



**National Science Foundation • Office of Inspector General**  
2415 Eisenhower Avenue, Alexandria, Virginia 22314

**OIG Policy 22-06**

**BODY WORN CAMERA PROGRAM POLICY**

**\* Note: This policy will be fully in effect only upon the identification and procurement of body worn camera equipment, the training of personnel in the use of that equipment, and the further development of the NSF OIG OI BWC program.**

Effective Date: August 23, 2022

Supersedes: NEW

Major Changes: N/A

Table of Contents

Purpose .....	2
Background .....	2
Scope and Applicability .....	2
Authorities and References.....	2
Body Worn Camera Program Policy and Procedures .....	2
Body Worn Camera Deployment .....	2
Deactivation of Body Worn Cameras .....	3
Restrictions on Use .....	4
Pre-Operation Planning and Briefing .....	4
Use in Conjunction with Joint Operations .....	5
Documenting Use of Body Worn Cameras .....	5
Body Worn Camera Equipment.....	7
Body Worn Camera Recordings and Disclosure .....	7
BWC Training .....	10
Roles and Responsibilities:.....	10

## Purpose

To establish initial policies and procedures for the NSF OIG Office of Investigations (OI) body worn camera (BWC) program.

## Background

- BWCs provide an additional layer of safety for OI special agents (SAs) and can improve public trust, transparency, and accountability in circumstances where the use of force may reasonably be anticipated during planned law enforcement operations.
- BWCs allow for accurate documentation of contacts between SAs and the public.
- BWCs will be used only for planned law enforcement operations, such as the planned execution of a search warrant or arrest.
- BWCs will not be used for other evidence collection purposes or recording interviews.

## Scope and Applicability

This policy applies to all OI SAs. 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.

## Authorities and References

1. [Inspector General Act of 1978](#), as amended (IG Act);
2. [Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority](#), dated December 2003 (AG Guidelines);
3. [The Privacy Act of 1974, 5 U.S.C. § 552a](#);
4. [Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety](#) (May 25, 2022); and
5. [The Freedom of Information Act](#) (FOIA).

## Body Worn Camera Program Policy and Procedures

### Body Worn Camera Deployment

1. OI SAs are required to wear and activate BWC recording equipment for purposes of recording their actions *during the tactical portion of enforcement operations* where the use of force may reasonably be anticipated, including (1) a pre-planned attempt to serve an arrest warrant or other pre-planned arrest, including the apprehension of fugitives sought on state and local warrants; or (2) the execution of a search or seizure warrant or order. Briefings and discussions to discuss tactics or strategies before the tactical portion of the operation and during any recess to discuss tactics or strategies are not included in the definition of the tactical portion of the operation.
2. Other instances where BWCs may be deployed
  - a. SAs may request approval from their supervisor to deploy BWCs in other instances where it may be prudent to record the interactions.
  - b. SAs may request approval from their supervisor to deploy BWCs during training exercises.
3. Activation of body worn cameras
  - a. OI SAs will make reasonable efforts to wear and activate their BWCs upon approaching subjects or premises related to OI pre-planned arrests or searches, as determined by the OI On-Site Supervisor (OSS).
  - b. In addition, if while wearing a BWC pursuant to this policy, an OI SA encounters an individual who is uncooperative, violent, assaultive, or discussing criminal conduct which, in the OI SA's judgement, based on the SA's training and experience, could lead to use of physical or deadly force, the OI SA should activate and record with the BWC as soon as it is safe and practical to do so.
  - c. To ensure the integrity of the recording, BWCs must remain activated during all tactical portions of enforcement operations unless deactivation is otherwise specifically authorized by this policy.

#### Deactivation of Body Worn Cameras

1. SAs will only deactivate their BWCs at the direction of the OSS, when he/she believes the site is safe and under law enforcement control.
2. Exceptions:
  - a. If, during an enforcement operation, a discussion or strategy session must be conducted, the SAs participating in such discussion may deactivate their BWCs.

Active participation in the tactical portion of the operation must cease during such discussions and BWCs will be reactivated as soon as practicable.

