



## BODY WORN CAMERAS

EXPORT-IMPORT BANK OF THE UNITED STATES (EXIM)  
OFFICE OF INSPECTOR GENERAL (OIG)  
OFFICE OF INVESTIGATIONS (OI)  
POLICY 316

This policy amends the previous Policy 316 **BODY WORN CAMERA PROGRAM**, dated September 14, 2023.

This policy establishes procedures for EXIM OIG use of Body Worn Cameras.

### REVIEWED AND CERTIFIED

This policy has been reviewed and certified on the following dates to account for the changes.

Issue	Date	Pages Affected	Signature and Date
OI-316	September 2023	All	Leah Calvo General Counsel
OI-316	April 2024	7 (updating Sec. 316-11) and 9 (adding Sec. 316-14)	William Monahan General Counsel (Acting)

  
\_\_\_\_\_  
Jason Metrick  
Assistant Inspector General  
for Investigations

4/1/24  
\_\_\_\_\_  
Date



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### AUTHORITIES AND REFERENCES

1. Executive Order 14074, Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, dated May 25, 2022, 87 FR 32945, Section 13.
2. Freedom of Information Act, 5 U.S.C. § 552.
3. The Privacy Act of 1974, 5 U.S.C. § 552a.



### **316-1 Background**

EXIM OIG intends to use Body Worn Cameras (BWC) to increase transparency and accountability in circumstances where the use of force may reasonably be anticipated during planned law enforcement operations. EXIM OIG Special Agents (SA) 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, specifically the planned execution of arrest warrants, search warrants, and transports of arrestees and other individuals, where the use of force may reasonably be anticipated.

It should be noted that a BWC may record events differently than how a SA remembers the same event. The BWC may record events that the SA did not see or hear, and/or the SA may have heard or seen events that were not recorded by the BWC. While the BWC records video and audio information from the scene, under stress the human eye and brain are highly likely to perceive some events differently than how the camera records them. A BWC recording may not capture the SA's line-of-sight, record the events as the SA experienced them, record the SA's perceptions and/or fears, or account for the SA's reaction time to an event.

It is incumbent upon the criminal and administrative investigators, and the reviewers to understand and account for limitations of video and all other available evidence, including witness statements and forensic analysis when evaluating a SA's actions.

### **316-2 National Program Director for Technical Operations**

The Assistant Inspector General for Investigations (AIGI) or their designee will designate a National Program Director for Technical Operations (NPDTO), who will oversee the use of BWCs and is responsible for the overall management of the program. Duties of the NPDTO include:

- Training or arranging training, in coordination with the National Program Director for Firearms and Training, on the use of the BWCs,
- Ensuring auditable logs of all BWCs are available, and
- Periodic review or inspections of BWCs to ensure equipment is operating properly and SAs are using the devices appropriately and in accordance with this policy.



### **316-3 Training**

To ensure the proper use and operation of BWCs, SAs must establish and maintain proficiency and knowledge related to BWC deployment. Prior to deployment of BWCs, each SA will receive training to ensure familiarization with the BWC equipment and instruction on the proper use and operation of the BWC. SAs will receive periodic training to ensure the proper use of the BWC as well as compliance with privacy and civil liberties laws.

### **316-4 Body Worn Camera Equipment**

SAs shall only use BWCs issued by the OIG. SAs should exercise reasonable care when using BWCs to ensure their proper functioning. SAs will notify the NPDTO of any equipment malfunctions as soon as practical, but not exceeding three business days from discovery of the malfunction.

Upon the SAs discovery of the loss or theft of a BWC, the SA will, as soon as practical, but not exceeding three business day from the discovery, report the loss or theft to the NPDTO, National Program Director for Firearms and Training (NPDFT) and the AIGI.

### **316-5 Deployment of Body Worn Cameras During Law Enforcement Operations**

SAs 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 the planned execution of a search warrant or arrest warrant, and the transport of arrestees or other individuals.

SAs will activate their BWCs at the direction of the OI Team Lead at the beginning of a law enforcement action.

SAs will deactivate their BWCs at the direction of the OI Team Lead when the tactical portion of an enforcement operation has concluded and the scene has been secured.

If an EXIM OIG agent will be transporting an arrestee from the scene, their BWC will continue to record until transport has been completed. BWCs will remain activated during the entirety of the transport.

If the enforcement operation is of such a duration that the BWC should be deactivated to conserve power and/or storage, the OI Team Lead can authorize deactivation.



SAs may deactivate the BWC to obtain medical attention.

Upon completion of the enforcement activity or operation, the SA will document the use of BWCs as part of the MOA summarizing the enforcement activity or operation.

### **316-6 Joint Operations**

When conducting an enforcement operation with another law enforcement agency, OI SAs will comply with OI's BWC policy.

For any enforcement operation, OI Team Lead shall discuss the use of BWCs with the other agency's team leader prior to the enforcement operation.

In the event there is an unresolved conflict regarding the use of BWCs between agencies, the OI Team Lead shall notify the AIGI, or their designee, for instructions.

