



INTELLIGENCE  
AND SECURITY

UNDER SECRETARY OF DEFENSE  
5000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-5000

November 14, 2023

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Directive-type Memorandum 23-007, “Interim Policy and Guidance for Implementation of Body-Worn Cameras by DoD Law Enforcement Officers”

References: See Attachment 1

Purpose. This directive-type memorandum (DTM):

- Establishes policy, assigns responsibilities, and provides procedures for the implementation of body-worn cameras (BWCs) for law enforcement officers (LEOs) in accordance with the authority in DoD Directive (DoDD) 5143.01, the guidance in DoDD 5210.56, and pursuant to Executive Order 14074.
- Is effective November 14, 2023; it will be converted to a new DoD instruction (DoDI). This DTM will expire effective November 14, 2024.

Applicability.

- This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (referred to collectively in this DTM as the “DoD Components”).
- Nothing in this DTM will infringe on the IG DoD’s statutory independence and authority in accordance with Chapter 4 of Title 5, United States Code (U.S.C.), (also known and referred to in this DTM as the “Inspector General Act of 1978,” as amended) In the event of any conflict between this DTM and IG DoD’s statutory independence and authority, the Inspector General Act of 1978, as amended, takes precedence.

Definitions. See Glossary.

Policy. BWC policy will support national efforts to make policing safer and more effective by building trust between law enforcement agencies (LEAs) and the communities they serve through increased transparency and accountability. DoD BWC policy will meet or exceed requirements enumerated in Executive Order 14074.

Responsibilities. See Attachment 2.

Procedures. See Attachments 3 and 4.

Releasability. Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.



Ronald S. Moultrie  
Under Secretary of Defense for Intelligence and  
Security

Attachments:  
As stated

ATTACHMENT 1

REFERENCES

Department of Justice Memorandum, “Body-worn Camera Policy,” June 7, 2021

DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007

DoD Directive 5143.01, “Under Secretary of Defense for Intelligence and Security (USD(I&S)),” October 24, 2014, as amended

DoD Directive 5205.02E, “DoD Operations Security (OPSEC) Program,” June 20, 2012, as amended

DoD Directive 5210.56, “Arming and the Use of Force,” November 18, 2016, as amended

DoD Directive 5400.07, “DoD Freedom of Information Act (FOIA) Program,” April 5, 2019

DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended

DoD Instruction 5200.42, “Defense Human Intelligence (HUMINT) and Related Intelligence Activities (U),” December 8, 2009, as amended

DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019, as amended

DoD Instruction 5400.16, “DoD Privacy Impact Assessment (PIA) Guidance,” July 14, 2015, as amended

DoD Instruction 5505.17, “Personally Identifiable Information and Law Enforcement Information Handling by DoD Law Enforcement Activities,” August 22, 2023

DoD Manual 5400.07, “DoD Freedom of Information Act (FOIA) Program,” January 25, 2017

Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety,” May 25, 2022

United States Code, Title 5

Deputy Secretary of Defense Memorandum, “Designation of Principal Staff Assistant for Law Enforcement,” April 21, 2023

ATTACHMENT 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY (USD(I&S)). The USD(I&S), as the Principal Staff Assistant for Law Enforcement:

a. With the exception of the Defense Criminal Investigative Service, exercises primary staff responsibility for oversight of Component BWC policies and procedures.

b. With the exception of the Defense Criminal Investigative Service, ensures DoD Component heads with LEAs implement policies and procedures that comply with Executive Order 14074, and ensures those policies and procedures are uniform across the DoD, to the extent practicable.

c. Monitors the effectiveness of DoD Component BWC policies, programs, and procedures established in accordance with this DTM.

d. Coordinates BWC policy development with the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (ATSD(PCLT)) to ensure compliance with applicable Federal laws, including Section 552a of Title 5, U.S.C. (also known and referred to in this DTM as the Privacy Act of 1974).

e. Coordinates BWC policy development with the IG DoD for defense criminal investigation organizations and other DoD Components conducting criminal investigations.

f. Coordinates public posting of all BWC policies with the Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)), ATSD(PCLT), the General Counsel of the Department of Defense (GC DoD), and the IG DoD.

2. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS (ASD(LA)).

The ASD(LA) manages and coordinates congressional policy concerns and inquiries regarding BWCs.

