

U.S. Department of Justice Office of Information Policy Sixth Floor 441 G Street, NW Washington, DC 20530-0001

Telephone: (202) 514-3642

July 31, 2025

Laura Iheanachor Citizens for Ethics & Responsibility in Washington

Re: FOIA-2023-02256

No: 22-cv-149 (D.D.C.) VRB:JMB:BRV

Dear Laura Iheanachor:

While processing your Freedom of Information Act (FOIA) request dated September 13, 2021 for records concerning body-worn camera policies, the United States Marshals Service (USMS) referred seventy-one pages of material to this Office for processing and direct response to you. For your information, the material was received by this Office on August 14, 2023 and the USMS request number associated with your request is 2021-USMS-362780.

At this time, we have determined that thirty-eight pages are appropriate for release with certain information withheld pursuant to Exemptions 5, 6, 7(C), 7(E), and 7(F) of the FOIA, 5 U.S.C.  $\S$  552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F), and copies are enclosed. An additional twenty-five pages are being withheld in full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). The remaining eight pages are duplicative of material contained within the thirty-eight pages released in part and the twenty-five pages withheld in full and, as such, are not being processed a second time. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege and/or the attorney workproduct privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques and procedures or guidelines for law enforcement investigations or prosecutions. Exemption 7(F) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to endanger the life or physical safety of an individual. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Additionally, please be advised that the enclosed pages contain certain duplicative material, which has not been processed and is marked accordingly. Finally, please note that

certain pages within this release contain highlighting. This highlighting was present on these pages as located by OIP and was not made as part of our FOIA review process.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Zachary Sherwood of the Department's Civil Division, Federal Programs Branch at 202-616-8467.

Sincerely.

Jonathan Breyan

Senior Supervisory Attorney

<u>for</u>

Vanessa R. Brinkmann

Jonathan Breyan

Senior Counsel

Enclosures



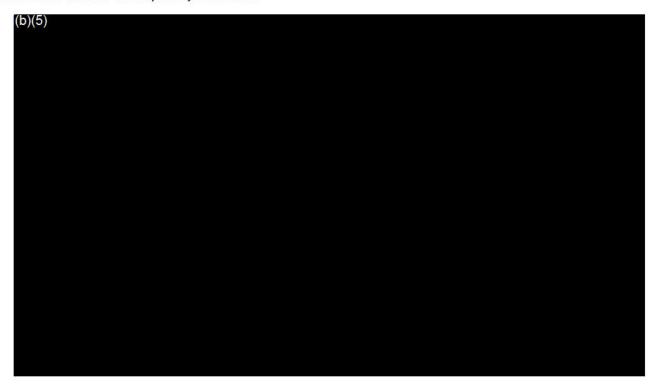
## Department of Justice Learning Agenda Design LAQ21

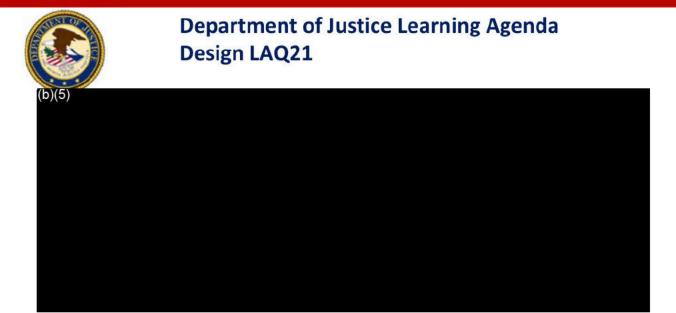
DATE/LOCATION	November 21 <sup>st</sup> , 2022, 3:30 PM EST	Microsoft Teams		
PURPOSE	To continue DOJ's Learning Agenda design pr	ocess for LAQ21.		
ATTENDEES	DESIGN TEAM MEMBERS: Michael Ben'Ary (Team Lead) (ODAG); ODAG); O			
	JMD/SPPS: Russ Burnett (Team Lead) (JMD),	Braeden Johnson (CTR), Saumya Dobriyal (CTR)		

### Summary

 The discussion focused on researchable questions related to BWCs, using the potential researchable questions circulated in the previous week and determining which questions or research areas are high priority, low priority, and fatally flawed.

Discussion: What is the impact of BWCs on...





Discussion: What should be the policy on...





## Department of Justice Learning Agenda Design LAQ21





## Department of Justice Learning Agenda Design LAQ21 – Meeting Notes

DATE/LOCATION	October 17 <sup>th</sup> , 2022, 3:00 PM EST	Microsoft Teams		
PURPOSE	To continue DOJ's Learning Agenda design process for LAQ21.			
ATTENDEES	DESIGN TEAM MEMBERS: Michael Ben'Ary ( (ல்ல லாடு அச்சி FBI); Laura Hausman (CRT) Machak (DEA); Saeed Mody (OASG) (ம்)(ரெக்கில் USMS)	Co-Lead) (ODAG)  (DEA)  (DEA)  (C) per FBI (FBI);  (C) per FBI (FBI);  (C) per FBI (FBI);		
li .	JMD/SPPS: Russ Burnett (Co-Lead) (JMD), Nic	cole Knapp (CTR), Saumya Dobriyal (CTR)		

### Recap of previous meeting

- Team discussed prior research, particularly on BWCs
  - o Action: Russ Burnett will forward the articles Brett Chapman (OJP/NIJ) has shared
  - Team was asked to consider (b)(5)
    (b)(5)
- Team also discussed (b)(5)(b)(5)

### Administrative Update

- Russ sent 4 weekly meeting invites up to Thanksgiving holiday
- Action: Russ will attempt to set up a SharePoint site for the team (and will consult with FBI) on access for FBI)

### Discussion

· Policies on releasing BWC footage:





# Department of Justice Learning Agenda Design LAQ21 – Meeting Notes

	(b)(	0(5)	
į			
	•	Implementation issues or questions regarding BWCs where new info or analysis would be	
		helpful: (b)(5), (b)(6), (b)(7)(C) per FBI	
		Communication with the public about BWCs policies:	
		(b)(5)	



