendations, the Department and bureaus will strengthen their body camera policies and practices.

Specifically, the Department's draft policy would benefit from including standards for controls over body camera recordings, prohibition of manipulating and sharing recordings, requirements to note recordings in incident reports, requirements to document when a recording is not made or not completed, requirements to categorize videos, direction on sharing recordings, requirements for supervisors to review recordings, and requirements to inspect body cameras before shifts.

The Department has not yet issued and implemented a final policy on the use of body cameras by law enforcement. To date, bureau use of body cameras has been voluntary and decisions to purchase equipment are generally made at the field or regional level. Meanwhile, the bureaus have or are in process of issuing their own policies. Without a Departmentwide policy, however, these bureau policies vary in content and implementation. We found that bureau practices deviate from industry standard by not controlling cameras and recordings, tracking camera inventory, identifying recordings in incident reports, purging recordings after the retention period expires, or enforcing supervisory review of recordings.

Until the Department issues a clear and consistent policy for bureaus to follow, the success of body camera programs is at risk, particularly in areas such as data quality, systems security, and privacy. There is also a risk that investigative or judicial proceedings will be challenged for failure to properly maintain evidence chain of custody, which could lead to an erosion of public trust in bureau law enforcement programs.

We make 13 recommendations to address the deficiencies in the Department's draft policy and bureau practices that, if implemented, will improve consistency with industry standards and reduce the risks described above. The Department responded to our draft report on November 28, 2017. Based on its response, we

consider Recommendations 1 – 7 and 9 – 13 resolved but not implemented, and Recommendation 8 resolved and implemented.

Introduction

Objective

Our objective was to determine if the U.S. Department of the Interior's draft body camera policy and bureau practices were consistent with industry standards. See Appendix 1 for the scope and methodology and Appendix 2 for the sites we visited and contacted.

Background

Body cameras have drawn national attention for their potential to improve policing by building community trust, providing transparency, meeting FOIA requirements, and protecting innocent victims. Department law enforcement officers who wear body cameras use them to record encounters with members of the public. The National Park Service (NPS) and Bureau of Indian Affairs (BIA) policies describe how body cameras may aid in accomplishing law enforcement objectives by enhancing officer safety, accurately capturing statements and events of an incident, aiding in courtroom documentation and presentations, improving field evaluation and training, and providing audiovisual information for use in current and future investigations. Law enforcement offices in the NPS, U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and BIA have independently implemented body camera programs to varying degrees.

The Department has not yet issued and implemented a policy on the use of body cameras by law enforcement. The Department's Office of Law Enforcement and Security (OLES) drafted a Departmentwide body camera policy that the bureaus have commented on and is under review by the OLES Director. We requested to review this draft policy prior to its finalization to ensure that the policy incorporated leading practices and industry standards. Without a Departmentwide policy, the bureaus have issued or are in process of issuing policies and procedures specific to their bureaus that vary in content and implementation. The NPS, BLM, and FWS have not centrally managed their body camera programs and have allowed field offices and regions to determine whether they needed body cameras and which ones to purchase. Without a centrally managed program, offices have purchased a variety of body camera types with capabilities that are often not compatible with equipment used by other offices or regions. A BIA official stated these incompatibilities and inconsistencies with the use of body cameras within the Bureau caused the BIA to suspend its body camera program until it developed a Bureauwide policy and selected a standard body camera type.

We identified leading practices and industry standards reported by two widely recognized law enforcement authorities on the use of body cameras, the International Association of Chiefs of Police (IACP) and the Police Executive Research Forum (PERF). In 2014, the IACP published a model policy for body

cameras as well as a technology policy framework.¹ PERF also published a report in 2014 that captures lessons learned and recommendations for implementing body camera programs based on its research and interviews with police executives.² We compared the Department's draft body camera policy and bureau practices to the recommendations made by these leading law enforcement organizations.

The FWS, NPS, and BLM law enforcement chiefs provided limited data on the number, location, and cost of body cameras in use by these offices. And until recently, the BIA would have had difficulty providing the number, location, and cost of the body cameras in use by the Bureau. We requested data on body camera use from each bureau. The NPS provided a 2016 report that identified 79 NPS sites that are at various stages of camera implementation. The FWS and BLM did not provide nationwide data on body camera use within their bureaus, but we were able to obtain data from regional or field offices. A BIA official reported that body cameras had only been deployed in two locations at the time of our review.

