



U.S. Environmental Protection Agency
Office of Criminal Enforcement, Forensics and Training



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1. PURPOSE

This policy establishes requirements and guidance for the use of body-worn cameras (BWCs) by the U.S. Environmental Protection Agency (EPA), Office of Criminal Enforcement Forensics and Training (OCEFT), Criminal Investigation Division (CID).

RIGHTS OF THIRD PARTIES. This directive is not intended to create and does not create any rights or benefits, substantive or procedural, enforceable at law or in equity in any manner, civil or criminal, by any party against the United States.

2. REVISION HISTORY

History	Effective Date
OCEFT-I-022, Body-Worn Cameras, original issue.	May 8, 2024

3. SCOPE AND APPLICABILITY

This directive applies to all OCEFT employees who have been designated by the EPA Administrator as LEOs per 18 U.S. Code (U.S.C.) § 3063.

4. POLICY

This policy adheres to Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety* (May 25, 2022),¹ and Department of Justice memorandum, *Body-Worn Camera Policy* (June 7, 2021).² This policy does not govern the use of surreptitious recording devices in undercover operations or the recording of interviews.

5. DEFINITIONS

Law Enforcement Officer includes Special Agents in the GS-1811 job series and Law Enforcement Specialists in the GS-1801 job series who have been authorized to carry firearms. For the purposes of this directive, LEO refers to law enforcement officers assigned to OCEFT.

Tactical Portion is the initial entry or contact portion of an operation or other law enforcement activity where law enforcement officers are implementing tools, tactics, and procedures, in accordance with all applicable training and OCEFT Policies, to conduct operations which include, but are not limited to, search warrants, arrest warrants, or other phases of the operation where the premises have not yet been secured. The tactical portion ends when the scene is deemed safe by the designated authority and the premises or persons to be searched or seized have been properly secured.

Warrant is a document issued by a court or government official authorizing the police or some other body to make an arrest, search premises, or carry out some other action relating to the administration of justice. This directive addresses search warrants and, therefore, refers to warrants as search warrants throughout.

¹ Available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order-on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/> (accessed August 10, 2023).

² Available at <https://www.justice.gov/dag/page/file/1402061/download> (accessed August 10, 2023).

6. RESPONSIBILITIES

Reserved.

7. PROCEDURE

7.1. Overview

7.1.1. Body-Worn Cameras

Body-Worn Cameras (BWCs) can build public trust, transparency, and accountability when a use-of-force incident may be encountered during certain planned law enforcement operations (for example, planned execution of search warrants or arrests). BWCs allow for accurate documentation of contacts between LEOs, CID employees, and the public, which can also help resolve any potential complaints made against an LEO.

7.1.2. Body-Worn Camera Recordings

BWC recordings may be used as evidence for investigative or prosecutorial purposes if an LEO is threatened or assaulted during an encounter or if there is a use-of-force or critical incident.

7.1.3. Body-Worn Camera Program

The Assistant Director of Investigations (ADI) under the direction of the CID Director, is responsible for the overall management of the BWC program. The CID Director or their designee may periodically review BWC recordings to ensure the BWCs are being used in accordance with OCEFT policy.

7.2. Required Use of Body-Worn Cameras

All LEOs who are equipped with a BWC are required to wear and activate the BWC to record their actions and ensure that the video and audio recording functions remain on at all times during the tactical portion of the following pre-planned operations: (1) arrest warrants, (2) initial entry and protective sweep actions during a search or seizure warrant, and (3) citizen contacts that have the potential of adversarial confrontation.

7.3. Optional Use of Body-Worn Cameras

Beyond required uses identified in this policy, additional activation of a BWC may be left to the discretion of the LEO or supervisor. Situations where this would be appropriate would be for the audio and video recording of an interview and during surveillance operations. When used outside of the tactical portion of an operation, LEOs must notify individuals of the audio / video recording in accordance with OCEFT-I-004, *Interviews*.

7.4. Operational Use of a Body-Worn Cameras During Joint Operations

When conducting operations with another law enforcement agency, LEOs will comply with this policy. Prior to an operation using BWCs, the SAC/ASAC overseeing the operation shall notify the CID Director or designee of any unresolved conflicts with any partner law enforcement agency regarding CID's deployment of BWCs. Any deviation from this policy must be approved, in writing or via email, by the CID Director or designee, and documented in the applicable case file. Under exigent circumstances, an oral

authorization may be given by the CID director or designee but must be subsequently documented within the case file.

