

UNITED STATES SECRET SERVICE BODY-WORN CAMERA POLICY

Introduction

This policy establishes the authorities, requirements, responsibilities, guidelines, and general procedures for the use of Body-Worn Cameras (BWC) by United States Secret Service (Secret Service) personnel and task force officers (TFO) assigned to Secret Service-led task forces, in accordance with applicable laws and regulations.

In compliance with Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety*, this policy will be publicly posted, available via the Secret Service website at www.secretservice.gov.

Scope

Secret Service authorizes the use of BWCs to collect audio and video recordings of interactions between Secret Service personnel who are authorized to carry firearms and the public according to the requirements established in this policy. This policy applies to Secret Service personnel and TFOs assigned to Secret Service-led task forces who operate BWCs or handle recorded data.

Secret Service acknowledges that there may be situations in which BWC operation is impractical and may be an impediment to public and officer/agent safety. Additionally, Secret Service recognizes human performance limitations during particularly stressful, critical situations. However, absent extenuating circumstances that implicate public or officer/agent safety, Secret Service personnel are required to activate their BWC in accordance with this policy.

This policy does not apply to recording statements during criminal investigations.

Implementation of this policy, as well as the development and implementation of related internal operating procedures (IOP), is contingent on the availability of funding to acquire the requisite equipment and supporting information technology infrastructure, personnel to support equipment operations and maintenance, personnel who will review and redact captured video/audio recordings for Freedom of Information Act (FOIA) and other authorized release requests, the distribution of BWC equipment to Secret Service personnel, and the completion of related training.

Definitions

Body-Worn Camera (BWC): Audio/video recording equipment combined into a single unit and typically worn on clothing or otherwise secured to a person, e.g., affixed to the outside of the carrier vest facing forward.

Law Enforcement Encounter: Actions taken by Secret Service personnel authorized to carry firearms when performing law enforcement duties that involve interactions with the public. Law enforcement encounters may include, but are not limited to the following:

- Use of force incidents as defined in the Training Manual, section RTC-04(01), Use of Force;
- Other law enforcement activities, e.g., during an arrest, in which a video recording would assist the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for further law enforcement purposes; and
- Suspicious or possible illegal activity when observed by BWC equipped Secret Service personnel.

Recorded Data: BWC data created as a result of law enforcement encounters.

Requirements

Once such equipment becomes available, BWCs will be used to record law enforcement encounters by Secret Service personnel who are authorized to carry firearms when they are performing the following law enforcement duties except as otherwise prohibited by this policy or when doing so may jeopardize the safety of Secret Service personnel, other law enforcement agency personnel, or the public:

- Uniformed Division (UND) personnel who are authorized to carry firearms are required to wear a BWC and activate it during law enforcement encounters when they are conducting patrol or are otherwise engaged with the public in response to emergency calls.
- All Secret Service personnel who are authorized to carry a firearm are required to wear and activate a BWC during a pre-planned attempt to serve an arrest warrant or other pre-planned arrest, or during the execution of a search or seizure warrant or order.

At the direction of the Special Agent in Charge (SAIC) or Deputy Chief, Secret Service personnel may wear and activate BWCs in other situations beyond the scope of the requirements above, so long as such wearing and activation of BWCs does not otherwise conflict with the exceptions and prohibitions defined in this policy.

Refer to the “Use of BWCs by Secret Service Deputized Task Force Officers” section of this policy for requirements, responsibilities, guidelines, and general procedures specific to TFOs assigned to Secret Service-led task forces.

Activating and Deactivating BWCs

When equipped with a BWC, Secret Service personnel will activate their BWC, i.e., record law enforcement encounters that fall within the scope of this policy at the start of an event or as soon as safely possible thereafter and continue recording until involvement in an event has concluded.

Secret Service personnel shall deactivate their BWCs when their role in an event has concluded, e.g., they are leaving the scene of an encounter or have completed their interaction with the subject or subjects involved in an encounter.

