



OFFICE of INSPECTOR GENERAL
NATIONAL RAILROAD PASSENGER CORPORATION

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CAMERAS

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Ref: (a) OIG Records and Information Management, Chapter 20.
(b) OIM, Chapter 21, Search and Seizure
(c) OIM, Chapter 23, Critical Incidents
(d) OIM, Chapter 24, Arrests

Encl: (1) U. S. Department of Justice, Body Worn Camera Policy, June 7, 2021

CHAPTER 34 – BODY WORN CAMERAS

1. PURPOSE. This chapter establishes the policy and procedures governing the National Railroad Passenger Corporation (Amtrak), Office of Inspector General (OIG), Office of Investigations (OI) special agents use of Body Worn Cameras (BWC).

2. APPLICABILITY. This policy applies to all Special Agents (SA) in OI.

3. POLICY. The Amtrak OIG will adhere to the guidelines set forth in the U.S. Department of Justice memorandum for use of BWCs. OIG special agents do not engage in general policing or public patrol in uniform and do not routinely engage with the 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. The deployment of BWCs is not intended to replace existing OIG policy regarding interviews, other evidence collection, or the use of surreptitious recording devices in undercover operations.

4. RESPONSIBILITIES

a. Assistant Inspector General for Investigations (AIGI). The AIGI is responsible for the overall management of all operations involving the BWC program.

b. Deputy Assistant Inspector General for Investigations (DAIGI). The DAIGI will ensure that Special Agents have the resources and training necessary to carry-out operations using BWCs in accordance with this policy.

c. Special Agent in Charge (SAC). The SAC is responsible for the planning and execution of all operations where BWCs will be utilized. SACs shall ensure that all OIG special agents receive the required training on the use of BWCs in accordance with this policy.

d. Special Agent. SAs will conduct pre-planned operations utilizing BWCs in accordance with this policy.

e. Body Worn Camera Program Manager (BWCPM). The BWC program is overseen by the BWCPM, who is responsible for management of the program. The BWCPM will periodically review BWC recordings to evaluate the quality of the audio and video recorded to ensure that OIG SAs are properly operating BWCs in the manner intended by this policy.

f. On Scene Supervisor. The On Scene Supervisor may be a SAC, ASAC, or the case agent. They are responsible for ensuring compliance with all BWC procedures during the enforcement operation.

5. DEPLOYMENT OF BWCs FOR ENFORCEMENT OPERATIONS

a. Wearing BWC. OIG 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 execution of a search warrant or arrest.

b. BWC Activation. BWCs shall be activated by all participating OIG SAs upon approaching a subject or premises during an enforcement operation. At any other time, while wearing a BWC, if an OIG SA encounters an individual who is uncooperative, violent, assaultive, or discussing criminal conduct, that in the OIG SA's judgment, 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 SA should activate and record with his or her BWC as soon as it is safe and practical to do so.

c. BWC Deactivation. BWCs shall be deactivated by OIG SAs only upon the direction of the OIG On Scene Supervisor when the supervisor determines, at his or her discretion, the scene is secured. For purposes of this policy, the term "secured" means that the scene is safe and under law enforcement control.

(1) When executing a search warrant, the OIG On Scene Supervisor may authorize OIG SAs to deactivate their BWCs once the location to be searched has been secured and all subjects have been 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.

(2) 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 the transport vehicle. While on the scene of an arrest and during arrestee transports from the scene of an arrest, OIG SAs must continue to wear their BWCs and leave them in the Ready (buffering) or equivalent mode. See procedures described in the OIM, Chapter 24, Arrests, for handling arrestees.

d. Exceptions

(1) The OIG On Scene Supervisor may authorize OIG SAs to deactivate their BWCs if the enforcement operation is of such a duration that BWCs need to be deactivated to conserve power and/or for temporary storage.

(2) An OIG SA 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.

e. Interviews. During one of the above enforcement operations, a BWC may be used to record an interview with an arrestee or detainee.

6. OPERATIONS WITH PARTNER LAW ENFORCEMENT

a. Joint Operations. When conducting enforcement operations with a partner law enforcement agency that will deploy BWCs during the operation, OIG SAs will comply with OIG policy. This section applies to both OIG-led enforcement operations under OIM, Chapter 21, Search and Seizure and OIM, Chapter 24, Arrests, and other partner agency-led operations. The OIG Supervisor or case agent shall discuss BWC deployment 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 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 OIG case agent will document these discussions on the OIG Operational Plan or in a 302 if a non-OIG operations plan is being used.

b. Unresolved Conflicts. Prior to an operation using BWCs, the SAC overseeing the operation shall notify the AIGI or DAIGI, of any unresolved conflicts with any partner law enforcement agency regarding BWC deployment prior to the operation. If necessary, the AIGI or DAIGI may intervene with the partner law enforcement agency to reach a resolution.