- b. If the enforcement operation is of such a duration that the BWC should be deactivated to conserve power and/or storage, the team leader can authorize deactivation.
  - c. An OI SA may deactivate the BWC at any time the SA needs to obtain emergency medical attention or needs to attend to a personal matter that takes the SA away from a planned operation, such as using the restroom.
3. Under all circumstances, prior to deactivating the BWC, the SA will verbally state the date, time, and reason for the BWC deactivation.

#### Restrictions on Use

1. SAs equipped with BWCs should be aware of locations where recording may be considered insensitive or inappropriate. BWCs will only be used in conjunction with official law enforcement duties and not personal activities.
2. BWCs will not be used to record the following types of activities, unless the SA obtains express written permission from the Assistant Inspector General for Investigations (AIGI):
  - the execution of search warrants or orders for records or data (in electronic format or otherwise) for which the execution of the warrant or order does not involve the entry of a physical location; and
  - searches of property, other than real property, lawfully in government custody or control.

#### Pre-Operation Planning and Briefing

1. Prior to conducting an enforcement operation, the OI OSS, Case Agent, or other designee 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 OI SAs who are issued BWCs and who are expected to activate them during an operation must receive the operation briefing.
  - a. NSF OIG-Led Enforcement Operations. When conducting an NSF OIG-led enforcement operation with a partner law enforcement agency, the OSS 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 NSF 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 NSF OIG case agent will document these discussions on the NSF OIG Operational Plan, or in cases where the other agency is drafting the Operational Plan, these discussions will be documented in a separate Memorandum of Investigation (MOI) and placed in the appropriate OI case file.

- b. Other Agency-Led Enforcement Operations. When NSF OIG is not the lead on an enforcement operation with a partner law enforcement agency, the NSF OIG OI OSS will brief the partner agency's team leader and/or team members of the NSF 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 NSF OIG case agent will document these discussions in a separate MOI and will place it in the appropriate OI case file.
2. The OSS overseeing the operation shall be notified immediately of any unresolved conflicts with any partner agency related to BWC deployment. If the OSS is unable to resolve the conflicts, the AIGI or his or her designee should be notified immediately.

#### Use in Conjunction with Joint Operations

1. When conducting enforcement operations with another law enforcement agency that will deploy BWCs during the operation, OI SAs will comply with NSF OIG policy, regardless of which agency is the lead. The other agency may follow that agency's BWC policy.
2. If the AIGI determines that the use of BWCs during an enforcement operation is not prudent, the AIGI may authorize, in writing, the OI enforcement team to not deploy them. Any deviation from OI's policy to deploy BWCs during an enforcement operation will be documented in writing (email or MOI) and placed in the appropriate OI case file.
3. To the extent permitted by law, including the Privacy Act of 1974, and in accordance with applicable safeguarding procedures, OI will share recordings related to joint law enforcement operations with the other participating agencies and will request that the other agencies share their recordings as well. If and when BWC recordings are shared with other agencies for joint investigative purposes, the disclosure must be documented in OI's associated case file.

#### Documenting Use of Body Worn Cameras

1. Upon the conclusion of the enforcement activity or operation, the OSS will ensure that an MOI is prepared, documenting that BWCs were deployed and summarizing the enforcement activity.
2. The summary of the enforcement activity should include the following information:

- a. The names of the team members participating in the activity or operation;
- b. Whether all SAs were wearing BWCs during the activity or operation;
- c. Whether all BWCs were activated prior to the activity or operation;
- d. Whether any BWCs malfunctioned or were inoperable during the activity or operation;
- e. Whether any BWCs were deactivated without proper authority during the activity or operation; and
- f. Whether there were any unauthorized interruptions or terminations of BWC recordings during the activity or operation.

### 3. Failure to Activate Body Worn Camera

- a. If an SA fails to activate the BWC or, without authority, fails to record the entire contact or interrupts the recording, the SA will immediately inform the OSS and document the circumstances in an MOI as soon as practicable. If applicable, SAs will provide a copy of the MOI to the OSS following the activity or operation.
- b. A failure to activate the BWC as directed or the unauthorized termination of a BWC recording may result in disciplinary action.