When conducting a pre-planned attempt to serve an arrest warrant or other pre-planned arrest, or during the execution of a search or seizure warrant or order, Secret Service personnel will deactivate their BWCs when the scene is secured as determined by the Secret Service supervisor on the scene. For purposes of this policy, the term “secured” means that the scene is safe and under law enforcement control.

If BWC equipped Secret Service personnel fail or are otherwise unable to activate their camera, they may be required to provide a statement indicating the reason why they failed or were otherwise unable to activate their camera.

BWC Exceptions and Prohibitions

- Secret Service personnel will not activate BWCs while working in protected buildings or inside the perimeter (the secure fence/external barrier) of protected grounds. This generally applies to areas that are not accessible to the general public and includes, but is not limited to, the White House Mansion, Vice President’s Residence, Eisenhower Executive Office Building, New Executive Office Building, and Treasury Building.
- Special Agents, Investigative Protection Officers, Special Officers, Protective Support Technicians, Protection Officers, Technical Security Investigators, and Physical Security Specialists will not wear BWCs when engaged in protective duties, e.g., standing post, riding in motorcades, or conducting advances.
- In general, Secret Service personnel will not activate BWCs during non-custodial protective intelligence interviews. Refer to the Investigative Manual, section INV-18, Suspect Interviews and Statements, for exceptions and requirements pertaining to the recording of custodial interviews.
- Secret Service personnel engaged in counter surveillance assignments, mobile wireless investigations, or crime-scene processing duties will not be required to wear BWCs.
- Secret Service personnel assigned to an Explosive Detection Team (EDT) will not be required to activate BWCs while conducting EDT operations.
- Secret Service personnel should attempt to record interviews of witnesses or victims and may use BWCs to record these statements. BWCs may be deactivated upon request of a witness or victim. Secret Service personnel are not required to stop BWC recordings if the recording is the result of engagement in a law enforcement encounter. To the greatest extent possible, Secret Service personnel will record the witness or victim’s request to deactivate prior to deactivating their BWC. Refer to INV-19, Witness Interviews and Statements, for further guidance.

- BWCs may be deactivated by Secret Service personnel when interacting with a member of the public who seeks to remain anonymous, e.g., to report a crime or assist in an investigation. Upon receiving such a request, Secret Service personnel will evaluate the circumstances, and if appropriate, discontinue the use of the BWC. To the greatest extent possible, Secret Service personnel will record the request to deactivate prior to deactivating their BWC.
- Secret Service personnel may either deactivate or not activate their BWC if, in the judgment of the BWC equipped Secret Service personnel, a recording may be inappropriate because of the victim's or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., victim of domestic or sexual violence).
- Secret Service personnel will not activate their BWC in a hospital or medical facility unless they are engaged in a law enforcement encounter as defined in this policy.
- Secret Service personnel will not activate their BWC in any location where there is a reasonable expectation of privacy (e.g., restroom, locker room, dressing room, break room, etc.), unless they are engaged in a law enforcement encounter as defined in this policy.
- Secret Service personnel will not activate their BWC during courtroom proceedings unless they are engaged in a law enforcement encounter as defined in this policy.
- BWCs will not be used 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.
- BWCs will not be used to record undercover personnel, confidential informants, or confidential sources.
- BWCs will not be worn in locations where classified information is present unless the BWC equipped Secret Service personnel are engaged in a law enforcement encounter as defined in this policy.
- BWCs will not be used to record actions and conversations of coworkers, other law enforcement personnel, or members of the public when not actively engaged in a law enforcement encounter as defined in this policy.
- BWCs will not be used to record Secret Service personnel for the sole purpose of conducting or supporting a personnel investigation, disciplinary action, or employee performance assessment unless such assessment is used in a BWC training environment in support of student-instructor feedback.
- BWCs will not be used to record gratuitous or obscene images, such as the effects of extreme violence or injury, unless necessary for evidentiary documentation.
- BWCs will not be used to record a particular person based solely on the person's race, color, religion, national origin, sex, age, disability, sexual orientation, marital status, parental status, personal appearance, gender identity or expression, or political affiliation.
- BWCs will not be used for the purpose of recording individuals who are engaged in activity protected by the First Amendment, e.g., people who are lawfully exercising their freedom of speech, press, association, assembly, religion, or the right to petition the government for redress of grievances, unless the situation has become violent, dangerous, or otherwise unlawful. This prohibition includes any conversations that BWC equipped personnel have with individuals