¹ See <http://www.theiacp.org/mpbodyworncameras>

² *Implementing a Body-Worn Camera Program, Recommendations and Lessons Learned*, PERF, 2014, <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

Findings

The Department's draft body camera policy does not include critical industry standards, and we believe that the Department policy needs to adopt those standards to ensure consistency and the successful use of body cameras across the Department. The Department's draft policy could be strengthened by embracing recommendations from the IACP and PERF, specifically by including requirements to:

- Control body camera recordings
- Prohibit manipulating and sharing recordings
- Note recordings in incident reports
- Document when a recording is not made or not completed
- Label and categorize videos
- Clarify direction on sharing recordings
- Enforce supervisory review of recordings
- Inspect body cameras before shifts

In the absence of a final policy from the Department, bureaus have independently implemented their own policies and procedures that vary from bureau to bureau, and their practices deviate from industry standards by not:

- Controlling cameras and recordings
- Enforcing supervisory review of recordings
- Tracking camera inventory
- Identifying recordings in incident reports
- Purging recordings after the retention period expires

The Department's Draft Body Camera Policy Does Not Include Critical Industry Standards

We found that the Department's draft body camera policy does not include critical industry standards. Department officials told us that they intended to develop a high-level policy that sets minimum standards and allows bureaus to develop

stricter policies at their discretion. We believe, however, that the following industry standards are critical to a successful body camera program and should be required by Department policy to ensure consistency in bureau-level policies and implementation.

Control Body Cameras and Recordings

The Department's draft policy does not require that management maintain strict control over the devices and recorded content.

According to the IACP, managers at law enforcement agencies must maintain strict control over all devices and recorded content, including body camera activation, data storage, safeguarding video data, and sharing video recordings. In addition, managers should keep a record of who can and who has accessed recordings, when, and for what purpose.

The IACP states that for a recording to be admissible in court, the officer must be able to authenticate the recording as a true and accurate depiction of the events in question. In an effort to prevent the recording from becoming evidence, the defense may question the chain of custody. Maintaining control over body cameras and recordings also lowers the risk to the privacy and safety of both the law enforcement officers and the public and ensures integrity of recordings.

Recommendation

- I. We recommend that the Department revise, issue, and implement a body camera policy that requires bureaus to maintain strict managerial control over all devices and recorded content so that it can ensure the integrity of recordings made by officers.

Prohibit Manipulating, Sharing, and Releasing Recordings

The Department's draft policy does not prohibit officers from manipulating or distributing recorded content, nor does it explicitly prohibit accessing, copying, or releasing recordings without written authorization.

According to the IACP, body camera policies should prohibit officers from editing, altering, erasing, duplicating, copying, sharing, or otherwise distributing recordings without prior written authorization. There should be internal controls and a strong chain of custody over body camera software used to download and manage recordings to reduce the risk of vulnerabilities to the recorded data.

The IACP also recommends prohibiting personnel from accessing, copying, or releasing files for non-criminal justice purposes. For instance, PERF states a draft policy should clarify who is allowed to authorize the release of recordings and the process for responding to public requests for recordings.

Failing to include this prohibition in the draft policy increases the risk that law enforcement officers might edit, erase, copy, share, or release files for non-criminal justice purposes. While the NPS, BLM, and BIA do prohibit this type of activity in their body camera policies, it is important that the Department also include this prohibition in its policy to ensure that bureau policy is consistent and that bureaus are maintaining the integrity of all recorded data.

Recommendation

2. We recommend that the Department revise, issue, and implement a body camera policy that prohibits officers from editing, erasing, copying, sharing, or releasing files for non-criminal justice purposes.

Note Recordings in Incident or Arrest Reports

The Department's draft policy does not require that officers note the existence of body camera footage in their incident, arrest, or related reports.

The IACP recommends that officers note in their incident, arrest, or related reports when recordings were made. Furthermore, PERF recommends officers who turn on the body camera while on duty should be required to note the existence of the recording in the incident report.

Accurately documenting the presence of footage in the case file ensures that investigators, prosecutors, oversight boards, and courts are aware of its existence. For instance, prosecutors may need to give potentially exculpatory materials to defense attorneys. Failure to provide all video evidence could result in a case being dismissed and damage public trust in law enforcement.

Recommendation

3. We recommend that the Department revise, issue, and implement a body camera policy that requires officers to note in their incident, arrest, or related reports when recordings were made during the events in question.

Document Recordings That Are Not Made, Are Interrupted, or Are Terminated

The Department's draft policy does not require officers to document the reason a recording was not made, was interrupted, or was terminated.

The IACP recommends that officers document the reason for not turning on a body camera, not recording an entire contact, interrupting a recording, or terminating a recording. In addition, PERF recommends that officers who wear body cameras be required to explain on camera or in writing their reasoning for not recording an activity that policy requires them to record.

While there are situations in which an officer may be unable to record an incident, the rationale behind this requirement is to ensure that officers are held accountable and to help supervisors investigate recording irregularities. Requiring this documentation within incident reports can help refute accusations that the officer deleted or altered the video after the fact.

We noted that the four bureau body camera policies we reviewed required that the officers document in the incident report the reason a recording was not made, was interrupted, or was terminated. Including this requirement in the Department’s policy will ensure consistency across all bureaus.