- 4. All BWC recordings will be uploaded as soon as possible following the activity or operation, usually within 24 hours, and stored in an NSF OIG-controlled cloud storage service. Each file will contain the date and time of the recording, BWC identifier, and assigned SA. An audit log is automatically created and maintained on the history of every recording.
- 5. All NSF OIG BWC recordings made during OIG law enforcement operations, including any such recordings in the possession of any third party engaged by the OIG to store or process BWC recordings, shall be deemed federal records of the OIG pursuant to the Federal Records Act. In all circumstances, NSF OIG BWC recordings shall be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings, and as potential evidence in a federal investigation subject to applicable federal laws, rules, and policy concerning any disclosure or dissemination; and, therefore deemed privileged absent appropriate redaction prior to disclosure or dissemination. Nothing in this policy shall be deemed to provide a right of public access to NSF OIG BWC recordings. NSF OIG BWC recordings are controlled by, and the property of, the OIG and will be retained and managed by the OIG. The Office of Counsel to the Inspector General (OCIG) is responsible for considering requests to publicly release OIG BWC recordings and for determining legal permissibility under the Privacy Act for any other non-public disclosures to external entities.

### 6. Records Retention

- a. BWC recordings will be securely stored in accordance with applicable federal laws, rules, and policies governing the safeguarding and retention of federal records.

- b. BWC recordings that are not associated with complaints or allegations made against OI employees will be retained in accordance with NSF OIG's records retention schedules for Investigative Case Files, except when the BWC recordings must be retained for longer time periods for other purposes, such as civil or criminal litigation.
- c. BWC recordings associated with use of force incidents involving OI employees, complaints or allegations made against OI employees, or any other investigations of OI employees, will be retained as directed by the AIGI or a federal or state prosecutor or other investigating agency, in consultation with the OCIG.
- d. BWC recordings associated with training exercises will be handled in accordance with applicable federal records law and retention schedules.

#### Body Worn Camera Equipment

- 1. OI SAs will only use BWCs issued by NSF OIG. SAs should exercise reasonable care when using BWCs to ensure their proper functioning. SAs should ensure that the BWC is fully charged before deployment.
- 2. SAs will notify the BWC Program Manager of any equipment malfunctions as soon as possible.
- 3. All SAs will report the loss or theft of a BWC to their immediate supervisor within 24 hours of the discovery of the loss or theft. The immediate supervisor will notify the SAC and the BWC Program Manager.

#### Body Worn Camera Recordings and Disclosure

- 1. OI's BWC equipment and all data, images, video, audio, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of NSF OIG. Except as otherwise provided for in this policy, no OIG personnel shall edit, alter, erase, duplicate, copy, share, or otherwise release, disclose, or distribute in any manner, any BWC recording, without prior written authorization from the AIGI or the Inspector General.
- 2. All requests for disclosure of BWC recordings should be coordinated through the BWC Program Manager.
- 3. Unauthorized accessing, copying, or releasing files is strictly prohibited.
- 4. Deleting recordings

- a. Any request to delete a portion or portions of the recordings (e.g., accidental recording) must be submitted in writing (stating the reason for the request) and approved by the AIGI or the Inspector General. If the request is approved, the request memorandum and the written approval will be provided to the BWC Program Manager.
- b. The BWC Program Manager may delete the recording only after receiving the request and written approval. All requests and final decisions will be maintained by the BWC Program Manager.

## 5. Access and review of body worn camera recordings

- a. All instances where access to a recording is granted are subject to periodic auditing to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- b. Any requests to review BWC recordings must be made in a memorandum to the AIGI. The memorandum must state the reason(s) for the request to review the recording.
- c. Permitted reviews of body worn camera recordings
  - An OI SA will be entitled to access the audio and video data derived from the BWC equipment issued to the SA when reasonable and necessary for the SA to perform the essential functions of the job, including but not limited to such review necessary to draft and review an MOI describing an operation.
  - An OI SA may also access BWC recordings when necessary to respond to allegations of administrative or criminal misconduct relating to the recorded enforcement activity, subject to the limitations immediately below.
  - At an appropriate time, OI SAs who are the subject of an administrative investigation relating to the recorded enforcement activity may review the SA's own BWC recording prior to being interviewed by any OI or non-OIG personnel investigating allegations about the OI SA's conduct. The OI SA may review the SA's own BWC recording with an attorney or other representative, provided the attorney or representative signs a non-disclosure agreement if deemed appropriate by the OIG. The OI SA will not be permitted to make or take a copy of the recording.
  - Following an incident involving a firearms discharge or use of force incident related to an OI SA, the involved OI SA will be given the opportunity to view the SA's own BWC recording prior to giving a formal statement. SAs who are