7.5. Body-Worn Camera Equipment

7.5.1. Body-Worn Camera Usage

LEOs shall only use BWCs issued by CID. LEOs shall exercise reasonable care when using BWCs to ensure their proper functioning. LEOs shall ensure BWCs are fully charged before deployment. LEOs will notify the NCFL-TEC of any equipment malfunctions as soon as possible to facilitate equipment replacement needs.

7.5.2. Loss, Theft, or Damage of Body-Worn Cameras

All LEOs will report the loss, theft, or damage of a BWC to their immediate supervisor and the NCFL-TEC or their designee as soon as practical but no later than 24 hours after the discovery of the loss, theft, or damage. The Branch SAC will notify the ADI and/or CID Deputy Director as soon as practical.

7.6. Use of Body-Worn Cameras

7.6.1. 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. LEOs should ensure, to the best of their ability, the BWC is not obstructed by clothing, lanyards, accessories, etc. However, LEOs 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.

7.6.2. Pre-Operational Planning

All LEOs expected to participate in a pre-planned enforcement operation, as defined in paragraph 7.2, should be equipped with BWCs, and will activate them during the tactical portion of the operation. Prior to conducting any such operation, the SAC/ASAC or on-scene CID team leader must conduct a briefing regarding the planned use of BWCs, including discussion of any steps that must be taken to avoid recording undercover personnel or confidential informants.

7.6.3. Activation of Body-Worn Cameras

During law enforcement operations, LEOs must activate their BWC systems when arriving at a location for the purpose of conducting law enforcement actions resulting in imminent contact with the public.

7.6.4. Deactivation of Body-Worn Cameras

When executing a search warrant, the OCEFT CID team leader may authorize the team to deactivate the BWC once the location to be searched has been cleared and deemed safe. The on-scene OCEFT CID team leader should use their discretion to determine whether team members participating as perimeter security during the execution of the warrant should continue to record. During an arrest warrant or situation that requires LEOs to affect an arrest, all LEOs in contact with the arrestee or during transport will keep their BWCs activated. All other LEOs, once deemed clear of the arrest and any resulting citizen contact may deactivate their BWCs.

7.6.5. Exceptions

A CID LEO may deactivate their BWC at any time the LEO needs to obtain emergency medical attention or needs to attend to a personal matter, such as using the restroom, that takes them away from a planned operation.

7.6.6. Failure to Activate Body-Worn Cameras

If LEOs fail to activate the BWC, fail to record the entire contact, or interrupt the recording, the LEOs shall document in a memorandum to their Branch SAC the following:

- why the recording was not made,
- why the recording was interrupted, and/or
- why the recording was terminated.

If a memorandum is created, it will be retained by the SAC in accordance with applicable records retention schedules. An intentional failure to activate the BWC or the unauthorized termination of a BWC recording may result in disciplinary action.

7.6.7. Restrictions on Use

LEOs equipped with BWCs should be mindful of locations where recording may be considered insensitive or inappropriate. 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,
- personnel conducting activities involving classified information,
- sampling personnel and sampling activities, and
- digital evidence collection.

7.7. Documenting Use of Body-Worn Cameras

Upon the conclusion of the enforcement operation, the OCEFT CID team leader will ensure the activity is documented in an Investigative Activity Report (IAR) including that recordings were made. A summary of the activity along with the following items should be documented:

- if any BWCs malfunctioned or were inoperable during the operation,
- if any BWC recording was interrupted or terminated during operation, and
- documentation of what camera is assigned to each agent.

7.8. Body-Worn Camera Recordings

7.8.1. Handling of Recordings

The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of OCEFT CID. All recordings shall be treated as law enforcement sensitive information. LEOs 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 OCEFT Director. Unauthorized accessing, copying, or releasing files outside of U.S. EPA and the Department of Justice is strictly prohibited.

If a use-of-force incident occurs during an operation, the LEO or on-scene OCEFT CID team leader will notify the SAC of the recorded altercation or significant incident as soon as possible. In addition to established protocols on reporting a use-of-force incident, any associated BWC recordings will be retained in accordance with this section and maintained in accordance with OCEFT's investigative records schedule.

