

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
OFFICE OF INVESTIGATIONS MANUAL**

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CHAPTER 36

BODY WORN CAMERA PROGRAM

This Chapter provides policy and guidance for the National Aeronautics and Space Administration (NASA), Office of Inspector General (OIG), Office of Investigations (OI), regarding the policies and procedures governing the Body Worn Camera (BWC) program. This policy does not govern the use of surreptitious recording devices in undercover operations and does not supersede any existing OI policies on the handling of evidence, interviewing, or interrogations, unless otherwise specified in this policy.

I. OVERVIEW

- A. Body Worn Cameras. BWCs can improve agent safety, transparency, accountability, and allow for accurate documentation of contacts between Special Agents (SAs) and others during planned law enforcement (LE) activities or operations. The only type of BWC authorized for use by OI SAs conducting planned activities or operations are BWCs provided by NASA OIG.
- B. Body Worn Camera Recordings. BWC recordings can be used as evidence for investigative and prosecutorial purposes in the event a SA is threatened or assaulted during a contact or if there is a use of force or critical incident. It should be noted that recordings may depict things that the SA did not see or hear, and/or the SA may have heard or seen things that were not recorded by the BWC.
- C. Body Worn Camera Program. The Headquarters Director of Operations (DO), via the Program Manager (PM), will oversee the BWC Program. The Assistant Special Agent in Charge (ASAC) will assign a BWC Coordinator (BWCC) at each major OI office. The BWCC will provide management and oversight of the local BWC program in that office, under the direction of the ASAC and the appropriate Special Agent in Charge (SAC).

II. RESPONSIBILITIES

- A. Assistant and Deputy Assistant Inspector General for Investigations (AIGI/DAIGI). The AIGI and DAIGI are responsible for:
 - 1. The overall operation of the BWC program within OI;
 - 2. For authorizing the use of BWCs under certain circumstances;

3. For waiving the requirement to deploy BWCs in situations when NASA OIG is the lead investigative agency;
4. Approves/disapproves any proposed deletion or redaction of any BWC recording;
5. Authorizing the release of BWC footage pursuant to management inquiries involving OI personnel; and
6. Producing and providing BWC footage to the Deputy IG (DIG), or IG, and members of any involved external agency for matters involving OI personnel.

B. Headquarters Director of Operations (DO) and/or Program Manager (PM). The DO, by way of the PM, is responsible for:

1. Overseeing the OI BWC Program, to include creating or approving a training program and making it available to all SAs who use BWCs; and
2. Daily management of the program to include addressing policy questions and BWC use or issues.

C. Special Agents in Charge (SAC). The SACs are responsible for:

1. Ensuring SAs use BWCs in accordance with (IAW) this policy;
2. Addressing equipment issues with the DO and PM as they arise;
3. Ensuring BWCCs are appointed in their areas of responsibility;
4. Ensuring BWC footage is transferred IAW this policy and AIGI or DAIGI guidance; and
5. Referring any received Freedom of Information Act (FOIA) and Privacy Act request to the NASA OIG Office of Legal Counsel.

D. Assistant Special Agents in Charge (ASAC). The ASACs are responsible for:

1. Ensuring all SAs attend required training on the use of BWCs and this policy; and
2. Assigning a BWCC in their respective office.

E. Body Worn Camera Coordinators (BWCC). The BWCC is responsible for the management of the BWC program at each office and for delivering annual training, ensuring storage, and providing security of all BWC systems and ancillary equipment at their respective locations, with assistance of the assigned Equipment Custodian. The BWCC will ensure the proper functioning of BWC systems and report any malfunctions or issues to the DO and/or PM. The BWCC may also assist the case agent or SA with transferring captured audio and/or video to NASA OIG Reporting System (NORS) after any planned LE activities or operations.

In addition, the BWCC will periodically review BWC recordings, for activities and operations at their respective office, to ensure that the equipment is operating properly and that SAs are using the devices appropriately and IAW this policy.

- F. Special Agents. After the conclusion of a LE activity or operation where a SA used a BWC to make a recording, the SA or case agent will document the BWC as an investigative activity IAW Office of Investigations Manual (OIM) Chapter 3, Investigative Activity Reports, transfer the captured video or audio, and, after transfer to NORs, will delete any remaining files on the BWC to ensure it is ready for use during the next planned LE activity.