### **316-7 Use of BWCs in Other Instances**

The deployment of BWCs is not intended to replace existing OIG policy regarding interviews, or other evidence collection. However, SAs may deploy BWCs in non-tactical circumstances to record an interview or gather evidence where it may be prudent to use BWCs for either purpose.

### **316-8 Deviation from BWC Policy**

Any deviation from policy related to BWC activation or deactivation due to device malfunction, operator error, or other circumstances, the SA shall document the failure to the AIGI and include the following information:

- Why the recording was not made;
- Why the recording was interrupted; and/or
- Why the recording was terminated.

### **316-9 Placement of Body Worn Cameras**

SAs will wear the BWC on the outside of a ballistic vest or their outermost garment in a manner intended to capture the SA's line-of-sight. SAs should ensure the BWC is not obstructed by clothing, lanyards, accessories, etc. SAs will not intentionally place the BWC



where the focal point of the video is obstructed, or the device is placed in a manner such as to not capture the normal view of activity.

### **316-10 Storage and Retention of Body Worn Camera Recordings**

All BWC recordings will be uploaded as soon as practical after the conclusion of a BWC deployment, securely stored in an OIG-accessible storage service or the case management system and maintained as part of the official case file. Each file will contain all relevant metadata, such as the date and time of the recording, the name of the agent recording it, and whenever possible the case number.

All recordings may be agency records and should be disposed of according to OIG records retention policies. BWC recordings associated with use of force incidents involving OIG SAs, complaints or allegations made against OIG SAs, or any other investigations of SAs, will be retained as directed by the AIGI or a Federal or state prosecutor or other investigating agency, in consultation with the General Counsel.

### **316-11 Access and Review of Body Worn Camera Recordings**

The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the OIG. Other than the NPDTO, no OIG agent shall edit, alter, erase, disclose or distribute to non-government entities, any BWC recording, without prior written authorization from the AIGI or their designee.

All accesses will be recorded automatically by the system software and audited periodically by the NPDTO to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

SAs shall be entitled to access BWC recordings when reasonable and necessary. In situations where a SA is the subject of an investigation, and prior to providing any statements to, or being interviewed by, any OIG or non-OIG personnel investigating allegations of the agent's conduct, the SA may (1) review their own BWC recording; and (2) review and/or discuss the BWC recording with their attorney or other representative.

Following a use of force (including deadly force), the involved SA shall be given the opportunity to view their own BWC recording prior to giving any statement. SAs who are witnesses shall also be allowed to view their own BWC recording prior to giving a formal statement.



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Personnel conducting an internal investigation may review BWC recordings in connection with an official investigation.

BWC recordings may be used to provide information for training purposes and accessing those recordings should be coordinated through the NPDTO.

Review of BWC recordings solely for the purpose of evaluating an SA's performance during the operation or for conducting performance appraisals is not permissible. However, the recordings may be used by supervisors to conduct an "after action debrief" for training purposes, or to investigate allegations of misconduct.

**316-12 Redact or Delete Body Worn Camera Recordings**

If an undercover agent participates in the operation the OI Team Lead will inform the NPDTO and notate this in the MOA memorializing the operation. The NPDTO will coordinate with the General Counsel on what steps should be taken to redact images or audio of any undercover agents.

In any situation where BWCs inadvertently record content that may be considered insensitive or inappropriate, the NPDTO will coordinate with the General Counsel on what steps should be taken to redact images or audio.

If redaction is deemed necessary, the original recording should remain unaltered, and redactions should be applied to a copy which can then be distributed as needed.

Any request to delete a portion or portions of the recordings (e.g. an accidental recording) must be submitted in writing, from the SA and approved by the AIGI. The request must state the reason(s) for the request to delete the recording. The NPDTO may delete the recording only after receiving approval from the AIGI.

**316-13 Freedom of Information Act Requests**

Recordings from BWCs may be subject to release pursuant to requests made under the Freedom of Information Act (FOIA). All requests made pursuant to FOIA will be forwarded to the General Counsel, responsible for processing and responding to such requests.

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





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investigation subject to applicable Federal laws, rules, and policy concerning any disclosure; and therefore not subject to disclosure, absent appropriate redaction prior to disclosure.

**316-14 Expedited Public Release involving Critical Incidents**

Where: 1) consistent with the Privacy Act of 1974 and any other applicable authority; 2) there is a need to promote transparency and accountability; 3) consistent with the duty to protect the privacy rights of persons depicted on the recording; 4) consistent with the need to protect ongoing law enforcement operations; and 5) there are no other specific and compelling circumstances justifying an objection to public release that cannot be resolved by redaction or other means, OI shall make expedited public release of a BWC recording of any incident involving serious bodily injury or death in custody.

EXIM OIG's internal considerations related to making an expedited public release of BWC recordings shall be coordinated between the AIGI, Inspector General, Deputy Inspector General, and General Counsel. If EXIM OIG desires to publicly release the BWC recording, it shall notify the United States Attorney of the jurisdiction in which the BWC recording was made as early as possible. EXIM OIG will expeditiously review the recordings, and seek the United States Attorney's timely official concurrence with public release, as soon as reasonably practicable, applying the authority and factors referenced in the first paragraph of this section. Upon official concurrence, EXIM 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.