



CHAPTER 44

LAW ENFORCEMENT RECORDING DEVICES

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1. **POLICY**

It is the policy of the National Park Service to promote public trust, increase transparency, and better ensure officer and public safety by recording and accurately documenting encounters between law enforcement officers and the public through the use of Body Worn Cameras (BWCs).

2. **PURPOSE**

This policy establishes guidelines for the proper use, management, storage, and retrieval of audio/visual media recorded by Body Worn Cameras (BWCs) and Mobile Video Recorders (MVRs).

The National Park Service requires the use of BWCs for all uniformed law enforcement personnel engaged in, or when reasonably expected to be engaged in, law enforcement activities to accomplish the following objectives:

1. Provide accurate documentation of police-public contacts, arrests, and critical incidents as well as to enhance the accuracy of officer reports and testimony in court.



2. Enhance the NPS's ability to review probable cause for arrest, officer and suspect interactions, and evidence for investigative and prosecutorial purposes.
3. Provide additional information for officer evaluation and training.
4. Provide accurate and timely documentation of law enforcement actions and other incidents, as described in this policy.

The NPS has authorized MVRs to be used in conjunction with BWCs, but they are not required.

2.1 Scope

This policy applies to all uniformed commissioned NPS employees, to include regional and WASO staff, ISB and OPR. (See definition of Uniform).

3. DEFINITIONS

3.1 Activate

Physically pressing the appropriate button on the camera that will begin a recording. This will also capture the previously buffered 30 seconds of the recorded video.

3.2 Body Worn Camera (BWC)

A camera worn on an individual Officer's person that records and stores audio and video data during the performance of their official duties.

3.3 Buffering

The option to let a camera pre-record before activation of the device.

3.4 Case ID

The alpha-numeric identifier that can be attached to BWC videos. This will be the NPS electronic records management system (eRMS) case number.

3.5 Category

The label assigned to videos as they are created, uploaded and stored within the Digital Evidence Management System (DEMS) as it pertains to its retention.

3.6 Deactivate

Physically pressing the appropriate button on the BWC to end the recording. Deactivation returns the device to stand-by mode.

3.7 Digital Evidence

All digitally stored evidentiary files to include photographs, audio recordings, and video footage captured by a BWC, MVR, or other device.



3.8 Digital Evidence Management System (DEMS)

A Software as a Service (SaaS) platform to store and manage digital evidence.

3.9 Docking Station

Hardware connected to a network that is designed to offload recordings from the BWC to the DEMS. The docking station simultaneously recharges the BWC while uploading all digitally encrypted data from the device.

3.10 Download

Refers to the extraction of files from a device or application. For the purpose of this policy, the terms upload and download are used synonymously to mean file transfer between one device and another or one application and another.

3.11 Law Enforcement Contacts

Any interaction with law enforcement once reasonable suspicion is established that a crime/violation has been, or is about to be, committed.

3.12 Enforcement Action

An event or incident in which an officer interacts with an individual in order to enforce the law or maintain the peace.

3.13 Health Care Facility

A facility which provides care, services, or supplies related to the health of an individual. Health care includes, but is not limited to, preventive, diagnostic, therapeutic, rehabilitative, maintenance, mental health, or palliative care.

3.14 Metadata

Descriptors which identify the time, date, location, badge number linked to the creation of the record, and Officer interaction/offense categorization of BWC and MVR recordings.

3.15 Mobile Video Recorder (MVR)

Audio/visual recording equipment designed for, and installed into, a patrol vehicle for the purpose of recording events both outside and inside of the vehicle during contacts and (if equipped) in the secured prisoner area. Typically, the audio device (which may be the BWC) resides on the officer's shirt or lapel and transmits wirelessly to the recording device within the vehicle.

3.16 Power On

The BWC/ MVR is turned on and is in either active recording mode or in stand-by mode. When initially powered on, the BWC enters stand-by mode.



3.17 Required Event

A law enforcement contact that is required to be recorded by BWC when practicable.

3.18 Serious Use of Force

A serious use of force as defined in RM-9, Chapter 10.

3.19 Stand-by Mode

The BWC/MVR is powered on and buffering a 30-second video recording.

