

CHAPTER 23, SECTION 10 – BODY WORN CAMERAS

A. Scope

1. The body worn camera (BWC) 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.
2. 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.
3. BWCs may be used during training exercises to instruct agents in the use of the BWC and as a means of feedback on the exercise itself.
4. BWCs have features that may be helpful outside the planned operation such as using it as a camera or audio recorder to capture an interview. This section—§ 23.10—does not apply to those situations.
5. While BWC recordings may enhance our ability to obtain evidence for investigative and prosecutorial purposes, 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.

B. The BWC Coordinator

The AIGI will designate an agent to oversee the BWC program who will be responsible for the procurement and maintenance of the BWCs to ensure their proper working order. However, each OIG agent will be responsible for properly operating BWCs in the manner intended by this program.

C. Joint Operations

1. When conducting enforcement operations with a partner law enforcement agency that will deploy BWCs during the operation, OIG agents will comply with OIG policy.
2. 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 Legal 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. Prior to the operation, policy deviations must be addressed to the AIGI and the response documented in writing. Under exigent circumstances, an oral authorization may be given by the AIGI or his/her designee, but must be subsequently documented.

D. Pre-Operation Planning and Briefing

1. Prior to conducting an enforcement operation, the Assistant Special Agent in

Charge (ASAC), Senior Special Agent, or other designee will conduct a briefing, orally or in writing, to participating agents notifying them of 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.

2. When conducting an operation with a partner law enforcement agency which will require the use of BWCs, the OIG supervisor on the scene shall discuss BWC deployment during the joint operation with the partner agency's team leader 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.

E. Deployment of BWCs for Enforcement Operations

1. 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.
2. 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.
3. BWC Deactivation
 - a. BWCs shall be deactivated by OIG agents only upon the direction of the OIG on scene supervisor once the area subject to the planned operation is secure.
 - b. Exceptions to the general rule of deactivating BWCs once the scene is secure at the direction of the on scene supervisor include:
 - i. Direction by the OIG on scene supervisor to deactivate their BWCs if the enforcement operation is of such a duration that BWCs need to be deactivated to conserve power or memory.
 - ii. 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.
 - iii. If 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.

- iv. Agents may document any pause in recording not directed by the on scene supervisor by verbally recording the reason on the BWC.
4. Deviations to the provisions of this policy regarding activation of a BWC will be addressed in writing by the agent deviating from the policy to his or her Special Agent in Charge (SAC). The explanation will address:
 - a. Why the recording was not made;
 - b. Why the recording was interrupted; and/or
 - c. Why the recording was terminated.

F. Placement of BWC

1. OIG agents should secure BWCs to their clothing or protective vests in a manner which is most likely to provide a clear view of what the agent is seeing.
2. 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.
3. 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 AIGI and coordinate with the Legal Counsel on what steps should be taken to redact any images and voice recordings of any undercover agents.

G. Storage of BWC Recordings

1. 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 Coordinator. 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.
2. Records Retention.
 - a. BWC recordings will be securely stored according to OIG-mandated procedures.
 - b. 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 Coordinator through the AIGI or their designee. These recordings will be maintained in an OIG-controlled cloud storage service where they are initially uploaded.

- c. 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 and consistent with federal law.
- d. 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 Legal Counsel.
- e. BWC recordings associated with training exercises will be deleted after the appropriate instructor (firearms instructor or defensive tactics instructor) reviews the recordings for teachable scenarios and confirms it is acceptable to delete the recording.

H. Restrictions on Use

1. 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.
2. 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 Coordinator, in consultation with the Legal Counsel, may use redaction software to blur images or portions of images, or minimize audio content, when making copies of BWC recordings for disclosure.

I. Loss or Theft of Equipment

OIG agents will report the loss or theft of a BWC to their SAC and the BWC Coordinator as soon as possible.

J. BWC Recordings

1. 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.
2. Other than the BWC Coordinator or his or her 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 Legal Counsel.

K. Requests for Disclosure of BWC Recordings

Requests for disclosure of BWC information shall be processed through the TVA FOIA Officer and Legal Counsel should be advised of the request as soon as possible.

L. Access and Review of BWC Recordings

1. Access to stored BWC recordings will be password protected, recorded automatically by the system software, and audited periodically by the BWC Coordinator to ensure that only authorized users access the recordings and associated data for legitimate and authorized purposes.
2. All logins, video access and other actions related to accessing the system software is placed in an audit trail log that is reviewable by the BWC Coordinator, Legal Counsel and his or her designee, and anyone in supervisory chain.
3. Requests for Review. The BWC Coordinator 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.
4. Access to Recordings.
 - a. 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 OIG 200 or other memorandum describing an operation or other aspect of the case. 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 immediately below.
 - b. 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.
 - c. 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.
- I. 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.

- II. 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.
- III. 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.
 - a. Internal Investigations. OIG personnel conducting internal investigations may review BWC recordings in connection with such investigations.
 - b. Supervisory Review. INV supervisors may view BWC recordings to conduct “after action debriefs” and for situational awareness relating to an investigation.

M. Training

1. Supervisors shall ensure that all OIG agents receive the required training on the use of BWCs in accordance with the policies in this chapter.
2. 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 by being familiar with this policy, familiar with the actual cameras, and through training provided by the BWC project manager and Legal Counsel.