



OFFICE OF INSPECTOR GENERAL

U.S. Agency for International Development

BODY WORN CAMERA PROGRAM

Body Worn Camera (BWC) Program

The BWC program will be operated by the Digital Forensics and Investigative Technology (DFIT) Division and the DFIT Division Special Agent in Charge (SAC) is responsible for the overall management of the program. The DFIT SAC, or his/her designee will act as the BWC Program Manager. Among other duties, the BWC Program Manager will periodically review BWC recordings to evaluate the quality of the audio and video recorded to ensure that special agents are properly operating BWCs in the manner intended by this program.

Joint Operations

When conducting enforcement operations with a partner law enforcement agency that will deploy BWCs during the operation, Office of the Inspector General/Investigations (OIG/I) special agents will comply with this policy. The section hereafter applies to both OIG-led enforcement operations and other agency-led enforcement operations.

Prior to an operation using BWCs, the SAC overseeing the operation shall notify the Assistant Inspector General/Investigations (AIG/I) or their designee, who will then notify the General Counsel (GC), the Deputy Inspector General (DIG), or the Inspector General (IG) of any unresolved conflicts with any partner law enforcement agency regarding BWC deployment during the operation.

Pre-Operation Planning and Briefing

Prior to conducting an enforcement operation, the Assistant Special Agent in Charge (ASAC) or other designee (hereinafter referred to collectively as “On Scene Supervisor”) will conduct a briefing regarding the planned use of BWCs. The briefing shall include, if applicable, a discussion of any steps that can be taken to avoid recording undercover personnel or confidential informants or sources. All special agents who are issued BWCs and who are expected to activate them during an operation must receive the operation briefing. Prior to the execution of a search warrant or arrest warrant, the On Scene Supervisor will also brief all members of the search or arrest team as required.

- A. When conducting an OIG/I-led enforcement operation with a partner law enforcement agency, the On Scene Supervisor shall discuss BWC deployment during the joint operation with the partner agency’s team leader and/or team members, prior to the enforcement operation. The discussions shall include briefing the partner agency on

the OIG BWC policy and reviewing the partner agency's BWC policy, if applicable. Special care should be taken to resolve any issues related to undercover agents. The OIG/I case agent will document these discussions on the OIG/I Operational Plan.

- B. When OIG/I is not the lead on an enforcement operation with a partner law enforcement agency, the On Scene Supervisor will brief the partner agency's team leader and/or team members of the OIG/I BWC policy prior to the operation. Special care should be taken to resolve any issues related to undercover agents involved with the enforcement operation. The OIG/I case agent will document these discussions on the OIG/I Operation Plan or, in the case where the other agency is drafting the Operation Plan, these discussions should be documented in a separate Investigative Activity Report.

The SAC overseeing the operation shall be notified immediately of any unresolved conflicts with any partner agency related to BWC deployment. If the SAC is unable to resolve the conflicts, the AIG/I or their designee should be notified immediately.

Deployment of BWCs for Enforcement Operations

OIG/I special agents shall wear and activate their issued BWCs for the purposes of recording their actions during the tactical portion of enforcement operations where the use of force may reasonably be anticipated; such as the planned execution of a search warrant or arrest.

- A. At the direction of the On Scene Supervisor, BWCs shall be activated by all participating special agents upon approaching a subject or premises during an enforcement operation. If, while wearing a BWC pursuant to this policy, a special agent encounters an individual who is uncooperative, violent, assaultive, or discussing criminal conduct that in the special agent's judgement, consistent with his or her training and experience, could lead to use of physical or deadly force or be relevant to the investigation, the special agent should activate and record with their BWC as soon as it is safe and practical to do so, if it is not already activated/recording.
- B. BWCs shall be deactivated by special agents only at the direction of the On Scene Supervisor when, at his or her discretion, the scene is secured. For purposes of this policy, the term "secured" means that the scene is safe and under law enforcement control.
 - (1) Search Warrants. When executing a search warrant, the On Scene Supervisor may authorize special agents to deactivate their BWCs once the location to be searched has been secured and all subjects have been searched. The On Scene Supervisor will use his or her discretion to determine when team members conducting perimeter security during the execution of the warrant may stop recording.
 - (2) Planned Arrests. When executing an arrest warrant or arresting an individual

during the execution of a search warrant, the On Scene Supervisor may authorize the deactivation of most BWCs once he or she has determined the scene is secure and any arrestees are handcuffed and placed in the transport vehicle. However, at least one special agent shall remain with anyone arrested. While on the scene of an arrest, special agents must continue to wear their BWCs and leave them in the Ready (Buffering) or equivalent mode.

(3) Interviews. During one of the above enforcement operations, a BWC may be used to record any interview with an arrestee or detainee pursuant to the recorded interview policy in Criminal Investigations Manual (CIM) 12 or at Department of Justice Request (DOJ) request.

(4) Exceptions

- a. The On Scene Supervisor may authorize special agents to deactivate their BWCs if the enforcement operation is of such a duration that BWCs need to be deactivated to conserve power and/or for temporary storage.
- b. A special agent may deactivate his or her BWC at any time the agent needs to obtain emergency medical attention or needs to attend to a personal matter that takes him or her away from a planned operation, such as using the restroom.

