



## Body Worn Camera Policies

This document contains the Department of Justice (DOJ) Office of the Inspector General's (OIG) body worn camera policies. We originally posted this document to the DOJ OIG's public website on July 18, 2022, in accordance with Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety." This document was updated on August 25, 2022, with the updated policy.

### Source: DOJ OIG, Inspector General Manual, Volume III, Chapter 236, Body Worn Camera Program, August 25, 2022

- 236.1 Policy. This chapter establishes policy and procedures governing the Department of Justice Office of the Inspector General (OIG) Body Worn Camera (BWC) program.
- 236.2 Scope. BWCs can build public trust by providing transparency and accountability in circumstances where the use of force may reasonably be anticipated during planned law enforcement operations. OIG agents do not engage in general policing or public patrol and do not routinely engage with the general public in response to emergency calls. Therefore, this policy focuses on the deployment of BWCs in planned law enforcement operations, where the use of force may reasonably be anticipated: such as the planned execution of a search warrant or arrest. While BWC recordings may enhance the Investigation Division's ability to obtain evidence for investigative and prosecutorial purposes, it should be noted that the recordings may depict things that the OIG agent did not see or hear, and/or the OIG agent may have heard or seen things that were not recorded by the BWC. While the recordings depict visual information from the scene, the human eye and brain are highly likely to perceive some things in stressful situations differently than how the camera records them. This policy does not supersede existing OIG policies or practices for the collection of evidence, conducting interviews, or the use of surreptitious recording devices in undercover operations.
- 236.3 Body Worn Camera Program Manager. The BWC program is managed by the BWC Program Manager, who is responsible for the overall management of the program. 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 OIG agents are properly operating BWCs in the manner intended by this program.
- 236.4 Joint Operations. When conducting enforcement operations with a partner law enforcement agency that will deploy BWCs during the operation, OIG agents will comply with OIG policy. This section applies to both OIG-led enforcement operations (see IGM III-236.5A) and other agency-led enforcement operations (see IGM III-235B).

Prior to an operation using BWCs, the Special Agent in Charge (SAC) overseeing the operation shall notify the Assistant Inspector General for Investigations (AIGI) or his or her designee, the General

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Counsel, the Deputy Inspector General, or the Inspector General of any unresolved conflicts with any partner law enforcement agency regarding BWC deployment during the operation.

Any deviation from the OIG BWC policy must be approved, in writing, by the AIGI or his or her designee, the General Counsel, the Deputy Inspector General, or the Inspector General, and documented in the Tactical Plan section of OIG Form III-207/10 (Operational Plan). Prior to the operation, policy deviations must be addressed in a decision memorandum from the OIG case agent to the AIGI through the SAC overseeing the operation. Under exigent circumstances, an oral authorization may be given by the AIGI or his/her designee, but must be subsequently documented.

236.5 Pre-Operation Planning and Briefing. Prior to conducting an enforcement operation, the Assistant Special Agent in Charge (ASAC), Senior Special Agent, 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 a discussion of any steps that can be taken to avoid recording undercover personnel or confidential informants or sources. All OIG 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 OIG On Scene Supervisor will also brief all members of the search or arrest team as required by IGM III-233.7A (Planning the Service of a Search Warrant) and IGM III-232.5 (Planning the Arrest).

- A. OIG-Led Enforcement Operations. When conducting an OIG-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 case agent will document these discussions on the OIG Operational Plan.
- B. Other Agency-Led Enforcement Operations. When the OIG is not the lead on an enforcement operation with a partner law enforcement agency, the OIG On Scene Supervisor will brief the partner agency's team leader and/or team members of the OIG BWC policy, prior to the enforcement operation. Special care should be taken to resolve any issues related to undercover agents involved with the enforcement operation. The OIG case agent will document these discussions on the OIG Operational Plan, or in cases where the other agency is drafting the Operational Plan, and not the OIG, these discussions should be documented in a separate Memorandum of Investigation (MOI).

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 AIGI or his or her designee should be notified immediately.

236.6 Deployment of BWCs for Enforcement Operations. OIG agents shall wear and activate OIG-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 an execution of a search warrant, or a pre-planned attempt to serve an arrest warrant or other pre-planned arrest.

- A. BWC Activation. Upon the direction of the OIG On Scene Supervisor, BWCs shall be activated by all participating OIG agents upon approaching a subject or premises during an enforcement operation. If, while wearing a BWC pursuant to this policy, an OIG agent encounters an individual who is uncooperative, violent, assaultive, or discussing criminal conduct that in the OIG 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 OIG agent should activate and record with his or her BWC as soon as it is safe and practical to do so.
- B. BWC Deactivation. BWCs shall be deactivated by OIG agents only upon the direction of the OIG On Scene Supervisor when the supervisor determines, at his or her discretion, the scene 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 OIG On Scene Supervisor may authorize OIG agents to deactivate their BWCs once the location or person to be searched has been secured and all individuals present have been secured and searched for officer safety reasons. The OIG 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 OIG 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, under IGM III-232.7E(3) at least one OIG agent shall remain with anyone arrested. While on the scene of an arrest and during prisoner transports from the scene of an arrest, OIG agents must continue to wear their BWCs and leave them in the Ready (Buffering) or equivalent mode. See procedures described in IGM III-232.8.
- (3) Interviews. During one of the above enforcement operations, a BWC may be used to record an interview.
- (4) Exceptions:
- (a) The OIG On Scene Supervisor may authorize OIG 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) An OIG 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.
- (c) If an OIG agent activates his or her BWC on his or her own in accordance with IGM III-236.6A and there is no On Scene Supervisor present, the OIG agent may deactivate his or her own BWC when it is safe and practical to do so.