# Department of Justice Learning Agenda Design LAQ21 – Meeting Notes

### **Closing remarks**

- Action: Mike will identify and invite POC(s) from the BWC working group to the next team meeting
- Action: Team members are encouraged to send Mike (b)(6) a POC from the original BWC working group from their respective component

### Additional resources mentioned

- On the limitations of body cams: <u>Body Cameras (nc.gov)</u>
- BJA toolkits for state and local departments regarding the release of BWC footage: <u>Body-Worn</u> <u>Camera Toolkit | Bureau of Justice Assistance (ojp.gov)</u>

From: Braverman, Adam L. (ODAG) (NO) (O(C), (O)(7)(F) per DEA Kelly, Stephen D. (OGC) (FBI); Dunham, Timothy M. (CID) (FBI); (b)(6), (b)(7)(C) per FBI (NO) To: (FBD); (D)(0); (D)(7)(C); USMS); (D)(6); (D)(7)(C); USMS); (D)(6); (D)(7)(C); (ATF) (D)(6); (D)(7)(C); (D)(7)(C Subject: RE: Draft Interim BWC Matters Date: Tuesday, May 4, 2021 6:30:22 PM Attachments: BWC DOJ Policy Fed Agents (05-04-21).docx Thank you. Attached, please find the clean version of the draft policy. Have a great night, Adam From: Braverman, Adam L. (ODAG) **Sent:** Tuesday, May 4, 2021 1:51 PM Kelly, Stephen D. (OGC) (FBI) To: (b)(6), (b)(7)(C), (b)(7)(F) per DEA (b)(7)(E) per FBI; Dunham, Timothy M. (CID) (FBI) (b)(7)(E) per FBI (FBI)(b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6); (b)(7)(C); (b)(7)(F) USMS) (b)(6); (b)(7)(C) pusms.doj.gov>; (b)(6); (b)(7)(C); (b)(7)(F) (USMS) (b)(6); (b)(7)(C); pusms.doj.gov>; (b)(6), (b)(7)(C) (ATF) Machak, Michael J. (b)(6), (b)(7)(C) per DEA (b)(6), (b)(7)(C) (ATF) Gleason, Robert (Chris) (b)(6), (b)(7)(C) per DEA (b)(6), (b)(7)(C), (b)(7)(F) per DEA (b)(6), (b)(7)(C) per FBI (C|D) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(F) per DEA(b)(6), (b)(7)(C) (ATF)Subject: RE: Draft Interim BWC Matters Thank you again. This looks great. Minor changes attached. Please note that I included the (b)(5)Can we please discuss at 5pm (b)(5) ? I want to make sure (b)(5) Thanks! Adam From: (b)(6), (b)(7)(C), (b)(7)(F) per DEA Sent: Tuesday, May 4, 2021 12:13 PM To: Braverman, Adam L. (ODAG) <(b)(6) >; Kelly, Stephen D. (OGC) (FBI) (b)(7)(E) per FBI Dunham, Timothy M. (CID) (FBI) (b)(7)(E) per FBI (b)(6), (b)(7)(C) per FBI (NO)(b)(6); (b)(7)(C); (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (USMS) (b)(6); @usms.doi.gov> (USMS) (b)(6): (b)(7)(C): @usms.doj.gov>; (b)(6), (b)(7)(C) (ATF) ; Machak, Michael J(b)(6), (b)(7)(C), (b)(7)(F) per DEA (b)(6), (b)(7)(C) (ATF) Gleason, Robert (Chris) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), (b)(7)(F) per DEA(b)(6), (b)(7)(C) per FBI (C|D) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C) (ATF)(b)(6), (b)(7)(C), (b)(7)(F) per DEASubject: RE: Draft Interim BWC Matters

### Adam:

As requested, attached is an updated draft of the version you sent yesterday with some suggested changes, and a couple questions/comments. I cleaned out the redline to make it easier to follow, but tried to indicate wherever we made a change. Please note that I did this quickly to get it out for everyone's review ASAP, and it is possible I missed something from our meeting that someone else in the group may bring up.

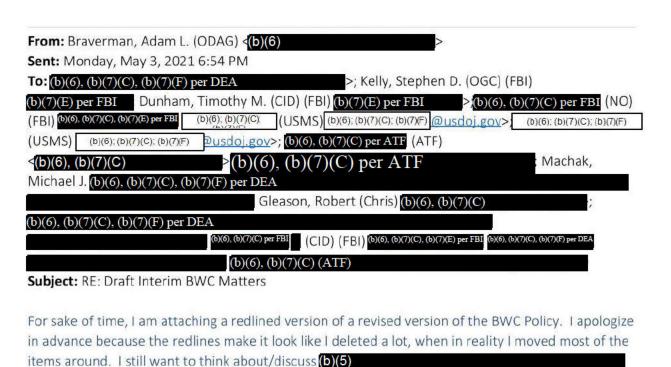
Please let us know if you have any questions, and we look forward to our meeting at 5 pm today.

Thanks.

quick turnaround.

Adam

(b)(6)	), (b)(7)(C), (b)(7)(F) per DEA
Ch	ief, Compliance Section (ADCC)
Dr	ug Enforcement Administration
(b)(6)	, (b)(7)(C) per DEA — Office
	- Mobile
(b)(	(6), (b)(7)(C), (b)(7)(F) per DEA



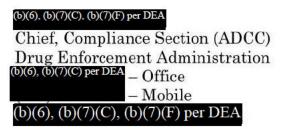
Thank you again for the

From: (b)(6), (b)(7)(C), (b)(7	)(F) per DEA				
Sent: Thursday, April 29, 2	021 12:41 PM				
To: Kelly, Stephen D. (OGC	(FBI)(b)(7)(E) per	FBI; Dunham	, Timothy M.	(CID) (FBI)	
(b)(7)(E) per FBI (b)(6	5), (b)(7)(C) per FBI	(FBI) (b)(6), (b)(7)(C)	, (b)(7)(E) per FBI	(b)(6); (b)(7)(C);	(USMS)
(b)(6); Dusms.doj.gov>;	(b)(6); (b)(7)(C); (b)(7)(F)	(USMS) (b)(6);	(b)(7)(C); @usm	s.doj.gov>; @	)(6), (b)(7)(C) (ATF)
	(b)(6),	(b)(7)(C) (ATF)	-	Macha	k, Michael J.
(b)(6), (b)(7)(C), (b)(7)(F) per	DEA				
a a a	Gleason, Robe	rt (Chris) (b)(6),	(b)(7)(C)	;	(b)(6), (b)(7)(C), (b)(7)(F) per l
(b)(6), (b)(7)(C) per FBI (CID) (FBI)	(b)(6), (b)(7)(C), (b)(7)(E) per FB	Braverman, Ad	dam L. (ODAG	i)	
<(b)(6)	>,(b)(6), (b)(7	)(C), (b)(7)(F) per	DEA		
Subject: Draft Interim BW	C Matters				

