



# United States Marshals Service – POLICY DIRECTIVES

## 2.11 Body Worn Cameras **\*INTERIM POLICY DIRECTIVE\***

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**PROPONENT:** Body Worn Camera Program (BWCP)

**PURPOSE:** This directive sets forth the United States Marshals Service (USMS) policy concerning the use of Body Worn Cameras (BWC) by Deputy United States Marshals (DUSM) and USMS Specially Deputized Task Force Officers (TFO).

**AUTHORITY:**

1. This interim policy directive is issued under the authority of the Director of the USMS pursuant to 28 U.S.C. § 561(g) and 28 C.F.R. § 0.111, consistent with the Deputy Attorney General (DAG) Memorandum, *Body Worn Camera Policy*, issued June 7, 2021.
2. The authority of the USMS to “obey, execute, and enforce all orders of the United States District Courts” and other enumerated federal courts, and to “execute all lawful writs, process, and orders issued under the authority of the United States” is set forth in 28 U.S.C. § 566(a) and (c). See also 28 C.F.R. § 0.111(b).
3. The authority of “[e]ach United States marshal, deputy marshal, and any other official of the Service as may be designated by the Director ... [to] make arrests without warrant for any offense against the United States committed in his or her presence, or for any felony cognizable under the laws of the United States if he or she has reasonable grounds to believe that the person to be arrested has committed or is committing such felony” is set forth in 28 U.S.C. § 566(d).
4. The authority of the USMS to “investigate such fugitive matters, both within and outside of the United States, as directed by the Attorney General” is set forth in 28 U.S.C. § 566(e)(1)(B). See also 28 C.F.R. § 0.111(a) (relating to authority to execute federal arrest, parole violator, and custodial and extradition warrants) and (q) (relating to authority to execute escaped federal prisoner, probation, parole, mandatory release, and bond default violator arrest warrants).
5. The authority to “assist State, local, and other Federal law enforcement agencies, upon the request of such an agency, in locating and recovering missing children” is set forth in 28 U.S.C. § 566(e)(1)(D).
6. The authority to “provide for the security ... of the United States District Courts, the United States Courts of Appeals, the Court of International Trade, and the United States Tax Court, as provided by law” and to provide “assistance in the protection of Federal property and buildings” is set forth in 28 U.S.C. § 566(a) and 28 C.F.R. § 0.111(f). See also 28 U.S.C. § 566(i).
7. Authority to provide security for prisoner transfers is inherent in the “[r]eceipt, processing and transportation of prisoners held in the custody of a marshal or transported by the U.S. Marshals Service under cooperative or intergovernmental agreements” and the “[s]ustention of custody of Federal prisoners from the time of their arrest by a marshal or their remand to a marshal by the court, until the prisoner is committed by order of the court to the custody of the Attorney General for the service of sentence, otherwise released from custody by the court, or returned to the custody of the U.S. Parole Commission or the Bureau of Prison,” as set forth in 28 C.F.R. § 0.111(j) and (k).

8. In executing the laws of the United States within a state, the USMS may exercise the same powers which a sheriff of the state may exercise in executing the laws of the state, as set forth in 28 U.S.C. § 564.
9. Additional authority is derived from the Attorney General's Memorandum, *Policy on Fugitive Apprehension in FBI and DEA Cases* (dated August 11, 1988), and the *Memorandum of Understanding between the Drug Enforcement Administration and the United States Marshals Service* (dated September 28, 2018, or as hereafter amended).
10. As set forth in the Presidential Threat Protection Act of 2000 (Pub. L. No. 106-544, enacted December 19, 2000) and directed by the Attorney General, the USMS is granted authority to direct and coordinate permanent Regional Fugitive Apprehension Task Forces consisting of federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. See also 34 U.S.C. § 41503(a) ("The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.").
11. In the Adam Walsh Child Protection and Safety Act of 2006 (AWA) (Pub. L. No. 109-248, enacted July 27, 2006), the authority is set forth for the Attorney General of the United States to use the USMS to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. The AWA, 34 U.S.C. § 20941(a), states that a sex offender who violates a sex offender registration requirement is deemed a fugitive within the scope of authority granted the USMS under 28 U.S.C. § 566(e)(1)(B).
12. Additional investigative authority is derived from the Attorney General's Memorandum, *Implementation of National Anti-Violent Crime Initiative* (dated March 1, 1994); U.S. Department of Justice (DOJ) Office of Legal Counsel Memorandum, *Authority to Pursue Non-Federal Fugitives* (dated February 21, 1995); and Federal Rules of Criminal Procedure 41 – Search and Seizure.