3.20 Storage Device

A media storage device that has been recognized by the courts as having sound evidentiary value.

3.21 Uniform

An NPS-approved and issued uniform and/or wearing clothing or outerwear that readily identifies the employee as a law enforcement officer.

3.22 Unintentional Recording

Any unintended recording that does not comply with this policy or applicable law.

4. GENERAL PROVISIONS

4.1 Officer safety and public safety take precedence over recording incidents, and officers shall not allow the operation of BWCs to interfere with their own personal safety, the safety of others, or the safe operation of patrol vehicles.

4.2 BWCs shall be used to capture audio and visual evidence for investigations and law enforcement contacts.

4.3 Officers are not required to announce or otherwise inform members of the public that their BWCs have been activated. However, officers may find that such a notification can be an effective tool to de-escalate a law enforcement contact.

4.4 Except for those circumstances described below, during a required event, officers may record any conversation while acting within the scope of their authority, to include – but not limited to – overhearing or recording any communication that they could lawfully overhear or record.

4.5 Detailed police reports are still required and are the appropriate place to document the totality of the circumstances for the incident.

4.6 BWCs have a thirty (30) second video buffer which is included in the recording when the BWC is activated.



- 4.7 All recordings and associated digital evidence and/or metadata collected using the BWC are considered part of the investigative record for the National Park Service and are for official use only.
- 4.8 BWC recordings shall be released to the public only as permitted by Department of Interior policy and other applicable federal record release authorities, including the Privacy Act of 1974 and the Freedom of Information Act and shall take into account the duty to protect the privacy rights of the persons depicted in the recording and any need to protect ongoing law enforcement operations.
- 4.9 Officers shall operate their assigned BWC in accordance with this policy and its procedures as well as any other procedures mandated by the National Park Service and/or the U.S. Department of the Interior.
- 4.10 Officers shall maintain their BWC in working order, charged, and with enough data storage capacity to complete their shift under normal circumstances.
- 4.11 Only commissioned law enforcement personnel shall use a BWC device.
- 4.12 BWC equipment is for official use only and shall not be utilized for personal use.
- 4.13 The use of any non-issued BWC or other personal recording device for the same purpose is not authorized without written permission from the Deputy Chief Operations and Policy (DCOP) or their designee.
- 4.14 The subjects of recordings shall not be allowed to review the recordings at the scene.

5. BWC AND MVR PROCEDURES

5.1 Prior Inspection

Prior to the beginning of each shift, the assigned officer shall perform an inspection to ensure that the BWC and/or MVR is performing in accordance with the manufacturer's recommendations including:

- The BWC's battery is adequately charged,
- Verification of "normal function" indicators,
- BWC is securely mounted, above the beltline on the torso in a position to maximize the BWC's ability to record the officer's perspective,
- Windshield (for MVRs) and camera lens are free of debris, and MVR camera is facing the intended direction.

Any malfunctions or error indicators should be reported to a supervisor as soon as practical. The non-functioning camera shall be removed from service immediately and replaced with a functioning camera.



5.2 Activation

While on duty, the BWC shall be in standby mode.

For all law enforcement contacts, all personnel on scene shall activate their BWC prior to contact with individuals, except when faced with an emergency situation requiring immediate action to preserve life or safety. If the BWC is not activated at the beginning of a law enforcement contact, it shall be activated as soon as it is safe to do so. As much as possible, the recording should capture the entire contact, starting when the decision is made to contact the individual/violator and ending after the individual/violator has left the scene or the incident has otherwise resolved.

When an MVR is available to an officer, it shall be utilized to help provide accurate documentation of vehicle stops and emergency response driving. As much as possible, the recording should capture the entire contact, starting when the decision is made to stop a vehicle or person, and ending after the vehicle/violator has left the scene. MVRs shall be installed to automatically activate when emergency equipment or a wireless transmitter (body cam) is operating. The system may also be activated manually using the control panel on the interior of the vehicle.

Officers without MVRs shall record the transport of prisoners with their BWCs unless the duration of the transport could reasonably compromise battery life of the BWC. Note: if an arrestee becomes uncooperative during transport, or if there is some evidentiary purpose, officers shall re-activate their BWC.

