



Incident-Driven Video Recording Systems

August 1, 2023

Fiscal Year 2023 Report to Congress



**Homeland
Security**

U.S. Customs and Border Protection

Message from the Acting Deputy Commissioner of CBP

August 1, 2023

I am pleased to submit the following report, “Incident-Driven Video Recording Systems (2023),” prepared by U.S. Customs and Border Protection (CBP).

This report was compiled pursuant to the Joint Explanatory Statement which accompanies the Fiscal Year (FY) 2023 Department of Homeland Security (DHS) Appropriations Act (P.L. 117-328). The report provides an update on the deployment of body-worn cameras (BWCs) and incident-driven video recording systems (IDVRS) and on relevant agency policies and procedures.



Pursuant to congressional requirements, this report is provided to the following Members of Congress:

The Honorable David Joyce
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Henry Cuellar
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Katie Britt
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I would be pleased to respond to any questions that you may have. Please do not hesitate to contact my office at (202) 344-2001.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Flores".

Pete R. Flores
Acting Deputy Commissioner
U.S. Customs and Border Protection

Executive Summary

The Joint Explanatory Statement which accompanies the FY 2023 DHS Appropriations Act (P.L. 117-328) requires CBP to update Congress on the deployment of IDVRS, agency policies related to IDVRS, and procedures for retaining IDVRS video footage.

The use of IDVRS has been a key component of CBP's efforts to earn and keep the public's trust and confidence in the critical work that CBP does, while enforcing the laws that CBP is sworn to uphold. In FY 2017, Congress directed CBP to evaluate IDVRS technology (House Report 114-668). CBP concluded that IDVRS can help CBP to increase transparency, to establish the veracity of allegations against its law enforcement personnel, and to assist CBP law enforcement personnel in gathering evidence. In April 2019, CBP's Agency Leadership Council designated U.S. Border Patrol (USBP) as the executive agent of the IDVRS Program and approved a targeted deployment, in line with the results and recommendations of the IDVRS evaluation. In September 2020, USBP established an IDVRS Program Management Office (PMO) and signed a vendor contract for hardware and software.

CBP approved the initial, targeted deployment of IDVRS technology beginning in the summer of FY 2021 and continuing through the end of FY 2022. By the end of Calendar Year (CY) 2023, IDVRS will have deployed to approximately 11,000 frontline agents at a program wide cost of \$76,849,000. This figure includes the cost of IDVRS and Video Management System licenses, necessary information technology infrastructure upgrades and maintenance costs, and personnel support. The deployment of IDVRS technology within CBP's Office of Field Operations (OFO) is projected to be completed by the end of CY 2028; dependent upon the availability of funding.

Following a successful deployment to several of the initial targeted sites, then-USBP Chief Raul L. Ortiz directed USBP to expand IDVRS to all stations by the end of CY 2025. In June 2022, then-CBP Commissioner Chris Magnus requested an even further accelerated deployment schedule. As a result, the IDVRS Program planned to train and equip approximately 11,000 USBP frontline agents and all 200 OFO Special Response Team officers by the end of CY 2023. The IDVRS PMO is baselined at \$20,000,000 and requested an additional \$24,900,000 for FY 2023. As of June 2023, only \$20,000,000 was enacted for FY 2023. Currently, the IDVRS PMO received the \$20,000,000 in baseline funds and only \$1,055,000 in additional funding for IDVRS deployment. It is anticipated that \$206,000 of this will be used to increase Freedom of Information Act personnel staffing to ensure that CBP maintains its transparency with the public. The remaining \$20,849,000 will be used to sustain previously procured IDVRS equipment (e.g., BWCs, licensing, and cloud storage) and to improve IT infrastructure for remaining USBP locations. With the \$21,055,000 received for FY 2023, IDVRS will be approximately 6,500 agents short of the then-CBP Commissioner Magnus' request of deploying IDVRS to all frontline USBP personnel by the end of CY 2023.

IDVRS—specifically, BWC technology—is evolving and CBP is committed to testing equipment and resources that meet the CBP's operational requirements. CBP also is developing additional policies, conducting further technical evaluations, and resolving other issues, including privacy considerations. CBP will approach this effort thoughtfully and welcomes the opportunity to share its progress with the entire workforce and the public as it moves forward.