III. BODY WORN CAMERA EQUIPMENT

- A. Body Worn Camera Use. SAs shall only use BWCs issued by OI. SAs should exercise reasonable care when using BWCs to ensure they are functioning properly. SAs should ensure that the BWC is fully charged before its deployment. As soon as possible following any equipment malfunction, SAs will notify the BWCC, who in turn will notify the PM for any equipment replacement needs.
- B. Loss or Theft of Body Worn Cameras. All SAs will report the loss or theft of a BWC to the BWCC and their immediate supervisor as soon as practical but within 24-hours of the discovery of the loss or theft. The immediate supervisor shall notify their appropriate SAC, the DO, and the PM.

IV. USE OF BODY WORN CAMERAS

SAs are required to wear and activate available BWC recording equipment for purposes of recording their actions during planned enforcement operations, which for the purposes of this chapter include: (1) any pre-planned attempt to serve an arrest warrant or other pre-planned arrest, including the apprehension of fugitives sought on state and local warrants and (2) any execution of a planned search or seizure warrant or order. SAs are permitted to activate BWCs in additional circumstances when such use is appropriate for the proper performance of their official duties and where recording is consistent with this policy and the law.

- A. Placement of Body Worn Cameras. The BWC should be worn on the outside of the ballistic vest or outermost garment to ensure the best field of view. SAs should ensure the BWC is not obstructed by clothing, lanyards, accessories, etc.

During pre-operational planning and briefings, the lead SA will cover BWC assignments, placement, and collection of video and audio during and after operations.

- B. Recording During Operations. SAs participating in the operations identified in Section IV will be equipped with available BWCs, except when specifically exempted by this policy. SAs will activate their BWCs to record contacts with individuals during these pre-planned operations. Whenever possible, SAs should inform individuals at the beginning of the contact that they are being recorded (*e.g.*, “Sir/Ma’am, I am advising you that our interaction is being recorded.”) If the BWC

must be deactivated during an operation, the SA should verbally state that the BWC is being deactivated and state the date, time, and reason for the deactivation.

- C. Recording During Interviews and Interrogations. SAs may utilize the BWC to record field interviews and interrogations during planned operations, IAW the recording requirements outlined in OIM Chapter 8, Interviews and Interrogations.
- D. Recording During Joint Operations. When conducting operations with another LE agency, federal, state, local, or tribal, NASA OIG SAs will comply with this BWC policy.

The OI team lead for the planned LE operation shall discuss the use of BWCs with the other agency's team lead prior to the operation. The case agent will document these discussions. The SAC shall notify their OI legal representative and the DO, DAIGI, or AIGI if there is an unresolved conflict with the other LE agency regarding OI's intent to deploy BWCs during a planned LE operations where NASA OIG is the lead agency.

The DAIGI or AIGI may determine that the use of a BWC is not prudent during a joint operation and authorize in writing that the OI SAs participating do not have to use their BWCs during the joint operation. Any deviation from the OI policy in this way will be documented in writing with the rationale and placed in the appropriate OI case file.

Any audio or video captured by OI equipment will remain NASA OIG property and/or evidence unless otherwise stipulated during joint operations planning and briefing.

After consultation with OIG regional counsel regarding any applicable privacy or other laws, the BWCC or PM will coordinate the sharing of recordings related to planned joint LE operations with the other participating agencies as necessary and will request that other participating LE agencies share their recordings as well. When sharing OI BWC recordings with another agency, the BWCC or PM will inform that agency that it may not share OI recordings with anyone outside of that agency without the express written permission of the NASA OIG AIGI, Deputy IG, or IG.

- E. Activation of Body Worn Cameras. During pre-planned enforcement operations, SAs will activate their BWC at the direction of the team lead. The team lead will determine when to activate the BWCs and will ensure that each member of the team, with a BWC assigned, has activated the BWC prior to beginning the operation. Upon activating the BWC the SA will state "Body camera activated," their name, the date, and time. SAs shall record the activities until they are concluded or, if executing a search warrant, until the location to be searched is secured and any subjects have been searched. To ensure the integrity of the recording, the BWC must remain activated until the activity is completed, unless the SA moves into an area restricted or prohibited by this policy (see IV. Section H).

