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Video Surveillance Records
Assessment Report

National Archives and Records Administration

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RECORDS MANAGEMENT ASSESSMENT

VIDEO SURVEILLANCE RECORDS

INTRODUCTION

The National Archives and Records Administration (NARA), based on authority granted by 44 United States Code (U.S.C.) 2904(c), is responsible for assessing the proper management of records in all media within federal agencies to protect rights, assure government accountability, and preserve and make available records of enduring value. Under this authority, NARA conducts records management (RM) oversight of federal agencies, including agency inspections and assessments.

An assessment is a multi-agency evaluation of a specific topic, issue, or activity affecting RM processes, procedures, or policies. The purpose of conducting an assessment is to determine the efficacy of processes, procedures, or policies and to identify common successes and challenges, as well as any best practices that can be shared throughout the federal RM community.

In the second quarter of FY 2022, NARA conducted an assessment of six law enforcement agencies related to the agency's creation, management, and disposition of video surveillance records. This report synthesizes NARA's analysis of all information gathered before and during the assessment.

Assessment Scope

This assessment focused on six law enforcement agencies and how they create, manage, use and ultimately dispose of video surveillance records. This assessment also served as information gathering for NARA to aid in appropriately identifying the different types of video surveillance records agencies are creating, the different methodologies used to create, capture, and preserve these types of records, and how the agencies are approaching the use of these types of records.

Assessment Methodology

During the assessment, NARA requested that participating agencies submit responses to a pre-assessment questionnaire and provide certain relevant documentation. Requested documentation included, but is not limited to:

- Agency policies, directives, or guidance that govern the management of records. In particular, any policies or guidance regarding the management of video surveillance records.
- Any information or instructions regarding the disposition of video surveillance records. This includes, but is not limited to, any records retention schedules that are used to manage video surveillance records.
- Workflows and flowcharts or any other tools that are used to identify videos that are needed to be retained for longer periods of time (e.g., due to litigation, FOIA, etc.).
- Any information that can be provided to document interagency agreements or any other

contracts that show the responsibilities of each party in regards to video surveillance records.

NARA conducted interviews in June-July 2022 that focused on the creation and management of video surveillance records.

The participating stakeholders at each agency varied based on the types of video surveillance records that were created, and which program offices were responsible for the creation, maintenance, and use of video surveillance records. Interviews were conducted with representatives of programs that directly created, managed, or used video surveillance records as part of their mission. In two instances, NARA conducted additional interviews with the agency to incorporate information from all program offices that create and/or use the varying types of video surveillance records in their procedures.

SUMMARY AND ANALYSIS

The majority of the participating agencies demonstrated acceptable records management controls of video surveillance records. The agencies that demonstrated the best practices have a centralized, evidence-based approach to their management of the video surveillance records.

Agencies with high performing programs actively engaged the ARO in the development of policies, procedures, and training. The assessment found that the agencies where the ARO was involved tended to have the most up-to-date schedules and records management practices incorporated into their policies. One example is that the Federal Bureau of Investigation has incorporated recordkeeping requirements into each of their policies. In addition, the disposition of non-transitory records is managed solely by the Information Management Division.

A noted best practice is when agencies develop policies prior to the deployment of new technology. For example, the Secret Service generally develops records retention guidance and policies in tandem with developing the technology for their use. That way by the time the technology deploys, the policies and procedures are approved.

FINDINGS AND RECOMMENDATIONS

All of the agencies assessed captured video records that included routine monitoring of agency facilities; video recording of incidents, interviews, or interrogations; investigation-related events; aerial video recordings; routine agency events; or agency related special cases. Emerging technologies were also discussed including body camera video recordings and video records from vehicles (e.g., dash cams).

As noted below, management of these varying types of video records presented challenges for the agencies. However, agencies also demonstrated strengths and best practices in how they manage these records. Agencies indicated that video recordings that are required to be kept for any significant length of time are most likely to be evidentiary and agencies manage them

according to rules of evidentiary procedure and the records retention schedules associated with each corresponding case file.

Best Practices

Overall, NARA identified several agency best practices for managing these types of records.

- All agencies restricted video access to federal employees only. The agencies that utilized contractors limited them to providing technical assistance only. They did not have control over the video recordings or have access to video recordings.
- All agencies were saving metadata automatically with the video. Most of the agencies were capturing additional metadata, in particular when it was needed for evidentiary purposes.
- Most of the agencies have established policies and procedures for the different types of video surveillance records generated.
- Most of the agencies interviewed have procedures that are used for routine surveillance videos in order to identify those videos that are required to be retained for other purposes (e.g., lawsuit, criminal proceedings, etc.).
- All agencies are using agency-specific schedules for the video surveillance records. Most of the agencies are not using the GRS for any video surveillance records, whereas two agencies indicated that they are using the GRS for only routine surveillance videos associated with facility security.
- All agencies have established quality controls to ensure that all equipment is in good working order.
- All participating agencies have training for staff members. In some instances, it was formalized training and in other instances, it was ad hoc, on-the-job training.

