



TO: Investigations Unit Staff, Peace Corps Office of Inspector General

FROM: Joaquin Ferrao, Inspector General

SUBJECT: Directive 23-03 Peace Corps OIG Investigative Policy regarding Body Worn Cameras

DATE: May 19, 2023

This directive establishes Investigative Policy regarding Body Worn Cameras. This policy is consistent with Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.”

This directive and the guidelines are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable by law or in equity by any party against the United States, the Peace Corps, OIG, other agencies, or entities, its officers, employees, or agents, or any other person.

This directive will become effective when signed.

Approved: 
Joaquin E. Ferrao
Inspector General

Peace Corps OIG Policy on Body Worn Cameras

Purpose and Applicability This is the Peace Corps Office of Inspector General (OIG) policy on body worn cameras, including their deployment, use and operation, as well as requirements for storage and retrieval of recorded operational activities. This policy is in accordance with Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.”

Body Worn Cameras (BWCs) 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. 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 (Enforcement Operations) where the use of force may reasonably be anticipated, such as the planned execution of a search warrant or arrest in the United States or in foreign countries where the use of BWCs is allowed. While BWC recordings may enhance the OIG’s ability to obtain evidence for investigative and prosecutorial purposes, it should be noted that the recordings may depict things that the OIG agent did not see or hear, or the OIG agent may have heard or seen things that were not recorded by the BWC. While the 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.

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

Program Management

The BWC program is managed by the BWC Program Manager, who is responsible for the overall management of the program. The BWC Program Manager will ensure all Special Agents (SAs) assigned to OIG receive initial training to establish fundamentals of BWC deployment and compliance with privacy and civil liberties laws, as well as periodic training to maintain proficiency for BWC use and operation. Such training will occur prior to an SA’s initial use of OIG-assigned BWCs. Among other duties, the BWC Program Manager will periodically provide BWC recordings for review by the Assistant Inspector General for Investigations (AIGI) to evaluate the quality of the audio and video recorded to ensure that OIG agents are properly operating BWCs in the manner intended by this program. The AIGI may delegate such review to the BWC Program Manager.

Planning Operations Involving the Use of BWCs

Whenever possible, Enforcement Operations require advanced planning. The case agent will complete a Peace Corps OIG Operations Plan to describe and identify key aspects of the operation. The operations plan should be written so that it may be passed out and discussed with team members during a briefing and should include the names of all participating personnel, the agencies participating in the operation, a description of the premises, subjects, and vehicles. Any special instructions, such as language barriers, the use of BWCs, or the presence of undercover officers or informants should also be noted in the operations plan. The Team Lead and OIG On Scene Supervisor should identify a time and location to meet at a “staging area” immediately prior to executing the operation to conduct a safety check and obtain any additional information necessary. During the Enforcement Operation, the Team Lead may also serve in the role of the On Scene Supervisor. During the Enforcement Operation, the Team Lead may also serve in the role of the On Scene Supervisor.

Prior to an Enforcement Operation involving the use of BWCs, the case agent shall coordinate with the Team Lead to ensure all SAs are proficient in BWC deployment, use and operation.

Pre-Operational Planning and Briefing

Prior to conducting an Enforcement Operation, the Team Lead will conduct a briefing about the operation, including 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 for an operation must receive the operation briefing. Prior to the execution of a search warrant or arrest warrant, the Team Lead will also brief all members of the search or arrest team as required.

OIG-Led Enforcement Operations

Prior to conducting an OIG-led enforcement operation with a partner law enforcement agency, the Team Lead shall discuss BWC deployment with the partner agency’s team leader and team members. The discussions will include briefing the partner agency on the OIG BWC policy and reviewing the partner agency’s BWC policy, if applicable. The OIG On Scene Supervisor will be identified for coordinating BWC deployment. Special care should be taken to resolve any issues related to undercover agents. The Team Lead will document these discussions on the OIG Operational Plan.