The deployment of BWCs is not intended to replace existing OIG/I policy regarding interviews or other evidence collection.

Deviation from BWC Policy

- A. Pre-Approved Deviations. Any deviation from this policy must be approved, in writing, by the AIG/I or their designee, the GC, the DIG, or the IG, and if applicable, documented in the Operations Plan. Prior to the operation, policy deviations must be addressed in a decision memorandum from the OIG/I case agent to the AIG/I through the SAC overseeing the operation. Under exigent circumstances, an oral authorization may be given by the AIG/I or their designee but must be subsequently documented.
- B. Unplanned Deviations. Any deviation from this policy related to BWC activation or deactivation due to device malfunction, operator error, or other circumstances, shall be documented in a memorandum from the OIG/I case agent to the SAC overseeing the operation through the On Scene Supervisor. This memorandum shall address:
 - (1) Why the recording was not made;
 - (2) Why the recording was interrupted; and/or
 - (3) Why the recording was terminated.

Placement of BWC

If a tactical ballistic vest is worn, the BWC will be worn on the outside/front of the tactical ballistic vest. The vest will be worn over the special agent's clothing. In the event a BWC is deployed when a tactical ballistic vest is not worn, the BWC will be secured to the special agent's clothing, lanyard, or belt.

OIG/I special agents should ensure the BWC is not obstructed by clothing or other objects on the agent's person. Special agents should not alter tactically-sound principles to accommodate the BWC's visual recording, and special agents should remember to seek cover and concealment and use proper tactics to ensure their safety while wearing the BWC; even if doing so obstructs the BWC's coverage.

If an undercover agent participates in the operation and the OIG/I special agents on the scene are not able to take measures to avoid recording the identify of the undercover agent, the On Scene Supervisor will inform the BWC Program Manager and note this occurrence in the Investigative Activity Report (IAR) memorializing the operation. The BWC Program Manager will coordinate with the GC on what steps should be taken to redact any images and voice recordings of any undercover agents.

Storage of BWC Recordings

Storage of BWC recordings will be uploaded as soon as practical, usually within 24 hours, and stored on an OIG-approved network storage server, using the least privilege access model with access logging and reporting active. Access to the recordings will be controlled by the BWC Program Manager. Each file will contain all relevant metadata; such as the date and time of the recording, the name of the special agent who recorded it, and whenever possible the case name and number. An audit log will automatically be created and maintained that sets forth the history of recording, the date and time each recording is reviewed and the name of each reviewer.

Records Retention

BWC recordings will be securely stored according to OIG/I mandated procedures.

- A. BWC recordings that are not associated with the complaints or allegations made against OIG employees and do not contain information pertinent to the case being investigated will be deleted five (5) years following case closure unless a request is provided in writing to the BWC Program Manager through the AIG/I or their designee. OIG/I will also consult with GC. These recordings will be maintained in an OIG/I approved network storage server where they are initially uploaded.
- B. BWC recordings associated with information pertinent to the case being investigated, such as a spontaneous statement of a subject, witness, or law enforcement officer, will be kept with the casefile in accordance with OIG/I's case records retention policy and consistent with federal law.
- C. BWC recordings associated with use of force incidents involving OIG/I employees,

complaints or allegations made against OIG/I employees, or other investigations of OIG employees will be retained as directed by the AIG/I or their designee in consultation with GC.

- D. BWC recordings associated with normal training exercise (i.e., no injuries) will be deleted after the appropriate instructor (firearms instructor, control tactics instructor, use of force instructor, etc.) reviews the recordings for teachable scenarios and confirms it is acceptable to delete the recording. If a teachable scenario is found, the instructor will ask the special agents involved if they would like their faces redacted and/or voices changed from the recording before its use in future trainings. The BWC Program Manager will redact faces and change voices, as requested. The unredacted BWC recording will be deleted after all changes are made to the training video.

Restrictions on Use

Absent approval from the AIG/I, the DIG, or the IG, in consultation with any assigned prosecutor or the GC, BWCs shall not be used to record:

- A. In a detention facility, if the law enforcement operation is not taking place in the facility; or
- B. Personnel conducting activities involving classified information.

Redacting BWC Recordings

In any situation where BWCs record content that otherwise should not be shared because of the above restrictions or any other law enforcement sensitive 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 BWC Program Manager, in consultation with the GC or their designee, may use redaction software to blur images or portions of images, or minimize audio content, when making copies of BWC recordings for disclosure.

BWC Equipment

Special agents shall only use BWCs issued by the OIG/I and should exercise reasonable care when using BWCs to ensure their proper functioning. Special agents should ensure that the BWC is fully charged before and during its deployment. Special agents will notify the BWC Program Manager of any equipment malfunctions as soon as possible. The BWC Program Manager will establish the requisite training for special agents in the use and functionality of the BWC equipment.

Loss or Theft of Equipment

Special agents will report the loss or theft of a BWC to their immediate supervisor as soon as possible, but no later than 24 hours after the discovery of the loss or theft. The

immediate supervisor will notify the respective field division SAC and the BWC Program Manager.