3. ATSD(PCLT). The ATSD(PCLT):

a. Advises and coordinates on policies and procedures governing the collection, storage, access, retention, use, and dissemination of BWC recordings, consistent with applicable Federal laws and DoD policy, including the Privacy Act of 1974 (Section 552a of Title 5 U.S.C.), DoD Instruction 5400.11, and DoD 5400.11-R, in coordination with the USD(I&S).

b. Provides guidance and oversight to Senior Component Official for Privacy (SCOP) responsibilities for conducting annual privacy reviews supporting BWC devices and use.

c. Provides guidance and oversight for protecting the privacy rights of persons depicted in the footage as part of the expedited public release of BWC footage involving death and/or

serious bodily harm, in coordination with the USD(I&S) and the Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)).

d. Coordinates public posting of all BWC policies with the ATSD(PA), the General Counsel of the Department of Defense (GC DoD), the IG DoD, and the USD(I&S).

e. Provides policy, oversight, and administration for the application of Section 552 of Title 5, U.S.C. (also known and referred to in this DTM as the “Freedom of Information Act (FOIA)”), and the Privacy Act of 1974 for inquiries and access requests to BWC footage.

4. ATSD(PA). The ATSD(PA):

a. Provides guidance for release of BWC footage to the news media and the public outside of FOIA release channels.

b. In coordination with the USD(I&S), provides guidance and oversight for expedited public release of BWC footage involving death and or serious bodily harm.

c. In coordination with the ATSD(PCLT), the GC DoD, the IG DoD, and the Office of the USD(I&S) (OUSD(I&S)), ensures all BWC policies are publicly posted to promote transparency and protect the public’s privacy and civil liberties.

5. GC DOD. The GC DoD:

a. Provides legal oversight and guidance for BWC policy, including:

(1) Release of BWC footage.

(2) Duration of time and scope of BWC footage recorded before activation to be preserved.

(3) Collection, storage, access, retention, use, and dissemination of BWC footage.

(4) Use of BWC footage in investigations of use of force (UoF) and allegations of misconduct.

(5) FOIA inquiries and requests for BWC footage.

(6) Status of forces agreement compliance.

b. Provides legal counsel for expedited public release of BWC footage.

c. Coordinates public posting of all BWC policies with the ATSD(PA), the ATSD(PCLT), the IG DoD, and the USD(I&S).

6. IG DOD. The IG DoD:

- a. Monitors and evaluates DoD Components' compliance with this DTM.
- b. Coordinates public posting of BWC policy with the ATSD(PA), the GC DoD, and the USD(I&S).

7. DOD COMPONENT HEADS WITH LEAS UNDER THEIR AUTHORITY, DIRECTION, OR CONTROL. DoD Component heads with LEAs under their authority, direction, and control:

- a. Designate a senior official to oversee their respective Component's BWC policy implementation, and coordination with the OUSD(I&S).
- b. Identify manning and funding requirements to properly resource the use of BWCs for LEOs, based on:
  - (1) An analysis of resource requirements including, but not limited to, BWC and related equipment acquisition and maintenance, and storage of BWC footage. DoD Component heads will provide that analysis to the OUSD(I&S) within 90 calendar days of this DTM's effective date.
  - (2) A proposed equipment acquisition plan, including a timeline.
  - (3) Manpower requirements, including FOIA-, privacy-, and civil liberties-related guidance and management.
- c. Develop Component policy and an implementation plan for compliance with this DTM. Submit to USD(I&S) no later than 365 calendar days from this DTM's effective date.
- d. Develop an impact assessment for the DoD Component LEA's use of BWCs and associated equipment no later than 365 days from this DTM's effective date. The impact statement will include a privacy impact assessment in accordance with DoDI 5400.16, and in coordination with the DoD Component's SCOP.
- e. Conduct annual reviews of LEA BWC use for privacy issues and concerns in accordance with DoDI 5400.11. Annual privacy reviews must be coordinated with the DoD Component's SCOP.
- f. Initiate full implementation of BWC use no later than 545 calendar days from this DTM's effective date.
- g. Establish policy governing the use of BWCs by all Component law enforcement officers (LEOs). This policy will enumerate:
  - (1) Authorized BWC devices.
  - (2) Management, procurement, inventory, and accountability of BWCs and associated hardware.

(3) Carrying, operation, maintenance, and security of BWC equipment.

(4) Collection, use, storage, retention, access, and dissemination of BWC recordings, in accordance with applicable Federal laws, regulations, and policies.