236.7 Deviation from BWC Policy. Deviations from policy related to BWC activation or deactivation shall be handled as follows:

- A. Pre-Approved Deviations. Any deviation from the OIG BWC policy must be approved, in writing, by the AIGI or his or her designee, the General Counsel, the Deputy Inspector General, or the Inspector General, and if applicable, documented in the Tactical Plan section of the Operational Plan. Prior to the operation, policy deviations must be addressed in a decision memorandum from the OIG case agent to the AIGI through the SAC overseeing the operation.
- B. Unplanned Deviations. Any deviation from 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 case agent to the SAC overseeing the operation through the OIG On Scene Supervisor. The memorandum shall address:

- (1) Why the recording was not made;
- (2) Why the recording was interrupted; and/or
- (3) Why the recording was terminated.

236.8 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 tactical ballistic vest will be worn over the OIG 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 OIG agent's outer clothing, lanyard, or belt.

OIG agents should ensure the BWC is not obstructed by clothing or other objects on the agent's person. OIG agents should not alter tactically-sound principles to accommodate the BWC's visual recording. OIG 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 agents on the scene are not able to take measures to avoid recording the identity of the undercover agent, the OIG On Scene Supervisor will inform the BWC Program Manager and note this occurrence in the MOI memorializing the operation. The BWC Program Manager will coordinate with the General Counsel on what steps should be taken to redact any images and voice recordings of any undercover agents.

236.9 Deployment in Other Instances. The deployment of BWCs is not intended to replace existing OIG policy regarding interviews or other evidence collection.

236.10 Storage of BWC Recordings. BWC recordings will be uploaded as soon as possible, usually within 24 hours, and stored in an OIG-controlled cloud storage service, with any vendor access logged. 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 OIG 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 each recording, the date and time each recording is reviewed, and the name of each reviewer.

236.11 Records Retention. BWC recordings will be securely stored according to OIG-mandated procedures.

- A. BWC recordings that are not associated with 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 AIGI or their designee. These recordings will be maintained in an OIG-controlled cloud storage service where they are initially uploaded.
- B. BWC recordings associated with information pertinent to the case being investigated, such a spontaneous statement of a subject, witness, or law enforcement officer, will be kept with the case file in accordance with OIG's case records retention policy (IGM III-100 and IGM V-240) and consistent with federal law.
- C. BWC recordings associated with use of force incidents involving OIG employees, complaints or allegations made against OIG employees, or any other investigations of OIG employees, will be retained as directed by the AIGI or his or her designee in consultation with the General Counsel.
- D. BWC recordings associated with normal training exercises (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 OIG agent(s) 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.
- E. In situations where sensitive law enforcement information or high confidentiality impact level information is recorded with the BWCs, such as undercover personnel or confidential informants, the BWC Program Manager will generate a hash value for the recording, save a copy to a separate OIG-controlled storage location protected at a high impact level and designated for sensitive law enforcement information, verify the hash value match of the original recording and the copy, and then purge the original recording from evidence.com after receiving OGC approval.

236.12 Restrictions on Use. OIG agents equipped with BWCs should be mindful of locations where recording may be considered insensitive, inappropriate, or prohibited by privacy policies. BWCs shall only be used in conjunction with official law enforcement duties and not personal activities.

- A. Prohibited Use of BWCs. Absent approval from the AIGI, the Deputy Inspector General, or the Inspector General, in consultation with any assigned prosecutor or the General Counsel, BWCs shall not be used to record:
  - (1) in a detention facility, if the law enforcement operation is not taking place in the facility; or
  - (2) personnel conducting activities involving classified information.
- B. 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 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 BWC Program

Manager, in consultation with the General Counsel or his or her designee, may use redaction software to blur images or portions of images, or minimize audio content, when making copies of BWC recordings for disclosure.

236.13 BWC Equipment. OIG agents shall only use BWCs issued by the OIG. OIG agents should exercise reasonable care when using BWCs to ensure their proper functioning. OIG agents should ensure that the BWC is fully charged before and during its deployment.

OIG agents will notify the BWC Program Manager of any equipment malfunctions as soon as possible.

236.14 Loss or Theft of Equipment. OIG 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 shall notify the BWC Program Manager and the SAC.