engaged in activities protected by the First Amendment unless those conversations are clearly related to criminal activity.

Any excepted or prohibited activity as defined above that is unintentionally captured while recording an activity otherwise required by this policy will not be considered a violation. Secret Service personnel shall notify a supervisor when they become aware of an inadvertent excepted or prohibited recording.

BWC General Responsibilities

Secret Service personnel who are authorized to wear BWCs will comply with the following:

- Secret Service personnel will use only Secret Service issued and approved BWCs and shall not use personally owned video and/or audio recording devices in lieu of Secret Service issued BWCs to record law enforcement encounters as defined in this policy.
- BWC users should not place themselves or others in dangerous situations solely for the purpose of recording an activity.
- Use of Secret Service issued BWCs will be for official law enforcement purposes only, and the personal use of Secret Service owned BWCs is strictly prohibited.
- Secret Service personnel shall not tamper with or dismantle a BWC, its hardware, or software components.
- Secret Service personnel shall not use any device to intentionally interfere with the capability of Secret Service BWCs.

Additionally, Secret Service personnel who are authorized to wear BWCs are responsible for the following:

- Ensuring the proper care, operation, storage, and safekeeping of their assigned BWC.
- Ensuring that their assigned BWC is in correct working order and the battery source (if the system requires battery power) is fully charged.
- Ensuring that they wear the BWC assigned to them. If Secret Service personnel inadvertently use a BWC that is assigned to another authorized user, the employee who inadvertently wore the camera not assigned to them must immediately provide written notification to their supervisor. This written notification should include an explanation of the circumstances that led to the incorrect BWC being worn, and the time and date when the incorrect BWC was used.
- Ensuring their BWC is correctly positioned on their clothing in accordance with the approved methods specified by the BWC manufacturer's guidelines and their directorate, division, branch, and/or office's IOPs.
- Immediately notifying their supervisor if they discover their assigned BWC is lost, damaged, stolen, or inoperative. Refer to the Administrative Manual section AOD-06, Lost, Stolen, and Damaged Property.
- Ensuring that their issued BWCs are positioned and enabled to allow recorded data to be moved to storage after their shift has concluded.

- Ensuring that their issued BWC's software and firmware are updated according to the approved methods specified by the BWC manufacturer's guidelines and their directorate, division, branch, and/or office's IOP.
- Ensuring BWC recordings are properly notated, i.e., "tagged" in a timely manner, ensuring efficient case and evidence management, and compliance with applicable policies of the Secret Service Record Programs Management Manual.
- Reporting any known intentional misuse of BWCs or BWC footage to supervisors or the Office of Professional Responsibility (RES) as appropriate.

BWC "Buffer" Period

Secret Service BWCs will be configured with no less than a 30-second pre-event video recording buffer, i.e., the duration of time and scope of the BWC footage preserved prior to its activation. When BWCs are activated, the preceding 30 seconds of video (no audio) will be captured and become part of the event recording. Audio recording will begin at the time the BWC is activated.

BWC Notice of Recording

BWC equipped Secret Service personnel will advise individuals that they are being recorded if doing so will not interfere with the encounter or officer/agent safety. Otherwise, this notice shall be given as soon as possible and practical.

BWC equipped Secret Service personnel should advise other Secret Service personnel and other agency law enforcement personnel that they are being recorded if doing so will not interfere with the encounter or officer/agent safety. This will provide other law enforcement officers with situational awareness and allow them to include related information in any written report.

