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903.00 BODY WORN CAMERA PROGRAM

903.01 Policy

This chapter establishes policy and procedures governing the General Services Administration (GSA) Office of Inspector General (OIG) Body Worn Camera (BWC) program. GSA OIG Office of Investigations personnel are required to comply with this policy. This policy does not supersede existing GSA OIG policies or practices for the collection of evidence, conducting or recording interviews, or the use of surreptitious recording devices in undercover operations.

903.02 Overview

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. GSA OIG Special Agents (SAs) 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 GSA OIG's ability to obtain evidence for investigative and prosecutorial purposes, the recordings may depict things that the SA did not see or hear, and the SA 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 likely to perceive some things in stressful situations differently than how the camera records them.

903.03 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 SAs are properly operating BWCs in the manner intended by this program.

903.04 Joint Operations

When conducting enforcement operations with a partner law enforcement agency that will deploy BWCs during the operation, GSA OIG SAs will comply with GSA OIG policy. Any deviation from this policy will be handled in accordance with section 903.09.

The Special Agent in Charge (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 Assistant Inspector General for Investigations (AIGI) or Deputy Inspector General for Investigations (DAIGI) should be notified immediately.

903.05 Pre-Operation Planning and Briefing

Prior to conducting an enforcement operation, the SAC, 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, confidential informants, or sources. All SAs who are issued BWCs and who are expected to activate them during an operation must receive the operation briefing.

1. **GSA OIG-Led Enforcement Operations.** When conducting a GSA 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 GSA OIG BWC policy and reviewing the partner agency’s BWC policy, if applicable. Special care should be taken to resolve any conflicts with any partner agency related to BWC deployment, particularly any issues related to undercover agents. These discussions will be documented in the case file and may be memorialized in the GSA OIG Operation Plan (Figure 917-01) or a Memorandum of Activity (MOA).
2. **Other Agency-Led Enforcement Operations.** When GSA OIG is not the lead on an enforcement operation with a partner law enforcement agency, the GSA OIG On Scene Supervisor will brief the partner agency’s team leader and/or team members of the GSA OIG BWC policy, prior to the enforcement operation. Special care should be taken to resolve any conflicts with any partner agency related to BWC deployment, particularly any issues related to undercover agents. For joint operations where only one GSA OIG SA is present, this SA will be considered the GSA OIG On Scene Supervisor. These briefing discussions will be documented in the case file and may be memorialized in the GSA OIG Operation Plan (Figure 917-01) or an MOA.

903.06 Deployment of BWCs for Enforcement Operations

SAs shall wear and activate GSA 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 the planned execution of a search warrant or arrest. While transporting prisoners, SAs will wear BWCs and keep them in “Ready” (buffering) mode; they will activate their BWC in accordance with 903.07. BWCs may be used to record the interview of an arrestee or detainee.

BWCs may also be used during the following situations with SAC approval:

- Other enforcement operations where the use of force is reasonably anticipated;
- Non-custodial interviews when requested by the assigned prosecutor or when additional factors exist to warrant a video recording; or
- In other situations when it is prudent for an SA to record their interactions (e.g., for transparency).

903.07 BWC Activation

Upon the direction of the On Scene Supervisor, BWCs shall be activated by all participating GSA OIG SAs upon approaching a subject or premises during an enforcement operation. If, while wearing a BWC, an SA encounters an individual who is uncooperative, violent, assaultive, or discussing criminal conduct that in the SA's judgment could lead to use of physical or deadly force or be relevant to the investigation, the SA should activate and record with his or her BWC as soon as it is safe and practical to do so.

903.08 BWC Deactivation

Once the On Scene Supervisor determines, at his or her discretion, the scene is secured, he or she will instruct SAs to deactivate their BWCs. For purposes of this policy, the term "secured" means that the scene is safe and under law enforcement control. The On Scene Supervisor may instruct SAs providing perimeter security to continue recording after the scene is secured. SAs who remain with arrested individuals will continue wearing their BWCs and leave them in the "Ready" (buffering) or equivalent mode and reactivate them if the subject resists or the scene becomes unsecured.

