



Date:

August 11, 2023

To:

Office of the Inspector General Investigations Division Personnel

From:

Inspector General

Subject:

Body-Worn Camera Policy

REFERENCES:

1. Deputy Attorney General “Body Worn Camera Policy” Memorandum dated July 7, 2021.
2. Executive Order 14074, “Advancing Effective, Accountable Policing, and Criminal Justice Practices to Enhance Public Trust and Public Safety” requires that federal law enforcement agencies publicly post body-worn camera policies.

PURPOSE: This policy is disseminated to conform with the requirements of the above references.

POLICY: Special agents of the U.S. Government Publishing Office (GPO) – Office of the Inspector General (OIG) must wear and activate their body-worn cameras to record their actions during the tactical portion of enforcement operations (i.e., arrest and search warrants) unless otherwise authorized. Body-worn cameras will also be used during other enforcement operations where the use of a body-worn camera is appropriate for the proper performance of official duties and where recording is consistent with OIG policy and the law. Lastly, body-worn cameras will be deployed when, based on the training and experience of the special agent, a situation could lead to the use of force or where it may be prudent to record their interactions (e.g., for transparency).

I. BACKGROUND

A. Policy Development

This policy addresses the GPO OIG Office of Investigations (INV) body-worn camera program that is currently in development.

Parts of this policy are contingent on the availability of GPO OIG-issued body-worn cameras (BWC) for GPO OIG special agents. This policy, mandating the use of a BWC, applies to all GPO OIG special agents who are issued a BWC.

This policy will fully take effect upon the acquisition of body-worn camera equipment, the training of GPO OIG special agents in the use of that equipment, and the development and deployment of the GPO OIG BWC program.

B. Importance of Body-Worn Cameras to Increase Policing Transparency

BWCs can improve public trust, transparency, and accountability where the use of force can be reasonably anticipated during planned law enforcement operations by GPO OIG special agents. Additionally, BWCs also provide an additional layer of safety for GPO OIG special agents.

These devices document contact between GPO OIG special agents and others during planned law enforcement operations, which can help resolve complaints made against a special agent and protect the special agent from inaccurate allegations of misconduct.

C. Body-Worn Camera Policy Relationship to Other Office of Investigations Policies

BWCs may record things that a special agent did not see, hear, or perceive in a real-time interaction. However, BWC recordings are also limited by what the camera can perceive, and a special agent may have heard or seen things not recorded by the BWC. This policy does not supersede existing OIG policies for the collection of evidence, conducting interviews, or investigative technique policies, including the GPO OIG Use of Force policy.

D. Definitions

In this policy, a BWC is a GPO OIG-provided device used to record video and audio of interactions between GPO OIG special agents and other individuals, where the use of force may reasonably occur. The video and audio recorded by a body-worn camera and stored by the GPO OIG, according to this policy, are for use by law enforcement to document GPO OIG law enforcement interactions and give transparency to law enforcement actions where the use of force may reasonably occur.

II. BODY-WORN CAMERA PROGRAM RESPONSIBILITY

The Assistant Inspector General for Investigations (AIGI) is responsible for the overall management and operation of the GPO OIG BWC program, including training in the proper use of BWCs, proper storage, security, and logging of BWC recordings. Also, includes the proper functioning of BWC equipment; evaluation of the quality of the recordings to ensure that SAs are properly operating BWCs in the manner intended by the program; and other responsibilities laid out in this chapter. The AIGI or their designee may assign a GPO OIG INV employee to be the BWC program coordinator.

Duties of the BWC program coordinator may include but are not limited to:

- Training or arranging training (in coordination with the training agent) on the use of BWCs. This is both to comply with any training requirements and ensure special agents know when to use their BWCs.
- Maintaining auditable logs of all BWC recordings.
- Periodic review or inspections of BWCs to ensure equipment is operating properly and special agents are using the devices appropriately and in accordance with this policy.

III. TRAINING FOR THE USE OF BODY-WORN CAMERAS

To ensure the proper use and operation of BWCs, as well as maintain compliance with privacy and civil liberties laws, OIG agents must establish and maintain proficiency and knowledge related to BWC deployment. Training for BWC deployment consists of three components:

1. Prior to deployment of BWCs, each OIG agent must complete an IG or designee-approved initial training module.

2. OIG agents must complete a semi-annual BWC familiarization module in conjunction with control tactics training or firearms training, to maintain proficiency in the use of BWCs and ensure continued functionality of the devices. If OIG agents are unable to complete the required scheduled training, they will raise the need for alternate training with their AIGI. The AIGI shall review and approve their alternate training.

