



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

U.S. Department of Education Office of Inspector General Body Worn Camera Policy

Purpose

In accordance with the May 25, 2022, [Executive Order 14074](#), “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety,” the U.S. Department of Education (Department) Office of Inspector General (OIG) has established the following policies and procedures for body worn cameras (BWCs). These policies comply and are consistent with the U.S. Department of Justice policy on [Body Worn Camera Policy](#) (dated June 7, 2021), and OIG policies and procedures.

Scope

BWCs can build public trust by providing transparency and accountability during planned law enforcement operations. 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. Although BWC recordings may enhance the OIG’s ability to obtain evidence for investigative and prosecutorial purposes, the recordings may depict things that the special agent did not see or hear, or the special agent may have heard or seen things that were not recorded by the BWC. Although 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 critical incidents, the collection of evidence, conducting interviews, or the use of surreptitious recording devices in undercover operations.

Responsibilities

Body Worn Camera Program Manager

The BWC program manager is responsible for the overall management of the program.

Supervisors

Special Agents in Charge (SACs) and Assistant Special Agents in Charge (ASACs) will ensure all special agents receive the required training on the use of BWCs in accordance with required policies and procedures.

Special Agent

Special agents are responsible for understanding and complying with all OIG policy associated with BWC.

Legal Services

OIG Legal Services is responsible for public release activities and governmental disclosures in coordination with the BWC program manager.

Definitions

Planned Enforcement Operation

OIG planned enforcement operations, such as arrests.

Team Leader

An ASAC or a special agent designated by a supervisor to lead a planned enforcement operation.

Use of Force Critical Incident

Critical incidents involving use of force.

Ready (Buffering Mode)

A BWC mode that occurs when the camera is turned on, but not activated to record by the agent. When the special agent activates the camera to record, the buffering mode will have captured up to 30 seconds of video (no audio) before the recording was activated.

Digital Evidence Management System (DEMS)

A cloud-based system that stores BWC recordings. The DEMS limits access and provides retention policy tagging. Items stored in DEMS are not necessarily evidence, but the systems preserve items in a manner (e.g., chain of custody) compliant with the Federal rules of evidence.

OIG Procedures

These procedures provide standard operating procedures for the documentation, execution, and maintenance of the BWC program.

In Writing

Unless otherwise specified, in writing means documented in an email, memorandum, or an approved 301a Memorandum of Investigative Activity. If the documentation or approval is not case related, the BWC program manager must maintain the documentation as part of the BWC program. If the documentation is case related, it must be maintained in the investigative case file.

Planned Enforcement Operations

Pre-Operation Planning and Briefing

Prior to conducting a planned enforcement operation, the operation team leader will conduct a briefing on the planned use of BWCs. All special agents who are issued BWCs and who are expected to activate them during an operation must receive the operation briefing. The briefing shall include a discussion of any steps that can be taken to avoid recording undercover personnel or confidential informants or sources.

Prior to the execution of a planned enforcement operation, the team leader will also brief all members of the planned enforcement operation team. The OIG's policy will always be observed by agents during joint operations.

- **OIG-Led Enforcement Operations.** When conducting an OIG-led enforcement operation with a partner law enforcement agency, the team leader 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 special agents.
- **Other Agency-Led Enforcement Operations.** When the OIG is not the lead on an enforcement operation with a partner law enforcement agency, the team leader will brief the partner agency's team leader and/or team members on 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.
- **Supervisor.** The supervisor overseeing the operation shall be notified immediately of any unresolved conflicts with any partner agency related to BWC deployment. If the supervisor is unable to resolve the conflicts, the Assistant Inspector General for Investigation Services (AIGI) or their designee should be notified immediately.

Deployment of BWCs for Planned Enforcement Operations

Special agents shall wear and activate OIG-issued BWCs for the purposes of recording their actions during the tactical portion of planned enforcement operations where the use of force is reasonably anticipated, such as the planned execution of a search warrant or arrest.

- **BWC Activation.** Upon the direction of the team leader and while approaching a subject or premises during an enforcement operation, all participating special agents shall activate their BWC. If at any time a special agent encounters an individual who is uncooperative, violent, or assaultive, could lead to use of physical or deadly force the special agent should activate and record with their BWC as soon as it is safe and practical to do so.
- **BWC Deactivation.** Special agents shall deactivate BWC only upon the direction of the team leader when they determine, at their discretion, that the scene is secured. For

purposes of this policy, the term “secured” means that the scene is safe and under law enforcement control.