7. DEVIATIONS FROM BWC POLICY. Deviations related to OIG BWC policy shall be handled as follows:

a. Pre-approved Deviations. Any deviation from the OIG BWC policy must be documented in the Operational Plan and approved through the established operational plan approval process. Under exigent circumstances, an oral authorization may be given by the AIGI or his/her designee but must be subsequently documented.

b. Unplanned Deviations. Any deviation from the OIG BWC policy related to BWC activation or deactivation due to device malfunction, operator error, or other circumstances, shall be documented in a memorandum from the OIG case agent to the SAC overseeing the operation. The memorandum shall address:

- (1) Why the recording was not made;
- (2) Why the recording was interrupted; and/or

(3) Why the recording was terminated.

8. BRIEFINGS. All operational briefings for enforcement actions should cover the planned use of BWCs. The briefing shall include, if necessary, a discussion of any steps that can be taken to avoid recording undercover personnel or confidential informants or sources. All OIG SAs who are issued BWCs, and who are expected to activate them during an operation, must receive the operation briefing.

9. WEARING OF BWC. OIG SAs shall only use BWCs issued by the OIG and assigned to them. The BWCs are assigned to each agent by serial number and the agent's badge number is assigned to that camera. OIG SAs should exercise reasonable care when using BWCs to ensure their proper functioning. OIG SAs should ensure that the BWC is fully charged before and during its deployment. OIG SAs will notify the BWCPM of any equipment malfunctions as soon as possible.

a. If a tactical ballistic vest is worn, the BWC will be worn on the outside/front of the tactical ballistic vest. The tactical ballistic vest will be worn over the OIG SA's clothing.

b. In the event a BWC is deployed when a tactical ballistic vest is not worn, the BWC will be secured to the OIG SA's outer clothing, lanyard, or belt.

c. OIG SAs should ensure the BWC is not obstructed by clothing or other objects on the agent's person. OIG SAs should not alter tactically sound principles to accommodate the BWC's visual recording. OIG SAs 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.

10. BWC RECORDINGS AND EQUIPMENT

a. Equipment and Data. 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. Other than the BWCPM and the BWCPM's supervisor, no OIG personnel shall edit, alter, erase, duplicate, copy, share, or otherwise release, disclose, or distribute in any manner, any BWC recordings, without consultation with the Office of Counsel and written authorization from the AIGI. OIG SAs may review their own BWC recordings but may not share their recordings with others.

b. Storage. BWC recordings will be uploaded as soon as possible, usually within 24 hours, and stored in an OIG-controlled cloud storage service, with all access, including vendor access, permanently logged. Access to the recordings will be controlled by the BWCPM. Each file will contain all relevant metadata, such as the date and time of the

recording, the name of the OIG SA 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 or copied, and the name of each reviewer.

c. Access and Review of BWC Recordings. Access to stored BWC recordings will be password protected, recorded automatically by the system software, and audited periodically by the BWCPM to ensure that only authorized users access the recordings and associated data for legitimate and authorized purposes. All logins, video access and other actions taken in the system software is placed in an audit trail log that is reviewable by the BWCPM and the BWCPM's supervisor. This information may be discoverable and could be requested by the prosecution or the defense during court proceedings.

d. Requests for Disclosure of BWC Recordings. All requests for disclosure of BWC information shall be submitted to the SAC who will forward the request to the DAIGI for decision, in consultation with the Office of Counsel, and provide a copy of the request to the BWCPM. Once approved, the BWCPM will make the redactions to the BWC footage prior to disclosure, as necessary by the BWCPM.

e. Retention. BWC recordings will be securely stored according to OIG-mandated procedures. Copies shall only be released with prior, written authorization from the AIGI, and approval by the Office of Counsel.

(1) 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 according to OIG Records and Information Management, Chapter 20, unless a request to preserve the recordings is provided in writing to the BWCPM through the AIGI or their designee. These recordings will be maintained in an OIG-controlled cloud storage service where they are initially uploaded until their deletion is required.

(2) BWC recordings associated with information pertinent to the case being investigated, such as 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, OIG Records and Information Management, Chapter 20. The original recording must be retained in the OIG-controlled cloud storage service, with all access, including vendor access, permanently logged.

(3) 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 Office of Counsel.