**CANCELLATION:** This policy directive supersedes USMS Policy Directive 2.11, *Body Worn Cameras* \*INTERIM POLICY DIRECTIVE,\* dated December 16, 2021.

**ADMINISTRATION AND LOGISTICS:**

1. Records Management: This administrative policy directive document is maintained in accordance with the approved Specific Records Schedule, DAA-0527-2013-0018-0002.

**APPROVED BY:**

                  /s/                    
Ronald L. Davis  
Director  
U.S. Marshals Service

                  05/17/2022                    
Effective Date

**A. Policy:**

1. **General:** This policy directive establishes procedures for the operational use of BWCs by DUSMs and TFOs.
2. The BWCP, under the Office of the Associate Director for Administration, and the USMS Office of General Counsel (OGC) maintain program management and oversight responsibility of the USMS BWCP.
3. This policy does not apply to digital or electronic media recordings from vehicle dash cameras, non-BWC digital cameras, closed-circuit television, Unmanned Aerial Systems (UAS), telecommunications devices, or any other camera sensor device collected by the USMS now or in the future.
4. This policy is not intended to replace or alter existing DOJ or USMS policies or practices for the collection of evidence, conducting interviews, or operational security.
5. Consistent with applicable existing federal laws and requirements, including the E-Government Act of 2002 (Pub. L. No. 107-347, enacted December 17, 2002), and to ensure the protection of privacy and civil liberties, the USMS will only collect, use, retain, and disseminate information obtained from the BWC for a properly authorized purpose.

**B. Roles and Responsibilities:**

1. **BWCP Senior Management Official:** The Senior Management Official, BWCP, is responsible for managing and overseeing the USMS BWCP as well as implementing BWC directives.
2. **United States Marshals (USM), Chief Deputy United States Marshals (CDUSM), and Regional Fugitive Task Force (RFTF) Commanders:** USMs and CDUSMs are responsible for the overall supervision and management of any BWCP within their district. In those areas where there is an Investigative Operations Division (IOD) RFTF, the Commander is responsible for the overall supervision and management of the BWCP for the RFTF. Division/district components are prohibited from responding to the press, state, local, tribal, or territorial government authorities, or third parties on any aspects of the USMS BWCP without first coordinating pursuant to paragraph 5 below.
3. **USMS Information Technology Division (ITD):** ITD is responsible for identifying, implementing, and maintaining an appropriate Video Retention/Management System (VRS) for BWCs, in coordination with the BWCP and OGC. The Assistant Director (AD), ITD, is responsible for the overall supervision and management of the USMS VRS, to include meeting all security and lifecycle requirements for the management of recorded video or metadata and identifying technical specifications.
4. **USMS Office of General Counsel (OGC):**
  - a. OGC provides legal guidance to the USMS BWCP to ensure its compliance with applicable federal laws, regulations, policies and procedures; reviews and processes all requests for USMS testimony or disclosures of information including, but not limited to, in state and federal courts, regarding the USMS BWCP, to ensure, inter alia, the security of sensitive investigative techniques and USMS privileged information; reviews and processes all Freedom of Information Act (FOIA) and Privacy Act requests regarding the USMS BWCP, in direct consultation with the BWCP and other affected components; reviews and processes all requests for BWC recordings from parties to litigation, in consultation with the BWCP and/or designees; reviews and consults with the USMS Office of Congressional and Public Affairs (OCPA) on all congressional

and press inquiries relating to BWCs; and provides such other legal guidance, consultation, and oversight as is necessary to facilitate the BWCP's directive.

