

U.S. Department of the Interior National Park Service United States Park Police

General Order 81.00



Expedited Release of Law Enforcement Recordings

Notes N/A



Referenced DOI Policies

446 DM 41 – Body-Worn Cameras and Vehicle-Mounted Cameras SORN DOI-10 – IMARS

Referenced USPP Policies

G.O. 80.00 – Body Worn Camera Program

Referenced NPS Directives N/A

Referenced USPP Forms N/A

Authorized by

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Publication Date

February 28, 2025

Effective Date

February 28, 2025

Authority

The Chief of Police is authorized to manage the United States Park Police by 145 DM 10 - United States Park Police and to issue policies in the form of General Orders pursuant to 245 DM 2 - Trial Boards, United States Park Police, as delegated by Director's Order #9: Law Enforcement Program, and in alignment with NPS Management Policies (2006), Section 8.3.

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I. Policy

The United States Park Police (USPP) will expedite the public release of law enforcement recordings ("LE recordings") in accordance with U.S. Department of the Interior (DOI) policy and in furtherance of its commitment to advancing effective, accountable policing, and criminal justice practices to enhance public trust and public safety. The public release of any law enforcement recording must be consistent with applicable law, including the <u>Privacy Act of 1974 (5 U.S.C. § 552a</u>), and shall consider the duty to protect the privacy rights of the persons depicted in the footage and any need to protect ongoing law enforcement operations.

II. Purpose

This policy establishes the procedures required by <u>446 DM 41 – Body-Worn Cameras</u> and <u>Vehicle-Mounted Cameras</u>, published on October 3, 2022. It also incorporates the standards set forth in the <u>System of Records Notice DOI-10</u>, <u>Incident Management</u>, <u>Analysis</u>, and <u>Reporting System</u> (79 FR 31974, June 3, 2014; modified by <u>86 FR 50156</u>, September 7, 2021; modified <u>89 FR 63828</u>, August 6, 2024).

III. Scope

This policy applies to the identification, production, and dissemination of law enforcement recordings related to deaths occurring in the custody of USPP law enforcement officers (LEOs), as well as instances of force used by USPP LEOs that lead to death or serious injury, including the use of deadly force.

IV. General Provisions

- A. The USPP will make every reasonable effort to release law enforcement recording(s) within thirty (30) days of incidents involving:
 - 1. A use of force by a LEO that results in serious bodily injury or death.
 - 2. Deaths in the custody of a LEO.
 - 3. The use of deadly force by a LEO, regardless of whether the incident results in serious bodily injury or death.
- B. LE recordings subject to this policy will typically be released in a
 Community Briefing Video (CBV) format based on the DOI CBV template.

CBVs include a summary of the incident, relevant audio/video excerpts, and contextual background to promote public understanding. However, there may be incidents in which LEO involvement was minimal or the use of force was by a LEO of another agency that would not require a full CBV to be produced.

- C. All CBVs will be produced and released in compliance with applicable federal laws, regulations, and policies, including the <u>Privacy Act of 1974</u> and the Freedom of Information Act (FOIA) (5 U.S.C. § 552), and will adhere to DOI and NPS standards for privacy and transparency.
- D. The CBV will be released in a format compliant with Section 508 of the <u>Rehabilitation Act (29 U.S.C. § 794d</u>). If the initially released CBV is not 508 compliant, then a 508 compliant version will be created and released as soon as possible.
- E. The effort to promote law enforcement transparency and accountability must not come at the cost of interfering with an active criminal investigation or compromising the integrity of any potential future prosecution.
- F. However, the USPP presumes that the public release of BWC recordings will not impact or interfere with any ongoing law enforcement or prosecutorial efforts unless there exist specific and compelling grounds to justify withholding, which cannot be resolved by redaction, partial withholding, or other means.
- G. Due to the immediate need to release the CBV as quickly as possible, only officials with delegated authority may review the CBV and the number of reviewers will be kept as small as possible.
- H. Due to the interests of other law enforcement agencies (LEAs) or prosecutors, due consideration will be given to address their concerns without delaying the release of the CBV.
- I. The Associate Director, Visitor and Resource Protection (ADVRP) may authorize the release of recordings for incidents not required by this

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policy but are likely to generate a high level of public interest and its release would: (a) preserve public confidence and trust in the integrity of NPS law enforcement; (b) demonstrate NPS's commitment to serving the public and achieving its mission; or (c) reveal the accountability of NPS's officers, employees, or individuals covered by the system. In these instances, the CBV production timelines outlined in this document do not apply.