witnesses to the agent-involved shooting or use of force incident will also be allowed to view their own BWC recording prior to giving a formal statement.

- BWC recordings may be used to provide information 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 OCIG, will obtain the written permission of any OI personnel whose recordings or images are depicted in any training videos.
- d. If it is necessary to make redactions to the BWC footage, they will be made by the BWC Program Manager and reviewed by OCIG for legal sufficiency prior to disclosure. Any redactions made will be documented by the BWC Program Manager in an MOI and placed in the appropriate OI case file.

#### 6. Reviews of body worn camera recordings

- a. Supervisors may view BWC recordings to conduct “after action debriefs” and for training purposes, as described above. Requests to review an OI SA’s BWC recordings for any other official purpose will be made in a memorandum to the AIGI, which will state the reason(s) for the request.

#### 7. Freedom of Information Act requests

- a. Recordings from BWCs are federal records that are subject to public disclosure in response to a Freedom of Information Act (FOIA) request.
- b. All FOIA requests for the disclosure of BWC recordings will be processed by the OCIG. As appropriate, OCIG will coordinate with the BWC Program Manager whenever a search for responsive BWC records is needed. If the BWC Program Manager locates potentially responsive records, they will provide OCIG with access to determine whether the records are responsive to the FOIA request and to determine whether the records must be disclosed in full, redacted, or withheld in full under the FOIA. OCIG will consult with the BWC Program Manager before disclosing any portion of a BWC recording in response to a FOIA request.

#### 8. Privacy Act

- a. BWC recordings are investigative records protected by the Privacy Act of 1974, 5 U.S.C. § 552a (Privacy Act), and maintained in the OIG’s Privacy Act System of Records for Investigative Files, NSF-52.
- b. If another agency or entity requests OIG BWC recordings for official purposes, OI will consult with OCIG to determine whether disclosure is permitted under the

Privacy Act. If disclosure is permissible and appropriate, then OI will so inform the BWC Program Manager for action.

#### 9. Treatment of BWC Recordings and Requests for Release

- a. In all circumstances, BWC recordings will be treated as CUI // Privilege information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings.
- b. 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. They are, therefore, deemed privileged absent appropriate redaction prior to disclosure.
- c. All external requests for OIG BWC recordings will be forwarded to OCIG, which is responsible for making legal determinations on external disclosures of Privacy Act-protected information and for processing and responding to requests for public disclosure of records under the FOIA.
- d. Nothing in this policy will be deemed to provide a right of public access to BWC recordings. OI BWC recordings are controlled by, and the property of, NSF OIG and will be retained and managed by OI.

#### BWC Training

All SAs will complete initial and 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.

#### Roles and Responsibilities:

1. Body Worn Camera Program Manager (BWC 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:
  - a. Provide day-to-day management of the BWC program.
  - b. Oversee implementation of all BWC training and maintain any associated records.
  - c. Ensure auditable logs are maintained for all BWC recordings.

- d. Perform an annual review of BWC recordings to evaluate the quality of the audio and video recordings to ensure that SAs are properly operating BWCs in the manner intended by this program.
- 2. On-Site Supervisor (OSS). The OSS is the OI individual responsible for directing when NSF OIG BWCs shall be activated and deactivated on an enforcement operation. The OSS is typically the on-site supervisor or the lead on-site SA. This responsibility shall be identified and discussed at the operational briefing. There shall be a designated OSS for every enforcement operation where OI SAs are present.

Approved by:

---

Inspector General (or designee)