Other Agency-Led Enforcement Operations

Prior to conducting a partner agency-led enforcement operation, the OIG Senior SA will brief the partner agency’s team leader and team members on the OIG BWC policy. Special care should be taken to resolve any issues related to undercover agents involved with the enforcement operation. The OIG case agent will document these discussions on the OIG

Operational Plan, or in the lead agency's Operational Plan in cases where the other agency is drafting the Operational Plan. The AIGI shall be notified immediately of any unresolved conflicts with any partner agency related to BWC deployment.

As OIG agents will be in a supporting role to another Federal agency, the Operations Plan employed may be of the lead agency. In the absence of a lead agency form, OIG agents assisting the lead agency may offer the use of the Operations Plan form but will not complete a separate Operations Plan form unless no other Federal agency Operations Plan is used.

Joint Operations

When conducting Enforcement Operations with a partner law enforcement agency that will deploy BWCs during the operation, OIG agents will comply with OIG policy. This applies to both OIG-led Enforcement Operations and other agency-led Enforcement Operations. Prior to an operation using BWCs, the Senior Special Agent (SSA) overseeing the operation shall notify the AIGI, or his or her designee, of any known unresolved conflicts with any partner law enforcement agency regarding BWC deployment during the operation. In the absence of the AIGI, the SSA may contact the OIG's General Counsel, the Deputy Inspector General, or the Inspector General.

Any deviation from the OIG BWC policy must be approved, in writing, by the AIGI, or his or her designee, and documented in the Operational Plan. Under exigent circumstances, an oral authorization may be given by the AIGI, or his or her designee, but such authorization must be subsequently documented. such authorization must be subsequently documented.

Deployment of BWCs

BWCs will only be deployed for the purpose of planned Enforcement Operations. SAs shall wear and activate OIG-issued BWCs for the purposes of recording their actions during the tactical portion of Enforcement Operations when the use of force may be reasonably anticipated, such as an execution of a search warrant, or a pre-planned attempt to serve an arrest warrant or other pre-planned arrest. Whenever possible, BWCs usage will be coordinated among the Enforcement Operation team, as directed by the OIG On Scene Supervisor.

SAs shall only use BWCs issued or approved by the OIG or by the lead agency of the Enforcement Operation at hand. SAs should exercise reasonable care when using BWCs to ensure their proper functioning and should ensure that their assigned BWC is fully charged immediately prior to deployment. SAs will notify the Team Lead of any equipment malfunctions as soon as practical.

BWC Activation

At the direction of the OIG On Scene Supervisor, BWCs shall be activated by all participating SAs upon approaching a subject or premises during the Enforcement Operations listed in the following situations.

Search Warrants

When executing a search warrant, the OIG On Scene Supervisor may authorize SAs to deactivate their BWCs once the location or person to be searched has been secured and all individuals present have been secured and searched for officer safety reasons. The OIG On Scene Supervisor will use his or her discretion to determine when team members conducting perimeter security during the execution of the warrant may stop recording.

Planned Arrests

When executing an arrest warrant or arresting an individual during the execution of a search warrant, the OIG On Scene Supervisor may authorize the deactivation of most BWCs once he or she has determined the scene is secure and any arrestees are handcuffed and placed in a transport vehicle. At least one SA shall remain with anyone arrested. While on the scene of an arrest and during prisoner transports from the scene of an arrest, OIG agents involved in the transport and prisoner security must continue to operate their BWCs. Once custody of the prisoner is complete, BWCs may be deactivated.

If, while wearing a BWC pursuant to this policy, an SA encounters an individual who is uncooperative, violent, assaultive, or discussing criminal conduct that in the SA'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 SA should activate and record with his or her BWC as soon as it is safe and practical to do so.

The following investigative operations will typically not require the use of BWCs absent factors that could reasonably result in an Enforcement Operation:

Surveillances

When executing a surveillance operation, BWCs are typically not activated unless and until the operation develops into a possible Enforcement Operation. At such point, the OIG On Scene Supervisor may direct participating agents to activate BWCs.