In addition, the LEO(s) involved will cooperate fully with any agency or agencies investigating any use of force incident (be it PIQA, the EPA OIG, or any other federal/state/local investigating agency). This may entail turning over their BWC or relevant recordings to the investigating agency or agencies upon their request in accordance with commonly accepted investigative practices.

7.8.2. Records Retention

All BWC recordings shall be maintained in accordance with applicable EPA records schedules, in the designated file storage repository (including those deemed as evidence), which will be managed by the NCFL.

7.8.3. Saving Records

Upon the conclusion of the enforcement operation, BWC recordings must be transferred to the designated file storage repository as soon as practicable. Each recording file must contain at a minimum the date and time of the recording, and BWC identifier. If the BWC software creates an audit log, this log must be included in the saved record and considered the official audit log.

7.8.4. Recordings for Training Purposes

BWC recordings may be used for training purposes. Access to those recordings will be coordinated through the ADI. When using recordings for training purposes, the ADI, in consultation with LCD, must obtain the written permission from any CID personnel whose recordings or images are depicted.

Except when injuries occur, BWC recordings associated with training exercises must be deleted after the appropriate instructor reviews the recordings for material useful for future trainings and confirms it is acceptable to delete the recording. If a teachable scenario is found, the instructor must ask all recorded personnel for permission to use the video for training purposes and as necessary redact faces and/or voices. Unredacted BWC recordings of training scenarios will be deleted after all redactions are made.

7.8.5. Access and Review of Recordings

All access to stored BWC recordings must be recorded in the audit log to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

7.8.6. Permitted Reviews of Recordings

A CID LEO may access BWC recordings when necessary to perform the essential functions of their job, including such review necessary to draft an IAR describing an operation.

All LEOs involved in a use of force incident and any other LEOs who witnessed the use of force shall not be permitted to view recordings of the event without the concurrence of the OCEFT Director or designee prior to providing a statement to the applicable federal, state, or local prosecution office(s). The LEO

may also be permitted to review with legal counsel prior to providing a written statement to federal, state, or local prosecution office(s) with appropriate authorization as defined above.

To the extent that BWC recordings are the subject of a Freedom of Information Act request or needed as a part of LCD's legal representation of the agency, LCD and/or OGC attorneys may review BWC recordings.

7.8.7. Supervisor Reviews of Recordings

Supervisors may view BWC recordings to conduct after-action debriefs, supervisory oversight duties, and for training purposes, as described previously.

7.8.8. Requests for Records

BWC recordings shall ordinarily be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings. BWC recordings should generally be treated as potential evidence in a federal investigation subject to applicable federal laws, rules, and policies concerning any such disclosure and may therefore be deemed privileged, absent appropriate redaction prior to disclosure. All requests for CID BWC recordings unrelated to a pending CID criminal investigation or case must be forwarded to OCEFT Director or designee for a response to such requests. Nothing in this policy shall be deemed to provide a right of public access to BWC recordings. CID BWC recordings are the property of EPA, controlled by CID, and will be retained and managed by CID.

7.9. Expedited Public Release of CID Body-Worn Camera Recording(s)

If a CID BWC recording depicts conduct that has resulted in serious bodily injury or death of another person, the LEO(s) in question will cooperate fully with any investigating agency or agencies. BWC recordings shall not be released until after the investigating agency or agencies have completed their investigation or has authorized the release of such recordings. The OCEFT Director may authorize the release of all or redacted portions of the footage after consultation with the investigating agency and the relevant US Attorney's office prosecuting the original criminal case.

7.10. Required Training in the Use of Body-Worn Cameras

All LEOs must complete an approved training program to ensure the proper use and operation of the BWC, including but not limited to compliance with privacy and civil liberties laws.

8. RESOURCES

8.1. Background

Reserved.

8.2. Standards

Reserved.

8.3. Guidance

Reserved.

8.4. Waivers

In the extraordinary circumstance in which a waiver from any requirement is necessary, the request for a waiver must be submitted in accordance with the procedures set forth in OCEFT “Directive Requirements and Waivers.”

8.5. Authority

Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety* (May 25, 2022).

8.6. Related Documents

Reserved.

8.7. Additional Information

Reserved.

Henry E. Barnet
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