(4) BWC recordings associated with normal training exercises (i.e., no injuries) will be deleted after the appropriate instructor (firearms instructor, control tactics instructor, use of force instructor, etc.) reviews the recordings for instructive scenarios and confirms it is acceptable to delete the recording. If a training scenario is identified whereby BWC deployment might be useful, the instructor will obtain a written statement from each OIG SA involved in the training if they would like their faces redacted and/or voices changed from the recording before its use in future trainings. The BWCPM will redact faces and change voices, as requested for the training video. The unredacted BWC recording will be deleted after all changes are made to the training video.

f. Theft or Loss of Equipment. OIG SAs will report the loss or theft of a BWC or docking station to their SAC and the BWCPM as soon as possible, but no later than 24 hours after the discovery of the loss or theft.

11. RESTRICTIONS ON USE. OIG SAs 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.

a. Prohibited Use of BWCs. Absent approval from the Deputy Inspector General and the AIGI, in consultation with any assigned prosecutor or the Office of Counsel, BWCs shall not be used to record:

(1) in a detention facility, if the law enforcement operation is not taking place in the facility; or

(2) personnel conducting activities involving classified information.

b. Redacting BWC Recordings. 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 BWCPM will consult with the Office of Counsel on such recordings and the BWCPM will execute the redaction features of the BWC software to blur images or portions of images, or minimize audio content, when making copies of BWC recordings for disclosure.

c. Undercover Agents. If an undercover agent participates in an operation where the OIG SAs on the scene is not able to take measures to avoid recording the identity of the undercover agent, the OIG On Scene Supervisor will inform the BWCPM and note this occurrence in a 302. The BWCPM will coordinate with the Office of Counsel on what steps should be taken to redact any images and voice recordings of any undercover agents and the BWCPM will execute the redactions.

12. DELETING RECORDINGS. Any request to delete a portion or portions of the recordings (e.g., accidental recording) must be submitted via a memorandum from the OIG SA, through his or her SAC, and approved in writing by the AIGI and the Deputy Inspector General, in consultation with the Office of Counsel. The memorandum must state the reason(s) for the request to delete the recording. If the request is approved, the request memorandum and the written approval will be provided to the BWCPM, who will then conduct the deletion. The BWCPM will retain a record of the approved deletion in the OIG cloud service storage. All requests and final decisions will be maintained by the BWCPM and deleted based on OIG Records and Information Management, Chapter 20.

13. PERMITTED REVIEWS OF BWC RECORDINGS

a. Permitted Reviews. An OIG SA may access BWC recordings when necessary to perform the essential functions of his or her job, including but not limited to such review necessary to draft and review a 302 describing an operation. An OIG SA may also access 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 of subsections (b) and (c) immediately below.

b. Reviews by Agents Under Investigation. An OIG SA 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 Amtrak OIG or non-Amtrak OIG personnel investigating allegations about the OIG SA's conduct. The OIG SA 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 SA will not be permitted to make or take a copy of the recording.

c. OIG Special Agent-Involved Shootings/Uses of Force. All OIG SA-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, or local prosecution office has declined prosecution. As soon as practicable after any such incident, the involved OIG SA 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 attorney or representative, the Office of Counsel, or OI investigator in the matter until the conclusion of the preliminary investigation. See Investigations Manual, Chapter 23, Critical Incidents. The involved OIG SA(s) and any other OIG SA(s) who witnessed the AIS or use of force should provide their BWCs to the On Scene Supervisor. 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 SA on-scene. The On Scene Supervisor or other senior OIG SA should upload the videos from all the BWCs collected in accordance with this policy. The involved OIG SA(s) and any other OIG SA(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.

d. Internal Investigations. OIG personnel conducting internal investigations may review BWC recordings in connection with such investigations. Requests to review an OIG SA's BWC recordings for the purpose of this subsection shall be made in a memorandum to the AIGI. The memorandum shall state the reason(s) for the request.

e. SAC reviews. SACs may not use BWC recordings as evidence to support a negative performance appraisal. However, SACs may view BWC recordings to conduct "after action debriefs" and for training purposes, as described above. Requests to review an OIG SA's BWC recordings for the purpose of this subsection shall be made in a memorandum to the AIGI. The memorandum shall state the reason(s) for the request.

14. REQUESTS FOR RELEASE. 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 investigation subject to applicable federal laws, rules, and policies concerning any such disclosure; and therefore, deemed privileged absent appropriate redaction prior to disclosure. All requests for OIG BWC recordings unrelated to a pending OIG criminal investigation or case will be forwarded to the Office of Counsel, 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. OIG BWC recordings are controlled by, and are the property of, the OIG and will be retained and managed by the OIG.

15. EXPEDITED PUBLIC RELEASE OF BWC RECORDINGS. If BWC recordings depict conduct resulting in serious bodily injury or death of another, the OIG shall notify the United States Attorney as early as possible if it desires to publicly release the BWC recordings. The OIG and the United States Attorney will expeditiously review the

recordings and provide official concurrence with public release as soon as practical, unless there are specific and compelling circumstances justifying an objection to public release that cannot be resolved by redaction or other means. Upon official concurrence, the OIG may immediately release 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.