SAs are not expected to activate their cameras when it would be unsafe, impractical, or impossible to do so. SAs will only deactivate their BWC at the direction of an operation's team lead. An operation's team lead can direct other OI SAs to deactivate their BWCs, which will generally be when the site is safe and under LE control.

- F. Deactivation of Body Worn Cameras. During planned LE operations, SAs will deactivate their BWCs at the direction of the team lead, or other on-site supervisor. Prior to deactivating the BWC, the SA will verbally state the date, time, and reason for the BWC's deactivation. The team lead will use their discretion to determine whether team members participating as outside cover during the execution of the warrant should continue to record.

Reasons for deactivation of BWCs include:

1. After executing a planned search warrant, the team lead can authorize the team to deactivate the BWCs once the location being searched is secure and all subjects have been searched;
2. After completing investigative action, which was recorded;
3. Battery conservation, if authorized by an operation's team lead;
4. For a SA to obtain medical attention;
5. For a SA to attend to a non-LE personal matter (e.g., using the restroom);
6. When the operation becomes restricted or exempted according to the recording policy (as described above); and
7. For those exceptions identified in IV. Section H.

- G. Failure to Activate Body Worn Cameras. SAs will make reasonable efforts to wear and activate their available BWCs for the purpose of recording their actions during pre-planned arrests and searches (except those described in IV. Section H.), or upon approaching subjects or premises related to pre-planned arrests or searches, as determined by the lead on-scene SA.

If an SA fails to activate the BWC, interrupts the recording, or fails to complete a recording required by this policy, the SA shall document in the following in NORS:

1. Why the recording was not made;
2. Why the recording was interrupted; and/or
3. Why the recording was terminated.

An intentional failure to activate the BWC or the unauthorized termination of a BWC recording may result in disciplinary action.

- H. Restrictions on Use. SAs equipped with BWCs should be mindful of locations where recording may be considered insensitive, inappropriate, or prohibited by privacy policies or law. BWCs will not be used for any facial recognition activities. BWCs

shall only be used in conjunction with planned LE duties and not personal activities. SAs shall not knowingly use BWCs to record:

1. Undercover operations; including preplanned arrests or searches involving undercover employees or other covert personnel;
2. Operational or LE-sensitive communications with other LE personnel;
3. Locations where individuals have a reasonable expectation of privacy such as a restroom or locker room unless authorized by the SAC, DO, DAIGI or AIGI.
4. The execution of planned search warrants or orders for records or data when said execution does not involve entry of a physical location (e.g., a search warrant for emails issued to Google or Microsoft);
5. Searches of property lawfully in Government custody or control;
6. OI workplaces (e.g., regional field offices); and
7. Routine activities unrelated to LE.

An OI SA requesting to record in one of these excepted places or situations can only do so if they receive express written permission from the DO, AIGI, or DAIGI. If a recording inadvertently captures video or audio restricted by the policy or law, OI may use software to blur images or minimize audio content, if a request for disclosure of BWC recording is received and that recording contains restricted information. The DO, DAIGI, or AIGI may authorize the blurring of images or minimization of audio content, after consultation NASA OIG Legal Counsel. Authorization will be documented within NORS.

V. DOCUMENTING USE OF BODY WORN CAMERAS

Upon the conclusion of planned enforcement operations or investigative activities, the case agent will document that a recording was made and provide a summary of the activity. The summary should include the following information:

1. The names of the team members participating in the activity or operation;
2. Whether or not all SAs were wearing BWCs during the planned activity or operation;
3. Whether or not all BWCs were activated prior to the activity or operation;
4. Whether or not BWC use was planned or unplanned;
5. If any BWCs malfunctioned or were inoperable during the activity or operation;
6. If any BWCs were not activated prior to, or during, the activity or operation;
7. If any BWCs were turned off during the activity or operation; and
8. If any BWC recording was interrupted or terminated during the activity or operation.

VI. BODY WORN CAMERA RECORDINGS

- A. Handling of Recordings. BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of NASA OIG. SAs shall not edit, alter, erase, duplicate, copy, share, or otherwise release, disclose, or distribute in any manner, any BWC recording without prior

written authorization from the DO, DAIGI or AIGI. Unauthorized accessing, copying, or releasing files is strictly prohibited and may result in disciplinary action.