- b. Through its Senior Component Official for Privacy (SCOP), OGC also assesses the potential intrusiveness associated with BWC usage on privacy and civil liberties as balanced against the relevant governmental interests. The SCOP will complete a review of the BWCP at least annually, complete relevant privacy documentation as required by the Office of Privacy and Civil Liberties (OPCL) (such as, the Initial Privacy Assessment and Privacy Impact Assessment), and will ensure all privacy compliance documentation is updated as necessary.
  - c. The USMS will follow existing procedures to review, investigate, and address privacy and civil liberties complaints regarding the BWCP.
5. **USMS Office of Congressional and Public Affairs (OCPA):** OCPA reviews and handles all congressional and press inquiries relating to the USMS BWCP, in coordination with the BWCP, OGC, division/district leadership, and any other affected components. Division/district components are prohibited from responding to the press, state, local, tribal, or territorial government authorities, or third parties on any aspects of the USMS BWCP without first coordinating with the BWCP, OCPA, and OGC.
  6. **USMS Office of Professional Responsibility – Internal Affairs (OPR-IA):** OPR-IA is responsible for ensuring all complaints of misconduct are processed in compliance with DOJ and USMS policy and procedures. OPR-IA may review BWC recordings to investigate a specific act of conduct alleged in a complaint of misconduct.
  7. **USMS OPR – Force Review Branch (OPR-FRB):** OPR-FRB is responsible for ensuring that all use of force incidents are thoroughly, objectively, and independently examined, without prejudice, bias, or favor.
  8. **USMS Training Division (TD):**
    - a. TD is responsible for providing oversight and guidance on the development, maintenance, and delivery of the training curriculum relating to the BWCP. The curriculum may include, but is not limited to, the operation of the BWC equipment, activation and deactivation parameters, procedures for uploading BWC recordings to USMS system(s), policy considerations, procedural applications, and other lesson plans (e.g., use of force, legal authorities, first/third party considerations, operational planning, human performance, etc.).
    - b. TD will ensure that BWC training curriculum aligns with other USMS training directives and guidance from other program areas, where applicable.

## C. Procedures:

1. **DUSM Operational Procedures:**
  - a. Unless subject to specific exceptions set forth herein, DUSMs are required to wear and activate their BWC in accordance with this policy.
  - b. DUSMs must wear and activate their BWC for the purpose of recording their actions during:
    - 1) A planned attempt to serve an arrest warrant or other planned arrest, including the apprehension of fugitives sought on state and local warrants within the United States and its territories;
    - 2) The execution of a search or seizure warrant or order;