Incident-Driven Video Recording Systems

Table of Contents

I.	Legislative Language.....	1
II.	Background.....	2
III.	Discussion.....	4
	A. Acquisition Status.....	4
	B. Field Deployment Status.....	5
	C. Program Funding.....	6
	D. Relevant Procedures.....	7
	1. Operational Procedures.....	7
	2. Video Retention.....	8
	3. FOIA and Public Release.....	8
IV.	Conclusion.....	9
V.	Appendix – List of Abbreviations.....	10

I. Legislative Language

This document was compiled pursuant to direction set forth in Joint Explanatory Statement, which accompanies the Fiscal Year (FY) 2023 Department of Homeland Security (DHS) Appropriations Act (P.L. 117-328) and states:

Body Worn Cameras.—Within 90 days of the date of enactment of this Act, CBP shall provide the Committees an execution plan and deployment schedule for body worn cameras.

II. Background

U.S. Customs and Border Protection's (CBP) mission, as described in the "U.S. Customs and Border Protection Strategy 2021-2026: Mission, Team, Future," is to "protect the American people, safeguard our borders, and enhance the Nation's economic prosperity."¹ Fulfilling this mission involves active patrolling, monitoring, and screening of individuals entering the United States. Transparency into operations and accountability for officers/agents and public interactions is critical to these duties. Part of reinforcing transparency involves recording interactions with the public.

CBP proactively began studying body-worn cameras (BWC) in 2014 with an initial BWC feasibility study. This study concluded that BWCs may offer benefits in support of CBP's mission, but additional consideration and research was necessary prior to a decision on implementation.

In the FY 2017 DHS Appropriations Act (P.L. 115-31), Congress mandated that CBP evaluate BWC technologies and provided funds for it to do so. In January 2017, CBP issued the Incident-Driven Video Recording Systems (IDVRS) Policy Directive to support an evaluation of IDVRS technology. From May through November 2018, CBP conducted an evaluation in alignment with the congressional mandate. The evaluation indicated limited visibility into many interactions between CBP law enforcement personnel and the public. CBP lacked the capability to record these encounters, especially at sites that did not have adequate fixed-camera infrastructure. In March 2019, CBP submitted a report on the evaluation results, which found that IDVRS could help to establish the veracity of allegations against CBP law enforcement personnel and could increase transparency into CBP officer/agent interactions with the public. In April 2019, the Agency Leadership Council approved a targeted, multiyear, phased deployment of IDVRS to U.S. Border Patrol (USBP) checkpoints that are not equipped adequately with fixed cameras and Office of Field Operations (OFO)-specialized operations. The Agency Leadership Council designated USBP as CBP's executive agent for IDVRS. USBP's Program Management Office (PMO) Directorate currently oversees the IDVRS Program.

IDVRS encompasses incident-driven, nonsurveillance, audio/video recording devices operated by CBP and used by CBP law enforcement personnel in the course of their official duties. Currently, CBP is implementing IDVRS in the form of BWCs, with plans to test fleet-mounted systems in FY 2024.

IDVRS were originally deployed in a phased approach at USBP locations that primarily are checkpoints lacking adequate fixed camera infrastructure. The IDVRS PMO received guidance in FY 2022 from the CBP Commissioner to expedite deployment to all Border Patrol agents (BPA). USBP began deploying IDVRS in the summer of 2021 and reached full operational capability in December of 2022. IDVRS will expand to all USBP- and OFO-specialized operations officers in FY 2024, including plans to deploy to approximately 11,000 total BPAs by the end of Calendar Year (CY) 2023.

¹ [U.S. Customs and Border Protection, U.S. Customs and Border Protection Strategy 2021 – 2026.](#)

In FY 2020, the IDVRS program received \$21,750,000 in congressional funding; in FY 2021, IDVRS received \$14,044,000; in FY 2022, the program received \$20,000,000; and in FY 2023 IDVRS received \$21,055,000. These funds were used to purchase BWCs and Video Management System (VMS) licenses, to make information technology (IT) infrastructure investments, and to support other necessary operations to ensure successful deployment, expansion, and operations/support.