Adam:

As requested, attached is the current preliminary draft of the Interim DOJ BWC Policy. We look forward to our meeting tomorrow.

Thanks.



To: Kelly, Stephen D. (OGC) (FBI) Cc: (b)(6); (b)(7)(C); (USMS); Gleason, Robert (Chris); (USMS); Feinberg, Matthew A. (CD) (FBI) Subject: RE: DoJ BWCs Policy for TFOs Date: Thursday, October 7, 2021 12:01:02 AM Attachments: TFO BWC Recording Release Language.docx Hi Stephen, Apologies for the delayed response, and you're right that this is a developing issue. Following further conversations with the DAG, last Friday, Adam, Anne (cc'd), and I met with the BWC working group to explain the latest: the DAG would like (b)(5) Happy to discuss any time, and I believe either Matt Feinberg or Jay Greenberg were on the call, so they may also have more to add. Thanks, Ashley From: Stephen Kelly (b)(7)(E) per FBI Sent: Wednesday, October 6, 2021 1:22 PM To: Robertson, Ashley E. (ODAG) <(b)(6) Cc: (b)(6): (b)(7)(C): (b)(7)(F) (USMS) (b)(6): (b)(7)(C): Dusms.doj.gov>; Gleason, Robert (Chris) (b)(6), (b)(7)(C) per DEA (b)(6), (b)(7)(C), (b)(7)(F) per DEA(b)(6); (b)(7)(C); (USMS) @usms.doj.gov>; Feinberg, Matthew A. (CD) (FBI)  $\leq$ (b)(7)(E) per FBI Subject: DoJ BWCs Policy for TFOs Ashley-Has DoJ finalized and published the DoJ policy for TFOs wearing BWCs? (b)(5) per FBI I've added my colleagues from ATF, Marshals, and DEA in case I've just missed it. Just let me know if you know. Thanks for your help. Stephen Stephen D. Kelly Chief, Operational Law Section

From:

Robertson, Ashley E. (ODAG)

Office of the General Counsel
Federal Bureau of Investigation
(b)(7)(E) per FBI(desk)
(cell)



(b)(6); (b)(7)(C); (b)(7)(F)



From: Gannon, Anne (ODAG)

Gleason, Robert (Chris); Kelly, Richard (USMS);

(USMS); (b)(6), (b)(7)(C), (b)(7)(F) per DEA (b)(6), (b)(7)(C) (ATI

(b)(6), (b)(7)(C) per ATF Feinberg, Matthew A. (CD) (FBI); Greenberg, Jay (CID) (FBI); (USMS); Robertson, Ashley F. (ODAG); Gannon, Anne (ODAG); (b)(7)(C) (A

(USMS); Robertson, Ashley E. (ODAG); Gannon, Anne (ODAG); (b)(6), (b)(7)(C) (ATF)
Matthews-Johnson, Tamarra D. (OAG)

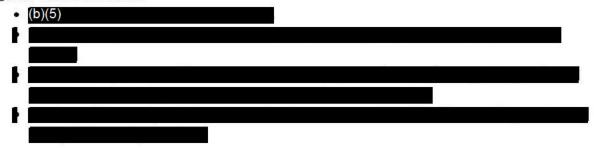
Subject: BWC working group - Nov. 2 at 4 p.m.

Date: Thursday, October 28, 2021 12:43:27 PM

Good afternoon-

I will be sending an invite for a meeting of the BWC working group for November 2 at 4 p.m.

Agenda items will include:



Please let me know if there are other items you would like to discuss.

Thanks,

Anne C. Gannon Senior Counsel

Office of the Deputy Attorney General

(b)(6)

Braverman, Adam L. (ODAG) From: Sent: Fri, 27 Dec 2019 19:15:35 +0000 To: (b)(6), (b)(7)(C) per FBI (CID) (FBI); Greenberg, Jay (CG) (FBI); Kelly, Stephen D. (OGC) (FBI); Kelly, Richard (USMS) (b)(6), (b)(7)(C), (b)(7)(F) (USMS); (b)(6), (b)(7)(C), (b)(7)(F) (USMS); (b)(6), (b)(7)(C), (b)(7)(F) (USMS); (b)(6), (b)(7)(C) (ATF) Durastanti, John; (b)(6), (b)(7)(C) (ATF); Thiemann, Robyn L (DEA); Mendez, Tracey H. (DEA); (b)(6), (b)(7)(C), (b)(7)(F) (DEA); DellaCorte, Michael T. (DEA); Plancon, Timothy J. (DEA); (b)(6), (b)(7)(C), (b)(7)(F) per DEA (DEA); Gleason, Robert (Chris) (DEA); (DEA); (DEA); (DEA); Kueter, Dean (OLA); Favitta, Jeff (OAG); (O(O, O)(O), (O)(O), (O)(O) per DEA (DEA); Tyler, Jeff (USMS); Kuhn, John (USAEO); Hoffman, Hallie (USACAN); Conroy, Annemarie (USACAN); Poikey, Robert (USAMIE); Backman, David (USAUT); Rydalch, Melodie (USAUT); Capwell, Carrie (USAKS); Maag, Jared (USAKS); Nevil, Steven F. (USAKS); Lowery, Jennifer (USATXS); Truley, Leon (USATXS); Aikens, Tasha (USAAZ); Sechrist, Heather (USAAZ); Hurley, Daniel (USAMIE); Donini-Melanson, Brandy (USAEO); Smith, David L. (USAEO); Chutkow, Mark (USAMIE); Goldsmith, Andrew (ODAG); Sampson, Dimitra (USAAZ); Braley, Timothy (USATXS); Machak, Michael J. (DEA); (b)(6), (b)(7)(C) .; Reeves, Adam (USACAN); Shea, Timothy (OAG) (b)(6), (b)(7)(C) per FBI (OGC) (FBI); Sanford, Michael (USMS); Welch, Lanny (USAKS) Subject: Revised Interim BWC Policy Attachments: BWC DOJ Policy (Revised Final).docx Attached, as we discussed in our last group telephone call, please find a revised version of the Interim BWC Policy to reflect 2 additions (highlighted below) that: (b)(5)