(5) Use of BWC footage as evidence and for use of specialized or sensitive investigative techniques or devices that may require different treatment in accordance with established BWC policy.

(6) Activity in special, sensitive, limited, and exclusion access areas in accordance with DoDD 5205.02E and DoDI S-5200.42.

(7) Use of BWCs by LEOs assigned to task forces and joint operations.

h. Oversee BWC technology management and procedures (e.g., equipment, best practices, storage).

i. Establish Component LEA technology administrators for local management and program oversight of BWC programs. Technology administrators:

(1) Manage all aspects of BWC devices, associated hardware, and maintenance needs.

(2) Approve storage solutions for BWC devices and data.

(3) Implement procedures requiring the downloading of all BWC footage.

j. Establish procedures for response to media inquiries in cases involving serious bodily harm or death and requests for BWC footage. Ensure coordination with Component privacy, FOIA, and public affairs officials.

(1) Coordinate release of BWC footage with the USD(I&S), the GC DoD, the ASD(LA), the ATSD(PA), and the ATSD(PCLT) for incidents involving serious bodily harm or death.

(2) Include guidance for congressional inquiries, FOIA, and Privacy Act requests.

(3) Release of BWC footage will be in accordance with provisions in DoDDs 5205.02E and 5400.07.

k. Establish administrative procedures for policy non-compliance (e.g., annotation in investigative files and officer discipline). Policy will include guidance on use of BWC footage in support of LEO misconduct and investigations including but not limited to, investigations into alleged violations of UoF rules.

l. In coordination with the ATSD(PA), the ATSD(PCLT), the USD(I&S), and GC DoD, ensure all Component BWC policies are publicly posted to promote transparency.

m. Implement records management controls and accountability standards necessary to capture, manage, and preserve BWC records, using internal controls in accordance with DoDI 5010.40 and the DoD Records Management Program in accordance with DoDI 5015.02.

8. DOD CHIEF INFORMATION OFFICER (DOD CIO). The DoD CIO:

a. Provides guidance in conducting Component privacy impact assessments for BWCs and associated equipment in accordance with DoDI 5400.16.

b. Provides guidance and oversight for the management of records created or managed by BWCs and associated equipment in accordance with DoDI 5015.02.



ATTACHMENT 3

BWC POLICY GUIDELINES

1. Component BWC policy will be established in accordance with Executive Order 14074, including with regard to acquisition, distribution, accountability, storage, control, access, use, and management. Component BWC policy will require LEOs to wear and activate BWC devices when executing planned arrests, serving arrest warrants, and executing search warrants or authorizations. DoD Components will identify resource requirements and implementation plans that meet or exceed the standards in accordance with the June 7, 2021 Department of Justice Memorandum no later than 365 calendar days from this DTM's effective date.
2. Component BWC policies will include:
  - a. Office of primary responsibility for BWC policy development, management, and oversight within each LEA.
  - b. Procedures to carry, operate, maintain, and secure a BWC device, including when to activate and deactivate a BWC device.
  - c. Procedures for BWC use while conducting patrols and routine engagements with the public, if applicable to the DoD Component.
  - d. Type(s) of BWC device authorized for use.
  - e. The duration of time and scope of the BWC footage preserved before its activation (e.g., buffering period).
  - f. Special or sensitive investigation techniques or devices that may require different treatment pursuant to the BWC policy.
  - g. Procedures governing the collection, storage, access, retention, use, and dissemination of BWC footage, consistent with applicable Federal laws.
  - h. Procedures for expedited public release of BWC footage in cases involving serious bodily harm or death.
3. Components will establish policy for BWC device management including, but not limited to, acquisition, distribution, accountability, storage, control, access, and use.
4. Storage, control, access, management, distribution, retention, and disposition of BWC footage is pursuant to DoDI 5505.17 and DoDI 5015.02.
5. DoD Components must satisfy any bargaining obligations before implementing any changes generated by this DTM.

ATTACHMENT 4

BWC POLICY STANDARDS

1. ACTIVATION. BWC policy must contain these provisions for the use and activation of BWCs:

- a. List or description of circumstances under which LEOs must activate the BWC device.
- b. List or description of circumstances under which LEOs must not activate the BWC device.
- c. List or description of circumstances in which LEOs are authorized discretion to deactivate recording.
- d. Description of circumstances under which LEOs must discontinue recordings.
- e. Procedures for LEOs to preserve BWC footage at the end of each shift or specified duty period.

