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MANAGEMENT

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MOBILE VIDEO AND AUDIO RECORDERS (MVARs)

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Director, Law Enforcement and Security

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1. PURPOSE

To establish policy and standardize procedures for the use of MVARs by BLM LEOs, and the management of all relevant audiovisual recordings.

2. SCOPE

This policy applies to all BLM LEOs who regularly engage in patrol and/or investigative functions, including supervisory LEOs and where appropriate, law enforcement support personnel.

3. AUTHORITY

- a. 43 U.S.C § 1733
- b. 18 U.S.C. §2511(2)(c)
- c. 28 C.F.R. § 50.2
- d. 32 C.F.R. § 2002
- e. Federal Rules of Evidence
- f. Office of the Attorney General Memorandum, May 30, 2002
- g. Department of Justice Policy on use of Body Worn Cameras by Federally Deputized Task Force Officers (October 29, 2020)
- h. 446 DM Chapter 7, 8, 20, 41
- i. DOI Law Enforcement and Security Policy Bulletin No. 23-01
- j. BLM Manual MS-1270 – Release 1-1804
- k. General Order 10, 27, 28, 32, 38, 39

4. FILE AND RECORDS MAINTENANCE

Law enforcement records will be maintained in accordance with the Law Enforcement General Orders and Handbooks, and the Bureau Records Retention Catalog.

5. DEFINITIONS

Body-Worn Camera (BWC): Body-worn camera systems typically consist of a camera, microphone, battery, and onboard storage. They are designed to be worn at various locations on the body to capture recordings based on the LEO point of view (POV).

Cellular Telephone/Smart Phone: A cellular telephone/smart phone is a handheld device capable of recording, photographs, videos, and/or audio recordings through the native hardware in conjunction with the installed software applications.

Digital Evidence Management System (DEMS): An electronic information system designed to catalog, tag, manage, store, retain, and dispose of recorded media.

Mobile Video and Audio Recorder (MVAR): Any equipment used to record video and audio signals for law enforcement purposes and specifically designed to be mounted on a vehicle or other mobile platform and/or worn on the body and/or used for handheld capture.

Recorded Media: Any audio-visual signals recorded for law enforcement purposes using an MVAR.

Vehicle Mounted Camera (VMC) / In-Car Camera / Dashcam: A Vehicle Mounted Camera (VMC) is an onboard video camera that can be mounted on the dashboard or other portion of a vehicle and used to continuously record activity through the vehicle's windshield, rear window and/or passenger compartment.

Note: The terms BWC and MVAR are both used throughout this General Order, wherever appropriate and contextually relevant.

6. POLICY

All LEOs are authorized to use MVARs, including BWCs. All uniformed BLM LEOs are required to wear and use BWCs per General Orders and Standard Operating Procedures.

6.1. AUTHORIZED DEVICES AND SYSTEMS

The Director, BLM OLES has the authority to determine which MVARs the BLM may purchase.

The Director, BLM OLES will determine which DEMS will be approved for law enforcement records storage. The selected DEMS must comply with all applicable federal laws and DOI/BLM policies pertaining to storage and retention of electronic federal records, digital evidence, and meet all applicable information technology security standards.

MVARs must be compatible with the OLES designated Record Management System (RMS).

Only government issued MVARs are approved for use in a law enforcement engagement.

All BWCs must have a minimum 30-second, pre-event recording mode.

6.2. DAILY INSPECTION AND TESTING

Prior to each work shift, BLM LEOs must inspect and test BWCs to verify operation. LEOs must immediately notify their supervisor of any problems.

6.3. NOTICE OF RECORDING

BLM LEOs should inform individuals that they are being recorded, unless doing so is unsafe, impractical, or impossible. Additionally, if the LEO believes that notifying the individual could escalate the situation, they may choose not to provide this information.

6.4. RECORDING CRITERIA

6.4.1.MANDATORY ACTIVATION

All BLM LEOs who are present during an incident where activation is mandatory, must activate their respective devices as soon as reasonably possible. It is insufficient to rely solely on the primary LEO to activate their BWC/MVAR.

LEOs must activate their BWCs for purposes of recording their actions during:

- a. A pre-planned attempt to serve an arrest warrant or other pre-planned arrest, including the apprehension of fugitives sought on state, local, and tribal warrants;
- b. The execution of a search or seizure warrant or order;
- c. Interactions that are reasonably anticipated to result in law enforcement activity, including investigatory stops and interviews;
- d. Investigative contact with suspects and witnesses;
- e. Crime interdiction stops;
- f. Confiscation of evidence or contraband;
- g. Calls for services involving crimes against persons;
- h. Traffic stops;

- i. Vehicle and foot pursuits;
- j. Upon activation of emergency equipment;
- k. Arrest and/or transport of prisoners;
- l. Contact with persons the LEO reasonably suspects have committed a violation of law; and
- m. Any interaction with the public where an LEO believes, and individual may become argumentative or combative with respect to an individual's privacy, demonstrations, and First Amendment activities.

6.4.2. PROHIBITED ACTIVATION

BLM LEOs must not activate a BWC/MVAR under prohibited activation circumstances. Such circumstances could include recording;

- a. Monitoring First Amendment activities or the lawful exercise of other rights secured by the Constitution or laws of the United States, or as further defined in (446 DM 41-41.12);
- b. Prohibited encounters with undercover LEOs, confidential informants, or other legally recognized privileged and confidential communications;
- c. For non-official activities;
- d. Sensitive law enforcement matters;
- e. While unintended or for covert purposes; or
- f. Personal Use of BWC's and VMC's, which is strictly prohibited.