- V. Procedures
 - A. Within twenty-four (24) hours of an incident that meets the criteria in Section IV(A), the Chief of Police will designate a CBV Production Leader to oversee the creation of the CBV. The CBV Production Leader is responsible for developing a production schedule in compliance with the timelines and procedures below.
 - B. The CBV Production Leader shall assemble a production team composed of members selected for their relevant expertise and their immediate availability to work on the CBV. Depending on the date of the incident, team members must be prepared to work overtime, including on federal holidays, lieu days, and weekends, if necessary, to meet the deadlines established in this policy.
 - C. The CBV Production Leader is authorized to make decisions regarding the composition of the production team, timelines, and interim drafts, subject to final review by the Chief of Police. The CBV Production Leader has the discretion to reassign tasks to ensure the timely completion of the CBV.
 - D. The CBV Production Team will maintain the official draft video to prevent confusion or unauthorized sharing. Any requests for review from individuals not identified in this policy will be considered on a case-bycase basis by the Chief of Police and the Office of the Solicitor (SOL).
 - E. If unforeseen circumstances arise that could impede the timely completion of the CBV, the CBV Production Leader must notify the Chief

of Police immediately and propose contingency measures. This may include requesting additional personnel, adjusting workflows, or submitting an extension request to Office of Law Enforcement and Security (OLES) as described in Section VII of this policy.

VI. Production Timeline

Although 30 days is the maximum deadline for release, every effort must be made to complete each phase as quickly as possible. The following timeline represents a suggested timeframe for each step of production of the CBV. Certain factors (e.g., the complexity of the incident, the number and length of the potentially relevant recordings, inaccessibility of evidence, etc.) may require more time than the timelines outlined below.

- Day 0 (Date of Incident)
 - USPP Officials: Execute post-incident responses in accordance with applicable policies. Ensure that all recordings are uploaded into digital evidence management system and secured as required by G.O. 80.00 Body Worn Camera Program.
 - Commander, Office of Professional Responsibility or Commander of Internal Affairs Unit: Identify and restrict BWC recordings related to the incident, liaise with prosecutors to ensure the release of recordings does not compromise the ongoing investigation, and coordinate inclusion of recordings within the CBV with the BWC Program Coordinator.
 - BWC Program Coordinator: Begin isolating the LE recordings related to the incident and identifying clips for potential inclusion in the CBV.
 - Chief of USPP (or designee): Notify the following.
 - Office of Law Enforcement and Security (OLES)
 - Office of the Solicitor (SOL)
 - DOI Office of Communications (OCO)
 - NPS Office of Communications

- Chief, Office of Public Trust (OPT)
- Day 1 (24 Hours Post-Incident)
 - Chief of USPP: Designate a CBV Production Leader to oversee the CBV production process.
 - CBV Production Leader: Convene the CBV Production Team to assign tasks and establish a detailed production schedule.
 - Day 2 (48 Hours Post-Incident)
 - CBV Production Team: Review all recordings of the incident to identify clips to include in the CBV. When selecting law enforcement recording clips for the CBV, the length of the clips and the complexity of potential redactions may be considered.
 - CBV Production Team: Draft the initial slide deck (e.g., PowerPoint presentation) in consultation with the SOL. Ensure the content reflects transparency while respecting legal and privacy constraints.
 - BWC Program Coordinator: Isolate the identified clips for the CBV.
 - OPT: Begin the initial redaction of selected clips to address privacy and legal considerations.
 - Days 3-4 (72-96 Hours Post-Incident)
 - CBV Production Leader: Present the draft slide deck, including selected and redacted clips, to the Chief of Police (or designee) for review and comment.
 - CBV Production Team: Incorporate the Chief of Police's feedback and integrate redacted clips into the updated draft slide deck.
- Day 5 (120 Hours Post-Incident):
 - CBV Production Leader: Present the finalized CBV slide deck and the associated materials to the ADVRP and SOL for final review.

