



**Office of Inspector General**

Board of Governors of the Federal Reserve System  
Consumer Financial Protection Bureau

# Body-Worn Cameras

**Policy Number: IN-020**

**Effective Date: March 26, 2024**

## Purpose

This policy governs body-worn cameras (BWCs) used by the Office of Inspector General for the Board of Governors of the Federal Reserve System and the Consumer Financial Protection Bureau. BWCs can build public trust by providing transparency and accountability when the use of force may be anticipated during planned law enforcement operations. Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, requires heads of federal law enforcement agencies to issue and publicly post policies regarding their use of BWCs.

**Approved by**

A handwritten signature in black ink, appearing to read "Mark Bialek", is written over a horizontal line.

**Mark Bialek, Inspector General**

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# 1. BWC Program

The assistant special agent in charge (ASAC) of headquarters operations in the OIG's Office of Investigations (OI) provides general oversight of the BWC program under the direction of the special agent in charge (SAC) of headquarters operations. The BWC coordinator is responsible for the day-to-day management of the program and reports to the ASAC of headquarters operations. The BWC coordinator periodically reviews a sample of BWC recordings that, in the judgment of the BWC coordinator, is sufficient to provide reasonable assurance that BWC equipment is operating properly and that special agents are using the devices in accordance with this policy. During the course of law enforcement operations, the OI case agent will discuss the planned use of BWCs with the relevant U.S. Attorney's Office and share any feedback on the use of the BWCs with the OI team leader for the law enforcement operation.

OI special agents do not engage in general policing or public patrol, nor do they 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, during which the use of force may be reasonably anticipated.

## 2. Deployment

### 2.1. Logistics of BWCs

When BWCs are turned on, there is a 30-second buffering period during which the camera will capture video only—no audio. After the buffering period, the BWC can be activated and will begin recording video and audio. The recording will include the 30-second buffering video immediately before the activation.

### 2.2. Activation and Deactivation

The OI team leader for the law enforcement operation will determine when to activate and deactivate BWCs. The team leader will direct each member of the law enforcement team to activate their BWC before beginning the operation and to deactivate their BWC at the end of the operation. A special agent may deactivate their BWC on their own to obtain personal medical attention or attend to a personal matter that takes them away from a planned operation, such as using the restroom.

## 3. Circumstances of Deployment

### 3.1. Mandatory Use of BWCs

Special agents are required to wear and activate BWCs to record their actions during

1. any preplanned attempt to serve an arrest warrant or other preplanned arrest, including the apprehension of fugitives sought on state or local warrants
2. the execution of a search or seizure warrant or order

In addition, during prisoner transports from the scene of an arrest, special agents must continue to wear their BWCs and leave them in the buffering mode until, in the special agent's judgment, the need arises to activate their BWC.

Lastly, if a special agent encounters an individual who is uncooperative, violent, assaultive, or discussing criminal conduct that, in the special agent's judgment, could lead to the use of physical or deadly force or be relevant to the investigation, the special agent must activate their BWC as soon as doing so is safe and practical.

## **3.2. Discretionary Use of BWCs**

Special agents may request approval from their ASAC to use BWCs when interviewing a subject or witness, when conducting surveillance, or when responding to an exigent threat.

## **3.3. Joint Law Enforcement Operations**

When conducting law enforcement operations with a partner law enforcement agency, Board-CFPB OIG special agents will comply with this policy.

The OI team leader for the law enforcement operation shall discuss the use of BWCs with partner law enforcement agency team leaders before the operation. The case agent will document these discussions in the appropriate operational plan.

The SAC of the operation shall notify the assistant or associate inspector general for investigations (AIGI) if there is an unresolved conflict with any partner law enforcement agency regarding OI's intent to use BWCs during an operation in which the Board-CFPB OIG is the lead agency. Any conflicts must be resolved with the concurrence of the Office of Legal Services (OLS) before OIG participation in the operation. Any deviation from this policy must be approved by the AIGI, in concurrence with OLS, and documented in the appropriate operational plan. Under exigent circumstances, oral authorization may be given by the AIGI or their designee, in concurrence with OLS, but must be subsequently documented.