- 3) If wearing a USMS-issued BWC while engaged in investigative activities other than identified in C.1.b.1). and 2)., above, DUSMs will activate their BWCs, if and when it is safe to do so, if they encounter an individual or other exigent circumstances occur that could lead to an adversarial contact or spontaneous arrest; or,
  - 4) Other missions as authorized by the USMS Director or his/her designee.
- c. In activating during situations identified in C.1.b, DUSMs must activate their BWCs upon approaching a subject or premises and will deactivate their BWCs when the scene is secured, as determined by the USMS supervisor or team leader on the scene.
- 1) In fulfilling the above activation requirements, DUSMs shall activate their BWC as soon as practical and when doing so does not compromise the safety of law enforcement personnel or other persons.
  - 2) The term "secured" means that the scene, which may include the transport vehicle or craft, is safe, there is no immediate threat on the scene, and the scene is under law enforcement control, as determined by the USMS supervisor or team leader on scene.
  - 3) In the event circumstances arise requiring additional law enforcement assistance to secure the scene, DUSMs will end BWC recordings when relieved from the scene by another law enforcement officer.
  - 4) For the execution of a search warrant, BWCs should not be activated nor remain activated for searches of property lawfully in government custody or control, or a search to obtain digital or electronic records executed by a third party, such as an electronic service provider or custodian of electronic records, after the scene is secured.
  - 5) If BWCs are deactivated due to a scene being declared secure and an exigent situation arises, the DUSMs will reactivate their BWCs as soon as it is safe and practical to do so.
- d. To the extent state law requires prior notice of recording, DUSMs will comply with the USMS BWC Standard Operating Procedures (SOP).
- e. DUSMs shall affix their BWC to allow for an unobstructed field of view at least as broad as the DUSM's vision and be worn in a manner that maximizes the camera's ability to capture video footage of the DUSM's activities. DUSMs are prohibited from using their BWCs as an "off the body" surveillance tool (i.e., holding the BWC with hands to record activities).
- f. When powered on, BWCs continuously record in thirty second (00:00:30) loop increments. Once activated, BWCs shall include the buffering period of thirty seconds (00:00:30) with no audio.
- g. DUSMs shall properly document all use of BWCs (to include instances of failure and inoperability) in USMS systems and investigatory reports.
- h. Except when specifically authorized by an AD after consultation with OGC, DUSMs are prohibited from recording:
- 1) Undercover or covert personnel and locations;
  - 2) Confidential informants or confidential sources;

- 3) On-scene witness interviews prior to or after the operation; or
  - 5) Actions by any non-law enforcement persons at the scene who are assisting law enforcement personnel prior to or after the operation.
- i. BWCs are not authorized for use outside of the territorial jurisdiction of the United States (i.e., Foreign Field Offices).
  - j. BWCs shall not be used solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution and laws of the United States.
  - k. DUSMs are prohibited from using or activating BWCs within USMS workspace. This includes any USMS-operated facilities, USMS-controlled spaces, and training sites. However, DUSMs may activate their BWCs:
    - 1) In an approved BWC training environment;
    - 2) To conduct a function test; or
    - 3) In emergency or exigent circumstances, or other operation meeting the requirements of C.1.b.
  - l. DUSMs are prohibited from activating their BWCs to surreptitiously record conversations between USMS employees in accordance with USMS Policy Directive 1.7, *Code of Professional Responsibility*.
  - m. DUSMs may review their own BWC recordings prior to preparing reports or making statements about recorded incidents. In certain circumstances, such as critical incidents including but not limited to an Officer Involved Shooting (OIS) or other use of force resulting in death, DUSMs shall not review BWC recordings absent written justification and receiving permission from the appropriate approving authority, as further identified in the USMS BWC SOP. In preparing a report, authors should notate, consistent with the USMS BWC SOP, whether they reviewed their BWC recording before preparation of the report.
  - n. DUSMs who use a BWC for purposes other than those authorized in this policy directive may be subject to administrative or disciplinary action.
2. **DUSM Technical Procedures:**
- a. DUSMs are only authorized to use BWCs, component parts, and software issued or otherwise authorized by the USMS. All BWC equipment, data, images, video, and recordings are the sole property of the USMS.
  - b. DUSMs are prohibited from using non-USMS owned or authorized recording devices (e.g., personal digital cameras, smartphone cameras, audio-recording devices, etc.) for documenting law enforcement activities, including the documentation of evidence.
  - c. DUSMs will be required to check that their assigned BWC is fully charged and conduct a functions test to ensure that the BWC is operational prior to the start of their on-duty status.
  - d. DUSMs are responsible for securing, storing, and maintaining assigned BWC equipment. DUSMs will utilize BWC equipment with reasonable care to ensure proper functioning. DUSMs shall notify their supervisor of equipment defects or

malfunctions as soon as practicable so that the BWC may be repaired or have a replacement unit issued if necessary.