- Day 6 (144 Hours Post-Incident):
 - CBV Production Team: Incorporate the feedback from the final review and ensure the CBV is finalized for release.
- Days 7–9:
 - CBV Production Team: Finalize the CBV slide deck into video file format.
- Day 10:
 - CBV Production Leader: Provide finalized CBV to NPS Office of Communications or relevant PIO for immediate release to the public through official communication channels.
- VII. Delays and Requests for Extensions
 - A. The release of the CBV may be delayed beyond the 30-day deadline in exceptional cases.
 - B. If a failure to meet the 30-day deadline seems more likely than not, the CBV Production Leader shall submit an Extension Request as permitted by LEPB 23-01 to OLES that explains the reason for the delay and proposes a revised schedule.
 - C. If a failure to meet the 30-day deadline is confirmed, the Chief of Police shall prepare a statement to be released to the public announcing the delay and providing as much information as possible to explain the reason for the delay.

VIII. Redactions

- A. Information may be redacted or withheld subject to the Privacy Act of 1974, the FOIA (when applicable), and other authorities and in alignment with LEPB 23-01 redaction guidance (see <u>Appendix B</u>).
- B. Law enforcement video recordings will be redacted in coordination with law enforcement subject matter experts designated by the applicable Chief.

- C. Proposed redactions will be reviewed by the Chief of Police and then sent to the SOL for review.
- D. When practicable and appropriate, the Chief of Police may request additional support from other DOI Bureau Directors of Law Enforcement.
- IX. Coordination with Other Agencies
 - A. The USPP will only release video and/or audio that was recorded on USPP devices, or that the USPP has authority to share.
 - B. Every effort will be made to coordinate with relevant, involved external agencies on timing and content of any information or video release provided it does not delay the release of the CBV or give the appearance of interfering with the internal affairs process and deliberations of the external LEA. In such instances, the Chief of Police may assign a liaison with the external agency or request a liaison from the SOL.
 - C. Coordination with other DOI Stakeholders and LE Programs
 - 1. Consistent with LEPB 23-01, the Director, OLES will assist in coordinating with other Department stakeholders and ensure consistency of practice by the Department's law enforcement programs.
 - 2. Where multiple bureaus are involved in an incident requiring video release, the Director, OLES will assist in coordinating collaboration among the bureaus.
 - 3. The proactive release of a video that is not required to be released and involves multiple bureaus will occur only with the collaboration of all participating bureaus.
 - D. Coordination with Other Criminal Investigative Agency or Prosecutors

Consistent with LEPB 23-01, the Chief of Police may request that SOL engage the appropriate Federal, State, Tribal, or local criminal investigative agency or prosecutor's office with respect to the public release of the recording(s) when appropriate.

- E. Coordination with External LEAs Involved in the Incident
 - 1. In the event an LEA outside of the DOI was directly or indirectly involved in the underlying incident, reasonable efforts will be made to coordinate the release of the CBV with the involved LEA.
 - 2. However, in the event the other LEA is conducting its own internal investigation, or disputes or discrepancies arise between the USPP and the other LEA concerning the underlying incident, USPP will take every reasonable precaution to ensure it does not interfere with, or even give the appearance of interfering with, the internal affairs process and deliberations of the external LEA.

X. Advance Viewings

- A. In some instances, it may be appropriate to notify relevant individuals about the upcoming public release and, if feasible, allow them to view the recordings in advance, provided this advance viewing does not delay the release. These individuals may include:
 - 1. The subject on whom force was used.
 - 2. The next of kin if the subject is deceased.
 - 3. Parents or legal guardians if the subject is a juvenile.
 - 4. Legal counsel for any of the above.
 - 5. The LEO(s) involved.
 - 6. Prosecutors.
 - 7. Other individuals as determined by the Chief of Police.
- B. The Chief of Police may authorize an advance viewing for other stakeholders, park superintendents, other law enforcement officers, and others within the NPS immediately before the release of the CBV.
- C. No advance viewing shall unreasonably delay the release of the CBV.

XI. Release of LE Recordings outside the CBV

- A. Depending on the legal grounds for public release, a full, redacted version of the recording(s) of the incident may be made available to the public. However, the release of such recordings shall not delay the timely release of the CBV.
- B. The Chief of Police will consult with SOL to determine whether the full, redacted version of the recording, in addition to the CBV, will need to be made publicly available.
- C. Complete versions of the recording(s) shall only be released on their own before the associated CBV is released.

