



## U.S. MARSHALS Body Worn Camera Program

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### TFO BWC MOU ADDENDUM Appendix A

The following is controlling guidance for situations that may affect a Task Force partner agency regarding the TFO (Task Force Officer) BWC (Body Worn Camera) MOU (Memorandum of Understanding) Addendum. This guidance is issued by the United States Marshals Service (USMS) Body Worn Camera Program (BWCP) and USMS Office of General Counsel(OGC):

- **Review Boards/Other Public Dissemination:** If an agency is under a consent decree or otherwise required by statute, law, or agreement to disclose BWC footage to a review board, that entity and their access to the agency BWC and the qualifying events or incidents that are the subject of the agreement will be described in a letterhead memo that the USMS will keep in the BWC MOU tracking system. The memo should include the timeline for that board to receive the footage, if their access to an agency BWC Video Retention System is direct or indirect, and whether the review board has independent/unilateral public disclosure authority. This information will assist the USMS OGC in determining what timeline they may be under to perform agency review if a qualifying incident occurs where TFO and/or USMS BWC footage has been recorded.
- **State Law/Agency Policies:** If state law or qualifying agency policy requires recording outside the parameters of USMS TFO BWC MOU Addendum, the agency will provide that information and a copy of the policy to the USMS BWCP. The recordings of post-arrest events that are outside TFO enforcement action, i.e., medical facilities, prisoner transport, should be separated, if possible, by deactivation of the TFO BWC when the arrest scene is concluded and secure; and reactivation when the officer is operating under his agency policy alone for a non-TFO agency responsibility. When separate recording(s) are possible, the USMS will receive only the enforcement BWC recording. If deactivation and reactivation are not feasible or are not permitted by state law or parent agency policy, the entire recording will be shared with USMS with the understanding that USMS will, if necessary, redact the entire portion of any recording that shows the TFO performing an agency duty where he is not operating under the USMS Task Force (TF) MOU parameters for enforcement actions.
- **Short term operations:** Any partner TF agency not covered by an existing executed USMS TFO BWC MOU Addendum and any non-partner state, local, federal, or tribal agency are authorized to utilize their BWC during a USMS short term operation or USMS led national initiative after agreeing to share any BWC footage obtained during the operation with the USMS upon request. Any BWC footage of a critical incident such as an Officer Involved Shooting or other use of force leading to death will be shared as soon as possible after the incident. Other footage will only be requested if the USMS has a mission-related requirement that can only be supported by receipt of the BWC recording from the BWC agency. Short term operations are defined for the purpose of this Appendix as USMS Enforcement related operations where a Special Deputization is issued or mass Special Deputizations are performed. These include, but are not limited to, Operation Washout, Operation Triple Beam, USMS National Initiatives for Enforcement and any DOJ directed initiative that is enforcement oriented and led by the USMS.