- e. BWCs are classified as accountable property and must be inventoried, accounted for, and hand receipted. DUSMs shall store and secure their assigned BWC equipment in accordance with USMS Policy Directive 7.1, *Management of Personal Property*, and the USMS BWC SOP.
- f. Any accountable BWC equipment that is lost and/or later recovered must be reported immediately consistent with USMS Policy Directive 7.1.1, *Lost Property*.
- g. DUSMs shall not edit, alter, erase, duplicate, copy, share, display, tamper with, or otherwise distribute in any manner BWC recordings except as authorized within the USMS BWC SOP.
- h. All BWC recordings, including recordings in the possession of any third party engaged by the USMS to store or process BWC recordings, shall be deemed federal records of the DOJ/USMS pursuant to the Federal Records Act of 1950 and the Presidential and Federal Records Act Amendments of 2014 (Pub. L. No. 113-187, enacted November 26, 2014), meaning such records are controlled by, and the property of, DOJ/USMS and cannot be disseminated without appropriate approval, as set forth in the USMS BWC SOP.
- i. All BWC recordings shall be treated as law enforcement sensitive, the premature disclosure of which could reasonably be expected to interfere with law enforcement proceedings.
- j. BWC recordings may also be potential evidence in an ongoing investigation subject to applicable federal laws, rules, and policy concerning any disclosure or dissemination. Therefore, all BWC recordings are deemed privileged under applicable DOJ and USMS rules, regulations, policies, and procedures and relevant case law, absent appropriate redaction prior to disclosure or dissemination.
- k. If a BWC recording captures the operation of sensitive investigative or operational techniques or equipment including UAS/technology and tactical communication methods, the BWCP and OGC will ensure that footage is redacted from the recording as law enforcement sensitive and law enforcement privileged information and/or as otherwise permitted pursuant to federal or state law.

### 3. **Collection, Retention, and Management of BWC Recordings:**

- a. The USMS has developed a cloud-based VRS to provide technical capabilities to assist in management of content captured by BWCs to meet requirements set forth within the DAG Memorandum.
  - 1) The USMS will maintain classification of data types for appropriate record keeping management functions.
  - 2) The USMS VRS organizational structure will be defined by the Senior Management Official, BWCP, in coordination with division/district leadership, OGC, OPR, ITD, and OCPA if necessary, for authorized levels as part of the standard governance framework to account for operational and administrative management access/options. The structure may also include a framework in support of internal or

authorized sharing, supervisory review, reporting, content management, and group management.

- b. DUSMs shall upload BWC recordings into the authorized VRS in accordance with the schedule set forth in the SOP. Any approved deviation from the established schedule shall be appropriately documented.
- c. The USMS will publicly release all requested BWC recording(s) that depict an incident resulting in the serious bodily injury or death of another, unless there exist specific and compelling grounds to justify withholding, which cannot be resolved by redaction, partial withholding, or other means. Such BWC recording(s) may only be withheld upon written approval by the USMS Director.
- d. There is a presumption that the USMS will review, redact, and release all requested BWC recording(s) that depict an incident resulting in the serious bodily injury or death of another as soon as practical. Procedures shall be in place for the expedited release of BWC footage. If the USMS determines that exigent circumstances, including the need to maintain public safety or preserve the peace, necessitate accelerating the release timeline the USMS will devote all necessary resources to review, redact, and publicly release the BWC recording(s) at the earliest possible time.
- e. Collection and management of data, images, video, or metadata during the deployment of a BWC will adhere to the procedures set forth herein and USMS Policy Directive 8.13, *Evidence*, where applicable.
- f. In accordance with the DOJ Policy on transitory records (see DOJ Policy Statement 0801.04, *Electronic Mail and Electronic Messaging Records Retention*, dated December 11, 2019), the USMS shall not retain information collected using BWCs that may contain personally identifiable information for more than 180 days unless the retention of information is determined necessary for an authorized purpose and is maintained in a DOJ-identified records repository. Authorized purposes may include, but are not limited to, law enforcement investigations, litigation, and training.
- g. Data collected by BWC that is retained must be placed in the appropriate VRS and safeguarded in accordance with applicable federal laws, Executive Orders, directives, policies, regulations, standards, and other guidance. These authorities ensure that USMS personnel with access to such data follow practices that are consistent with the protection of privacy and civil liberties.
- h. The USMS' retention and dissemination policies will comply with the Federal Records Act as amended, Freedom of Information Act (5 U.S.C. § 552), and/or the Privacy Act of 1974 (Pub. L. No 93-579, enacted December 31, 1974), and other relevant legal authority. USMS personnel will abide by the applicable records retention schedules for records generated by the USMS through the use of BWCs.
- i. Use of all DOJ information technology systems, which may include BWC component parts, may be monitored, recorded, and subjected to audit.
- j. Data, images, video, and metadata shall not be shared for any purpose (to include law enforcement sharing requests) outside the USMS without permission from the appropriate USMS Division(s). Any data, image, video recording, or metadata obtained through BWC activity is a federal record, subject to federal records laws including the FOIA, 5 U.S.C. § 552.