Recommendation
4. We recommend that the Department revise, issue, and implement a body camera policy that requires officers to document why a recording was not made, was interrupted, or was terminated.

Label and Categorize Recordings When Downloaded

The Department’s draft policy does not require officers to label and categorize body camera recordings when they are downloaded.

According to the IACP and PERF, officers should label recordings as evidentiary or nonevidentiary. Officers should then further categorize evidentiary recordings according to the type of evidence caught in the footage (homicide, robbery, traffic citation, etc.). Properly labeled and categorized recordings help officers determine retention periods and when recordings can be purged. Labeled recordings also help officers, supervisors, prosecutors, and other authorized personnel quickly identify and access footage needed for investigations or court proceedings.

Recommendation
5. We recommend that the Department revise, issue, and implement a body camera policy that requires officers to label and categorize body camera videos at the time they are downloaded.

Specify How To Share Recordings With Other Agencies

The Department’s draft policy does not specify how recordings can be shared with outside agencies, including who can share them, with whom, and how.

The IACP recommends that policies specify whether body camera recordings can be shared with outside entities, under what circumstances, how authorization is provided, how shared information is tracked, how use is monitored, and how policy provisions (including privacy) will be managed and enforced. The IACP also recommends that recordings should not be shared or distributed without prior written authorization from a senior law enforcement officer.

According to PERF, as the public and news media become more familiar with the existence of body camera programs, it is reasonable to expect an increase in requests for recordings. It can be expected that such public records requests will add to the workload of managing a body camera program. Therefore, due to the potentially sensitive nature of these recordings, policies should ensure that there are clear rules for who can share data, with whom, and how. Recordings should be considered confidential, and officers should follow the same chain of custody protocols and safeguard body camera recordings as they would for any other form of evidence. Without policies in place to control how footage is released to outside parties and agencies, the Department and bureaus risk sensitive and personally identifiable information being compromised or released to unauthorized parties.

Recommendation

6. We recommend that the Department revise, issue, and implement a body camera policy that specifies whether recordings captured, stored, generated, or otherwise produced by a technology can be shared with other agencies, under what circumstances, how authorization is provided, how information that is shared is tracked, and how policy provisions (including privacy) will be managed and reinforced.

Enforce Supervisory Review of Video Recordings

The Department's draft policy does not require supervisors to randomly review body camera recordings. Rather, it only states that law enforcement supervisors should be able to view recordings during an investigation and to identify the appropriate recordings for training or instructional use.

The IACP recommends that body camera policies require supervisors to randomly review recordings, at least monthly, and that officers use the devices appropriately and in accordance with policy and identify any areas in which additional training or guidance is required. Policies should also ensure that the equipment is operating properly and examined on a daily basis.

Contrary to the IACP's recommendation, the BLM's national policy prohibits supervisors from conducting routine reviews of subordinates' video recordings to monitor or evaluate their performance. We believe the Department's policy should require supervisory review of video recordings to ensure that body cameras are functional and used appropriately.

Recommendation

7. We recommend that the Department revise, issue, and implement a body camera policy that requires supervisors to randomly review body camera recordings at least on a monthly basis to ensure that the equipment is operating properly, that officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance may be required.

Inspect and Test Body Cameras Before Each Shift

The Department's draft policy does not require officers to inspect and test their body cameras prior to each shift to verify that they work, nor does it require officers to notify their supervisor of any problems.

According to the IACP, body cameras should be the responsibility of individual officers and they should keep their cameras in working order. Officers should test their cameras prior to each shift and notify their supervisor if they detect any problems. Testing cameras allows malfunctions or damage to be assessed and reported as soon as possible so that a replacement may be issued quickly. Ensuring that an officer's body camera works can help avoid potential liability resulting from missed recordings or having poor quality recordings of an incident.

During our site visits, officers reported that having video of an incident quickly cleared the officers of any wrongdoing once the video evidence was reviewed. Implementing a policy to require officers to inspect their body cameras and report any malfunctions helps ensure the officer always has the ability to record events, preserves officer integrity, and potentially reduces time and resources spent investigating complaints.

Recommendation

8. We recommend that the Department revise, issue, and implement a body camera policy that requires officers to inspect and test the body camera prior to each shift to verify that it works and notify their supervisor of any problems.

Current Bureau Practices Not Consistent With Industry Standards

Without a Departmentwide policy on body camera use, bureau policies vary in content and implementation, resulting in practices that deviate from critical industry standards. At our site visits (see Appendix 2), we identified the bureau body camera practices that are not consistent with the following industry standards.

