



OFFICE OF INSPECTOR GENERAL MANUAL CHAPTER 3033

Body Worn Cameras

October 2023

MATERIAL TRANSMITTED

OIGM 3033, Body Worn Cameras, dated October 2023.

MATERIAL SUPERSEDED

This is a new issuance.

PURPOSE

This chapter provides the policy and procedures governing the use of the body worn camera program.

SUMMARY OF CHANGES

This is a new issuance.

Note: This policy will be adhered to upon the purchase of body worn camera equipment and the full implementation of the Office of Investigation's body worn camera program and after any pilot and training programs have occurred.

APPROVED



Rae Oliver Davis
Inspector General

SUMMARY OF CHANGES

This manual chapter has been updated and approved on the following dates to account for the latest changes.

Issue	Date	Pages Affected	Description
OIGM 3033	October 2023	All	This is a new issuance.

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33.1. BACKGROUND

A Body Worn Camera (BWC) can provide a layer of safety for the Department of Housing and Urban Development (HUD) Office of Inspector General (OIG) Special Agent (SA) by recording an SA's interactions with a criminal subject during enforcement activities. BWC recordings can exonerate an SA falsely accused of misconduct or, in the alternative, provide evidence of egregious, unlawful conduct. Further, BWCs can build public trust by providing transparency and accountability during planned law enforcement operations where the use of force may be anticipated, such as the planned execution of an arrest or search warrant.

33.2. SCOPE

BWC recordings may depict things that the SA did not see or hear, and/or the SA may have heard or seen things that were not recorded by the BWC. While BWC 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. BWC recordings may also capture evidence that can be used for investigative and prosecutorial purposes.

33.3. ROLES AND RESPONSIBILITIES

- A. The Special Agent in Charge (SAC), Headquarters Operations Division (HQ Ops), must assign a Senior Special Agent (SSA), from HQ Ops, to serve as the BWC Program Manager (PM).
- B. The BWC PM must review BWC recordings on a monthly basis to ensure the equipment is operating properly and the SAs are using the device appropriately.
- C. Each regional SAC and Assistant Special Agent in Charge (ASAC) must ensure that all SAs receive required training on the use of BWCs.

33.4 BODY WORN CAMERA EQUIPMENT

SAs must only use the BWCs issued by the OIG. SAs must exercise reasonable care when using BWCs to ensure their proper functioning and must fully charge their BWCs prior to each use.

SAs must immediately notify their ASAC if the equipment malfunctions and notify the BWC PM at the conclusion of the operation.

SAs must report the loss or theft of a BWC to their ASAC as soon as possible, but no later than 24 hours after the discovery of the loss or theft. The ASAC must notify their SAC and BWC PM.

33.5 PLACEMENT

The BWC must be worn on the outside of the ballistic vest or outermost garment to ensure the best field of view. SAs must ensure the BWC is not obstructed by clothing or other objects. SAs should not alter their tactical vest to accommodate the BWC. SAs must still use proper tactics to ensure their safety while wearing the BWC, even if doing so obstructs the BWC's coverage.

33.6 PRE-OPERATION PLANNING AND BRIEFING

BWCs must be used for all planned OIG enforcement operations and may not be used for other investigative purposes.¹ An Enforcement Operations Assessment and Plan, OI-601, must be completed and note the use of BWCs in accordance with OIGM 3008, Search and Seizure, and OIGM 3012, Arrests, for all enforcement operations. This document can be located in the Forms, Resources, and References section at the end of this chapter.

SAs should not use BWCs if they expect undercover personnel or confidential informants or sources to be present. If an SA using a BWC inadvertently records an undercover personnel or confidential source, the SA(s) must notify the BWC PM, in writing, at the conclusion of the operation. The BWC PM will coordinate with the Office of Legal Counsel (OLC) on redacting faces and change voices, if applicable.

Joint Operations

The SA must disclose OI's policy regarding BWC deployment with any partner agency and document those discussions on the OI-601. Additionally, when the OIG is not the lead law enforcement agency on a joint operation, the SA must disclose the OIG's policy regarding BWC with the partner agency's team leader (TL). The SA must document those discussions on a Memorandum of Activity (MOA), in accordance with OIGM 3008, Search and Seizure, and OIGM 3012, Arrests.

¹ OI enforcement operations include all planned arrest and/or search warrant activities.