CBP issued a CBP-wide IDVRS Policy Directive, signed by Acting CBP Commissioner Troy A. Miller, on August 6, 2021. The Directive was released publicly on CBP's Accountability and Transparency website on February 10, 2022.² Additionally, USBP issued several internal operating procedures, which USBP Chief Raul L. Ortiz signed on August 16, 2021. Standard operating procedures (SOP) that establish requirements for using IDVRS technology at specific USBP sectors and stations were developed in alignment with existing policy and in support of CBP's mission.

² CBP DIRECTIVE 4320-030B - Incident-Driven Video Recording System, <https://www.cbp.gov/document/directives/cbp-directive-4320-030b-incident-driven-video-recording-system>

III. Discussion

A. Acquisition Status

Between the 2018 IDVRS evaluation and the planned field deployment for FY 2021, CBP has established and managed an acquisition program for the acquisition and procurement of IDVRS technology. CBP secured approval of the capability analysis report (CAR) by the DHS Joint Requirements Council (JRC) in December 2019.

Following the CAR, CBP drafted a consolidated operational requirements document (CORD) that incorporates the traditional mission needs statement, concept of operations, and operational requirements documentation. The Component Acquisition Executive (CAE) approved the CORD on November 30, 2020, after JRC validation.

On September 2, 2020, CBP briefed the Acquisition Review Council (ARC) and CAE Mark S. Borkowski regarding the IDVRS Program. At this review, the CAE approved the establishment of IDVRS as a program of record (Acquisition Decision Event (ADE)-2A) and approved the initial procurement/deployment of capability (ADE-2C).

In September 2020, CBP awarded a contract to Axon Enterprises, Inc. for the purchase of BWCs and VMS licenses to support IDVRS. Axon shipped cameras and docking stations to 35 USBP sites. Currently, CBP coordinated with deployment sites to install docking stations and cabling to support the cameras for operational use.

On January 21, 2022, CBP briefed the ARC and received approval for ADE-3, which allowed for continued progress toward IDVRS full operating capability.

In June 2022, CBP awarded a base-plus 4-year contract to Axon for the long-term purchase of VMS licenses and storage. The Digital Evidence Management Systems contract provides a gradual increase in licensing availability over a 5-year period. These licensing agreements are designed to be based on agency size and provide additional cost savings to CBP when compared to purchasing licenses individually.

In August 2022, CBP awarded a contract to Axon for the purchase of an additional 2,476 BWCs and VMS licenses to support IDVRS. Axon will be shipping cameras and docking stations to eight USBP stations. CBP will begin coordinating with deployment sites to install docking stations and cabling to support the cameras for operational use.

Following operational test and evaluation (OT&E) conducted at the CBP Advanced Training Center in Harpers Ferry, West Virginia, the IDVRS Program has made operational requirements changes to address minor deficiencies identified during OT&E.

CBP conducted or will conduct the following systems engineering lifecycle reviews on the dates below:

- Production Readiness Review: June 4, 2020 (complete);
- Operational Test Readiness Review: February 11, 2021 (complete);
- Operational Readiness Review: June 24, 2021 (complete); and,
- Post-Implementation Review: July 2023.
 - Johns Hopkins University - Applied Physics Laboratory will be conducting a post-implementation review on the IDVRS Program. The review is scheduled to be completed in July 2023.

In FY 2022, DHS designated CBP as the executive agent for the strategic sourcing vehicle in development for DHS to provide an indefinite delivery, indefinite quantity contract vehicle for all DHS Components to place orders for BWCs and their supporting technologies. Additionally, the IDVRS PMO collaborates with DHS Components (U.S. Immigration and Customs Enforcement, U.S. Secret Service, Federal Protective Service, among others) and other federal law enforcement agencies (U.S. Department of Justice, U.S. Department of the Interior, among others) on current best practices for BWC pilot program and program management operations, including sharing foundational policy and requirements documentation. The IDVRS PMO also engages outside stakeholders, such as nongovernmental organizations and the National Border Patrol Council union, on feedback pertaining to program policy and status.