Control Cameras and Recordings

At the FWS Havasu National Wildlife Refuge and the BLM El Centro Field Office, officers had complete control over their videos, and could potentially delete or alter the videos. Their body camera software allowed them to select which videos to download and to save the videos to their U.S. Government-issued computers. Because officers were storing videos locally on work computers, supervisors who were located elsewhere had limited or no access to or control over the recorded content.

Conversely, body camera software used at other sites we visited did not allow users to choose which video files to download. The software tracked when video recordings were accessed, altered, or deleted and allowed only supervisors to delete recordings.

According to the IACP, law enforcement agencies must maintain strict managerial control over all devices and recorded content.

Recommendation

9. We recommend that while the Department's draft body camera policy is being revised, bureaus adjust their written procedures to be consistent with industry standards and require offices to maintain strict managerial control over recorded content so that they can ensure the integrity of recordings made by the officers.

Enforce Supervisory Review of Recordings

Most supervisors we spoke to were not reviewing their subordinates' recordings. Some reported that their officers were spread out across a vast geographic area and that those officers save their body camera videos locally to their computers. The supervisors stated this makes it very difficult to regularly review videos as they do not have access to the videos. Other supervisors stated that they usually only review videos if there is an allegation made regarding the officer's conduct. At the Golden Gate National Recreational Area, supervisors were reviewing their subordinates' videos from the prior week for quality control purposes.

The IACP recommends that body camera policies require that supervisors randomly review body camera videos, at least monthly, to ensure that the equipment is functional and that officers are using the devices appropriately and in accordance with policy. Supervisors should also review videos to identify any areas in which additional training or guidance is required. According to PERF, periodic monitoring can help proactively identify problems and hold officers accountable for their performance.

Recommendation

10. We recommend that while the Department's draft body camera policy is being revised, bureaus adjust their written procedures to be consistent with industry standards and require supervisors to randomly review body camera recordings, at least monthly, to ensure that the equipment is working and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

Track Body Camera Inventory

Several of the offices we visited did not sufficiently track their body camera inventories. While some offices reported that they recorded body cameras in the Department's Financial and Business Management System (FBMS), most used manufacturer-supplied body camera software, spreadsheets, or did not track them at all. As a result, regional and headquarters offices had limited information on the number of cameras and to whom they were assigned.

According to the IACP, law enforcement agencies must maintain strict managerial control over all devices and recorded content.

Recommendation

11. We recommend that while the Department's draft body camera policy is being revised, bureaus adjust their written procedures to be consistent with industry standards and require offices to maintain an up-to-date inventory of body camera equipment by recording it in the FBMS.

Identify Recordings in Incident Reports

We found that officers did not always note recordings in their incident, arrest, or related reports. When officers did note the existence of recordings, they were inconsistent in how they noted them. At the very least, this makes specific footage difficult to locate. We noted that the Department's Incident Management Analysis and Reporting System does not contain standard fields for recording the existence and location of recordings.

For example, officers at Grand Canyon National Park responded to a suspected driving-under-the-influence incident. Multiple rangers responded and recorded video of the incident. When the case went to court, a discrepancy was noted between the number of rangers involved in the incident and the number of recordings provided to the court during discovery. The judge determined that NPS rangers failed to provide all recordings from the incident for use as evidence. As a result, the park ceased its body camera program temporarily, until it could update its policy to prevent similar occurrences.

The IACP recommends that officers note in their incident, arrest, or related reports when recordings are made. Similarly, PERF recommends that officers who turn on a body camera while on duty should be required to note the existence of the recording in the incident report.

Recommendation

12. We recommend that while the Department's body camera policy is being revised, bureaus adjust their written procedures to be consistent with industry standards and require officers to note in their incident, arrest, or related reports when recordings are made. This should include the number and location of video recordings.

Purge Recordings After Required Retention Period

We found that some offices were not purging video recordings after their retention period expired. The retention time for recordings typically depends on whether it is evidentiary or nonevidentiary. Evidentiary recordings are saved until no longer needed, and nonevidentiary recordings can be purged after 30 days, according to the National Archives and Records Administration.

Officers we spoke with stated they had not begun to purge unnecessary video recordings because they had not yet exceeded their storage capacity or because it is more cost effective to purchase more storage than to manually identify recordings for deletion. Consistently categorizing and labeling recordings would greatly reduce the manual processes of identifying and purging recordings that no longer need to be retained.

Regularly purging unneeded recordings helps reduce the number of files that are subject to a FOIA request, reducing the bureau's administrative burden. Another reason is to reduce the costs of digital storage for video recordings. Although most of the offices we visited did not report storage costs to be a challenge, these costs are often cited by law enforcement offices as a barrier to body camera implementation.

The IACP recommends that recordings not be retained longer than needed unless for an investigation, prosecution, or training purposes.