## **4. Documentation**

After the law enforcement operation or activity has concluded, the case agent will document that they made a recording and will write a brief summary of the BWC activity. The summary should include the following information and may be part of the overall memorandum documenting the law enforcement activity:

- the names of participating team members and their respective agencies
- whether all special agents were wearing BWCs
- whether any BWCs were not activated
- whether any BWCs malfunctioned or were inoperable
- whether any BWCs were turned off during the activity or operation
- whether any BWC recording was interrupted or terminated during the activity or operation

If a special agent fails to activate their BWC, interrupts the recording, or fails to record the entire contact, the special agent shall document in a memorandum through the appropriate SAC to the AIGI, the SAC of headquarters operations, and the BWC coordinator why the recording was not made, was interrupted, or was terminated.

An intentional failure to activate the BWC or the intentional unauthorized termination of a BWC recording may result in disciplinary or adverse action, up to and including termination.

## 5. Storage of Recordings

BWC recordings will be securely stored according to internal procedures and applicable federal information security guidance. All recordings are agency records and should be disposed of according to the Board's records retention policy and applicable federal records management guidance.

Upon conclusion of the law enforcement operation or activity, the OI team leader for the law enforcement operation will direct all involved special agents to upload all BWC recordings to the appropriate storage mechanisms as soon as possible, but no later than 1 week after the operation or activity. An audit log is automatically created and maintained on the history of every recording.

For BWC recordings deemed as evidence, the special agent will adhere to OIG policy IN-011, *Evidence*.

## 6. Restrictions

Special 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.

BWCs shall not be used to record undercover operations without the written authorization of the AIGI. The OI team leader for the law enforcement operation must inform the BWC coordinator if undercover law enforcement personnel will participate or have participated in an operation. Special agents will document such participation in a memorandum to the BWC coordinator.

## 7. Equipment

Special agents must wear BWCs face-forward on the outside front of their ballistic vest or outermost garment to ensure an unobstructed field of view. Special agents shall use only OI-issued BWCs. Special agents must exercise reasonable care when using BWCs to ensure their proper functioning, including ensuring that the BWC is fully charged before use. When the BWC is not in official use, it will be stored, secured, and treated according to applicable policies and procedures.

Special agents will notify the BWC coordinator of any equipment malfunctions as soon as possible.

Special agents will report the loss or theft of a BWC to their ASAC as soon as possible within 24 hours of the discovery of the loss or theft. The ASAC shall notify their SAC, who will then notify the AIGI, the SAC of headquarters operations, and the BWC coordinator.

## 8. Records

BWC equipment and all data, images, audio, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the OIG. Special agents shall not edit, alter, erase, duplicate, copy, share, or otherwise release, disclose, delete, or distribute in any manner any BWC recording without prior authorization from the AIGI and OLS.

Special agents must obtain approval from OLS before any public disclosure of information recorded by a BWC. All requests for public disclosure of information must be coordinated through OLS and the BWC coordinator as detailed in sections 9 through 11 of this policy.

### 8.1. Accidental Recordings

Accidental recordings are those resulting from inadvertent activation of the cameras, primarily in training situations. Any request to delete a portion or portions of the accidental recordings must be submitted in writing and approved by the AIGI, with concurrence from OLS. The request must be made in a memorandum stating the reasons the accidental recording should be deleted. The approved memorandum will be provided to the ASAC of headquarters operations. The accidental recording will be deleted only after the approved memorandum is received by the ASAC. A record of all requests and final decisions will be maintained by the BWC coordinator.

### 8.2. Access

Access to stored BWC recordings will be password protected and recorded automatically by the system software in an audit log. The audit log will contain all logins, video access, and other actions taken in the system software. The BWC coordinator will periodically review the audit log to ensure that only authorized users access the recordings and associated data for authorized purposes. The audit log is reviewable by the BWC coordinator, OLS, and the ASAC of headquarters operations. This information may be discoverable and could be requested by the prosecution or the defense during court proceedings.

### 8.3. 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 any reports describing an operation. A special agent may access the audio and video data derived from the BWC equipment issued to them, potentially including any appropriate redactions, for use in defending against any allegations regarding actions taken during the recorded enforcement activity.