Thank you all! Adam





Adam Braverman (b)(6)



## United States Department of Justice Interim Policy

# USE OF BODY-WORN CAMERAS BY FEDERALLY DEPUTIZED TASK FORCE OFFICERS

The purpose of this interim policy is to provide direction to Department of Justice (Department or DOJ) law enforcement components on the use of body worn cameras (BWCs) by task force officers (TFOs) on federal task forces. This interim policy does not mandate, or suggest, that TFOs should use BWCs on joint task forces. Rather, this interim policy provides the parameters for the use of BWCs by TFOs to the extent that a state or local law enforcement agency<sup>1</sup> requires their use by its officers during federal task force operations. For purposes of this interim 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 federal authority, including state and local warrants adopted by a federal agency. DOJ law enforcement agencies may issue internal standard operating procedures to implement TFO use of BWCs consistent with this interim policy.<sup>2</sup>

### BACKGROUND

The Department of Justice partners with state and local law enforcement agencies throughout the nation on joint task forces. This relationship is vitally important to the

<sup>&</sup>lt;sup>1</sup> This interim policy applies equally to tribal and territorial law enforcement agencies.

<sup>&</sup>lt;sup>2</sup> This interim policy provides Department components with internal direction. It is not intended to, does not, and may not be relied upon to create any substantive or procedural rights enforceable at law by any party in any civil or criminal matter.

Department and its mission to protect our communities. Several of these participating state and local agencies have adopted internal policies mandating the use of BWCs and have requested that their officers wear BWCs while conducting planned arrests and searches during federal task force operations. To the extent state and local law enforcement agencies mandate BWCs for TFOs while engaged in federal task force operations, the Department will permit federally deputized TFOs from those agencies to use their BWCs under the following circumstances.

### II. USE OF BODY WORN CAMERAS DURING FEDERAL TASK FORCE OPERATIONS

Unless subject to a specific exception below, TFOs employed by a law enforcement agency that mandates the use of BWCs on federal task forces may wear and activate their recording equipment for the purpose of recording their actions only in the geographic area covered by the TFO's parent agency, and only during: (1) a planned attempt to serve an arrest warrant or other planned arrest; or, (2) the execution of a search warrant. TFOs are authorized to activate their BWCs upon making entry into a premises or upon approaching a subject, and must deactivate their BWCs when the scene is secured as determined by the federal supervisor on the scene. For purposes of this interim 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 recording: (1) undercover personnel; (2) confidential informants or confidential sources; (3) on-scene witness interviews prior to or after the operation; (4) personnel using specialized or sensitive investigative techniques or equipment; or (5) actions by any non-law enforcement persons at the scene who are

assisting law enforcement personnel. TFOs are prohibited from activating their BWC if the TFO is using specialized or sensitive investigative techniques, operating in a sensitive area, or working in an undercover or covert status on behalf of the federal task force or federal agency as determined by the federal agency sponsoring the task force. Under no circumstances will TFOs use their BWCs to record any activities related to national security (including international and domestic terrorism) investigations or other cases involving classified information. Subject to the discretion of the federal agency sponsoring the task force, TFOs generally shall not use their BWCs to record any activities related to investigations involving public corruption, medical facilities, or other sensitive investigations. The Department's policy of permitting the limited use of BWCs on task forces does not apply to highly specialized or sensitive operations or groups as determined by the federal agency sponsoring the task force.

III. STORAGE OF TASK FORCE OFFICER BODY WORN CAMERA RECORDINGS IN FEDERAL TASK FORCE OPERATIONS

The TFO activating a BWC during federal task force operations is responsible for downloading the resulting TFO BWC recordings. Once the TFO BWC recording is downloaded, it shall be placed onto external media (e.g., DVD, hard drive, etc.), or other mutually agreeable delivery mechanism, and promptly provided to the federal task force. The TFO shall also provide a written statement in accordance with procedures established by the federal agency sponsoring the task force, attesting that the data provided is a fair and accurate copy of the data recorded by the BWC. The federal agency sponsoring the task force shall maintain the TFO BWC recording and statement from the TFO in the applicable federal agency's files.

### IV. FEDERAL RECORDS & FREEDOM OF INFORMATION ACT

All TFO BWC recordings made during federal task force operations, including such recordings 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 shall be deemed federal records of the Department and the federal agency sponsoring the task force pursuant to the Federal Records Act. In all circumstances, TFO BWC recordings 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 federal 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 interim policy shall be deemed to provide a right of public access to TFO BWC recordings. TFO BWC recordings are controlled by, and the property of, the Department and cannot be disseminated without the written permission of the Department, subject to the following exceptions:

### A. 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, not involving dissemination outside the parent agency or public release. The parent agency shall provide written notification to the sponsoring federal agency prior to any internal review.

### B. 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 sponsoring federal agency<sup>3</sup> and the United States Attorney if it intends to publicly release the TFO's BWC recording(s). The sponsoring federal agency and the United States Attorney 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 sponsoring federal agency and United States Attorney as to the time and manner of its release.