General Handling of BWC Recorded Data

BWC recorded data will only be accessed, downloaded, and disclosed by authorized Secret Service personnel.

BWC recorded data may not be accessed, used, downloaded, printed, copied, emailed, posted, shared, reproduced, or otherwise distributed in any manner, unless for official use and in accordance with this policy and directorate, division, branch, and/or office IOPs.

Secret Service personnel will not delete or modify BWC recorded data and will only dispose of BWC recorded data as permitted by the National Archives and Records Administration (NARA) approved records schedule DAA-0087-2022-0001 and applicable policies of the Secret Service Record Programs Management Manual.

Unauthorized use or release of BWC recorded data may compromise ongoing criminal investigations and administrative proceedings or violate the privacy or civil rights of those recorded. Any unauthorized access, use, deletion, modification, or release of BWC recorded data, or other violations of records management or privacy laws or Department of Homeland Security or Secret Service policies may result in disciplinary action.

Viewing of BWC Recorded Data

Subject to the exceptions set forth below, Secret Service personnel may not review their BWC recordings or BWC recordings of other BWC equipped personnel that have been shared with them prior to writing initial incident reports.

After completing initial incident reports, Secret Service personnel may, but are not required to, review all available BWC recordings provided that any amendments they make to their initial incident reports include a statement that the incident report has been amended after reviewing BWC footage. Such amendments must specify what aspects of the incident report have changed after BWC recordings were reviewed.

Supervisors may permit the involved personnel to review BWC recordings when they are required to give a formal statement about a use of force incident or when they are the subject of an allegation of misconduct or personnel complaint. Secret Service personnel shall have the option to review the recordings in the presence of their attorney(s).

Secret Service personnel may only review BWC recorded data for official purposes. For example, recorded data will often be reviewed:

- To complete criminal investigations and prepare related investigative reports;
- Prior to courtroom testimonies, presentations, or as otherwise needed during preparation for litigation;
- For training purposes (with PII redacted); or
- In preparation for administrative investigations/interviews.

Authorized BWC users shall indicate on their reports whether BWC recorded data was viewed prior to completing the report.

BWC footage may be viewed in order to evaluate claims of misconduct or other policy violations. However, BWC recorded data will generally not be viewed at random by supervisors or other Secret Service personnel for the sole purpose of identifying policy violations and disciplining the responsible authorized BWC users.

RES may review BWC recorded data in connection with suspected criminal, civil, and administrative allegations, and following use of force incidents.

Requests for Release

Requests for BWC recorded data are subject to all applicable laws, regulations, and Department of Homeland Security (DHS) and Secret Service policies, including but not limited to the Freedom of Information Act, as amended, 5 U.S.C. § 552, and the Privacy Act of 1974, as amended, 5 U.S.C. § 552a.

- Requests from the public must be coordinated with the Office of Intergovernmental and Legislative Affairs (IGL), Freedom of Information Act (FOIA) and Privacy Act (PA) Programs.
- Requests from Congress must be coordinated with the IGL Congressional Affairs Program (CAF).
- Requests from the media must be coordinated with the Office of Communication & Media Relations (CMR).
- Requests from a United States Attorneys' Office or another law enforcement agency must be coordinated with IGL and the Office of the Chief Counsel (LEG).

For each of the requests above, the respective offices will also coordinate with LEG, IGL, RES, the Office of Protective Operations (OPO), Office of Investigations (INV), Office of Strategic Intelligence and Information (SII), and the Office of Technical Development and Mission Support (TEC) as appropriate. Decisions pertaining to the release of BWC recorded data will be made by the Assistant Director/Executive Chief (AD/EC) for the coordinating directorate/office after notifying the AD/EC for each of the affected operational directorate(s).

Additionally, and as appropriate, DHS Headquarters offices may be notified by FOIA/PA, CMR, CAF, or LEG prior to external release.