Interviews

Typically, OIG agents will not deploy BWCs for documenting interviews. However, during interviews incident to approved Enforcement Operations, a BWC may continue to be activated, and thus may record an interview.

BWC Deactivation

BWCs shall be deactivated by SAs only at the direction of the OIG On Scene Supervisor when the supervisor determines, at his or her discretion, that the scene is secured. For purposes of this policy, the term “secured” means that the scene is safe and under law enforcement control. Exceptions to this policy are as follows:

- a. The OIG on Scene Supervisor may authorize SAs to deactivate their BWCs if the enforcement operation is of such a duration that BWCs need to be deactivated to conserve power, replace batteries, or exchange storage devices.
- b. An SA may deactivate his or her BWC at any time to obtain emergency medical attention or to attend to a personal matter that takes him or her away from a planned operation, such as using the restroom.
- c. In the absence of an On Scene Supervisor, an SA may activate his or her BWC on his or her own and may deactivate his or her own BWC when it is safe and practical to do so. The SA will verbally announce deactivation prior to ending the recording.

Buffering Period

BWCs will be programmed to record for a specified period prior to activation and after deactivation (buffering period). This footage will be preserved along with the recording after activation occurs.

Storage of BWC Recordings

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 Program Manager. Each file will 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. BWC recordings will be securely stored according to OIG-mandated procedures.

Deviation from BWC Policy.

Any planned deviation from the OIG BWC policy must be approved in writing by the AIGI or his or her designee, the Legal Counsel, the Deputy Inspector General, or the Inspector General,

and, if applicable, documented in the Operational Plan. Prior to the operation, policy deviations must be addressed in a memorandum from the assigned OIG case agent to the AIGI.

Any unplanned deviations from policy related to BWC activation, deactivation, device malfunction, operator error, or other circumstances, shall be documented in a memorandum from the OIG case agent or the OIG On Scene Supervisor to the AIGI. This procedure shall apply for any Enforcement Operation during which a BWC recording was not made, was interrupted, or was prematurely terminated.

Disclosure of BWC Recordings

All requests for disclosure of BWC recordings or related information will be forwarded to the BWC Program Coordinator and the appropriate AIGI.

The BWC Program Coordinator 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.

BWCs are the sole property of OIG. Depending on the circumstances, BWC recordings may be considered law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings. BWC recordings may also be considered potential evidence in a Federal investigation and therefore subject to appropriate redaction prior to disclosure.

Freedom of Information Act (FOIA) Requests

Recordings from BWCs may be subject to release pursuant to 5 U.S.C. § 552. Any FOIA requests for the release of BWC recordings submitted to the OIG FOIA Officer will be forwarded to the BWC Program Coordinator. OIG employees receiving requests from the public for BWC recordings or related information will refer such individuals to the OIG FOIA Officer, who will notify the BWC Program Coordinator. The BWC Program Coordinator will coordinate with the OIG FOIA Officer to release recordings in an expeditious manner, taking into account any applicable FOIA exemptions set forth in 5 U.S.C. § 552(b).

Privacy Act Referrals

The Privacy Act of 1974, 5 U.S.C. § 552a (Privacy Act), provides safeguards for individuals against an invasion of personal privacy through the misuse of records by Federal agencies. The Privacy Act balances the individual's personal privacy interest against the Government's need to maintain information about individuals.

All Privacy Act Referrals will be forwarded to the OIG FOIA Officer. If the OIG FOIA Officer determines there is legal authority to provide BWC recordings pursuant to a Privacy Act

referral, taking into account any exemptions noted in the Privacy Act, it will be forwarded to the BWC Program Coordinator.

Redactions

The BWC Program Coordinator will review all video footage that is proposed for release and specify which parts of the video may be released and which parts need to be redacted (e.g., to protect the identity of any individuals or to protect law enforcement sensitive information), after consulting with the General Counsel and the OIG FOIA Officer, as appropriate. The BWC Program Coordinator will use appropriate redaction software to redact the video.