Appendix A: Community Briefing Video Production Standards

- Community Briefing Videos will use a template based on the DOI Community Briefing Video style guide and sample template.
- The CBV will communicate only the facts of the incident as known to investigators at the time the video is produced. Editorializing or commenting beyond these facts is prohibited.
- Other digital recordings, for example 9-1-1 audio, radio recordings, or surveillance camera recording(s), that USPP is authorized to release, may be appropriate to include in the CBV to help provide additional context and explanation.
- Any enhancement or change to the raw video will be described in the video along with a reason for doing so.
- If augmenting or enhancing the video beyond shortening its length is required (for example, a still frame to show a specific scene or item), the recording will first be provided in its un-augmented and un-enhanced form at normal speed, and the augmented or enhanced section will be clearly identified as being altered.
- Any subtitles that are automatically generated will be reviewed and confirmed by the law enforcement representative on the CBV or their designee.
- A general statement in the beginning of the CBV that certain items or people are redacted because of privacy concerns or in accordance with DOI or NPS redaction guidelines or policy may be sufficient if it would likely help the viewer understand the presence of these redactions.
- The CBV will be produced in the English language. Additional languages may be considered for subtitles if the circumstances or location of the incident are such that additional language(s) would be appropriate.

Appendix B: Departmental Redaction Guidelines

The following guidelines may be used when redacting content in the CBV.

The public release of LE recordings must be consistent with applicable law, including the Privacy Act of 1974, and shall take into account the duty to protect the privacy rights of the persons depicted in the footage and any need to protect ongoing law enforcement operations.

To safeguard the rights of persons depicted in video footage, information regarding the following individuals should be redacted or withheld.

Third-Party Witnesses or Bystanders

Individuals who had no direct involvement in the underlying incident.

Victims

Information about victims of crimes, particularly those involving domestic violence, human trafficking, or sexual assault/misconduct, should be protected to the maximum extent possible.

Exception: If the victim's interaction with law enforcement was the basis of the underlying incident and the release of the victim's information serves a legitimate public purpose, information may be released.

Juveniles

Information regarding juveniles should be withheld unless:

- The juvenile has been charged with a crime.
- The name is already a matter of public record.
- The juvenile's likeness is publicly available (e.g., citizen video).
- The release serves a legitimate public purpose.

Potentially Threatened Individuals

Information should be withheld when there is a legitimate concern that individuals may face harassment, doxing, threats, or retaliation if their identity is disclosed.

Decedents

Information about deceased individuals should be withheld until their next of kin has been notified.

Redaction Guidelines

For the above individuals, the following should be redacted or blurred:

- Faces
- Recognizable aspects (e.g., tattoos, distinctive clothing)
- Likeness
- Home addresses
- License plates
- Personally Identifiable Information (PII) (see detailed list under "Additional Redactions" below)

Law Enforcement Officers

The same privacy safeguards should be afforded to LEOs involved in the underlying incident when there is a legitimate concern that releasing such information could subject them to harassment, doxing, threats, or retaliation.

Exception: LEO information should be released if they have been arrested, charged, or indicted in connection with the incident and their name(s) is already a matter of public record.

Additional Redactions

When law enforcement recordings are released via the FOIA and pursuant to FOIA <u>Bulletin Number 22-02</u>, FOIA personnel may withhold the following categories of information without consulting SOL. While proactive public releases under this Policy Bulletin do not require a FOIA request, these redactions remain warranted:

- Protected Information Categories:
- Social Security numbers
- Tribal enrollment numbers
- Passport numbers

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- Airline membership/frequent-flier account numbers
- Age
- Date of birth
- Place of birth
- Medical information (e.g., medical conditions, history—including pregnancy status and history—and insurance details)
- Biometric information (e.g., x-rays, fingerprints, retinal scans, voice signatures, facial geometry, DNA, genetic information)
- Marital status
- Emergency contacts
- Information about spouses, domestic partners, family members, and minors
- Eligibility for retirement benefits (e.g., service computation dates, tenure)
- Eligibility for disability preferences
- Financial information (e.g., credit ratings, personal credit card numbers, or financial account numbers)
- Appointments for drug testing documented in a visitor log
- Personal cellular phone numbers documented in a visitor log
- Names of minors documented in a visitor log
- Individual activities or exercise of First Amendment rights
- PII or private information that could cause:
- Embarrassment
- Unfairness
- Financial loss
- Risk to personal safety
- Emotional harm
- Other harms