BWC Recordings

The BWC equipment and all data, images, video, audio, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the OIG. No OIG personnel shall, edit, alter, erase, duplicate, copy, share, or otherwise release, disclose, or distribute in any manner, any BWC recordings, without prior written authorization from the AIG/I or their designee, the DIG, or the IG, in consultation with the GC. Special agents may review their own BWC recordings, subject to the restrictions below, but may not share their recordings with others.

- A. Requests for Disclosure of BWC Recordings. All requests for disclosure of BWC information shall be processed and coordinated through the BWC Program Manager, in consultation with the GC. If it is necessary to make redactions to the BWC footage, they will be made by the BWC Program Manager and reviewed by the GC or their designee prior to disclosure.
- B. Deleting Recordings. Any request to delete a portion or portions of the recordings (e.g., accidental recording) must be submitted via a memorandum from the special agent, through his or her supervisor and the SAC, and approved in writing by the AIG/I or their designee. The memorandum must state the reason(s) for the request to delete the recording. If the request is approved, the request memorandum and the written approval will be provided to the BWC Program Manager. The BWC Program Manager may delete the recording only after receiving the requested memorandum and written approval.
- C. Access and Review of BWC Recordings. Access to stored BWC recordings will be password protected, recorded automatically by the system software, and audited periodically by the BWC Program Manager to ensure that only authorized users access the recordings and associated data for legitimate and authorized purposes. All logins, video access and other actions taken in the system software is placed in an audit trail log that is reviewable by the BWC Program Manager and the BWC Program Manager's supervisor. This information may be discoverable and could be requested by the prosecution or the defense during court proceedings.
- D. A special agent may access BWC recordings when necessary to perform the essential functions of their job, including but not limited to such reviews necessary to draft and review an IAR describing the operation. A special agent may also access BWC recordings when necessary to respond to allegations of administrative or criminal misconduct or poor performance relating to the recorded enforcement activity, subject to the limitations of subsections (1) and (2) below.
 - (1) Reviews by Subjects. A special agent who is the subject of an administrative investigation relating to the recorded enforcement activity may review their own BWC recording prior to being interviewed by any OIG or non-OIG personnel investigative allegations about that special agent's conduct. The special agent may review their BWC recording with their attorney or other representative,

provided the attorney or representative signs a non-disclosure agreement. The special agent will not be permitted to make or take a copy of the recording.

- (2) **OIG/I Special Agent-Involved Shootings/Use of Force.** All special agent-involved shootings 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. As soon as practicable after any such incident, the involved special agent should be informed by their supervisor that they 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 special agent(s) and any other special agents who witnessed the agent-involved shooting or use of force should provide their BWCs to the On Scene Supervisor. If the On Scene Supervisor is involved or witnessed the agent-involved shooting or use of force, the BWCs should be provided to the next senior special agent on-scene. The On Scene Supervisor or other senior special agent should upload the videos from all the BWCs collected. The OIG/I agent(s) involved, and any other special agents who witnessed the agent-involved shooting or use of force shall not be permitted to view their BWC recording without the concurrence of the assigned prosecutor.
 - (3) **Internal Investigations.** Personnel conducting internal investigations may review BWC recordings in connection with such investigations. Requests to review a special agent's BWC recording for the purpose of this subsection shall be made in a memorandum to the AIG/I. The memorandum shall state the reason(s) for the request.
 - (4) **BWC Recordings Used for Training.** Access to those recordings will be coordinated through the BWC Program Manager. When necessary, the BWC Program Manager, in consultation OIG/I management and GC, will obtain the written permission of any OIG/I personnel whose recordings or images are depicted in any training videos.
- E. Supervisors may not use BWC recordings as evidence to support a negative performance appraisal. However, supervisors may view BWC recordings to conduct "after action debriefs" and for training purposes, as described above. Requests to review a special agent's BWC recordings for the purposes of this subsection shall be made in a memorandum to the AIG/I. The memorandum shall state the reason(s) for the request.

Treatment of BWC Recordings and Requests for Release

In all circumstances, BWC recordings shall be treated as law enforcement sensitive information (and treated as Limited Official Use); the premature disclosure of which 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. All requests for OIG/I BWC recordings unrelated to a pending criminal investigation or case will be forwarded to the GC, which is responsible for processing and responding to such requests. Nothing in this policy shall be deemed to provide a right of public access to BWC recordings. OIG/I BWC recordings are controlled by, and the property of, the OIG and will be retained and managed by the OIG.

Supervisory Responsibilities

Supervisors shall ensure that all special agents receive the required training on the use of BWCs in accordance with this policy.

Training

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

- A. Prior to deployment of BWCs, each special agent must complete an OIG/I-approved initial training module to ensure the proper use and operation of their issued BWC, as well as compliance with privacy and civil liberties law.
- B. Special 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 for the devices. If special agents are unable to complete the required scheduled training, they will raise the need for alternate training with their ASAC. The ASAC shall review and approve their alternate training.
- C. Special agents must receive a refresher module during the OIG/I annual in-service training to ensure the proper use of BWCs, as well as compliance with privacy and civil liberties laws.