1. Search Warrants. When executing a search warrant, the GSA OIG On Scene Supervisor may authorize GSA OIG agents to deactivate their BWCs once the location to be searched has been secured and all subjects have been searched. The GSA 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 GSA 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. While on the scene of an arrest and during prisoner transports from the scene of an arrest, GSA OIG 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 an interview with an arrestee or detainee. SAs conducting the interview should deactivate their BWC at the conclusion of the interview and when the scene is secure.
4. Exceptions:
 - a. The GSA OIG On Scene Supervisor may authorize SAs 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 SA may deactivate his or her BWC at any time they need to obtain emergency medical attention or need to attend to a personal matter that takes him or her away from a planned operation, such as using the restroom.

903.09 Deviation from BWC Policy

Deviations from policy related to BWC activation or deactivation shall be handled as follows:

1. Pre-Approved Deviations. Any deviation from this BWC policy must be approved, in writing, by the Inspector General (IG), Deputy Inspector General (DIG), AIGI, or DAIGI, and the written authorization will be placed in the case file. The deviation will also be documented in the GSA OIG Operation Plan. Under exigent circumstances, a verbal authorization may be given by the IG, DIG, AIGI, or DAIGI, but must be subsequently documented in writing in the case file.
2. 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 writing from the On Scene Supervisor to the SAC overseeing the operation. The notification shall address:
 - Why the recording was not made;
 - Why the recording was interrupted; and/or
 - Why the recording was terminated.

903.10 Placement of BWC

The BWC will be worn on the outside of the tactical ballistic vest or outermost garment to ensure the best field of view. SAs should ensure the BWC is not obstructed by clothing or other objects on their person and should not alter tactically-sound principles to accommodate the BWC's visual recording. SAs 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.

903.11 Storage of BWC Recordings

BWC recordings will be uploaded as soon as possible, usually within 24 hours, to the GSA OIG controlled digital evidence management system (DEMS). 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 SA 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.

903.12 Records Retention

BWC recordings will be retained in accordance with GSA OIG records retention policies.

1. BWC recordings that are not associated with complaints or allegations made against GSA OIG employees and do not contain information pertinent to the case being investigated will be deleted four (4) 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 JI's DEMS where they are initially uploaded.
2. BWC recordings associated with information pertinent to the case being investigated, such as spontaneous statement of a subject, witness, or law enforcement officer, will be uploaded to the case file in IDEAS and retained in accordance with the GSA OIG File Plan, see Subchapter 407. The SA will memorialize these statements in a memorandum and the document shall be maintained in the case file in IDEAS. BWC recordings uploaded to IDEAS will still be maintained in the DEMS and deleted four (4) years following the case closure unless a request is provided in writing to the BWC program manager through the AIGI or their designee.
3. BWC recordings associated with use of force incidents involving GSA OIG employees, complaints or allegations made against GSA OIG employees, or any other investigations of GSA OIG employees, will be retained as directed by the AIGI or their designee in consultation with the GSA OIG Office of Counsel.
4. 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 SAs 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.

903.13 Restrictions on Use

SAs 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.

1. Prohibited Use of BWCs. Absent approval from the IG, DIG, AIGI, or DAIGI in consultation with any assigned prosecutor or the GSA OIG Office of General Counsel, BWCs shall not be used to record:
 - In a detention facility, except during planned arrests or searches; or
 - Personnel conducting activities involving classified information.

2. Undercover Activities. When an undercover agent participates in the operation and SAs on the scene are not able to take measures to avoid recording the identity of the undercover agent, the On Scene Supervisor or case agent will inform the BWC program manager and note this occurrence in the MOA memorializing the operation.
3. 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 the GSA OIG Office of Counsel, may use redaction software to blur images or portions of images, or minimize audio content, when making copies of BWC recordings for disclosure.

903.14 BWC Equipment

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

SAs will notify the BWC program manager of any equipment malfunctions as soon as possible.

903.15 Loss or Theft of Equipment

SAs 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.