Recommendation

13. We recommend that while the Department's draft body camera policy is being revised, bureaus adjust their written procedures to be consistent with industry standards and require officers to begin categorizing video recordings to enable supervisors to purge videos that are no longer needed or that have exceeded their retention period unless they should be retained for an investigation or prosecution or training purposes.

Other Matters for Consideration

The Department and its bureaus should consider the following matters when finalizing the Departmentwide body camera policy and implementing body camera programs.

Approve Body Camera Purchases

The Department's draft policy states that body camera equipment and storage systems must be approved by the Department's Office of the Chief Information Officer (OCIO) before purchase. Several NPS parks are currently using cloud storage for body camera footage, but the cloud system was not authorized by the Federal Risk and Authorization Management Program (FedRAMP), so the NPS put the cloud contracts on hold. Approval by the OCIO would presumably prevent these types of issues from occurring. OCIO officials reported that they have not provided guidance to bureaus regarding body camera equipment to date.

If implemented, approval by the OCIO would ensure that body camera acquisitions are compliant with Federal information system and security requirements.

Download Body Camera Recordings At the End of Every Shift

We noted that the Department's draft policy, as well as the bureau policies issued by the BIA and NPS, require officers to download recordings from their cameras at the end of every shift. These policies are in line with the IACP and PERF recommendations and help ensure that events are fresh in the officer's memory when categorizing and labeling files, that cameras are ready for use, and that evidence is processed in a timely manner.

Officers we spoke with, however, reported that it would be difficult to comply with this requirement because of their remote areas of operation, poor network speeds, and the fact that some officers are domiciled and may not go to the office during their shift. The Department and bureaus will need to identify solutions to these challenges so that officers are able to comply with this policy.

Prioritize Body Camera Use

Departmentwide body camera use has been voluntary and decisions to purchase equipment are generally made within bureaus at the field or regional level. The Department's draft policy states that if a bureau chooses to implement a body camera program, all uniformed law enforcement personnel who routinely perform patrol and investigative functions must wear a camera, and that the requirement for use must be consistent across the bureau. While some bureaus (the BIA and FWS) are considering requiring that all uniformed officers use body cameras, other bureaus (the NPS and BLM) are not in a position to provide body cameras to all uniformed officers due to the associated costs and other factors. The NPS stated that it would be impractical for all officers to regularly use body cameras.

For instance, the cameras would not be needed for back-country rangers who have less public contact and do not have a means to charge cameras or download video recordings while spending days in the field.

Rather than require bureaus to provide body cameras to all uniformed officers, it may be a better use of limited resources to allow bureaus to prioritize where body cameras are most needed, and then require that officers in those locations use them.

Conclusion and Recommendations

Conclusion

The Department's draft body camera policy and the bureaus' current practices are not consistent with industry standards. Until the Department issues a final body camera policy that includes critical industry standards, implementation of a successful body camera program is at risk, particularly in areas such as data quality, systems security, and privacy. The inconsistent use of body cameras and failure to adhere to industry standards also increases the risk that investigative or judicial proceedings will be challenged for failure to properly maintain evidence chain of custody, and could lead to an erosion of public trust in bureau law enforcement programs.

Recommendations

On November 28, 2017, the Department provided a response to our draft report. In its response, the Department concurred with Recommendations 1 – 7, did not concur with Recommendation 8, and responded to Recommendations 9 – 13, stating that the issuance of its interim policy will negate the need for additional temporary measures. Subsequent to the Department's initial written response, we discussed planned corrective actions with OLES officials, who provided us with an updated draft policy that we relied on to resolve the recommendations. See Appendix 3 for the Department's full response and Appendix 4 for the status of recommendations.

We recommend that the Department revise, issue, and implement a body camera policy that is consistent with industry standards and includes the critical elements discussed in this report.

The Department's body camera policy should:

1. Require bureaus to maintain strict managerial control over all devices and recorded content so that it can ensure the integrity of recordings made by officers.

Department response: OLES officials stated that they concurred with this recommendation, but felt that the language in the draft policy satisfied the requirement that bureaus maintain control over body camera equipment and recordings.

OIG reply: We reviewed the draft policy as cited in the Department's response and determined that it does not go far enough to ensure bureaus maintain control over body cameras and recordings.

As described in the body of this report, body camera software at some offices we visited allowed officers to select which recordings to download

from their cameras, leaving the unselected recordings on the camera to be overwritten. The downloaded recordings were saved on officers' computers, giving the officers full control of the recordings and making it difficult for law enforcement supervisors to review them.

We discussed our concerns with OLES officials and they provided an updated draft policy that prohibits officers from manipulating or deleting body camera recordings and requires officers to download recordings in their entirety to the designated storage platform. Based on our review of these changes to the draft policy, we consider this recommendation resolved but not implemented.