USBP Assistant Chief Edward P. Wagner serves as the IDVRS Acquisition Program Manager.

B. Field Deployment Status

IDVRS is in the process of delivering hardware to IDVRS deployment locations along the U.S. borders. As of March 2023, the IDVRS PMO has deployed IDVRS to 47 USBP locations (i.e., USBP stations, special operations detachments (SOD), and Central Processing Center (CPC)) across 12 sectors (El Paso, Big Bend, Del Rio, El Centro, San Diego, Swanton, Yuma, Tucson, Rio Grande Valley, Blaine, Detroit, and Laredo Sectors). Table 1 lists the sectors at which the IDVRS PMO has deployed BWCs and trained coordinators/BPAs.

Table 1 USBP Sectors with Deployed BWCs	
Sector	Deployment Start Month
El Paso	July 2021
Big Bend	August 2021
Del Rio	August 2021
El Centro	October 2021
San Diego	October 2021
Swanton	November 2021
Yuma	November 2021
Tucson	December 2021
Rio Grande Valley	June 2022
Blaine	March 2022
Detroit	March 2022
Laredo	March 2022

The vendor delivered all docking stations and BWCs (including spares) to these stations. As of April 3, 2023, 7,640 agents at 47 sites within these sectors have been trained and are using IDVRS.

CBP will deploy BWCs to approximately 11,000 frontline USBP agents by the end of CY 2023. This includes some CPC locations, every SOD, and the Border Patrol Academy in Artesia, New Mexico. By the end of CY 2023, CBP will deploy BWCs to all OFO Special Response Team officers. CBP is in the early stages of planning deployment to all Air and Marine Operations Marine Interdiction agents.

C. Program Funding

Table 2 below represents the cost of IDVRS program management and necessary IT infrastructure maintenance costs. Table 3 provides an update on program execution of the spending plan.

Table 2 Implementation Costs (\$ in millions)	
FY 2020	
Total	\$21.750
FY 2021	
Total	\$14.044
FY 2022	
Total	\$20.000
FY 2023	
Total	\$21.055

Table 3	
IDVRS Program Spending Plan	
(\$ in millions)	
Appropriated Funds	\$76.849
Funds Obligated, as of March 2023	\$63.316

D. Relevant Procedures

1. Operational Procedures

IDVRS-equipped and trained personnel are required to have their BWCs securely fastened to their upper torso, on their outermost garment, forward-facing, and “powered on” for the duration of their shift. Officers/agents can activate their BWCs by pushing a button on the front of the device. Officers/agents are instructed to record all enforcement encounters with the public, subject to a limited number of exceptions defined in policy, at the start of the event, or as soon as safely possible thereafter. These encounters include, but are not limited to:

- Use-of-force incidents;
- Encounters with the public that may become hostile or confrontational;
- Observed suspicious or possible illegal activity; and
- Other enforcement activities at the officer’s/agent’s discretion (e.g., if an officer/agent believes that video recording would assist in the investigation or prosecution of a crime or otherwise would assist in documenting the incident for further law enforcement purposes, the officer/agent may record the incident within the bounds of privacy restrictions).

Officers/agents shall deactivate their BWCs when involvement in the enforcement encounter has concluded or if they receive a direct order from a supervisor to deactivate their camera. Supervisors who order subordinates to stop recording must document the reason for doing so in a statement or report.

Officers/agents are instructed to alert individuals of camera recording if it does not interfere with the encounter or pose a risk to officer/agent safety. Otherwise, officers/agents should provide a notice of recording when possible and practical thereafter.

Officers/agents are prohibited from routinely or randomly viewing footage for the sole purpose of identifying policy violations and from recording: in locations where there is an expectation of privacy (restrooms, locker rooms, etc.); in medical treatment facilities unless related to official custodial duties; in non-CBP detention facilities; or during peaceful protest activity protected by the First Amendment. The IDVRS Program has coordinated with CBP and the DHS Privacy to best align with existing system of records notices and to [update the privacy impact assessment](#)³ for deployment.