903.16 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 GSA OIG. SAs shall not erase, alter, re-use, modify, or tamper with recordings or take any other action which could interfere with the retrieval of BWC recordings. SAs may review BWC recordings, subject to the restrictions below. BWC recordings can only be shared outside the GSA OIG for law enforcement purposes and requires SAC approval, which should be documented in the Notes section of the DEMS file.

1. Requests for Disclosure of BWC Recordings. All requests for disclosure of BWC information will be coordinated through the BWC program manager, in consultation with the GSA OIG Office of Counsel. If it is necessary to make redactions to the BWC footage, they will be made by the BWC program manager and reviewed by the GSA OIG Office of Counsel prior to disclosure.
2. Deleting Non-Training Recordings. Any request to delete a portion or portions of the recordings (e.g., accidental recording) must be submitted in writing from the SA

through his or her supervisor and the SAC and approved in writing by the AIGI or DAIGI after consultation with the Office of Counsel. The request must state the reason(s) for deleting the recording. If the request is approved, the request and the written approval will be provided to the BWC program manager. The BWC program manager may delete the recording only after receiving the request and written approval.

3. All requests and final decisions will be maintained by the BWC program manager.
4. Access and Review of BWC Recordings. Access to stored BWC recordings will be managed and audited by the BWC program manager to ensure only authorized users access the recordings and associated data for legitimate and authorized purposes. Any viewing, sharing, downloading, or redaction of recordings will be identifiable in the BWC audit trail.
5. Permitted Reviews of BWC Recordings:

- a. Permitted Reviews. An SA may access BWC recordings when necessary to perform the essential functions of his or her job, including but not limited to such review necessary to draft and review an MOA describing an operation. An SA 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 (b) and (c) immediately below.
- b. Agent-Involved Shootings/Uses of Force. SAs involved in an agent-involved shooting (AIS) or use of force incident will be given an opportunity to view their own BWC recording prior to giving a formal statement. SA(s) who are witnesses to an AIS or use of force incident will be allowed to view their own BWC recording prior to giving a formal statement.

The involved SA(s) and any other SA(s) who witnessed the AIS or use of force incident should provide their BWCs to the GSA OIG On Scene Supervisor or the next senior GSA OIG agent on scene if no GSA OIG supervisor is present. The GSA OIG employee who receives the BWCs will coordinate with the BWC program manager to upload video from the collected BWCs in accordance with Storage of BWC Recordings, 903.12.

- c. Internal Investigations and Management Inquiries. GSA OIG personnel conducting internal investigations or management inquiries may review BWC recordings in connection with such investigations with AIGI approval. Requests to review an SA's BWC recordings for the purpose of an internal investigation or management inquiry shall be made in writing to the AIGI and include the reason(s) for the request. The SA(s) under investigation or review

will be given an opportunity to view their own BWC recording prior to giving a formal statement.

- d. Training. BWC recordings may be used for training purposes. Access to those recordings will be coordinated through the BWC program manager. Supervisors may view BWC recordings to conduct “after action debriefs” and for training purposes. Prior to using BWC recordings for training, the BWC program manager, in consultation with the GSA OIG Office of Counsel, will obtain the written permission of any GSA OIG personnel whose recordings or images are depicted in any training videos.

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

903.17 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 GSA OIG BWC recordings unrelated to a pending criminal investigation or case will be forwarded to the GSA OIG Office of 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. BWC recordings are controlled by, and the property of, GSA OIG and will be retained and managed by GSA OIG.

903.18 Expedited Public Release of BWC Recordings

If BWC recordings depict conduct resulting in serious bodily injury or death of another, GSA OIG shall notify the United States Attorney as early as possible if it desires to publicly release the BWC recordings. GSA OIG and the United States Attorney will expeditiously review the recordings 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, GSA OIG may immediately release the recordings 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.

903.19 Training

To ensure the proper use and operation of BWCs, as well as maintain compliance with privacy and civil liberties laws, SAs must establish and maintain proficiency and knowledge related to BWC deployment. Training for BWC deployment will be incorporated in the GSA OIG use of force training. Supervisors will ensure that SAs receive the required training on the use of BWCs.