16. TRAINING. To ensure the proper use and operation of BWCs, as well as maintain compliance with privacy and civil liberties laws, OIG SAs must establish and maintain proficiency and knowledge related to BWC deployment as follows:

a. Initial. Prior to deployment of BWCs, each OIG SA must complete an OIG-approved initial training module to ensure the proper use and operation of the BWC, as well as compliance with privacy and civil liberties laws.

b. Annual. OIG SAs must complete an annual BWC familiarization module in conjunction with control tactics training or firearms training, to maintain proficiency in the use of BWCs and ensure continued functionality of the devices. If OIG SAs are unable to complete the required scheduled training, they will raise the need for alternate training with their SAC who shall review and approve their training.



KEVIN H. WINTERS
Inspector General

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U.S. Department of Justice
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530
June 7, 2021

MEMORANDUM FOR ACTING DIRECTOR, BUREAU OF ALCOHOL, TOBACCO,
 FIREARMS & EXPLOSIVES
 ACTING ADMINISTRATOR, DRUG ENFORCEMENT
 ADMINISTRATION
 DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
 DIRECTOR, UNITED STATES MARSHALS SERVICE
 ASSISTANT ATTORNEY GENERAL FOR
 ADMINISTRATION
 EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

FROM: THE DEPUTY ATTORNEY GENERAL *via Memo*

SUBJECT: BODY-WORN CAMERA POLICY

The Department of Justice recognizes that transparency and accountability in law enforcement operations build trust with the communities we serve. Although the Department's law enforcement components do not regularly conduct patrols or routinely engage with the public in response to emergency calls, there are circumstances where the Department's agents encounter the public during pre-planned law enforcement operations. The Department is committed to the use of body-worn cameras (BWCs) by the Department's law enforcement agents in such circumstances.

In October 2020, the Department announced a policy that permits state and local officers on Department of Justice Task Forces to wear and activate BWCs when the use of force is possible – while serving arrest warrants, executing other planned arrest operations, and during the execution of search warrants. Today, based on recommendations from the Department's law enforcement components, I am directing the Acting Director of the Bureau of Alcohol, Tobacco, Firearms & Explosives; the Acting Administrator of the Drug Enforcement Administration; the Director of the Federal Bureau of Investigation, and the Director of the United States Marshals Service to develop and submit for review, within 30 days, component BWC policies that require agents to wear and activate BWC recording equipment for purposes of recording their actions during: (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.

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Memorandum from the Deputy Attorney General
Subject: Body-Worn Camera Policy

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Each law enforcement component shall develop its policy and a phased implementation plan for compliance with the above directive no later than 30 days from the date of this memorandum, and shall designate a senior official with responsibility for implementation and oversight of its BWC policy. Each component also shall ensure immediately that partners serving on DOJ-sponsored task forces are aware of the current Department policy that permits state and local officers on DOJ task forces to wear and activate BWCs.

Each component's BWC policy shall include:

- the responsibilities for Department agents to carry, operate, maintain, and secure the equipment, including when to activate and deactivate BWCs;
- the type(s) of BWC equipment authorized for use;
- the duration of time and scope of the BWC footage preserved prior to its activation (i.e., buffering period);
- specialized or sensitive investigative techniques or equipment that may require different treatment under the BWC policy;
- procedures governing the collection, storage, access, retention, use, and dissemination of BWC recordings, consistent with applicable federal laws;
- procedures governing the use of BWCs by all members of Department-sponsored task forces; and
- procedures for the expedited public release of recordings in cases involving serious bodily injury or death.

In addition, as soon as practicable, each component shall:

- submit for the approval of the Department's Chief Privacy and Civil Liberties Officer a Privacy Impact Assessment of the component's planned use of BWCs and associated equipment prior to implementation of its BWC policy, and a plan for annual privacy reviews;
- consult with the Office of Records Management to ensure the component's BWC policy is fully compliant with all records-related laws, regulations, rules, policies, and guidance;
- work with the Justice Management Division to assess resource requirements to fully implement its BWC policy and build upon the resources allocated to the Department to support BWC usage in FY22; and
- design evaluation metrics that can be used to measure the impact of its BWC policy.

Enclosure (1)

May 6, 2025

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Finally, within 90 days, the Executive Office for U.S. Attorneys should develop training for prosecutors regarding the use of BWC recordings as evidence, building on existing trainings related to the discovery implications of these recordings.

I am proud of the job performed by the Department's law enforcement agents, and I am confident that these policies will continue to engender the trust and confidence of the American people in the work of the Department of Justice.

Enclosure (1)