3. OIG agents must receive a refresher module during OIG in-service training to ensure the proper use of the BWC, as well as compliance with privacy and civil liberties laws.

IV. BODY-WORN CAMERA EQUIPMENT

A. Use of Body-Worn Camera Equipment

Special agents shall protect and conserve Federal property, including the BWC and related equipment, and shall not use it for other than authorized activities. Special agents will exercise reasonable care when using BWCs and related equipment to ensure the proper functioning of the devices.

Special agents will ensure that the BWC is fully charged before deployment.

B. Types of Body-Worn Cameras Authorized for Use

The only type of BWC authorized for use by GPO OIG special agents conducting GPO OIG operations are BWCs provided by the GPO OIG.

Additionally, GPO OIG special agents must follow all policies and procedures related to the storage of audio and video captured by their BWCs, as detailed in this policy.

GPO OIG special agents are not authorized to use a personal owned BWC device.

C. Equipment Malfunctions

Special agents will notify their supervisor and the BWC program coordinator of any equipment malfunctions as soon as possible after discovering the malfunction.

D. Loss or Theft of Equipment

Special agents will notify their supervisor immediately, but no later than within 24 hours of the discovery of the loss or theft of a BWC.

Immediately thereafter, the supervisor will notify the AIGI and the BWC program coordinator of the loss or theft of a BWC.

V. FAILURE TO ACTIVATE A BODY-WORN CAMERA OR TERMINATION OF A BODY-WORN CAMERA RECORDING

Failure of a GPO OIG special agent to activate a BWC as directed or required by this policy may result in disciplinary action.

Unauthorized termination or inappropriate use of a BWC recording may result in disciplinary action.

Any misuse of a BWC, including for personal use, may result in disciplinary action.

VI. DEPLOYMENT, ACTIVATION, AND DEACTIVATION OF BODY-WORN CAMERAS

A. Circumstances Requiring the Use of Body-Worn Cameras

GPO OIG special agents must wear and activate their BWC to record their actions during the tactical portion of enforcement operations where the use of force is reasonably anticipated. This includes the planned execution of a search warrant or an arrest.

BWCs will be used during other enforcement operations where the use of a BWC is appropriate for the proper performance of official duties and where recording is consistent with INV policy and the law.

BWCs may be deployed when, based on the training and experience of the special agent, a situation could lead to the use of force or where it may be prudent to record their interactions (e.g., for transparency). GPO OIG special agents must request approval from their supervisor to deploy BWCs for this purpose.

B. Circumstances Prohibiting the Use of Body-Worn Cameras

BWCs will not be used for recording interviews or for only evidence collection purposes.

C. Activation of Body-Worn Cameras

GPO OIG special agents must activate their BWCs during planned law enforcement activities where a use of force may be reasonably anticipated, such as the planned execution of a search warrant or arrest.

The GPO OIG special agent leading an operation will inform all personnel participating in the enforcement operation and equipped with a BWC when to activate their BWCs. Activation will generally be when approaching the persons or premises that are the subject of the operation for preplanned arrests or searches.

If a GPO OIG special agent wearing a BWC encounters an individual who is uncooperative, violent, assaultive, or discussing criminal conduct that could (in the professional judgment of the special agent) lead to the use of force, the special agent should activate and record the encounter using the BWC as soon as it is safe and practicable.

In the interest of transparency and to ensure the integrity of the recordings, BWCs must remain activated until the activity is completed, unless the contact moves into an area restricted by this policy.

D. Exceptions to Activating Body-Worn Cameras During Required Law Enforcement Activities

GPO OIG special agents using BWCs will attempt to be mindful of locations where recording may be:

- Insensitive
- Inappropriate
- Prohibited.

Additionally, BWCs will not be used to record:

- Operational or law enforcement-sensitive communications with other law enforcement personnel.
- Undercover operations, including preplanned arrests or searches involving undercover employees or other covert personnel.
- The execution of search warrants or orders for records or data when said execution does not involve entry of a physical location (e.g., a search warrant for emails issued to Google or Microsoft).
- Searches of property lawfully in Government custody or control.
- INV workplaces.
- Routine activities unrelated to enforcement.
- Locations where individuals have a reasonable expectation of privacy and have not consented to the recording (e.g., restrooms and locker rooms).