- B. Transfer and Storage of Body Worn Camera Recordings. Upon conclusion of the enforcement operation or activity, the team lead will collect all BWCs and return them to the local BWCC. The BWCC may assist the case agent or SA in transferring all BWC recordings with evidentiary value to the appropriate case file within NORS. Each file shall 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 by the BWC, and NORS will automatically ‘hash’ the video and audio log when it is transferred.

Once the BWC recording is transferred to NORS, all active video recording files, and related data files on the BWC’s should be deleted from the BWC and the BWC will be returned to equipment storage under the control of the local equipment custodian.

NORS is the system of record for all BWC recordings of evidentiary value. BWC files in NORS will be retained per the NASA OIG retention policy.

- C. Significant Recorded Incidents. If a use of force or other significant incident occurs during a planned operation, the team lead will notify an ASAC and SAC, and the BWCs will be delivered to the BWCC for transfer to NORS, as soon as possible.
- D. Body Worn Camera Recordings as Evidence. If the BWC recording is deemed evidence by an SA, ASAC, SAC, or OIG legal counsel, the BWCC may assist the case agent or SA in transferring the recording to NORS. The BWCC may assist the case agent or SA in completing a NASA OIG Evidence or Property Custody Document to document the chain of custody from the BWCC to the case agent. If needed for official purposes, a copy of the BWC recording may be provided to the case agent.
- E. Deleting Body Worn Camera Recordings. Any request to delete a portion or portions of the recordings (*e.g.*, accidental recording) from NORS must be documented and approved by the SAC, DO, DAIGI, or AIGI after consultation with OIG counsel. The request must state the reason(s) for deleting the recording. The written documented approval (*e.g.*, email, memo, etc...) will be provided to the appropriate SAC, ASAC, and local BWCC and filed within NORS. The recording will only be deleted after approval is documented and received by the SAC. All requests and final decisions will be maintained by the local BWCC within the appropriate NORS case file.
- F. Permitted Reviews of Body Worn Camera Recordings. An SA shall be given a copy of the audio and video data derived from the BWC equipment issued to them to defend against allegations of misconduct or poor performance during the recorded enforcement activity. Consultation with NASA OIG counsel shall be sought as to the timing of release of this copy. SAs will not record or copy any BWC audio or video data files from NORS without an official purpose and SAC approval. This written

approval will be documented within NORS (e.g., email, memo, etc...). SAs who are the subject of an OIG investigation, use of force or otherwise, may review their own BWC recordings prior to providing any formal statements or participating in any interviews. The SA may review the recording with their attorney or other representative. SAs who witness a use of force or critical incident shall also be allowed to view their own BWC recordings prior to giving a formal statement. SAs designated by the DO, DAIGI, or AIGI may be assigned to review BWC recordings in connection with an internal investigation of any OI personnel. BWC recordings may also be used to provide information for training purposes with the written permission of NASA OIG personnel whose recordings or images are captured by the audio or video.

- G. Disclosure of Body Worn Camera Recordings. SAs must obtain written approval from the NASA OIG Office of Counsel prior to any disclosure of information (*i.e.*, audio or video recording, etc.) recorded by an OI owned BWC. All requests for disclosure of information should be coordinated through the BWC PM. All access to BWC video or audio is controlled and logged through the case management system to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- H. Records Retention. BWC recordings will be stored within NORS and retained per NASA OIG retention policy. All recordings are NASA OIG records and should be disposed of according to NASA OIG's records retention policy at NASA Procedural Requirements (NPR) 1441.1E, Record Retention Schedules (NRRS) 1441.1, Schedule 9. For BWC recordings deemed as evidence, the SA will adhere to the OI evidence policy, OIM Chapter 9, Evidence and Collected Properties.

VII. REQUESTS FOR BODY WORN CAMERA RECORDS

- A. Information Requests. Recordings from BWCs may be subject to release pursuant to the Freedom of Information Act (FOIA) and Privacy Act. Any request for records should be sent to NASA OIG's Office of Counsel for processing.

VIII. REQUIRED TRAINING FOR BODY WORN CAMERAS

All SAs will complete an approved training program that covers the proper use and operation, latest capabilities, and any limitations of assigned BWC equipment or policy, annually. To ensure operational readiness and proficiency in the use of BWCs, the BWC Program Manager will keep abreast of significant changes in technological capabilities and privacy and civil liberties laws.