When an officer fails to activate the BWC/MVR, fails to record the entire contact, or interrupts the recording, the circumstances will be documented in the case report or violation notice. An officer will verbally indicate their intent to stop the recording, and the reason, before deactivating the device, and upon reactivation, state that he or she has re-started the recording. The agency recognizes that it may not always be practical to activate BWCs and MVRs.

5.3 Deactivation

When a BWC/MVR has been activated to document an incident, it shall not be deactivated until the incident has concluded, unless:

- The officer encounters an undercover officer or confidential informant.
- The officer enters a location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, and there is no legitimate law enforcement purpose to justify the continued recording.
- The officer utilizes discretion to stop recording a sensitive situation, for instance, when talking to a sexual assault victim.
- The officer is involved in a serious use of force incident and the scene has been taken over by other officers. Once the force event has concluded, the involved officer (and the officer attending to them) shall deactivate the camera(s) prior to providing a public safety statement.



When deactivating the camera prior to the conclusion of an event, the officer shall state aloud the reason(s) for the deactivation of the camera.

5.4 Prohibited Use

Officers shall not activate their BWCs/MVRs:

- When contacting a Confidential Informant or undercover officer.
- To covertly record other employees or police personnel without prior approval from the DCOP.
- In locations where recordings are prohibited by law, unless permission is obtained to record from an individual with standing.
- In sensitive areas, such as restrooms, locker rooms, or hospitals, unless the incident being recorded is a required event.
- Recording for any personal use.
- In a location where an individual has a reasonable expectation of privacy, during First Amendment activities, or demonstrations, absent a nexus to an investigation, law enforcement activity, or a citizen request for assistance. For more information, see Section 7 (Privacy Considerations) below.

Unless approved in an investigative plan, surreptitious or covert recordings are prohibited. Officers shall not record from an unattended BWC except under circumstances where a citizen would not have reasonable expectation of privacy, such as in the backseat of a patrol car or in a detention room.

5.5 Uploading Data to the DEMS

Officers shall follow the camera manufacturer's guidance in the operation of charging stations and any other peripherals used to upload data to the DEMS. Uploads should be done once per shift if practical. Case numbers should be added to the DEMS for video files that are a part of a case where someone will, or may be, charged with a crime. All video files must be assigned an appropriate category prior to or after being uploaded to the DEMS.

Categories for recorded material include: Evidence, Non-Evidentiary, and Non-evidentiary Citation Issued. Assign each category according to the following circumstances:

- **Evidence**: Evidence of a crime is on the video, a custodial arrest, and/or a mandatory appearance citation is issued. This would include any reportable use of force incident. Retention period is indefinite. Case number should be noted in the "ID" section of the video in the DEMS.
- **Non-evidentiary**: General law enforcement incident without a citation issued or arrest made.



- **Non-evidentiary Citation Issued:** General law enforcement incident with a case number assigned AND a bailable (fine) citation was issued. Case number should be noted in the “ID” section of the video in the DEMS.

Categorizing videos in the DEMS requires a proactive step by users in the system. After initial categorization, the category of a video may be changed at a later date if circumstances require. If a complaint is associated with a recorded incident, or an officer believes that an incident may generate a complaint, the supervisor shall ensure the recording is designated for indefinite retention.

5.6 Reporting

NPS personnel involved in a serious use of force are prohibited from viewing the recording prior to providing their initial voluntary interview so as not to alter their own memory of the event. The recording may be watched by the officer after the initial voluntary interview is given, provided the viewing is for a lawful purpose.

5.7 Unintentional Recordings

As soon as an unintentional recording is discovered, the NPS personnel who discovered the recording shall immediately report it to a supervisor using a written report that indicates the circumstances and requests permission to remove/lock the metadata associated with the recording. The Supervisor shall review and forward this memorandum to the program coordinator via their chain of command.

5.8 Repairs and Malfunctions

Malfunctions, damage, loss, or theft of BWCs/MVCs shall be reported immediately to a supervisor. Malfunctioning cameras shall be taken out of service until repaired by the manufacturer or a certified repair vendor. Every effort should be made to preserve any video that may be recoverable. Depending on the severity of the crime and the value of the evidence, storage devices may be transferred to a crime lab or company specializing in disaster recovery of data.