A GPO OIG special agent requesting to record in one of these excepted places or situations can only do so if they receive express written permission from the GPO OIG AIGI.

Special agents are not expected to activate their cameras when it would be unsafe, impractical, or impossible to do so.

E. Deactivation of Body Worn Cameras

1. General Deactivation Statement

If, for any reason, a special agent deactivates a BWC, the special agent will verbally state the reason for the deactivation, the date, and the time **prior to deactivating the BWC.**

2. Permission to Deactivate a Body-Worn Camera (Planned Operations)

Special agents will only deactivate their BWC at the direction of an operation's lead GPO OIG special agent. An operation's lead GPO OIG special agent can direct other GPO OIG special agents to deactivate their BWCs, which will generally be when the site is safe and under law enforcement control.

Reasons for deactivation of a BWC include:

- Battery conservation, if authorized by an operation's lead GPO OIG special agent. (This does not negate the Section IV(A) requirement that all BWCs should be fully charged before a law enforcement operation.)
- For the GPO OIG special agent to obtain medical attention.
- For the GPO OIG special agent to attend to a non-law enforcement personal matter (e.g., using the restroom).
- The operation becomes restricted or exempted according to the recording policy (as described above).
- Those exceptions identified in Section VI(D).

VII. JOINT OPERATIONS

Prior to a joint operation using BWCs, the AIGI or their designee will discuss BWC deployment with the partner agency's team leader and/or team members. The discussions shall include briefing the partner agency on the GPO OIG BWC policy and reviewing the partner agency's BWC policy, if applicable. The lead on-site SA¹ overseeing the operation shall notify the AIGI, Counsel to the IG (CTIG), and the IG or designee, of any unresolved conflicts with any partner law enforcement agency regarding BWC deployment during the operation. Any deviation from the GPO BWC policy must be approved, in writing, by the AIGI.

Special care should be taken to resolve any issues related to undercover agents in partner agencies participating in joint operations. If SAs on the scene are not able to take measures to avoid recording the identity of the undercover agent(s), the lead on-site SA will inform the AIGI and note this occurrence in the MOA memorializing the operation. The AIGI will coordinate with the CTIG and relevant partner agencies on what steps should be taken to redact any images and voice recordings of any undercover agents.

The SA will document these discussions in the GPO OIG Operational Plan, or, in cases where another agency is drafting the Operational Plan, these discussions shall be documented in a

¹ In this chapter, "lead on-site SA" refers to the GPO OIG lead SA for the relevant enforcement operation.

separate MOA.

VIII. DOCUMENTING THE USE OF BODY-WORN CAMERAS

A. Documentation in the Investigative Tracking System

After the conclusion of a law enforcement activity or operation where a special agent used a BWC to make a recording, the case agent will document the usage in a Memorandum of Activity (MOA).

The MOA will follow the relevant timeliness guidelines for MOA outlined in the GPO OIG Investigations Division Policies and Procedures Handbook, Section 6.6.1 “Memorandum of Interview (MOI) and Memorandum of Activity (MOA)”.

B. Contents of Body-Worn Camera Recording Memorandums of Activity

An MOA documenting the use of a BWC will include:

- Names of the team members (e.g., the GPO OIG special agents) participating in the operation, activity, or incident.
- Whether all special agents wore BWCs during the operation, activity, or incident.
- Whether all BWCs were activated prior to the operation, activity, or incident.
- If any BWCs malfunctioned or were inoperable during the activity, operation, or incident.
- If any BWCs were not activated prior to or during the activity, operation, or incident.
- If any BWCs were turned off during the activity, operation, or incident.
- If any BWC recordings were interrupted or terminated during the activity, operation, or incident.

C. Documentation of Failure to Activate Body-Worn Camera

If a GPO OIG special agent fails to activate their body-worn camera, fails to record an entire operation, activity or incident that should be recorded according to this policy, or interrupts the recording, the special agent will document in the MOA why the recording was not made, interrupted, or terminated.

IX. DOWNLOAD AND STORAGE OF BODY-WORN CAMERA RECORDINGS

The download and storage of BWC recordings are governed by the technological solutions and environment of the GPO OIG’s BWC program.