The SA must immediately notify their SAC, or designee, overseeing the operation of any unresolved conflicts regarding BWC deployment with any partner agency. If their SAC is unable to resolve the conflict, the Assistant Inspector General for Investigations (AIGI) or designee must be notified immediately.

33.7 DEPLOYMENT

SAs must be mindful of locations where recordings may be considered insensitive, inappropriate, or prohibited by privacy policies. Any deviation from this policy must be consistent with the deviation policies outlined in Section 33.8 below.

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

- A. Activation: At the direction of the SA or TL, BWCs must be activated by all SAs upon approaching a subject or premises during an enforcement operation.

- B. Deactivation:
 - 1. Arrests: When executing an arrest warrant or arresting an individual during the execution of a search warrant, the SA or TL must notify all OIG SAs to deactivate their BWCs once the scene is secured,² the arrestee is in handcuffs, and placed in the transport vehicle. The SAs assigned to transport the arrestee must continue to wear their BWCs and leave them in a “ready” or equivalent mode.

 - 2. Search: When executing a search warrant, the SA or TL must notify all OIG SAs to deactivate their BWCs once the scene is secure, all subjects have been searched, and all non-law enforcement have cleared the premises. The SA or TL may use their discretion to determine when team members conducting perimeter security may stop recording. Non-law enforcement personnel assisting the SAs or TL should only enter the premises after BWCs have been deactivated.

² The term “secured” means that the scene, which may include the transport vehicle, is safe, there is no immediate threat on the scene, and the scene is under law enforcement control, as determined by the OI SA or TL.

3. Exceptions:

- a. The SA or TL may authorize OIG SAs assigned to the operation to deactivate their BWCs if the enforcement operation is of such a duration that BWCs need to be deactivated to conserve power.
- b. SAs may deactivate their BWC if the SA is relieved by another law enforcement officer prior to the scene being secured or instructed by another SA or TL.
- c. SAs may deactivate their BWC if the SA needs to obtain emergency medical attention.
- d. SAs may deactivate their BWC when the SA needs to attend to a personal matter that takes the SA away from a planned operation, such as using the restroom.
- e. SAs may deactivate their BWC when conducting activities involving law enforcement sensitive material (e.g., Grand Jury, explicit images, etc.).

33.8 DEVIATION

Deviations from policy activation or deactivation must be handled as follows:

- A. Pre-Approved Deviations: Prior to the operation, policy deviations must be approved in a decision memorandum from the SA to the AIGI through the Regional SAC. Written approval by the AIGI or designee must be documented in the OI-601.
- B. Unplanned Deviations: Any deviation related to activation or deactivation due to device malfunction, operator error, or other similar circumstances must be documented in a memorandum from the SA to the Regional SAC overseeing the operation. The memorandum must include the date, time, place, address, as well as the following:
 1. Why the recording was not made;
 2. Why the recording was interrupted; and/or
 3. Why the recording was terminated.

33.9 STORAGE & RETENTION

Within 24 hours of the operation, BWC recordings must be uploaded and stored in an OIG-controlled storage device with any access logged. Access to the recordings must be controlled by the BWC PM. Each file must 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. The PM will maintain and monitor the audit log that sets forth the history of each recording, the date and time each recording is reviewed, and the name of the reviewer.

BWC recordings that are not associated with complaints or allegations made against SAs and do not contain information pertinent to the case being investigated should be deleted five years following case closure by the BWC PM, unless AIGI or designee approves a written request to maintain the recording.

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 (OIGM 3006) and consistent with federal law.

BWC recordings associated with use of force incidents, complaints, or allegations made against SAs or partner agency personnel, must be retained as directed by the AIGI or designee in consultation with the OLC.

BWC recordings associated with normal training exercises should be deleted within 10 business days after the appropriate instructor reviews the recordings for teachable scenarios and confirms deletion is appropriate. If a teachable scenario is found, the instructor must obtain written permission from the OIG SA(s) involved and ask if the SA(s) want their faces redacted and/or voices (if applicable within the system) changed prior to use in training. If all OIG personnel in the recording approve, the written permission must be submitted to the BWC PM. The BWC PM must then redact faces and change voices (if applicable), as requested. Consulting OLC about the use of an employee's likeness or other legal issues is a best practice. The unredacted BWC recording must be deleted by the BWC PM, after all changes are made to the training video.