³ [Privacy Impact Assessment \(PIA\): DHS/CBP/PIA-052\(a\) Incident-Driven Video Recording Systems \(IDVRS\), July 2021.](#)

2. Video Retention

Following their shifts, officers/agents are responsible for uploading their recorded BWC footage to a VMS and for applying retention categories to the footage that will affect retention. All recorded footage will be stored in accordance with the National Archives and Records Administration's (NARA) retention schedules.

CBP maintains IDVRS data for one of five retention periods depending on the type of data: evidentiary, potentially evidentiary, non-evidentiary, training, and Freedom of Information Act (FOIA):

- Evidentiary – 75 years;
- Potentially evidentiary – 3 years (pending NARA final approval);
- Non-evidentiary – 180 days⁴;
- Training – 14 days (pending NARA final approval); and,
- FOIA – 6 years.

3. FOIA and Public Release

As of April 5, 2023, CBP has received approximately 300 FOIA requests involving a request for IDVRS footage. Given public interest in CBP's activities, CBP acknowledges the potential for an increase in FOIA requests for IDVRS footage. Because the CBP Privacy and Diversity Office is responsible for processing (including application of exemptions) all CBP FOIA requests and because FY 2022 funds were appropriated for BWCs specifically, IDVRS was not able to fund CBP's FOIA-personnel requirements. An inability to meet increased FOIA demands may result in increased FOIA litigation. However, FY 2023 IDVRS appropriated funds are expected to incorporate CBP's FOIA-personnel requirements in addition to BWCs in the amount of \$206,000.

⁴ The current non-evidentiary schedule retains footage for 90 days. CBP Records and Information Management is pending approval internally and is in discussions with NARA to increase the retention period to 180 days.

IV. Conclusion

The use of cameras is a key component of CBP's efforts to earn and keep the public's trust and confidence in the critical work that it does, while enforcing the laws that CBP is sworn to uphold. CBP's in-depth study to explore the use of BWCs in its varied operating environments concluded that these, and other types of cameras, may have positive benefits for CBP if acquired, deployed, and managed properly. CBP currently is working to implement IDVRS technology at key locations over the next several months. In addition, CBP collaborates with other DHS components (U.S. Immigration and Customs Enforcement, U.S. Secret Service, Federal Protective Service, among others) and other Federal law enforcement agencies (U.S. Department of Justice, U.S. Department of the Interior, among others) on best practices for BWC pilot program and program management operations.

To prepare for IDVRS continued deployment, CBP conducted rigorous testing of a digital system, made substantial investments in IT infrastructure at local stations, and continues to conduct operational training with officers/agents on the use of IDVRS in the field. In September 2020, CBP awarded a contract to Axon for the purchase of BWCs and a VMS. Pursuant to that contract, Axon already has shipped cameras and IDVRS technology to 47 USBP sites. CBP is currently coordinating with deployment sites to install docking stations and cabling that support the cameras for operational use. Additionally, the IDVRS PMO has developed a CBP-wide directive and Component-specific internal operating procedures that govern the use of IDVRS, including privacy safeguards. CBP also developed a template for SOPs that will govern the daily use of IDVRS at each site.

CBP will continue to make the necessary preparations to ensure the smooth implementation and use of IDVRS.

V. Appendix – List of Abbreviations

Abbreviation	Definition
ADE	Acquisition Decision Event
ARC	Acquisition Review Council
Axon	Axon Enterprises, Inc.
BPA	Border Patrol Agent
BWC	Body-Worn Camera
CAE	Component Acquisition Executive
CAR	Capability Analysis Report
CBP	U.S. Customs and Border Protection
CORD	Consolidated Operational Requirements Document
CPC	Central Processing Center
CY	Calendar Year
DHS	Department of Homeland Security
FOIA	Freedom of Information Act
FY	Fiscal Year
IDVRS	Incident-Driven Video Recording Systems
IT	Information Technology
JRC	Joint Requirements Council
NARA	National Archives and Records Administration
OFO	Office of Field Operations
OT&E	Operational Test and Evaluation
PIA	Privacy Impact Assessment
PMO	Program Management Office
SOD	Special Operations Detachment
SOP	Standard Operating Procedure
USBP	U.S. Border Patrol
VMS	Video Management System