Expedited Public Release

If Secret Service BWC recording(s) depict conduct by Secret Service personnel resulting in serious bodily injury or death of another, to include deaths in custody, RES, in consultation with LEG, IGL FOIA/PA, and the United States Attorney's Office in the responsible federal district, will expeditiously review the recording(s) and provide official concurrence with public release as soon as practical, unless there are specific and compelling circumstances justifying an objection to public release that cannot be resolved by redaction or other means. Upon official concurrence from RES in consultation with LEG, IGL FOIA/PA, and the United States Attorney's Office, the Secret Service may immediately release the recording(s) with any agreed-upon redactions.

Video Retention and Storage

All recorded data captured using a Secret Service BWC is considered an official Secret Service record, and as such, must be handled consistent with NARA approved records schedule DAA-0087-2022-0001 and applicable policies of the Secret Service Record Programs Management Manual when it is moved to storage.

BWC recorded data shall only be stored on a designated Secret Service-approved system or media. BWC recorded data shall not be downloaded or recorded for personal use or posted onto a personally owned device or website.

Unless instructed otherwise, BWC equipped Secret Service personnel shall ensure that all BWC recorded data is moved to storage in accordance with prescribed storage procedures. Supervisory personnel should ensure that BWCs are positioned and enabled to allow recorded data to be moved to storage at the end of each shift, and that all recorded data is properly notated, i.e., "tagged" to ensure efficient case and evidence management. Personnel and supervisors will take appropriate steps to certify that the proper storage procedures are followed.

When recorded data is placed in storage, it is maintained for an initial period of 90 days. By the end of this 90-day time period (or sooner, if its attributes are readily apparent), each data file must be labeled with the more relevant of the following categories:

- Non-Evidentiary Recordings that have No Further Business Use
 - Media files/data recorded by law enforcement personnel during the performance of their duties that are not determined to have potential evidentiary or exculpatory value; and which are not otherwise required to meet legal obligations (e.g. legal freezes), nor to initiate, sustain, evaluate, or provide documentation of agency actions.
 - Secret Service will retain this data for 90 days from the recording termination date of the event and then destroy it in accordance with NARA Disposition Authority Number DAA-0087-2022-0001-0001.
- Recordings Voluntarily Requested for Longer Retention
 - Media files/data requested for extended retention within the initial 90 days of their creation by: a) any member of the public who is a subject of the video footage; b) any parent or legal guardian of a minor who is a subject of the video footage; and/or c) a deceased subject's spouse, next of kin, or legally authorized designee.
 - Secret Service will destroy this data 3 years after the date the specific event or occurrence was first recorded in accordance with NARA Disposition Authority Number DAA-0087-2022-0001-0002.
- Recordings Asserted to have Potential Evidentiary or Exculpatory Value and which are Requested for Extended Retention
 - Media files/data asserted to have potential evidentiary or exculpatory value in an ongoing investigation, which are voluntarily requested for extended retention within the initial 90 days of their creation, by a) the Federal law enforcement officer whose body camera recorded the video footage; b) any Federal law enforcement officer who is a subject of the video footage; and/or c) any superior officer of a Federal law enforcement officer whose body camera recorded the video footage or who is a subject of the video footage.
 - Secret Service will destroy this data 3 years after the date the specific event or occurrence was first recorded; or when use in agency mission/business operations ceases (including but not limited to legal freezes); or when the related case file(s) are closed, whichever is later, in accordance with NARA Disposition Authority Number DAA-0087-2022-0001-0003.
- Recordings Related to a Use of Force
 - Any media files/data capturing an interaction or event involving any use of force, as defined in RTC-04(01).
 - Secret Service will destroy this data 3 years after the date the specific event or occurrence was first recorded; or when use in agency mission/business operations ceases (including but not limited to legal freezes); or when the related case file(s) are closed, whichever is later, in accordance with NARA Disposition Authority Number DAA-0087-2022-0001-0004.