236.15 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. Other than the BWC Program Manager or the BWC Program Manager's supervisor, 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 AIGI or his or her designee, the Deputy Inspector General, or the Inspector General, in consultation with the General Counsel. OIG agents may review their own BWC recordings and access BWC recordings associated with a case he or she is assigned to in order to perform the essential functions of his or her job, 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 according to the OIG BWC Procedures (BWC Procedures) found on the Investigations Hub, and should be coordinated through the BWC Program Manager, in consultation with the General Counsel, as described in the BWC Procedures. If it is necessary to make redactions to the BWC footage, they will be made by the BWC Program Manager and reviewed by the General Counsel or his or her 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 OIG agent, through his or her supervisor and the SAC, and approved in writing by the AIGI or his or her designee, the Deputy Inspector General, or the Inspector General, in consultation with the General Counsel. 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.

All requests and final decisions will be maintained by the BWC Program Manager. See Section 236.12.

- 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. The BWC Program Manager will note all requests to review recordings in the system software. This information may be discoverable and could be requested by the prosecution or the defense during court proceedings.

D. Permitted Reviews of BWC Recordings.

- (1) Permitted Reviews. An OIG agent may access BWC recordings associated with a case he or she is assigned to, including his or her own BWC recordings, in order to perform the essential functions of his or her job, including but not limited to such review necessary to draft and review an MOI describing an operation. An OIG agent may also access his or her own 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 (2) and (3) immediately below.
- (2) Reviews by Subjects. An OIG agent who is the subject of an administrative investigation relating to the recorded enforcement activity may review his or her own BWC recording prior to being interviewed by any OIG or non-OIG personnel investigating allegations about the OIG agent's conduct. The OIG agent may review his or her BWC recording with his or her attorney or other representative, provided the attorney or representative signs a non-disclosure agreement. The OIG agent will not be permitted to make or take a copy of the recording.
- (3) OIG Agent-Involved Shootings/Uses of Force. 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, and/or local prosecution office(s) has declined prosecution. 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. (See IGM III-300.6 A(5)f). The involved OIG agent(s) and any other OIG agent(s) who witnessed the AIS or use of force should provide their BWCs to the on-scene supervisor. If the on-scene supervisor is involved or witnessed the AIS or use of force, the BWCs should be provided to the next senior OIG agent on-scene. The on-scene supervisor or other senior OIG agent should upload the videos from all of the BWCs collected in accordance with 236.10. The involved OIG agent(s) and any other OIG agent(s) who witnessed the AIS or use of force shall not be permitted to view his or her BWC recording without the concurrence of the assigned prosecutor.
- (4) Internal Investigations. OIG personnel conducting internal investigations may review BWC recordings in connection with such investigations. Requests to review an OIG agent's BWC recordings for the purpose of this subsection shall be made in a memorandum to the AIGI. The memorandum shall state the reason(s) for the request.
- (5) Training. BWC recordings may be used for training purposes. Access to those recordings will be coordinated through the BWC Program Manager. When necessary, the BWC Program Manager, in consultation with the General Counsel, will obtain the written permission of any OIG personnel whose recordings or images are depicted in any training videos.

(6) Supervisory Review. INV supervisors may view BWC recordings to conduct “after action debriefs” and for situational awareness relating to an investigation where BWC or other recordings may be released outside of the OIG due to public interest, DOJ expedited release requirements, or pending or anticipated criminal or civil litigation. Nothing in this policy is intended to restrict the authority of the Inspector General, the Deputy Inspector General, the General Counsel, or their designees, to review recordings in the performance of their official duties. Requests to review an OIG agent’s BWC recordings for the purpose of this subsection shall be made in writing to the BWC Program Manager and shall state the reason(s) for the request.

E. Prohibited Uses of BWC Recordings. Supervisors may not use BWC recordings as evidence to support a negative performance appraisal.

236.16 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, under IGM I-222.5B and IGM III-100), 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 BWC recordings unrelated to a pending OIG criminal investigation or case will be forwarded to the Office of General Counsel, 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 BWC recordings are controlled by, and the property of, the OIG and will be retained and managed by the OIG.

236.17 Supervisory Responsibilities. Supervisors shall ensure that all OIG agents receive the required training on the use of BWCs in accordance with the policies in this chapter.

236.18 Training. 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 modules:

- A. Prior to deployment of BWCs, each OIG agent must complete an OIG-approved initial training module to ensure the proper use and operation of the BWC, as well as compliance with privacy and civil liberties laws. Additionally, each OIG agent must complete a practical training exercise utilizing BWCs prior to deployment of the BWC for an operation.
- B. 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 ASAC. The ASAC shall review and approve their alternate training.
- C. 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.



**Source: DOJ OIG, Inspector General Manual, Volume I, Chapter 032, OIG Public Affairs, § 032.9, July 8, 2022**

32.9 Expedited Public Release of OIG Body Worn Camera Recording(s). If OIG body worn camera (BWC) recording(s) depict conduct resulting in serious bodily injury or death of another, the OIG shall notify the United States Attorney as early as possible if it desires to publicly release the BWC recording(s). The OIG 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 OIG may immediately release the recording(s) with any agreed-upon redactions, giving as much advance notice as possible to the United States Attorney as to the time and manner of its release.