- Search Warrants. When executing a search warrant, the team leader may authorize special agents to deactivate their BWCs once the location to be searched has been secured and all subjects have been searched. The team leader will use their discretion to determine when special agents conducting perimeter security during the execution of the warrant may stop recording.
- Planned Arrests. When executing an arrest warrant or arresting an individual during the execution of a search warrant, the team leader may authorize the deactivation of most BWCs once they have determined the scene is secure and arrestees are handcuffed and placed in the transport vehicle. However, at least one special agent shall remain with arrestee(s). While on the scene of an arrest and during prisoner transports from the scene of an arrest, special agents must continue to wear their BWCs and leave them in the Ready (buffering) or equivalent mode.
- Exceptions
 - The team leader may authorize special agents to deactivate their BWCs if the enforcement operation long enough that BWCs need to be deactivated to conserve power and/or for temporary storage.
 - An OIG agent may deactivate their BWC at any time when they need to obtain emergency medical attention or attend to a personal matter that takes them away from a planned operation, such as using the restroom.

Interviews

During planned operations, agents may use their BWC to record an interview in accordance with OIG policy.

Placement of BWC

If a tactical ballistic vest is worn, agents will wear the BWC on the outside/or front of the tactical ballistic vest.

If a tactical ballistic vest is not worn, agents will secure the BWC on their outer clothing, lanyard, or belt.

Undercover Agents

If an undercover agent participates in the operation and the special agents on the scene are not able to take measures to avoid recording the identity of the undercover agent, the team leader will inform the BWC program manager, who will annotate the need for redaction in DEMS. The BWC program manager will coordinate with Legal Services on what steps to take to redact any images and voice recordings of undercover agents when deemed appropriate..

Joint Operations

When conducting planned enforcement operations with a partner law enforcement agency that will deploy BWCs during the operation, special agents will comply with OIG policy. This section applies to both OIG-led enforcement operations and other agency-led enforcement operations.

Prior to an operation using BWCs, the SAC overseeing the operation will notify the AIGI of any unresolved conflicts with partner law enforcement agencies regarding BWC deployment during the operation.

Deviations

Deviations from policy in OIG-led or joint operations shall be handled as follows:

- Pre-Approved Deviations. Any deviation from the OIG BWC policy must be approved, in writing, through the SAC and approved by the AIGI.
- Unplanned Deviations. Any known deviation from policy related to BWC activation or deactivation due to device malfunction, operator error, or other circumstances, must be documented in writing by the team leader and routed to the SAC and AIGI.

Storage and Retention of BWC Recordings

Storage of Records

As soon as possible, usually within 24 hours, will upload BWC recordings related to planned enforcement operations to DEMS. BWC program manager will control access to the recordings. 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. DEMS will automatically create and maintain an audit log that sets forth the history of each recording, the date and time each recording is reviewed, and the name of each reviewer.

Records Retention

BWC recordings are securely stored according to OIG Procedures and in accordance with records schedules.

- All BWC recordings are retained according to the Department's records schedule. These recordings are maintained in an OIG-controlled DEMS. Recordings are organized, retrieved by case number, and tagged with appropriate retention schedule. The recordings should not be maintained in the Case Management System.
- BWC recordings associated with information pertinent to the case being investigated, such an interview, or a spontaneous statement from a subject, witness, or law enforcement officer, should be documented according to established policy and maintained in DEMS.
- OIG employees should not use BWCs during law enforcement training beyond training and familiarization with the camera. BWC recordings associated with camera training and familiarization will be deleted after the appropriate instructor reviews the recordings for teachable scenarios and confirms that it is acceptable to delete the recording.
- In situations where sensitive law enforcement information is recorded with the BWCs, such as undercover personnel or confidential informants, the BWC program manager

will generate a hash value¹ 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 receive approval from Legal Services before purging the original recording from cloud storage service.

BWC Equipment

Special agents shall only use BWCs issued by the OIG. Special agents should exercise reasonable care when using BWCs to ensure their proper functioning and ensure that the BWC is fully charged before and during its deployment. Special agents will notify the BWC Program Manager of any lost or damaged equipment in accordance with OIG policy or if any equipment malfunctions as soon as possible.