4. **Training:**

- a. DUSMs who are assigned BWCs must complete a USMS-approved training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure proper use and operation, and to incorporate any changes, updates, or other revisions in policy and equipment.

**D. Use of BWCs by Specially Deputized TFOs:**

1. The provisions of this policy apply to TFOs whose federal, state, local, tribal, and territorial law enforcement agency participates on a USMS task force, has executed a Memorandum of Understanding (MOU) and MOU Addendum with the USMS, and has completed USMS BWC onboarding training.
2. TFOs are authorized to wear and activate their BWCs in accordance with this policy in any jurisdiction in which they are authorized to act as a police or peace officer under federal, state, local, tribal, or territorial law.
3. TFOs issued BWCs by their parent agency for use during task force operations must wear and activate their BWC for the purpose of recording their actions during:
  - a. A planned attempt to serve an arrest warrant or other planned arrest, including the apprehension of fugitives sought on state and local warrants within the United States and its territories; or
  - b. The execution of a search or seizure warrant or order.
4. If wearing BWCs issued by their parent agency, TFOs will activate their BWCs, when it is safe to do so, if they encounter an individual or other exigent circumstances that could lead to an adversarial contact or spontaneous arrest.
5. In activating during situations identified in D.3, TFOs must activate their BWCs upon approaching a subject or premises and will deactivate their BWCs when the scene is secured, as determined by the USMS supervisor or team leader on the scene.
  - a. In fulfilling the above activation requirements, TFOs shall activate their BWC as soon as practical and when doing so does not compromise the safety of law enforcement personnel or other persons.
  - b. The term "secured" means that the scene, which may include the transport vehicle or craft, is safe, there is no immediate threat on the scene, and the scene is under law enforcement control, as determined by the USMS supervisor or team leader on scene.
  - c. In the event circumstances arise requiring additional law enforcement assistance to secure the scene, TFOs will end BWC recordings when relieved from the scene by another law enforcement officer.
  - d. For the execution of a search warrant, BWCs should not be activated nor remain activated for searches of property lawfully in government custody or control, or a search to obtain digital or electronic records executed by a third party, such as an electronic service provider or custodian of electronic records, after the scene is secured.
  - e. If BWCs are deactivated due to a scene being declared secure and an exigent situation arises, the TFOs will reactivate their BWCs as soon as safe and practical to do so.