- Recordings Related to a Complaint Registered by a Subject of the Video Footage
 - Any media files/data capturing an interaction or event about which a complaint has been registered, within the initial 90 days of its creation, by a subject of the video footage.
 - Secret Service will destroy this data 3 years after the date the specific event or occurrence was first recorded; or when use in agency mission/business operations ceases (including but not limited to legal freezes); or when the related case file(s) are closed, whichever is later, in accordance with NARA Disposition Authority Number DAA-0087-2022-0001-0005.

- Recordings Relevant to Other Authorized Law Enforcement Purposes
 - Media files/data recorded by law enforcement personnel during the performance of their duties needed for prescribed law enforcement purposes (e.g., after action analysis, training, etc.), and/or in support of any other authorized investigative inquiry not covered above.
 - Secret Service will destroy this data 3 years after the date the specific event or occurrence was first recorded; or when use in agency mission/business operations ceases (including but not limited to legal freezes); or when the related case file(s) are closed, whichever is later, in accordance with NARA Disposition Authority Number DAA-0087-2022-0001-0005.

Before categorizing each data file as described above, Secret Service personnel shall take reasonable steps to determine whether recorded data has investigative or evidentiary value. This cannot always be immediately determined. For example, information that may seem insignificant at the time of recording may subsequently play an evidentiary role in an investigation.

Secret Service BWC software or storage mechanisms will have appropriate safeguards and audit trails in place to restrict access and viewing of recorded data to those with an official need to know. Such safeguards will include the following:

- Automatically logging employee access to a recording, as well as the date, time, and location of access;
- Requiring personnel to log the purpose of accessing, viewing, downloading, and disclosing or otherwise distributing recorded data; and
- Allowing offices to dispose of recorded data only as permitted by this policy.

If a hard copy of BWC recorded footage is created to aid in an investigation, prosecution, or another sanctioned purpose, the footage shall be safeguarded and destroyed in accordance with this policy and the appropriate NARA retention schedule.

Any Secret Service employee who knows or suspects that a BWC recording contains classified information must notify their supervisor and the Office of Human Resources (HUM) Security Management Division (SMD) via the Employee Reporting and Information Center (ERIC) and follow the protocols defined in the Chief Information Officer Manual, section CIO-11(07), Classified Information Spillage on Information Technology Systems. Decisions regarding mitigation procedures, including disposition of affected media (i.e., sanitization, physical removal, or destruction) shall be determined by the IT Cyber Security Program (ITCSP) and SMD personnel in accordance with the appropriate NARA retention schedule.

It is the responsibility of the directorate, division, branch, or office utilizing BWC recorded footage to ensure the safeguarding, appropriate labeling, destruction, and accountability of all BWC footage

extracted from the video management software and copied to a disc, desktop, or any other portable storage device.

BWC Training

Secret Service directorates, divisions, branches, and/or offices will ensure that Secret Service personnel who operate BWCs or handle recorded data are trained in the use of BWCs, relevant BWC policies and procedures, and have completed all applicable refresher training prior to their authorization to use BWCs or access BWC recorded data. Training shall include the following:

- BWC operation, maintenance, and care;
- Correct handling of BWC recorded data;
- Privacy compliance and proper procedures for redacting and sharing BWC data;
- Required, judgmental, and non-permissible uses of BWCs;
- Officer/agent and public safety considerations when wearing/operating BWCs;
- Training on any significant changes to the laws, regulations, or policies governing the use of BWCs.

Recorded data captured using BWCs in the training environment will be utilized only as a part of the student instructor feedback process. Only authorized Secret Service instructors will utilize the recorded data for feedback purposes.