2. Prohibit officers from editing, erasing, copying, sharing, or releasing files for non-criminal justice purposes.

Department response: OLES officials concurred with Recommendations 2 – 6 and stated that additional language would be added to the interim policy, which is anticipated to be issued soon.

OIG reply: We agree that actions described in the Department's response are sufficient to implement Recommendations 2 – 6 and consider them resolved but not implemented.

3. Require officers to note in their incident, arrest, or related reports when recordings were made during the events in question.
4. Require officers to document why a recording was not made, was interrupted, or was terminated.
5. Require officers to label and categorize body camera videos at the time they are downloaded.
6. Specify whether recordings captured, stored, generated, or otherwise produced by a technology can be shared with other agencies, under what circumstances, how authorization is provided, how information that is shared is tracked, and how policy provisions (including privacy) will be managed and reinforced.
7. Require supervisors to randomly review body camera recordings at least on a monthly basis to ensure that the equipment is operating properly, that officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance may be required.

Department response: OLES officials stated that they concurred with this recommendation and felt that the language in the draft policy

sufficiently meets this recommendation. OLES officials also stated that supervisory review of video recordings has significant collective bargaining unit implications and that more stringent procedures for supervisory review are best established by the bureau or office.

OIG reply: The Department's draft policy states that law enforcement supervisors should be able to view body camera recordings during the investigation of complaints and to identify recordings appropriate for training purposes. While the draft policy does not require supervisory reviews of recordings on a regular basis as recommended, we concluded that the draft policy language is the minimum necessary to institute supervisory reviews. We consider this recommendation resolved but not implemented.

In the future, if issues related to the use of body cameras necessitate increased supervisory reviews, OLES officials should consider strengthening the language in the Department's policy to explicitly require such reviews.

8. Require officers to inspect and test the body camera prior to each shift to verify that it works and notify their supervisor of any problems.

Department response: OLES officials did not concur with this recommendation and stated that the requirement that officers inspect all equipment and report issues to their supervisor is best suited for bureau policies or local standard operating procedures, which would include inspection and maintenance of equipment.

OIG reply: We discussed this recommendation with OLES officials and agreed that the requirement to test body camera equipment prior to each shift can be left to bureau policies or local standard operating procedures. We consider this recommendation resolved with no further action necessary.

We recommend that, while the Department's body camera policy is being revised, bureaus adjust their written procedures to be consistent with industry standards. Bureau body camera programs should:

9. Require offices to maintain strict managerial control over recorded content so that they can ensure the integrity of recordings made by the officers.

Department response: OLES officials responded to Recommendations 9 – 13, stating that the issuance of its interim policy will negate the need for additional temporary measures.

OIG reply: We developed these recommendations to address inconsistent

bureau practices in the event that the Departmentwide body camera policy was delayed for an extended period. Pending timely issuance and implementation of a Departmentwide policy, we will consider these recommendations closed. If the interim policy is not issued when we refer the report recommendations to the Office of Policy, Management and Budget, we will include these recommendations for implementation tracking.

10. Require supervisors to randomly review body camera recordings, at least monthly, to ensure that the equipment is working and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.
11. Require offices to maintain an up-to-date inventory of body camera equipment by recording it in the FBMS.
12. Require officers to note in their incident, arrest, or related reports when recordings are made. This should include the number and location of video recordings.
13. Require officers to begin categorizing video recordings to enable supervisors to purge videos that are no longer needed or that have exceeded their retention period unless they should be retained for an investigation or prosecution or training purposes.

Appendix I: Scope and Methodology

Scope

Our objective was to determine if the U.S. Department of the Interior's draft body camera policy and the bureaus' current practices were consistent with industry standards. To address this objective, we reviewed body camera programs at the National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and Bureau of Indian Affairs (BIA). We also met with officials from the Department's Office of Law Enforcement and Security and the Office of the Solicitor. We conducted our evaluation from November 2016 to June 2017.

We conducted our evaluation 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.

We did not include a review of each bureau's information system controls as the objective of our review was to determine if the Department's body camera policy and the bureaus' practices were consistent with industry standards. We relied on the policies, procedures, and body camera data provided by the bureaus.

Methodology

To accomplish the evaluation, we:

- Researched and reviewed industry standards and leading practices for body camera implementation, including those published by the International Association of Chiefs of Police and the Police Executive Research Forum
- Researched and reviewed applicable laws, regulations, and guidance documents
- Interviewed key law enforcement personnel from the Department, BLM, BIA, FWS, and NPS
- Obtained and reviewed the Department's draft body camera policy, as well as the body camera policies and standard operating procedures from each bureau
- Identified and reviewed a variety of body camera systems, including hardware and software, that have been implemented by bureaus