### V. MEMORIALIZATION

Subject to the guidance set forth in this interim policy, the SAC or the Director of the U.S. Marshals Service (or the Director's designee) of the sponsoring federal law enforcement agency, is responsible for memorializing any agreement with a state and local law enforcement agency on the use of BWCs by federally deputized TFOs during federal task force operations. Upon notification to the United States Attorney, the SAC or the Director of the U.S. Marshals Service (or the Director's designee) shall execute a Memorandum

The notification may be to the Special Agent in Charge (SAC) or the Director of the U.S. Marshals Service (or the Director's designee), and any discussions, negotiations, and concurrence may be made by the SAC or Director of the Marshals Service (or the Director's designee) after appropriate consultation within their agency.

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 interim policy. Prior to entering into any agreement, the TFO's parent agency shall provide to the federal agency sponsoring the task force the details regarding the BWC system and cameras, including the details of any system protections, to the satisfaction of the federal agency, and any state or local policies or laws applicable to the TFO's use of BWCs, including any retention policies. This MOU shall make clear that TFO BWC recordings, including such recordings 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 a federal record, subject to federal access to information laws, regulations, policies, and procedures.

 From:
 Braverman, Adam L. (ODAG)

 Sent:
 Sat, 28 Dec 2019 19:30:32 +0000

 To:
 MacDonald, Erica (USAMN)

 Cc:
 Kelly, Stephen D. (OGC) (FBI); Greenberg, Jay (CG) (FBI); Kelly, Richard (USMS);

 DellaCorte, Michael T. (DEA); Gleason, Robert (Chris) (DEA); (b)(6), (b)(7)(C), (b)(7)(C) (b)(7)(C) (DEA); (b)(6), (b)(7)(C) (DEA); (b)(6); (b)(7)(C) (DEA); (b)(7)(C) (DEA); (c)(7)(C) (DEA); (d)(6); (d)(7)(C) (D)(7)(C) (D)(7)(C) (D)(7)(C); (d)(7)(C) (D)(7)(C); (d)(7)(C) (D)(7)(C); (d)(7)(C);

(USMS); (b)(6); (b)(7)(C); (b)(7)(C);

Subject: BWC Pilot Expansion to St. Paul/Minneapolis

Attachments: BWC DOJ Policy (Revised Final).docx

### Hi Erica,

I am attaching a revised Interim Policy governing our BWC Pilot Program and am copying all of the federal law enforcement leaders working on the BWC pilot on behalf of their components. As discussed, we'd like to expand our pilot to federal task forces working in St. Paul/Minneapolis as long as the local department(s) can fully comply with the Interim Policy. Please coordinate with your local SACs and Marshal to engage with your local chief(s) and let me know who your POC from your office will be moving forward. We typically hold weekly conference calls with the pilot cities to get updates regarding implementation. Please let me know if you have any questions and we can schedule a telephone call. Happy Holidays and good luck with the pilot,

Adam Braverman

(b)(6)

Kelly, Richard (USMS) From:

Sent: Thu, 30 Dec 2021 16:37:35 +0000

To: Kilgallon, John (USMS)

USMS); Sheehan, John (USMS) (6)(6), (6)(7)(C) pe Dickinson, Lisa (USMS) Cc:

(USMS); Sawyer, Aaron (USMS); Robinson, Roberto (USMS); Tyler, Jeff (USMS); Davis, Ronald (USMS); O'Hearn, Donald (USMS); USMS)

Re: INITIAL CIRCULATION: FLASH PRESIDENTIAL Clearance Due 5 pm Thursday, Subject:

December 30 Policing Practices and Criminal Justice Reform EO (Predecisional; Do Not Disclose)

Attachments: EA Circulation List -- Policing CJR EO -- Dec 29 2021.docx, Policing CJR EO - draft

12.29.2021 230pm -- for interagency review.docx

Sir,

IOD has no comments or proposed edits for the ADO on this Executive Order.

Respectfully sent, Rich

Rich Kelly Assistant Director United States Marshals Service Investigative Operations Division Mobile: (b)(6), (b)(7)(C) per USMS

On Dec 29, 2021, at 7:40 PM, Kilgallon, John (USMS) (b)(6), (b)(7)(C) per USMS

All,

Apologize for the quick response required, but received this with a suspense of 1700 Thursday, 30 December.... so I will need any feedback by 1500 in order to consolidate/ submit. Believe that some of this may have been circulated before.... some of the topics appear to be familiar.... could just be consolidating in one EO now.....

I ask your assistance in executing IAW the below guidance from DOJ/OLP

As per the below, DOJ/OLP is requesting our review of the attached Executive Order titled "Reforming Policing Practices And Improving Our Criminal Justice System To Build Trust Between Law Enforcement And The Communities They Serve, Advance Racial Equity, And Improve Public Safety." OMB has sent the following instructions:

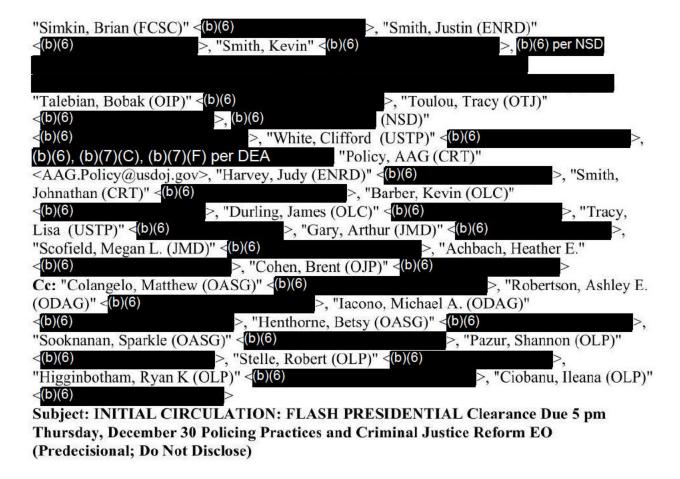
- The drafters are particularly interested in (b)(5)
- Please clearly flag any showstoppers with political leadership support, so we can quickly facilitate discussions between senior leadership.