Special agents who are the subject of a review or investigation regarding their actions when a BWC was deployed may review their BWC recording before providing any statements. The special agent may review the recording with their attorney or other representative.

All external requests for review of BWC recordings will be routed to OLS.

Headquarters Operations and OLS may review BWC recordings in connection with an official investigation or review. Headquarters Operations and OLS will prioritize and expedite the review of all requests for

BWC recordings that involve the serious bodily injury or death of any individual, including but not limited to deaths in custody.

## **8.4. Prohibited Reviews**

Supervisors may not review BWC recordings solely to evaluate a special agent's performance during the operation or in connection with performance appraisals.

## **9. Release of Recordings**

All requests for BWC recordings unrelated to a pending criminal, civil, or administrative review or investigation will be forwarded to OLS, 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 are the property of, the OIG and will be retained and managed by the OIG.

If BWC recordings depict conduct resulting in serious bodily injury or death (including deaths in custody), OI shall notify OLS. In making a decision to publicly release the BWC recording, the OIG will consider applicable law (including the Privacy Act of 1974, 5 U.S.C. § 552a); consult with the relevant U.S. Attorney's Office (if applicable); and take into account the need to promote transparency and accountability, the duty to protect the privacy rights of persons depicted in the footage, and any need to protect ongoing law enforcement operations. OLS will review the recordings and handle considerations related to the expedited public release of BWC recordings in such situations.

## **10. Freedom of Information Act Requests**

Recordings from BWCs may be subject to release pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Any request for records made pursuant to FOIA received by an OIG employee should be forwarded to the BWC coordinator and OLS.

## **11. Privacy Act Requests and Referrals**

Recordings from BWCs may be subject to release pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a. Any request for records made pursuant to the Privacy Act received by an OIG employee should be forwarded to the BWC coordinator and OLS.

The OIG is authorized under the provisions of the Privacy Act and applicable System of Records Notices to refer documents and results of investigations to other law enforcement agencies.

## **12. Training**

Supervisory personnel shall ensure that special agents receive the required training on the use of BWCs. Special agents must complete an OI-approved training program to ensure proper use and operation of BWCs. Additional BWC training will be provided periodically.

The BWC coordinator will stay aware of significant changes in the law regarding BWCs by regularly attending training and working with other federal law enforcement agencies that use the technology. The BWC coordinator and others deemed appropriate (for example, the firearms instructors or ASACs) will also receive periodic training on applicable BWC laws.

To ensure the proper use and operation of BWCs, as well as maintain compliance with privacy and civil liberties laws, special agents must establish and maintain proficiency and knowledge related to BWC deployment.

Training for BWC deployment consists of three parts:

1. Initial training (use/laws). Before the deployment of BWCs, special agents must complete initial training to ensure the proper use and operation of the BWC and compliance with privacy and civil liberties laws. The BWC coordinator administers or coordinates this initial training. The BWC coordinator maintains these training records per the OIG's records retention schedule.
2. Annual (fiscal year) training (use of force/firearms). Every fiscal year, special agents must complete BWC familiarization in conjunction with use of force training or firearms training, to maintain proficiency in the use of BWCs and ensure continued functionality of the devices. The national firearms coordinator (NFC) and the BWC coordinator are responsible for coordinating and overseeing this training.
  - a. The BWC coordinator must document completion of this annual BWC familiarization training and provide a copy to the NFC. The NFC will maintain these training records per the OIG's records retention schedule.
  - b. If special agents are unable to complete the required scheduled training, the BWC coordinator, in consultation with the NFC, shall find approved alternative training.
  - c. If special agents fail to complete the annual BWC training, the BWC coordinator shall notify the AIGI, the SAC of headquarters operations, and the NFC of the reason why training was not completed. The special agent shall not participate in enforcement operations until this required annual training is completed.
3. Periodic refresher training (use/laws). Special agents must receive periodic refresher training, typically during in-service training, to ensure the proper use of BWCs and compliance with privacy and civil liberties laws. The BWC coordinator will administer or coordinate this periodic refresher training. The BWC coordinator maintains these training records per the OIG retention schedule.