Appendix 2: Sites Visited/Contacted

U.S. Department of the Interior
Office of Law Enforcement and Security, Washington, DC
Office of the Chief Information Officer, Washington, DC*
Office of the Solicitor, Washington, DC
National Park Service
Division of Law Enforcement, Security, and Emergency Services, Washington, DC
Intermountain Region
Grand Canyon National Park*
Midwest Region
Badlands National Park*
Pacific West Region
Golden Gate National Recreation Area
Yosemite National Park
Whiskeytown National Recreation Area
Lake Mead National Recreation Area
Fish and Wildlife Service
Division of Refuge Law Enforcement, Washington, DC
Region 1 – Pacific Region
Regional Chief, Division of Refuge Law Enforcement*
Region 2 – Southwest Region
Regional Chief, Division of Refuge Law Enforcement*
Havasu National Wildlife Refuge
Region 8 – Pacific Southwest Region
Regional Chief, Division of Refuge Law Enforcement
San Francisco Bay National Wildlife Refuge
San Diego National Wildlife Refuge
Bureau of Land Management
Office of Law Enforcement and Security, Washington, DC
California Region
El Centro Field Office
Needles Field Office
Nevada Region
Las Vegas Field Office
Bureau of Indian Affairs
Office of Justice Services, Washington, DC

* Contacted only

Appendix 3: Department Response

The Department's response to our draft follows on page 23.

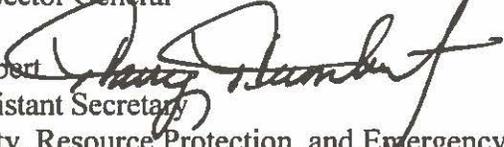


United States Department of the Interior
OFFICE OF THE SECRETARY
Washington DC 20240

Memorandum

NOV 28 2017

To: Mary Kendall
Deputy Inspector General

From: Harry Humbert 
Deputy Assistant Secretary
Public Safety, Resource Protection, and Emergency Services

Subject: Department Response to DOI OIG Evaluation Report –
U.S. Department of the Interior Law Enforcement Use of Body Cameras
Is Not Consistent with Industry Standards
Report No. 2017-WR-012

This memorandum serves as the Department's response to the above referenced report. DOI's Office of Law Enforcement and Security (OLES) appreciates the opportunity to respond to the findings of this evaluation, particularly as Body Worn Cameras (BWCs) are an evolving technology for our law enforcement programs.

OLES is committed to developing and issuing relevant policy that will enable our bureaus to effectively implement BWCs should they elect to do so. Department Manual 446, Chapter 41: Use of Body Worn Cameras, has been vetted through the DOI Solicitor and the current draft encompasses numerous points of feedback from the bureau law enforcement programs.

Our specific responses to the recommendations included in the evaluation report are attached, along with a corrective action plan with projected implementation dates; our responses and recommendations have been coordinated with the Solicitor's Office. While we concur with many of the recommendations regarding Department policy, we think that much of the language in the current draft policy satisfies these recommendations. 446 DM 41 will be released as interim policy within the next thirty (30) days.

Our intent in issuing the Department's BWC policy is three-fold: 1) to ensure the Constitutionality of recording activities; 2) to ensure sound evidentiary value of recordings in a court of law; and 3) to establish proper internal controls to prevent the unauthorized release and distribution of recordings. DOI has seven distinct law enforcement programs spread out across the country, each with its own operating structure and organizational considerations. For example, while some of DOI's law enforcement programs patrol very urban environments with access to high speed internet for immediate downloading and storing of data, others are located in extremely isolated areas where their patrols do not provide the opportunity to download data, except once or twice a week when they are in an office environment. This patrol footprint is

unique to DOI, and makes a one size fits all model difficult. 446 DM 41 establishes Department level policy while allowing the bureaus the flexibility to adopt BWC technology as their circumstances may permit or dictate.

As explained above, the Department has chosen an approach to body camera employment that allows Bureaus to establish policies and standard operating procedures appropriate for their circumstances while being required to meet the standards prescribed by the Department. OLES has extensively reviewed IACP, PERF and other policy models in developing the 446 DM 41.

The Department's BWC policy – a draft policy at the time of the OIG's inquiry – draws from a variety of "industry standards," including IACP and PERF models, but properly does not copy these documents. These organizations offer excellent examples of policy documents that are generally relevant to centrally managed law enforcement agencies, but do not factor in the unique circumstances of DOI.

Should you have further questions upon reviewing our responses to the individual recommendations, please contact me at (202)-208-5773 or Darren Cruzan, OLES Director, at (202) 513-0822.

cc: Darren Cruzan
Director
Office of Law Enforcement and Security

Recommendation 1: We recommend that the Department revise, issue, and implement a body camera policy that requires bureaus to maintain strict managerial control over all devices and recorded content so that it can ensure the integrity of recordings made by officers.

OLES concurs with this recommendation, and feels that the language established in 41.8 A(2)-(4) satisfy the requirement that bureaus maintain control over BWC equipment and footage.