BWC Recordings

The BWC equipment and all data, images, video, audio, and metadata that is 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 through the SAC and from the AIGI. Special agents may review their BWC recordings, subject to the restrictions below, but may not share their recordings with others.

Requests for Disclosure of BWC Recordings

All requests for disclosure of BWC information shall be processed in accordance with policies established herein and should be coordinated through the BWC Program manager, in consultation with Legal Services.

Redacting BWC Recordings

In any situation where BWCs record content that otherwise should not be shared because of 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 Legal Services, may use redaction software to blur images or portions of images, or to minimize audio content, when making copies of BWC recordings for disclosure.

¹ A hash value is a unique numerical value generated by a cryptographic algorithm that identifies the content of the file

Deleting Recordings

Any request to delete a portion or portions of the recordings (e.g., accidental recording) must be submitted in writing from the special agent, through their supervisor and the SAC, and approved in writing by the AIGI or their designee. The request must state the reason(s) to delete the recording. If the request is approved, the request and approval will be provided to the BWC Program manager. The BWC Program manager may delete the recording only after receiving the approval. All requests and final decisions will be maintained by the BWC Program manager.

Access a of BWC Recordings

Access to stored BWC recordings is protected, recorded automatically by the DEMS, 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 DEMS are 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.

Permitted Reviews of BWC Recordings

- Permitted Reviews. A special agent may access BWC recordings when necessary to perform the essential functions of their job, including but not limited to such review necessary to draft and review a memorandum of activity describing an 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 immediately below.
- 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 investigating allegations about the special agent's conduct. The special agent may review their BWC recording with their attorney or another 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 without making a request to the BWC Program manager with approval from the AIGI.
- Use of Force Critical Incidents. The OIG will follow established policy related to special agents making official statements about a use of force incident. The involved special agent(s) and any other special agent(s) who witnessed the use of force critical incident should provide their BWCs to the team leader. If the team leader is involved or witnessed the use of force critical incident or use of force, the BWCs should be provided to the next senior agent on-scene. The team leader or other senior special agent should upload the videos all the BWCs collected. The involved special agent(s) and any other special agent(s) who witnessed the use of force critical incident shall not be permitted to view their BWC recording without the concurrence of the appropriate law enforcement authority or prosecutor having jurisdiction over the incident. Special

agents will not be allowed to view records of other agents involved in the use of force critical incident.

- Post Incident Reviews. OIG Quality and Integrity Group (QIG) personnel conducting post incident reviews may review BWC recordings in connection with such reviews. Requests to review a special agent's BWC recordings for the purpose of this subsection shall be made in writing to the Inspector General (IG) or Deputy Inspector General (DIG). The written request shall state the reason(s) for the request.
- Internal Investigations. QIG personnel conducting internal investigations may review BWC recordings in connection with such investigations. Requests to review a special agent's BWC recordings for the purpose of this subsection shall be made in writing to the IG or DIG. The written request shall state the reason for the request.
- After Action Training. Operational 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 Legal Services, will obtain the written permission of any OIG personnel whose recordings or images are depicted in any operational videos. If personnel do not consent, then the video, regardless of redaction capabilities, will not be used.

Prohibited Uses of BWC Recordings

- Supervisors may not use BWC recordings as evidence to support a negative performance appraisal. Supervisors may view BWC recordings to conduct "after action debriefs" and for training purposes, as described herein. Requests to review a special agent's BWC recordings for the purpose of this subsection shall be made in writing to the AIGI. The memorandum shall state the reason for the request.
- Personal Use. BWCs can only be used in conjunction with official law enforcement duties and not personal activities.

Training

All special agents will complete initial and annual recurring training to establish and maintain proficiency and knowledge related to BWC deployment, use and operation, as well as compliance with privacy and civil liberties laws.

Treatment of BWC Recordings and Requests for Release

In all circumstances, BWC recordings shall be treated as law enforcement sensitive information 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 will be forwarded to Legal Services, 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.

Expedited Public Release of Recordings

If OIG BWC recording(s) depict a use of force critical incident resulting in serious bodily injury or death of another, the OIG shall notify the prosecuting entity (e.g., State or local prosecutor or U.S. Attorney) as early as possible if it desires to publicly release the BWC recording(s). The OIG and the prosecuting entity 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 prosecuting entity as to the time and manner of its release.

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