Use of BWCs by Deputized Secret Service Task Force Officers

Upon availability of funding to support the acquisition of requisite equipment, supporting information technology infrastructure, and personnel to support implementation of this policy, task force officers (TFOs) who are assigned to Secret Service-led task forces will be expected to comply with the BWC requirements, responsibilities, guidelines, and general procedures established in this policy. Upon availability of requisite equipment, if a TFO assigned to a Secret Service-led task force does not have a BWC assigned to them by their parent agency, Secret Service will make a BWC and Secret Service-specific BWC training available to TFOs such that the TFOs are able to comply with this policy.

Until such time as equipment becomes available, Secret Service permits the use of BWCs issued by a TFO's parent agency for use by TFOs who are assigned to Secret Service-led task forces. This policy provides parameters for the use of BWCs by such TFOs to the extent that a state, local, tribal, or territorial law enforcement agency requires BWC use by its officers during Secret Service-led task force operations.

For purposes of this policy, the term, "TFO BWC recordings," refers to audio and video recordings and associated metadata from TFO BWCs made while the TFO is working under Secret Service authority, including state and local warrants adopted by the Secret Service.

Use of BWCs by TFOs During Secret Service-led Task Force Operations

Unless subject to specific exceptions/prohibitions defined below, TFOs employed by a law enforcement agency that mandates the use of BWCs by their TFOs who are assigned to Secret Service-led task forces may wear and activate their BWC for the purpose of recording their actions during task force operations only during:

- a pre-planned attempt to serve an arrest warrant or other pre-planned arrest; or
- the execution of a search or seizure warrant or order.

During such operations, TFOs are authorized to activate their BWCs upon approaching a subject or premises and must deactivate their BWCs when the scene is secured as determined by the Secret Service supervisor on the scene.

For purposes of this policy, the term “secured” means that the scene is safe and under law enforcement control. In the event circumstances arise requiring additional law enforcement assistance to secure the scene, the TFO will end BWC recording when relieved from the scene by another law enforcement officer.

TFOs are prohibited from using BWCs for recording:

- undercover personnel;
- confidential informants or confidential sources;
- on-scene witness interviews prior to or after the operation;
- personnel using specialized or sensitive investigative techniques or equipment; or,
- on-scene actions by any non-law enforcement persons who are assisting law enforcement personnel prior to or after the operation.

Storage of TFO BWC Recordings Originating from Secret Service-led Task Force Operations

The TFO activating a BWC during Secret Service-led task force operations is responsible for downloading or having their parent agency personnel download the resulting TFO BWC recordings. If the BWC worn by a TFO is owned by the TFO’s parent agency, once the TFO BWC recording is downloaded, it shall be placed onto external media (e.g., DVD, hard drive, etc.), or another mutually agreeable delivery mechanism, and promptly provided to the Secret Service-led task force. The TFO parent agency will provide the Secret Service with a recording that qualifies as a “duplicate” under Federal Rule of Evidence 1001(e). When available, this recording should be accompanied by certification from the TFO parent agency’s custodian of records that meets the requirements of Federal Rule of Evidence 902. The Secret Service shall maintain the TFO BWC recording received from the TFO in accordance with the provisions defined in the Video Retention and Storage section of this policy.

A duplicate of all TFO BWC recordings made during Secret Service-led task force operations will be provided to the Secret Service and be managed according to the applicable NARA approved records

retention schedule. Any copies retained by the TFO's parent agency and/or in the possession of any third party engaged by the parent agency to store or process BWC recordings, even if managed under a different records retention protocol, shall be deemed federal records of the Secret Service pursuant to the Federal Records Act, and may not be modified, released, or disposed of without the prior agreement of the Secret Service. In all circumstances, TFO BWC recordings made during Secret Service-led task force operations shall be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings, and as potential evidence in a criminal investigation subject to applicable federal laws, rules, and policy concerning any disclosure or dissemination; and therefore, deemed privileged absent appropriate redaction prior to disclosure or dissemination.