Major Agency Challenges

All agencies indicated that lack of resources is a major issue in managing these records. There is also currently a lack of hardware for the agencies to adequately store videos. One agency cited difficulties in procuring hard drives. Lack of funding impairs agencies by not allowing adequate manpower to staff their facilities. Lack of funding also requires agencies to create ad hoc solutions for individual facilities. This is particularly true for two of the agencies as they are larger and have a greater number of facilities nationally and internationally. One of these two agencies indicated that they have a video surveillance system that is administered and managed by headquarters, which could potentially be utilized agency-wide. However, each facility is responsible for funding their facilities' video surveillance systems and due to the cost of using this system, most of the facilities develop their own solution.

All agencies indicated that the lack of guidance for these types of electronic records is a concern. All of the agencies are managing their video surveillance records digitally, but this is not standardized. Some agencies are using CDs, some are using hard drives, and some are using servers. Additionally, agencies are concerned as to how to handle permanent digital records. This includes concerns regarding NARA's ability to accept permanent records in electronic format.

Recommendations

Recommendation 1: AROs should be a key stakeholder for video policies and procedures. (36 CFR 1220.34(a)). In one agency, the ARO was not actively involved in the management of video procedures. Videos should always be considered as records of their agency and as such the ARO should have an active role in developing policies and procedures for all agency records. Lack of ARO oversight could lead to unauthorized dispositions of records or the inability of the agency to provide video records in response to Freedom of Information Act (FOIA) and/or legal requests.

Recommendation 2: Records management policies and procedures should be incorporated into video surveillance policies and procedures. (36 CFR 1220.34(e)). Some agencies incorporated record management into their policies and procedures, while other agencies choose to use internal evidentiary policies and procedures to manage their records. Agencies should include records management authorities and regulations in all of their policies and procedures to ensure that proper records management practices are followed in all facilities, offices, and that all records of the agency are properly identified and managed as federal records.

Recommendation 3: Agencies should establish an overall records management policy and procedures to manage all types of video surveillance records. Some of the agencies interviewed do not have established policies and procedures that manage these types of records. For instance, an agency only cited a draft policy covering one type of video surveillance records. This agency did not have any workflows, flowcharts, or other documentation to describe how video records are managed.

Recommendation 4: All agencies should establish standard operating procedures for all facilities to ensure that video surveillance records that need to be retained for other purposes (i.e., legal, criminal) are saved appropriately. One of the agencies interviewed indicated that they had not established procedures for all facilities in identifying and retaining these types of records. The lack of established procedures could potentially lead an agency into inadvertently deleting videos that are required for other purposes. This deletion would have to be documented as an unauthorized disposition of federal records and could expose the agency to potential legal risk.

Recommendation 5: All agencies should have standard operating procedures to recover lost or damaged videos. (36 CFR 1237.20(b)). Two agencies did not have procedures to recover lost or damaged videos. These types of procedures would be necessary to prevent inadvertent loss or damage to video records during their retention period and while they are required by the agency for other purposes.

Recommendation 6: Records schedules should be regularly updated, and video surveillance should be specifically defined within electronic records schedules. (36 CFR 1225.16). In one agency, the records retention schedules cover electronic records, but videos are not specifically defined. Agencies also cited a challenge regarding the approval process for schedules. All of the

agencies interviewed cited concerns with the length of time it takes to get a pending schedule approved by NARA.

Recommendation 7: All agencies must establish safeguards for the long-term storage of the video records they are maintaining. (36 CFR 1237.16). Only one of the agencies interviewed is using a digital method for the long-term storage of the video surveillance records. All other agencies are using a physical or a hybrid (physical or digital) storage methodology to maintain video records needed for longer periods of time. Some of the agencies interviewed are using CDs to store videos. Agencies must determine if the methodologies used are appropriate for long-term storage of video records.

CONCLUSION

Overall, most of the agencies that participated in this assessment are relying on policy to manage all types of video surveillance properly. The assessed agencies are using records management regulations and best practices to manage and preserve the integrity of these records in light of evidentiary needs for legal proceedings. Agencies have clearly identified their strengths and weaknesses for managing video records. NARA recommends that agencies continue to work on mitigating the identified weaknesses by developing and applying records management regulations, policies, and procedures to video records to ensure their integrity, reliability, and usability when applicable.

APPENDIX A

LIST OF PARTICIPATING AGENCIES

Agency	Department
Federal Bureau of Investigation	Justice
Drug Enforcement Administration	Justice
United States Marine Corps	Defense
Bureau of Prisons	Justice
Customs and Border Protection	Homeland Security
United States Secret Service	Homeland Security



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