6. To the extent state law requires prior notice of recording, TFOs will comply with the USMS BWC SOP.
7. TFOs shall affix their BWC to allow for an unobstructed field of view at least as broad as the TFO's vision and be worn in a manner that maximizes the camera's ability to capture video footage of the TFO's activities. TFOs are prohibited from using their BWCs as an "off the body" surveillance tool (i.e., holding the BWC with hands to record activities).
8. When powered on, the TFO BWC will be subject to the buffering period compliant with their parent agency BWC policy.
9. TFOs shall properly document all use of BWCs (to include instances of failure and inoperability) in USMS systems and investigatory reports.
10. Except when specifically authorized by an AD after consultation with OGC, TFOs are prohibited from recording:
  - a. Undercover or covert personnel and locations;
  - b. Confidential informants or confidential sources;
  - c. On-scene witness interviews prior to or after the operation; or
  - d. Actions by any non-law enforcement persons at the scene who are assisting law enforcement personnel prior to or after the operation.
11. TFOs are not authorized to use their parent agency BWCs for any USMS operations outside of the territorial jurisdiction of the United States (i.e., Foreign Field Offices).
12. While engaged in USMS operations, TFO BWCs shall not be used solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution and laws of the United States.
13. TFOs are prohibited from using or activating BWCs within USMS workspace. This includes any USMS-operated facilities, USMS-controlled spaces, and training sites. However, TFOs may activate their BWCs:
  - a. In an approved BWC training environment;
  - b. To conduct a function test; or
  - c. In emergency or exigent circumstances, or other operation meeting the requirements of D.3.
14. TFOs are prohibited from activating their BWCs to surreptitiously record conversations of USMS employees and TFOs.
15. TFOs' review of their own BWC recordings prior to preparing reports or making statements about recorded events relating to USMS operations must be consistent with their parent agency policy. In preparing a report in a USMS mission system, authors should notate, consistent with the USMS BWC SOP, whether they reviewed their BWC recording before preparation.
16. All copies of TFO BWC recordings shared to the USMS VRS made during federal task force operations shall be deemed federal records of the DOJ/USMS pursuant to the Federal Records Act of 1950 and the Presidential and Federal Records Act Amendments of 2014 (Pub. L. No. 113-187, enacted November 26, 2014), and subject to FOIA, 5 U.S.C. § 552. These copies shall be treated as law enforcement sensitive, the premature

disclosure of which could reasonably be expected to interfere with law enforcement proceedings. BWC recordings may also be potential evidence in an ongoing investigation subject to applicable federal laws, rules, and policy concerning any disclosure or dissemination. BWC recordings from USMS operations are privileged under applicable DOJ and USMS rules, regulations, policies, and procedures and relevant case law, absent appropriate redaction prior to disclosure or dissemination. All requests for TFO BWC recordings that TFOs receive from third parties should be directed to the USMS FOIA Office within the USMS OGC. Partner agencies are not to release TFO BWC footage without advanced written notification to the USMS. Information sharing relating to the use of BWC may be restricted by DOJ and USMS policies, procedures, laws, and regulations governing the disclosure of federal information and records, to include the DOJ Touhy Regulations, 28 C.F.R. § 16.21 et seq.

17. All TFO BWC recordings made during federal task force operations will be provided to the USMS in a timely manner and in accordance with standard operating procedures. When public release is requested, consistent with C.3.d, the USMS will work with partner agencies to expedite the release of BWC recordings depicting conduct resulting in serious bodily injury or death of another consistent with USMS policies and subject to any redactions as appropriate. If a TFO parent agency plans to release TFO BWC recording(s) from a BWC issued by the parent agency that depict conduct committed solely by a TFO resulting in serious bodily injury or death of another, the TFO's parent agency shall notify the USMS in writing, providing as much advance notice as possible as to the time and manner of its release. Following the notification, the TFO's parent agency may release such recording(s), subject to any redactions as appropriate. The dissemination of any other TFO BWC recordings shall be in compliance with the USMS TFO BWC MOU Addendum signed with the TFO's parent agency.