33.10 RECORDINGS

All data, images, video, audio, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of OI. Other than the BWC PM, the BWC PM's

supervisor, and the SAC HQ Ops, OI personnel are prohibited from editing, altering, erasing, duplicating, copying, sharing, or otherwise releasing, disclosing, or distributing in any manner, any BWC recordings, without prior written authorization from the AIGI or designee in consultation with OLC. SAs may review their own BWC recordings, subject to restrictions below, but may not share their recordings with others.

- A. Access and Review: Access to BWC recordings must be password protected and audited periodically by the BWC PM to ensure that only authorized users access the recordings and associated data for authorized purposes. All logins, video access, and other actions taken in the system software are placed in a system generated audit trail log reviewable by the BWC PM and the BWC PM's supervisor. This information is discoverable and could be requested by the prosecution or the defense during court proceedings.

- B. Deleting: Any requests to delete a portion or portions of the recordings must be submitted, via a memorandum, from the SA, through their supervisor and SAC, and approved, in writing, by the AIGI or designee in consultation with OLC. The memorandum must state the reason(s) for the request to delete the recording. If the request is approved, the memorandum must be provided to the BWC PM who will review the memorandum and written approval prior to deleting the recording.

- C. Permitted Reviews:
 1. Enforcement MOA: An SA may access only their BWC recordings when necessary to perform the essential functions of their position, such as drafting an MOA describing an operation.³

 2. Internal Investigation(s):
 - a. OIG personnel conducting internal investigations may review BWC recordings in connection with such investigations. Requests to review an SA's BWC recordings must be made in a memorandum to the AIGI or designee stating the reason(s) for the request. If the request is approved, the approved memorandum must be provided to the BWC PM who will download a copy of the recordings and provide it to the requesting OIG

³ If applicable, the MOA will note that this write-up is a single viewpoint of the writer and that other video recordings are available.

personnel. The copy must be kept with the case file in accordance with OIGM 3006, Evidence, and consistent with Federal law.

- b. An SA who is the subject or alternatively, a witness of an administrative investigation may review, with their attorney or other representative present, their own BWC recording prior to being interviewed by OIG or non-OIG personnel regarding allegations about their conduct. The SA and their attorney/representative must sign a non-disclosure agreement. The parties involved are prohibited from making or taking a copy of the recording.
3. Supervisory Review: SACs and ASACs may view BWC recordings to conduct “after action debriefs” and for training purposes, as described in 33.9, Storage and Retention. Requests to review an SA’s BWC recording(s) for an “after action debrief” must be made in a memorandum to the AIGI or designee stating the reason(s) for the request. If the request is approved, the approved memorandum must be provided to the BWC PM who will download a copy. The BWC PM must then provide the copy to the requesting SAC or ASAC. Upon completion of the review, the copy of the recording must be returned to the BWC PM to be destroyed.

D. Prohibited Reviews:

1. Supervisory Review: SACs and ASACs may not use BWC recordings as the sole justification supporting a negative performance appraisal because performance appraisals are based upon an SA’s conduct over a specified time period; not a single incident. However, BWC recordings may be used as the sole evidence for a potential disciplinary action because such disciplinary actions may relate to a single incident, which may have been captured by a BWC.
2. Use of Force Incident: SAs involved in a use of force incident, to include deadly use of force, shall not be permitted to view their recording without the concurrence of the assigned prosecutor or a statement from the investigating agency that the matter will not be presented to a prosecutor.

33.11 FREEDOM OF INFORMATION ACT OR OTHER REQUESTS

BWC recordings must be treated as law enforcement sensitive information and Limited Official Use. Any premature or unauthorized disclosure could interfere with enforcement proceedings. BWC recordings must also be treated as potential evidence in

a Federal investigation subject to applicable Federal laws, rules, and policies concerning any such disclosure. All requests for OI BWC recordings, including discovery and Freedom of Information Act (FOIA) requests, consistent with OIGM Chapter 1053, must be forwarded to OLC, 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.

The OIG will publicly release all requested BWC recording(s), as soon as practical, that depict an incident resulting in serious bodily injury or death of another, unless there exist specific and compelling grounds to justify withholding, which cannot be resolved by redaction, partial withholding, or other means. Such recording(s) may only be withheld upon written approval by the Inspector General.

33.12 TRAINING

Prior to BWC deployment, the OIG must provide all SAs with training on privacy and civil liberties related to use of BWCs. All SAs must maintain proficiency in these issues. Additional training will be provided at periodic intervals, during control tactics or firearms training, to ensure continued proficiency in the use of BWCs.

FORMS, RESOURCES, AND REFERENCES

- [OI-601 Enforcement Operations Assessment Plan](#)