Implementation timeline: N/A

Recommendation 2: We recommend that the Department revise, issue, and implement a body camera policy that prohibits officers from editing, erasing, copying, sharing, or releasing files for non-criminal justice purposes.

OLES concurs with this recommendation. While 41.8 C(1)-(3) require that officers receive initial and on-going training in the proper operation of BWCs and the management of BWC footage, additional language will be added to 41.9 requiring that bureaus establish policy that prohibits officers from manipulating, deleting, or releasing BWC footage.

Implementation timeline: Upon release of interim policy; anticipated 30 days

Recommendation 3: We recommend that the Department revise, issue, and implement a body camera policy that requires officers to note in their incident, arrest, or related reports when recordings were made during the events in question.

OLES concurs with this recommendation and will revise the draft policy in 41.9 to include a requirement that bureaus establish standards for such documentation.

Implementation timeline: Upon release of interim policy; anticipated 30 days

Recommendation 4: We recommend that the Department revise, issue, and implement a body camera policy that requires officers to document why a recording was not made, was interrupted, or was terminated.

OLES concurs with the recommendation. The current draft of the Department's policy requires bureaus to establish standards of use for BWCs. 41.9 A(1) requires that bureaus establish the circumstances when a BWC must be activated; 41.9 A(2) requires that bureaus establish the circumstances when a BWC must not be activated. 41.9 B (1)-(5) prohibits recording under additional defined circumstances.

Additional language will be included requiring the bureaus establish procedures for documenting why a recording was not made, was interrupted, or was terminated in circumstances not already specified in bureau or Departmental policy.

Implementation timeline: Upon release of interim policy; anticipated 30 days

Recommendation 5: We recommend that the Department revise, issue, and implement a body camera policy that requires officers to label and categorize body camera videos at the time they are downloaded.

OLES concurs with this recommendation. Because bureaus are using various BWC manufacturers, many of which have categorization and labeling features built into the technology, the specific requirements should be identified in bureau policy or local standard operating procedures. The Department's draft policy will be revised to include a requirement under 41.9 that bureaus establish standards regarding the downloading and labeling of BWC footage.

Implementation timeline: Upon release of interim policy; anticipated 30 days

Recommendation 6: We recommend that the Department revise, issue, and implement a body camera policy that specifies whether recordings captured, stores, generated, or otherwise produced by a technology can be shared with other agencies, under what circumstances, how authorization is provided, how information is shared and tracked, and how policy provisions (including privacy) will be managed and reinforced.

OLES concurs with this recommendation. Draft policy will be revised to include language requiring that bureaus create procedures and internal controls with defined approval levels when sharing BWC footage with other agencies. Requirements for tracking the dissemination of BWC footage should also be established by bureaus. The public release of BWC footage will be subject to all FOIA and Privacy Act requirements.

Implementation timeline: Upon release of interim policy; anticipated 30 days

Recommendation 7: We recommend that the Department revise, issue, and implement a body camera policy that requires supervisors to randomly review body camera recordings at least on a monthly basis to ensure that they equipment is operating properly, that officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance may be required.

OLES concurs, and feels that the language contained in 41.9 D(2) sufficiently meets this recommendation. Due to the fact that supervisory periodic review of BWC footage has significant collective bargaining unit implications, more stringent procedures for supervisory review are best established by the bureau or office.

Implementation timeline: N/A

Recommendation 8: We recommend that the Department revise, issue, and implement a body camera policy that requires officers to inspect and test the body camera prior to each shift to verify that it works and notify their supervisor of any problems.

OLES does not concur with this recommendation, as the requirement that officers inspect all equipment and report issues to their supervisory chain is best suited for bureau policy and/or local SOPs. 41.8 A(2) requires that bureaus establish such procedures to manage the procurement, inventory, and accountability of BWCs and associated hardware. 41.8 C(4) further requires that officers and supervisors receive initial and on-going training in bureau-specific policies and procedures for BWC use, which would include inspection and maintenance of equipment.

Implementation timeline: N/A

Recommendations 9-13

Recommendations 9-13 speak to temporary solutions that bureaus should adopt to strengthen existing BWC programs and practices, absent Department policy. However, 446 DM 41 will be released as interim policy within thirty (30) days, which will negate the need for additional temporary measures. The aforementioned recommendations that OLES will adopt will satisfy the policy or programmatic deficiencies that OIG noted in existing BWC programs. Therefore, we have not responded to or adjudicated these recommendations.

Appendix 4: Status of Recommendations

Recommendation	Status	Action Required
Recommendations 1 – 7 and 9 – 13	Resolved but not implemented	Refer recommendation to the Assistant Secretary for Policy, Management and Budget to track implementation.
Recommendation 8	Resolved and implemented	None