Nothing in this policy shall be deemed to provide a right of public access to TFO BWC recordings made during Secret Service-led task force operations. Once the TFO parent agency has provided the Secret Service with a duplicate recording of the TFO BWC footage, the recording will be considered the property of the Secret Service, and will be retained, controlled, and managed by the Secret Service. The Secret Service is responsible for considering requests to release TFO BWC recordings made during Secret Service-led task force operations. These records cannot be disseminated by the parent agency without the written permission of the Secret Service, subject to the following exceptions:

- Internal Dissemination
 - The TFO's parent agency is authorized to use TFO BWC recordings for internal investigations of its personnel consistent with the parent agency's policies and procedures, but may not disseminate the BWC recording outside the parent agency or for public release without the written permission of the Secret Service. The parent agency shall provide written notification to the Secret Service prior to any internal review.
- Expedited Public Release
 - If TFO BWC recording(s) depict conduct committed solely by a TFO resulting in serious bodily injury or death of another, the TFO's parent agency shall notify the Secret Service and the United States Attorney's Office in the responsible federal district as early as possible if the TFO's parent agency desires to publicly release the TFO's BWC recording(s). Notifications to Secret Service may be made to the SAIC of the Secret Service-led the task force. The Secret Service and the United States Attorney's Office will expeditiously review the recording(s) and provide official concurrence with public release as soon as practical, unless there are specific and compelling circumstances justifying an objection to public release that cannot be resolved by redaction or other means. Upon official concurrence, the TFO's parent agency may immediately release the recording(s) with any agreed-upon redactions, giving as much advance notice as possible to the Secret Service and United States Attorney's Office as to the time and manner of its release.

Memorialization

Subject to the guidance set forth in this policy, the SAIC of the Secret Service-led task force is responsible for memorializing any agreement with state, local, tribal, and territorial law enforcement agencies on the use of BWCs by federally deputized TFOs during Secret Service-led task force operations.

The SAIC will execute a Memorandum of Understanding (MOU), or addendum to a preexisting MOU, prior to use of BWCs by TFOs, that sets forth the details for the use of BWCs by TFOs on the task force consistent with this policy. All MOUs/agreements will use language that is maintained by the Criminal Investigative Division (CID) and developed in concert with the Office of the Chief Counsel (LEG). Prior to

entering into any agreement, the TFO's parent agency shall provide to the SAIC of the Secret Service-led task force the details regarding the BWC system and cameras, including the details of any system protections, to the satisfaction of the Secret Service, and any state, local, tribal, or territorial policies or laws applicable to the TFO's use of BWCs, including any retention policies.

This MOU shall require that a duplicate copy of all TFO BWC recordings be provided to the Secret Service. This MOU shall make clear that TFO BWC recordings, including such recordings that have been duplicated for the Secret Service but have copies residing in the state/local agency's BWC system or other copies retained by the agency and/or in the possession of any third party engaged by the agency to store or process BWC recordings, are deemed to be federal records, subject to federal retention and information access laws, regulations, policies, and procedures. The Secret Service will ensure that all agencies participating in the Secret Service-led task force are informed of which participating agencies, if any, mandate BWC use by their respective TFOs, and provide all participating agencies with a copy of this policy.

Use of BWC by Secret Service Personnel Assigned to Other Agency-led Task Forces

In the case of Secret Service personnel who are assigned to a task force that is not led by the Secret Service, the lead of the agency overseeing the task force shall determine, in writing, whether and in what circumstances Secret Service personnel assigned to the task force will be allowed to use BWCs.

Unless explicitly prohibited by the MOU or other written agreement governing Secret Service participation in the task force led by another agency, there is an expectation that Secret Service personnel assigned to the task force will comply with the provisions for wearing and activating BWC as defined in this policy. The Secret Service directorate, division, branch, or office that is responsible for the arrangements governing Secret Service participation in the task force led by another agency will provide the host agency with a copy of DEP-01 along with the standard cover letter that is maintained by CID and developed in concert with LEG. Any other agency MOUs/agreements that explicitly prohibit Secret Service task force personnel from complying with DEP-01 will be reviewed in consultation with LEG/INV prior to execution.