All BWC recordings will be downloaded as soon as possible, usually within 24 hours, and securely saved for storage as appropriate and according to records retention policies in this document.

Each BWC recording will have an associated date and time of recording, recording identifier,

and an identified lead or case agent.

X. RECORDS RETENTION

A. Recordings Associated with Use of Force Incidents and Complaints or Allegations Against GPO OIG Special Agents

BWC recordings associated with use-of-force incidents that involve GPO OIG special agents or complaints or allegations that involve GPO OIG special agents will be retained as evidence and retained according to section 6.5 of the GPO OIG Investigations Division Policies and Procedures Handbook (“Collecting Evidence”), in consultation with the CTIG, and as directed by the AIGI, a Federal or State prosecutor, or another investigating agency.

B. Recordings Not Associated with Complaints or Allegations

BWC recordings that are not associated with complaints, allegations, or use of force incidents involving GPO OIG special agents or staff will be retained in compliance with records retention requirements following case closure unless a request is provided in writing to the BWC program coordinator through the AIGI or their designee.

XI. BODY-WORN CAMERA RECORDINGS

GPO OIG BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of GPO OIG.

Special agents will not edit, alter, erase, duplicate, copy, share, or otherwise release, disclose, or distribute any BWC recording in any manner without prior written authorization from the AIGI or their designee.

Unauthorized access, copying, or release of BWC recordings or files is prohibited and may result in disciplinary action.

XII. DELETING RECORDINGS

Any request to delete a portion or portions of a recording (for example, in the case of an accidental recording) must be submitted in writing. The request will include the specific reason for requesting the recording be deleted.

The IG or designee, and the AIGI in consultation with the CTIG must approve all deletion requests in writing. A memorandum will authorize the deletion or explain the reasons for not approving the deletion request. The memorandum will be filed in the appropriate INV case file.

The BWC program coordinator may delete the recording only after receiving an approved memorandum authorizing the deletion.

XIII. ACCESS AND REVIEW OF BODY-WORN CAMERA RECORDINGS

A. Prohibited Reviews of Body-Worn Camera Recordings

Viewing of BWC recordings at the scene of an incident is prohibited.

B. Permitted Reviews of Body-Worn Camera Recordings

GPO OIG special agents are entitled to access the audio and video derived from their issued BWC recording when it is reasonable and necessary for the special agent to access the BWC recording to perform essential functions of their job. This includes but is not limited to a review necessary to create an MOA describing a recorded operation.

A GPO OIG special agent may also access BWC recordings when necessary to respond to allegations of administrative or criminal misconduct related to the recorded enforcement activity, **with the following limitations:**

1. Administrative investigation of a special agent's conduct related to a recorded enforcement activity.

When a special agent is subject to an administrative investigation related to a recorded enforcement activity, the special agent may review a copy of their BWC recording prior to being interviewed (by either GPO OIG INV personnel or non-OIG personnel) about allegations related to the special agent's conduct.

The special agent may review a copy of their BWC footage with their attorney or other representative.

The special agent, the special agent's attorney, or other representative for the special agent will not be permitted to make or take a copy of the recording.

2. Following a Use of Force incident (including the discharge of a firearm)

All OIG agent-involved shootings (AIS) or other uses of force (including deadly force) should be treated as being under criminal investigation unless and until the applicable federal, state, or local prosecution office(s) has declined prosecution in writing. As soon as practicable after any such incident, the involved OIG agent should be informed by his or her supervisor that he or she should not discuss the incident with anyone during the pendency of any preliminary investigation other than a personal or agency attorney, association representative, or agency investigator until the conclusion of the preliminary investigation.

The involved OIG agent(s) and any other OIG agent(s) who witnessed the AIS or use of force must provide their BWCs to the on-scene supervisor. If the on-scene supervisor is involved or witnesses the AIS or use of force, the BWCs must be provided to the next senior OIG agent on the scene. The AIGI will upload the videos from all of the BWCs collected in accordance with this

policy. The involved SA(s) and any other law enforcement who witnessed the SA-involved shooting or use of force shall not be permitted to view their BWC recording without the concurrence of the assigned prosecutor.

C. Internal Investigations

GPO OIG special agents who are conducting an official internal investigation of another GPO OIG special agent may request permission to review BWC recordings.