2. PROHIBITION OF USE. BWC policy must prohibit:

a. Wearing or activation of BWCs in restricted and sensitive locations (e.g., sensitive compartmented information facilities and other classified or limited access areas).

b. Activation of BWCs:

- (1) External to investigations or law enforcement activity.
- (2) Recording privileged and confidential communications.
- (3) While the BWC is not worn or readily apparent on an LEO or unattended by an LEO, except under circumstances where a where an individual would not have a reasonable expectation of privacy.
- (4) For any personal use.

3. DISCONTINUING RECORDINGS. Upon activation of a BWC, devices will remain activated to ensure the recording's integrity subject to the following:

a. Supervisors can authorize discontinuing of recordings when the law enforcement incident has concluded, the incident scene is secure, and there is no reasonable belief a UoF incident will occur.

b. Component BWC policy will provide guidance and procedures for documenting why a recording was interrupted, or was terminated in circumstances not otherwise specified in the policy.

4. BWC FOOTAGE MANAGEMENT. Component BWC policy will provide guidance on downloading, storing, and documenting BWC footage. Guidance will include, at a minimum:

a. A prohibition on manipulation or deletion of BWC footage by LEOs. All BWC footage must be downloaded, in its entirety, to and maintained in the designated storage platform, in accordance with DoDI 5505.17.

b. Procedures for storage, labeling, and categorization of BWC footage.

c. Requirements and procedures for LEOs to notate activation of BWCs in incident, arrest, or related reports.

5. REVIEW OF BWC FOOTAGE. Component BWC policy will limit access to BWC footage. Access to BWC footage will be limited to LEO supervisors, BWC program administrators, LEOs who require the footage for investigational purposes, relevant attorneys, IG DoD, and Component privacy and FOIA officials in accordance with DoDI 5505.17.

a. Component BWC policy will provide:

(1) Procedures to enable LEOs to review BWC footage to help prepare accurate reports or before making a statement about a recorded incident.

(2) Procedures for LEO supervisors to review BWC footage during an investigation of complaints and to identify BWC footage appropriate for training or instructional use.

(3) Guidance for review of BWC footage for disciplinary actions.

b. BWC footage will not be reviewed at the incident scene.

6. RELEASE OF BWC FOOTAGE. Component BWC policy will contain these minimum standards for release of BWC footage:

a. Procedures and internal controls with defined approval levels for release of BWC footage.

b. Guidance and procedures for review of BWC footage and release to legal counsel.

c. Guidance and procedures for public release of BWC footage involving a death or serious bodily harm. Coordination requirements are listed in Paragraph 7.j. of Attachment 2.

d. Public release of BWC footage will be in accordance with DoDD 5400.07, DoDI 5400.11, DoDM 5400.07, and DoD 5400.11-R.

e. Requirements and procedures for tracking the dissemination of BWC footage.

GLOSSARYPART I. ABBREVIATIONS AND ACRONYMS

<b>ACRONYM</b>	<b>MEANING</b>
ASD(LA)	Assistant Secretary of Defense for Legislative Affairs
ATSD(PA)	Assistant to the Secretary of Defense for Public Affairs
ATSD(PCLT)	Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency
BWC	body-worn camera
CIO	Chief Information Officer
DoDD	DoD directive
DoDI	DoD instruction
DTM	directive-type memorandum
FOIA	Freedom of Information Act
GC DoD	General Counsel of the Department of Defense
IG DoD	Inspector General of the Department of Defense
LEA	law enforcement agency
LEO	law enforcement officer
OUSD(I&S)	Office of the Under Secretary of Defense for Intelligence and Security
SCOP	Senior Component Official for Privacy
UoF	use of force
U.S.C.	United States Code
USD(I&S)	Under Secretary of Defense for Intelligence and Security

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this DTM.

<b>TERM</b>	<b>DEFINITION</b>
<b>BWC footage</b>	Digital recordings acquired by a LEO's BWC during a law enforcement operation or encounter with the community.

<b>TERM</b>	<b>DEFINITION</b>
<b>LEA</b>	Organization that employs law enforcement officers who are authorized to make arrests and carry firearms, and that is responsible for the prevention, detection, and investigations of crime or the apprehension of alleged offenders.
<b>LEOs</b>	DoD law enforcement personnel who have statutory authority to conduct search and seizure of persons and things in accordance with law and DoD policy, including arrests of persons for violations of law.