Request any input you may have NLT 1500 Thursday so I can consolidate/ submit IAW the 1700 requested suspense.

```
Vr,
John
John Kilgallon
Chief of Staff
United States Marshals Service
```

### Begin forwarded message:

```
From: "Inman, Susan D. (OLP)" < (b)(6)
Date: December 29, 2021 at 16:47:46 EST
To: "Dellinger, Hampton Y. (OLP)" < (b)(6)
                                                                       >, "Jones, Kevin R
                                   >, "Rothenberg, Laurence E (OLP)"
(OLP)'' < (b)(6)
<(b)(6)
                                      >, "Davies, Susan M. (OLP)"
 (b)(6)
                             >, "Thiemann, Robyn (OLP)" <(b)(6)
"Snead, Jacqueline C (OLP)" <(b)(6)
                                                              >, ''(b)(6)
                                                                                     (EOIR)"
                                                                             , "Allery, Gina L.
                                  (b)(6), (b)(7)(C) (ATF)
(OTJ)" (b)(6)
                                   "El-Khouri, Adele (CIV)" <(b)(6)
"Revesz, Joshua (CIV)" <(b)(6)
                                                    >, "Bell, Suzanne L. (USAEO)"
                    >, "Blaha, Amber (ENRD)" <(b)(6)
                                                                           (b)(6), (b)(7)(C) (ATF)
                             , "Brink, David (CRM)" <(b)(6)
                                                                               >, "Bullock, Bob
B. (ATJ)'' < (b)(6)
                                    >, "Chapman, Robert (COPS)"
<(b)(6)
                              >, (b)(6), (b)(7)(C) per FBI (OGC) (FBI)"
(b)(6), (b)(7)(C), (b)(7)(E) per FBI, (b)(6), (b)(7)(C) per OCDETF
"Coley, Anthony D. (PAO)" <(b)(6)
                                                           >, (b)(6)
"Cushwa, Patricia (USPC)" <(b)(6)
                                                         >, "Dickinson, Lisa (USMS)"
(b) (6), (b) (7)(c) @usms.doj.gov>, "Foran, Sheila (CRT)" < (b)(6)
                                                                               >, "Gormsen,
Eric T (OLP)" < (b)(6)
                                            >, "Hart, Rosemary (OLC)"
<(b)(6)
                            >, "Henneberg, Maureen (OJP)"
 (b)(6)
                                     >, "Horowitz, Michael E.(OIG)"
 (b)(6)
                              gov>, "Hubbert, David A. (TAX)"
                                  >, (b)(6): Kenneth Hyle (BOP) email, "Inman, Susan D. (OLP)"
 (b)(6)
(b)(6)
                              "Johnsen, Dawn E. (OLC)" <(b)(6)
"Kilgallon, John (USMS)" (b) (6), (b) (7)(C) (2) usms.doj.gov>, "Neal, David L. (EOIR)"
                        >, "Koffsky, Daniel L (OLC)" <(b)(6)
"Lawrence, David (ATR)" <(b)(6)
                                                          , "Lederman, Martin (OLC)"
                              > (b)(6), (b)(7)(C), (b)(7)(F) per DEA, "Ludwig, Stacy (PRAO)"
<(b)(6)
                            >, "OPCL.policy" <OPCLpolicy@jmd.usdoj.gov>, "Kaplan,
 (b)(6)
Jennifer E (OVW)" < (b)(6)
                                                 , "Shiels, Marnie R (OVW)"
                           >, "Opl, Legislation (CRM)" <Legislation.OPL@crm.usdoj.gov>,
"policy, civil (CIV)" <civil.policy@usdoj.gov>, "Policy, AAG (CRT)"
<AAG.Policy@usdoj.gov>, "Policy, CRT (CRT)" <CRT.Policy@usdoj.gov>, "Lopez, Louis
(CRT)'' < (b)(6)
                                 , "Prelogar, Elizabeth B. (OSG)"
(b)(6)
                                    "Ragsdale, Jeffrey (OPR)" <(b)(6)
"Ratliff, Gerri L (JMD)" <(b)(6)
                                                    >, "Rowan, Pearlie (ENRD)"
                           >, "Sargent-Burns, Rosalind A (PARDON)" <(b)(6)
                 >, "Schroeder, Christopher H. (OLC)" <(b)(6)
```



I am requesting your component's review of the attached Executive Order titled "Reforming Policing Practices And Improving Our Criminal Justice System To Build Trust Between Law Enforcement And The Communities They Serve, Advance Racial Equity, And Improve Public Safety." OMB has sent the following instructions:

- The drafters are particularly interested in agency expertise regarding (b)(5)
- Technical edits for precision/accuracy are always much appreciated, but please provide an explanation for why the edit is necessary/appropriate
- The drafters will of course review any edits to policy language or stylistic suggestions, but we would not recommend that agencies focus their efforts on such edits
- Please clearly flag any showstoppers with political leadership support, so we can quickly facilitate discussions between senior leadership

Almost all components are included on this email, but if you see someone missing, please feel free to forward or loop others in.

Please provide to OLP your comments, edits, and any questions on the attached by 5 pm Thursday 12/30. If we do not hear from you by this time, we will assume your component has no

comments. Also, if your component has any red flag comments, please identify them in both the cover e-mail and in the attachment.

If you insert an internal comment addressing another component, please flag for OLP in the cover e-mail.

Please include Ileana Ciobanu, Robert Stelle, Ryan Higginbotham, Shannon Pazur, and Larry Rothenberg on all of your responses to OLP, so we can ensure there is 100% continuity of coverage.

OASG/ODAG, this will come to you after 5 pm tomorrow, seeking review by 5 pm on Friday, December 31<sup>st</sup> (OMB's deadline for comments).

Thank you!