The investigating special agents must request permission to review the subject special agent's BWC recording in a memorandum to the AIGI. The memorandum will state the reason for the request and will be filed in the appropriate case file.

D. Access and Review of Body-Worn Camera Recordings

All instances where access to a recording is granted will be audited to ensure that only authorized persons are accessing the data for legitimate and authorized purposes.

Any requests to review BWC recordings—except for permitted reviews as specifically stated elsewhere in this policy (for example, a special agent may review their BWC footage to write an MOA)—must be made in a memorandum to the AIGI. The request must state the reasons for requesting to review the recording.

E. Training

BWC recordings may be used for training purposes. BWC recordings associated with normal training exercises (i.e., no injuries) will be deleted after the appropriate instructor (firearms instructor, use of force instructor, etc.) reviews the recordings for teachable scenarios and confirms it is acceptable to delete the recordings. If a teachable scenario is found, and the recorded personnel consent, the AIGI will obtain the written permission of any personnel whose recordings or images are or would be depicted in any training videos or materials.

F. Supervisory Reviews of Body-Worn Camera Recordings

1. Permitted Review for After-Action Debrief and Training

Supervisors are permitted to view BWC recordings to conduct an “after-action debrief” and for training purposes as described elsewhere in this policy.

Requests to review BWC recordings for this purpose require the written approval of the AIGI. The supervisor will document the request in a memorandum that states the reason for the review.

2. Prohibited

Generally, with the exception of a supervisor's “after-action debrief” referenced above,

BWC recordings will not be reviewed or used solely for the purpose of evaluating a GPO OIG special agent's performance during an operation. A supervisor may request an exception to this prohibition by submitting a request in writing to the AIGI, who will obtain guidance from the CTIG.

BWC recordings will not be reviewed solely for conducting performance appraisals.

XIV. DISCLOSURE OF BODY-WORN CAMERA RECORDINGS

All requests for disclosure of BWC recordings or related information will be forwarded to the AIGI. As GPO OIG does not currently have its own regulation regarding the disclosure of information, requests for recordings will be considered by applying the standards set forth in 36 CFR Part 703, *Disclosure or Production of Records or Information*, or LCR 5-820, *LC FOIA – Availability of Library of Congress Records*.²

The AIGI and the BWC program coordinator will prioritize and expedite the review of all requests for BWC recordings that involve the serious bodily harm, injury, or death of any individual.

In all instances, BWC recordings will be treated as law enforcement sensitive information. The premature disclosure of law enforcement sensitive information could reasonably be expected to interfere with enforcement proceedings.

BWC recordings will also be treated as potential evidence in a Federal investigation, subject to applicable Federal laws, rules, and policies concerning any such disclosure, and therefore deemed privileged, absent appropriate redaction prior to disclosure.

Nothing in this policy will be deemed to provide a right of public access to BWC recordings. BWC recordings are controlled by and are the property of the GPO OIG and will be retained and managed by the GPO OIG INV.

A. Third-party Requests and Redacting Recordings

Any third-party requests, including agency requests, for the disclosure/release of BWC recordings and associated information must be made through the AIGI, in consultation with the CTIG, and approved by the IG or their designee as follows:

1. The AIGI will review all BWC footage proposed for release and recommend which parts to release and which parts to redact, along with the relevant justifications. The AIGI will provide a complete copy of the BWC recording to the CTIG with the suggested redactions and justifications in writing.
2. The CTIG will review the suggested redactions and justifications and provide comments and/or concurrence to the AIGI.

² The Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552(a), do not apply to GPO OIG.

3. Upon concurrence from the CTIG, the AIGI will forward to the IG (or designee) for approval.
4. Upon approval, INV will use redaction software to redact the BWC recording. The AIGI will return the redacted BWC recording to the CTIG for response to the requester.

B. Other Redactions:

In any situation where BWCs record content that should not be shared because of any law enforcement sensitivities or privacy concerns, which could include recordings of undercover personnel, confidential sources, sensitive investigative techniques or equipment, minors, injured or incapacitated individuals or sensitive locations such as restrooms, locker rooms, or medical facilities, the AIGI, in consultation with the CTIG, should instruct INV personnel to use redaction software to blur images or portions of images or minimize audio content when making copies of BWC recordings for disclosure.

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