6.4.3. DEACTIVATION

A BLM LEO can deactivate a BWC/MVAR during certain activities such as traffic control, during extended periods of time with no activity or public interaction, or to prevent capture of personal private communications, such as a phone call to family members. LEOs must audibly record the reason(s) for BWC/MVAR deactivation. LEOs must also document the reason for deactivating the BWC/MVAR recorded verbally on the video, written in a patrol log, or a general report.

6.4.4. DISCRETION

LEOs wearing a BWC/MVAR can use their discretion to record an incident or interaction if the LEO believes activation for any law enforcement interaction not covered by this policy may be beneficial and would not be contrary to law or policy.

6.5. REPORTING AND DOCUMENTATION

LEOs are required to state in the narrative of any law enforcement report if BWC/MVAR footage exists, how many recordings were made and where the recordings are stored.

LEOs are required to document the reason why a recording:

- a. Was not made (e.g., Prohibited Recording situation encountered);
- b. Was interrupted (e.g., waiting for tow truck over extended period with no public interaction);
and/or
- c. Was terminated (e.g., BWC/MVAR malfunction/breakage).

6.6. REVIEW OF BWC/MVAR RECORDINGS

BLM LEOs may review their own BWC/MVAR footage to aid them in preparing accurate reports and/or to refresh their memories before making a statement about a recorded interaction. LEOs will not tamper, alter, or delete recordings while reviewing.

6.6.1. SUPERVISORY INCIDENT REVIEW

A law enforcement manager/supervisor and/or BLM OLES designee must review BWC/MVAR footage for the following:

- a. Incidents involving death or serious injury;
- b. Incidents involving reported use of force;
- c. Anytime an LEO is involved in an incident which requires hospitalization or results in a fatality;
and/or
- d. Incidents which could result in a complaint being filed.

6.6.2. SUPERVISORY PERIODIC REVIEW

A law enforcement manager/supervisor and/or the BLM OLES designee are encouraged to review BWC/MVAR footage for the following:

- a. Complaint investigation and resolution;
- b. Administrative allegations;
- c. Notice of Opportunity to Demonstrate Acceptable Performance (NODAP) monitoring; and

- d. Randomly review recordings at least monthly to ensure equipment is operating properly, officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance may be required.

6.7. DOWNLOADING/UPLOADING AND CATEGORIZATION

BLM LEOs must download and upload all MVAR footage to the DEMS at the end of each shift. This should be done immediately before starting their next shift or if the recorded patrol footage does not document a critical incident or any situation requiring supervisory review within five (5) days, as specified by reporting requirements.

If an LEO is unable to download or upload MVAR footage due to remote circumstances—such as being in areas without internet connectivity or electricity—they must do so as soon as it is reasonably possible. In such cases, the LEO must document the reason for the delay in their patrol log or RMS.

Additionally, BLM LEOs are responsible for identifying, categorizing, and tagging BWC/MVAR footage within seven (7) days of its recording. LEOs will not tamper, alter, or delete recordings while reviewing.

6.8. DISTRIBUTING AND RELEASE RECORDINGS

6.8.1. OFFICIAL USE

LEOs may share their information with other agency, bureau, or departmental LEOs to further another LEO's investigation. LEOs may share their information with Federal, State, Local and Tribal Prosecutors to further prosecution efforts.

6.8.2. PUBLIC RELEASE

The release of BWC/MVAR footage will adhere to the Privacy Act of 1974, the Freedom of Information Act (FOIA), Executive Order 14074, Law Enforcement and Security Policy Bulletin Number 23-01, BLM OLES Standard Operating Procedure – 41 – Mobile Video and Audio Recorders, and DOI System of Records Notice (SORN) 10.

BLM OLES is committed to expediting the release of BWC/MVAR footage in incidents involving serious bodily injury or death in order to promote transparency and accountability. To support this effort, a Community Briefing Video will be created in consultation with the BLM Public Affairs Office. This will help build public trust and provide context around the events captured in the footage.

6.9. DATA AND RECORDS MANAGEMENT

The OLES will own all recorded data derived from BWCs/MVARs. Properly managed recorded BWC/MVAR data will:

- a. Adequately preserve evidentiary chain of custody.

- b. Protect the integrity and privacy of the content.
- c. Ensure unaltered files can be admitted as evidence in court.
- d. Be declared the property of the BLM and constitute temporary federal records. Maintain the integrity of the federal record throughout the authorized retention period.
- e. Be downloaded/uploaded to an approved electronic information system with the Bureau Electronics Records Administrator.
- f. Not be tampered with or altered in any manner (excluding redaction).
- g. Be uploaded to the BLM OLES-approved DEMS without exception.
- h. Not be copied, reproduced, shared, posted, downloaded, or disseminated in any manner, except for an official law enforcement purpose.

Note: BWC/MVAR footage release records will be maintained in accordance with OLES approved RMS and DEMS policy and procedures

- i. Not be uploaded to public and/or social media websites unless it is for agency purpose and authorized by the Director, BLM OLES.
- j. Not be deleted without authorization from the Director, BLM OLES.
- k. Be properly Identified and Categorized.

6.10. PROPERTY

Government issued MVARs will be assigned to individual LEOs and will be issued as accountable property.

6.11. TRAINING

The BLM will provide initial and annual BWC Training for BLM LEOs and supervisors.