### Susan D. Inman

Senior Counsel, Office of Legal Policy U.S. Department of Justice 950 Constitution Ave. NW Washington, DC 20530

Mobile: (b)(6)
Office: (b)(6)

# Executive Order "Reforming Policing Practices And Improving Our Criminal Justice System To Build Trust Between law Enforcement And The Communities They Serve, Advance Racial Equity, And Improve Public Safety"

### Circulation List, 12/29/2021

Depart	ments
Name	Contact Email
Department of Agriculture	(b) (6)
Department of Commerce	
Department of Defense	
Department of Education	
Department of Energy	
Department of Health and Human Services	
Department of Homeland Security	
Department of Housing and Urban Development	
Department of the Interior	
Department of Justice	

	(b) (6)
Department of Labor	
Department of State	
Department of Transportation	
Department of the Treasury	
Department of Veterans Affairs	

Agencies		
Name	Contact Email	
Office of the Director of National Intelligence	(b) (6)	
Central Intelligence Agency		

Environmental Protection Agency	(b) (6)
Office of Personnel Management	
National Aeronautics and Space Administration	
Small Business Administration	
National Science Foundation	
General Services Administration	
United States Postal Service	
Social Security Administration	
United States Agency for International Development	

EOP / OVP / WHCO	
Office of Cabinet Affairs	
Council of Economic Advisers	
Council on Environmental Quality	
COVID Response	
Domestic Climate Change	
Domestic Policy Council	
Gender Policy Council	
Legislative Affairs	

National Economic Council	
National Security Council Staff	
Office of Presidential Personnel	
Public Engagement	
Intergovernmental Affairs	
Office of Science and Technology Policy	
Office of Management and Budget	
Office of National Drug Control Policy	
Office of the United States Trade Representative	
Office of the Vice President	
White House Counsel's Office	

 From:
 Braverman, Adam L. (ODAG)

 Sent:
 Mon, 7 Jun 2021 19:02:42 +0000

To: Kelly, Richard (USMS)

Subject: FW: KSTP: Press Release: United States Marshals Service of Minnesota Agrees to

Allow Local Law Enforcement to Wear Body Cameras on Fugitive Task Force

From: Folk, Anders (USAMN) <(b)(6)

Sent: Monday, June 7, 2021 2:41 PM

To: Braverman, Adam L. (ODAG) <(b)(6)

Cc: Carlin, John P. (ODAG) <(b)(6)

Subject: FW: KSTP: Press Release: United States Marshals Service of Minnesota Agrees to Allow Local

Law Enforcement to Wear Body Cameras on Fugitive Task Force

Adam -

I wanted to forward you this press release (see below) I just received from our local USMS. It was released by the Ramsey County Sheriff's Office and details that Sheriff's view of the USMS BWC policy.

Just FYI. Happy to discuss if helpful.

Anders

From: Bob Fletcher, Ramsey County Sheriff < ramseycounty@public.govdelivery.com>

Sent: Monday, June 7, 2021 12:04 PM
To: NewsReply < Newsreply@hbi.com>

Subject: Press Release: United States Marshals Service of Minnesota Agrees to Allow Local Law

Enforcement to Wear Body Cameras on Fugitive Task Force

### [External email – use care when clicking on links or attachments]

View as a webpage



## **PRESS RELEASE**

FOR IMMEDIATE RELEASE: June, 7 2021

## United States Marshals Service of Minnesota Agrees to Allow Local Law Enforcement to Wear Body Cameras on Fugitive Task Force

Saint Paul, Minnesota: The United States Marshals Service in Minnesota has agreed to allow local law enforcement to utilize body cameras while assigned to the Fugitive Task Force, also known as the Northstar Violent Offender Task Force (VOTF). This change came after years of a policy prohibiting local agencies from wearing body cameras while assigned to the Fugitive Task Force and following the death of Winston Smith in Minneapolis on June 3, 2021.

As a result of this policy change, the Ramsey County Sheriff's Office signed an addendum yesterday that modifies the Sheriff's Office 2014 agreement with the U.S. Marshals Fugitive Task Force, which did not allow for the use of body cameras. The addendum signed by Ramsey County Sheriff Bob Fletcher will require any Ramsey County Deputy who is federally deputized and assigned to the U.S. Marshals Fugitive Task Force to wear and use a body camera. This agreement, however, does not apply to federal officers, who will not be wearing body cameras.

Ramsey County Sheriff Bob Fletcher implemented body cameras in September 2019 for over 400 employees but was prohibited from using them on federal task forces until now. As a part of this new agreement, the U.S. Marshals Service in Minnesota required that any data collected during task force operations be the property of the U.S. Marshals Service in Minnesota.

### Media Contact:

Kyle Mestad, Director of Administration 651-266-9523 • kyle.mestad@co.ramsey.mn.us

###

## RamseyCountySheriff.us

### Connect with us!







Ramsey County Sheriff's Office 651-266-9333



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This email was sent to  $\underline{\text{newsreply@kstp.com}}$  using GovDelivery Communications Cloud on behalf of: Ramsey County · 121 7th PI E · St Paul, MN 55101 · 651-266-8500



 From:
 Braverman, Adam L. (ODAG)

 Sent:
 Tue, 27 Jul 2021 00:07:39 +0000

 To:
 (D)(6), (b)(7)(C), (b)(7)(F) per USMS (USMS)

Cc: Kelly, Richard (USMS)

Subject: RE: USMS BWC Interim Policy proposed revisions

Attachments: BWC USMS Policy 7\_26\_21.docx, BWC DEA Policy\_07-20-21.docx

### Hi

From: (b)(6), (b)(7)(C), (b)(7)(F) per USMS (USMS)

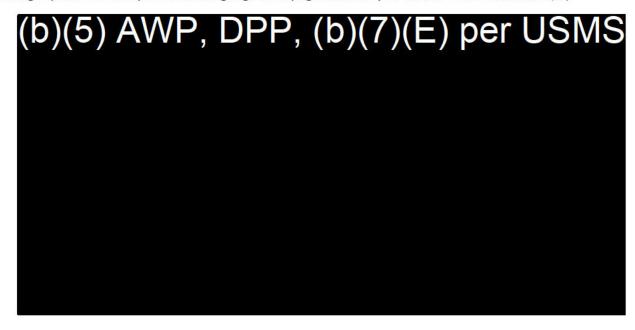
Sent: Monday, July 26, 2021 4:56 PM

To: Braverman, Adam L. (ODAG) (b) (6)
Cc: Kelly, Richard (USMS) (b)(6), (b)(7)(C), (b)(7)(F) per USMS

Subject: USMS BWC Interim Policy proposed revisions

Adam,

Based on your comments and email to AD Kelly, we have made a few revisions and submit this version of the USMS BWC interim policy for your review. I have summarized the changes so that you can find them easily. You had already commented that our language on access to review recordings prior to writing reports was adequate. This language is on page 6 should you wish to review it further (u.)