#### **E. Definitions:**

1. **Body Worn Cameras (BWC):** Cameras which can be attached to a person and used to record video and/or audio of law enforcement encounters with the public.
2. **BWC Recording:** Audio and video recordings and associated metadata from specifically designated USMS operational employees and TFOs recorded on USMS or parent agency-owned BWCs while the DUSM or TFO is engaged in the specific USMS law enforcement operations identified herein to include the investigation of fugitives sought on state and local warrants adopted by the USMS.
3. **Deputy United States Marshal (DUSM):** Any USMS employee assigned to the 0082 or 1811 job series.
4. **Metadata:** A set of data that describes and gives information about other data.
5. **Parent Agency:** Used when referring to a participating task force agency as the agency with which the TFO is employed.
6. **Partner Agency:** Used when referring to a participating task force agency as an entity in relation to the USMS.
7. **Personal Identifying Information (PII):** Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information, that is linked or linkable to a specific individual.
8. **Tag Video(s):** A mechanism to identify and label uploaded videos with metadata, such as ID, title, and retention category.

9. **Task Force Officers (TFO):** Federal, State, Local, and Tribal Law Enforcement Officers who are specially deputized by the USMS and participate in USMS-led enforcement operations.
10. **Video Retention System (VRS):** An electronic platform to store audio and video recordings.

**F. References:**

1. [First Amendment \(U.S. Constitution, Amendment I\)](#)
2. [Fourth Amendment \(U.S. Constitution, Amendment IV\)](#)
3. [18 U.S.C. § 2246](#)
4. [28 U.S.C. § 564](#)
5. [28 U.S.C. § 566](#)
6. [34 U.S.C. § 20941\(a\)](#)
7. [34 U.S.C. § 41503\(a\)](#)
8. [28 C.F.R. § 0.111](#)
9. [28 C.F.R. § 16.21](#) *et seq.*
10. Attorney General's Memorandum, *Policy on Fugitive Apprehension in FBI and DEA Cases* (dated August 11, 1988)
11. *Memorandum of Understanding between the Drug Enforcement Administration and the United States Marshals Service* (dated September 28, 2018, or as hereafter amended)
12. Attorney General's Memorandum, *Implementation of National Anti-Violent Crime Initiative* (dated March 1, 1994)
13. DOJ Office of Legal Counsel Memorandum, [Authority to Pursue Non-Federal Fugitives](#) (February 21, 1995)
14. DOJ *Touhy* Regulations, 28 C.F.R. § 16.21 *et seq.*
15. [Presidential Threat Protection Act of 2000](#) (Pub. L. No. 106-544, enacted December 19, 2000)
16. [Adam Walsh Child Protection and Safety Act of 2006](#) (AWA) (Pub. L. No. 109-248, enacted July 27, 2006)
17. [E-Government Act of 2002](#) (Pub. L. No. 107-347, enacted December 17, 2002)
18. *Federal Records Act of 1950* and the [Presidential and Federal Records Act Amendments of 2014 \(Pub. L. No. 113-187\)](#), enacted November 26, 2014)
19. [Freedom of Information Act](#), 5 U.S.C. § 552
20. [Privacy Act of 1974](#) (Pub. L. No 93-579, enacted December 31, 1974)
21. [Federal Rules of Criminal Procedure 41 – Search and Seizure](#)

22. [DOJ Policy Statement 0801.04, \*Electronic Mail and Electronic Messaging Records Retention\*](#), dated December 11, 2019
23. USMS Policy Directive 1.7, *Code of Professional Responsibility*
24. USMS Policy Directive 2.8, *Field Operational Reports*
25. USMS Policy Directive 7.1, *Management of Personal Property*
26. USMS Policy Directive 7.1.1, *Lost Property*
27. USMS Policy Directive 8.13, *Evidence*
28. USMS Policy Directive 17.6.3, *Document Security*
29. Interim DUSM Body Worn Camera Standard Operating Procedures, dated October 2021