5.9 Deleting Videos

All videos must be uploaded to the DEMS database without modification. BWC and MVR videos cannot be deleted, nor can they be manipulated from their original format (clips and redactions of video are allowed once the original video has been preserved in the DEMS). In the instance of an unintentional recording containing sensitive material, contact the Body Worn Camera Program Coordinator to determine if the video can be modified or deleted. This process will be done on a case-by-case basis with approval from the DCOP or designee.

6. PRIVACY CONSIDERATIONS

For interactions with the public not listed in section 5, officers are afforded discretion and must rely on their training when deciding whether to activate (or deactivate) their BWC/MVR. Officers are not required to initiate or cease recording an event, situation, or



circumstance based solely on the demand of an individual. However, officers should take into consideration the sensitivities of the circumstances, and any individual privacy considerations, when exercising such discretion. Balancing the evidentiary value of creating a recording with an individual's reasonable expectation of privacy or the exercise of their First Amendment rights is inherently difficult. Therefore, officers should consult with a supervisor (if possible) if they have any questions as to whether they should activate (or deactivate) their camera.

6.1 Witnesses and Victims

Recording witness and victim interviews in situations related to sexual assault, domestic violence, or child abuse is encouraged to collect evidence. However, if a witness or victim is reluctant to make a statement on camera, the officer should use their own discretion to decide whether to deactivate the BWC/MVR. This discretion extends to witnesses wanting to provide an anonymous tip.

6.2 Privacy Considerations

If officers are permitted to be in a certain location under the Fourth Amendment and applicable law, to include residences, schools, and health care facilities, they will use their cameras in a manner consistent with policy. However, in locations where individuals have a heightened privacy interest, such as a residence, officers should exercise care and good judgment to avoid gratuitous recording and to respect the privacy interests of the individual.

6.3 Demonstrations and Other First Amendment Activities

BWCs and MVRs 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 or laws of the United States. Officers shall operate BWCs in standby mode during demonstrations and other First Amendment activities, unless the officer witnesses a crime among the participants, a contact becomes adversarial, and/or an enforcement action and / or arrest is likely. Officers shall not covertly record the participants of a demonstration or other First Amendment activity. Recordings of demonstrations or other First Amendment activities shall not be retained past the normal period of retention set forth by DOI and NPS retention schedules absent evidence of a crime or other requirement for preservation.

7. RELEASE OF RECORDINGS RECORDING RETENTION, CONTROL, AND INVENTORY

7.1 Retention

Recordings and associated records shall be retained in accordance with this policy and in compliance with any other applicable federal policy, regulation, or law.

7.2 Storage

All videos made by BWCs and MVRs will be uploaded to the cloud and stored in the DEMS. Officers shall not erase, alter, re-use, modify, or tamper with recordings, or take any other action which could interfere with the retrieval of BWC/MVR recordings.



7.3 Release of Copies

Videos created by BWC and MVR will be stored on the DEMS and are attached to an audit trail within the system to maintain the chain of custody. Any viewing, sharing, downloading, or redaction of the video will be identifiable in the audit trail. As such, videos should not be viewed or shared by anyone without a legitimate, lawful purpose.

A request to preserve a recording for training purposes may be made by submitting a written request thorough the appropriate chain of command with approval from the SLEO.

8. RESPONSIBILITIES

It is incumbent on all supervisors to ensure officers utilize BWCs and MVRs according to this policy and have access to operational cameras. Supervisors shall report any issues with camera equipment through their chain of command to the Program Coordinator.

Supervisors shall perform periodic administrative reviews of recordings to monitor officer performance, training, and equipment needs.

Supervisors shall ensure the appropriate recordings are restricted and that recording officers do not review the recording of any serious use of force. Supervisors may review footage related to any complaints made against an officer. If a complaint is associated with a recorded event, or an officer believes that an incident may generate a complaint, the supervisor shall ensure the recording is flagged for indefinite retention and, if necessary, request that access to the recording be restricted.

9. TRAINING

NPS personnel shall review this Chapter and all other referenced policies and complete all introductory training mandated by the NPS before using a BWC. See Chapter 7 for specific annual training requirements.