Please let us know when you've had a chance to review these and if they are acceptable revisions. If so, we'll send a final version back through our Chief of Staff. We have advised our executive leadership (ADO/ADA) that we are pursuing this revision with you.

Thanks!

Deputy Assistant Director
United States Marshals Service
Investigative Operations Division
(DIS) (DIVIS) (DIVIS) (DIVIS)
desk
cell

Braverman, Adam L. (ODAG) From: Sent: Mon, 12 Jul 2021 17:32:58 +0000

To: Kelly, Richard (USMS)

Subject: RE: USMS Draft Body Worn Camera Policy

#### Thanks

From: Kelly, Richard (USMS) (b)(6), (b)(7)(C) per USMS

Sent: Monday, July 12, 2021 1:29 PM To: Braverman, Adam L. (ODAG) (6)

Subject: RE: USMS Draft Body Worn Camera Policy

### (b)(5) AWP, DPP per USMS

### Rich Kelly

**Assistant Director** United States Marshals Service Investigative Operations Division

Desk: ((b)(6), (b)(7)(C) per USM (b)(6), (b)(7)(C) per USMS Mobile:

From: Braverman, Adam L. (ODAG)  $\{(b)(6)\}$ 

Sent: Monday, July 12, 2021 1:00 PM

To: Kelly, Richard (USMS)(b)(6), (b)(7)(C) per USMS Subject: RE: USMS Draft Body Worn Camera Policy

### Also,(b)(5) AWP, DPP per USMS

From: Kelly, Richard (USMS) (b)(6), (b)(7)(C) per USMS

Sent: Monday, July 12, 2021 12:47 PM To: Braverman, Adam L. (ODAG) (b)(6)

Cc: Kilgallon, John (USMS) (b)(6), (b)(7)(C) per USMS (USMS)

(b)(6), (b)(7)(C) per USMS

Subject: RE: USMS Draft Body Worn Camera Policy

Adam,

Please let me know if this is too much information for what you're looking for right now. If it is, we can pull out some sections to shorten it.

Thank you very much, Rich

### Rich Kelly

**Assistant Director** 

United States Marshals Service Investigative Operations Division

Desk: (b)(6), (b)(7)(C) per USMS

Mobile: (b)(6), (b)(7)(C) per USMS

From: Braverman, Adam L. (ODAG) (b)(6)

Sent: Monday, July 12, 2021 12:19 PM

To: Kelly, Richard (USMS) (b)(6), (b)(7)(C) per USMS

Cc: Kilgallon, John (USMS) (b)(6), (b)(7)(C) per USMS (USMS)

(b)(6), (b)(7)(C) per USMS

Subject: RE: USMS Draft Body Worn Camera Policy

Just wanted to touch base on this. Can you send me paragraph on implementation plans including timeline. Thanks

From: Kelly, Richard (USMS) (b)(6), (b)(7)(C) per USMS

Sent: Saturday, July 10, 2021 6:59 PM
To: Braverman, Adam L. (ODAG)(b)(6)

Cc: Kilgallon, John (USMS) (b)(6), (b)(7)(C) per USMS

(USMS)

(b)(6), (b)(7)(C) per USMS

Subject: Re: USMS Draft Body Worn Camera Policy

Adam,

We have a phased implementation plan derived from the Project Plan created to implement the program which we can supply on Monday morning if that's ok.

Thanks, Rich

Rich Kelly
Assistant Director
United States Marshals Service
Investigative Operations Division

Mobile: (b)(6), (b)(7)(C) per USMS Desk: (b)(6), (b)(7)(C) per USMS

On Jul 10, 2021, at 6:23 PM, Braverman, Adam L. (ODAG) wrote:

Hi

Did you develop a phased implementation plan for the BWCs?

### Thanks Adam

From: Kilgallon, John (USMS)(b)(6), (b)(7)(C) per USMS

Sent: Wednesday, July 7, 2021 1:18 PM

To: Braverman, Adam L. (ODAG)(b)(6)

Cc: Kilgallon, John (USMS) (b)(6), (b)(7)(C) per USMS

Subject: USMS Draft Body Worn Camera Policy

Adam,

Attached for review please find the DRAFT USMS Body Worn Camera Policy. IAW DAG Monaco's memorandum dated June 7, 2021, the Draft Policy is due today.

Please let me know if you have any questions.

Vr,

John

John Kilgallon
Chief of Staff
United States Marshals Service
O(6). (b)(7)(c) per USMS
office
mobile

From: Braverman, Adam L. (ODAG)
Sent: Mon, 12 Jul 2021 17:32:53 +0000

To: Kelly, Richard (USMS)

Subject: RE: USMS Draft Body Worn Camera Policy

#### **Thanks**

From: Kelly, Richard (USMS)(b)(6), (b)(7)(C) per USMS

Sent: Monday, July 12, 2021 1:32 PM
To: Braverman, Adam L. (ODAG) (b)(6)

Subject: RE: USMS Draft Body Worn Camera Policy

# (b)(5) AWP, DPP per USMS

### **Rich Kelly**

Assistant Director
United States Marshals Service
Investigative Operations Division

Desk: (b)(6), (b)(7)(C) per USMS

(b)(6), (b)(7)(C) per USMS

From: Braverman, Adam L. (ODAG)(b)(6)

Sent: Monday, July 12, 2021 1:20 PM

To: Kelly, Richard (USMS)

Subject: RE: USMS Draft Body Worn Camera Policy

From: Braverman, Adam L. (ODAG)
Sent: Monday, July 12, 2021 1:20 PM
To: Braverman, Adam L. (ODAG) (b)(6)

Subject: RE: USMS Draft Body Worn Camera Policy

And,(b)(5) AWP, DPP per USMS

From: Braverman, Adam L. (ODAG) Sent: Monday, July 12, 2021 1:00 PM

To: Kelly, Richard (USMS (b)(6), (b)(7)(C) per USMS Subject: RE: USMS Draft Body Worn Camera Policy

# Duplicate