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## AIGI MEMORANDUM

November 8, 2023

### MEMORANDUM FOR ALL INVESTIGATIONS

*Robert L. Kwalwasser*

FROM: Robert L. Kwalwasser  
Assistant Inspector General for Investigations

SUBJECT: Body Worn Camera Interim Program Guidance  
AIGI Memorandum #24-01

#### 1. PURPOSE

- A. This Assistant Inspector General for Investigations (AIGI) memorandum outlines the Office of Investigations interim program guidance for the Body Worn Camera (BWC) Program accordance with U.S. Department of Justice's (DOJ) Body-Worn Camera Policy dated June 7, 2021, and Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.
- B. BWCs can build trust by providing transparency and accountability in circumstances where the use of force may reasonably be anticipated during planned law enforcement operations.
- C. OIG agents do not engage in general policing or public patrol and do not routinely engage with the public in response to emergency calls.
- D. Therefore, this interim guidance 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.
- E. While BWC recordings may enhance OI'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, and/or the OIG agent may have heard or seen things that were not recorded by the BWC.
- F. 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.



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- G. This interim program guidance does not supersede existing OIG policies or procedures for IGM 314, Interviews and Warnings, IGM 381, Evidence, IGM 386, Interception of Communications, and IGM 384, Undercover Operations.
- H. Assistant Inspector General for Investigations (AIGI) memorandum #22-03 Interim Guidance on the use of Body Worn Cameras Supporting External Agency Investigations has been incorporated into this interim guidance and is hereby cancelled.

## 2. DEFINITIONS

- A. Body Worn Camera (BWC) – An official issued device for recording video and audio interactions between Special Agents (SAs) and other individuals where the use of force may reasonably occur.
- B. Buffering Period – When powered on, not activated, the BWC captures video but not audio for a set period.

## 3. ROLES AND RESPONSIBILITIES

- A. Any deviation from this memorandum requires AIGI approval in writing, via Headquarters (HQ) Investigative Operations Center (IOC).
- B. The AIGI is responsible for:
  - 1. Overseeing and managing the BWC program.
  - 2. Waiving the requirement to deploy BWCs when the Postal Service OIG is the lead investigative agency.
  - 3. Coordinating production of BWC footage between the Inspector General (IG), Deputy Inspector General(s) (DIG), and members of any involved external agency for matters involving OIG personnel.
  - 4. Determining if the use of BWCs is not prudent during a joint operation and authorizing, in writing, that the OIG SAs participating do not have to use their BWCs during joint operation.
- C. The Executive Special Agent in Charge (ESAC) for HQ Operations is responsible for appointing a BWC Coordinator.



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- D. Area Field Office (AFO) ESACs are responsible for:
1. SAs use of BWCs in accordance with this interim guidance and other applicable policy.
  2. Addressing any equipment issues with BWC Coordinator.
  3. Appointing at least one BWC Assistant Special Agent in Charge (ASAC) or designee, point of contact in their AFO.
  4. Ensuring BWC footage is uploaded/downloaded in accordance with this interim guidance and other applicable policy.
- E. BWC Coordinator is responsible for:
1. Training on the use of BWCs.
  2. Deployment of BWCs.
  3. Daily management of the program including interim guidance questions and use of BWCs.
  4. Sharing of recordings related to joint law enforcement operations with the other participating agencies as necessary and will request that the participating agencies also share their recordings.
  5. In any situation where BWCs record content that otherwise should not be shared because of law enforcement sensitivities or privacy concerns, the BWC Coordinator, in consultation with the Office of General Counsel (OGC), may use redaction software to blur images or portions of images, or minimize audio content, when making copies of BWC recordings for disclosure.
  6. Periodic review or inspections of BWCs to ensure equipment is operating properly and SAs are using the devices appropriately.
- F. Area ASAC or designee are responsible for:
1. Maintenance of cameras and reporting damage to BWC Coordinator.
  2. Positive inventory of cameras and disseminating them to SAs on operations.
  3. Coordinating inclusion of BWC training during annual Threat Management training.



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### G. SAs are responsible for:

1. Properly handling and using BWCs and related equipment.
2. Ensuring the BWCs are fully charged before deployment.
3. Uploading footage after operation is complete.
4. Notifying their ASAC and the BWC Coordinator of any equipment malfunctions.
5. Notifying their ASAC immediately, but no later than 24 hours, of the loss or theft of a BWC.

## 4. USE AND DEPLOYMENT

### A. Authorized use

1. Will be used only for planned law enforcement operations, such as the planned execution of a search warrant or arrest.
2. Will not be used for evidence collection purposes or recording interviews.

### B. Deployment

1. SAs must wear and activate their BWC to record their actions during the tactical portion of enforcement operations where the use of force is reasonably anticipated.
2. Will be programmed to record for a specified period prior to activation and after deactivation (buffering period) and the footage will be preserved along with the recording after activation occurs.
3. SAs must request approval from their ASAC to deploy BWCs in other instances where it may be prudent to record the interactions.
4. Failure to activate the BWC camera as directed or the unauthorized termination of a BWC recording may result in disciplinary action.

## 5. ACTIVATION AND DE-ACTIVATION

### A. Activation

1. The lead SA of the operation will inform all personnel participating in the



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enforcement operation and equipped with a BWC when to activate their BWCs.

- a. BWCs will be activated at the beginning of a law enforcement action, which will generally be when approaching the persons or premises related to the operation for pre-planned arrests or searches.
  - b. When activating a BWC, the SA will verbally state their first and last name.
  - c. BWCs will be programmed to record for a specified period prior to activation and after deactivation (buffering period).
2. If a SA wearing a BWC encounters an individual who is uncooperative, violent, assaultive, or discussing criminal conduct that could lead to the use of force, the SA should activate and record the encounter using the BWC as soon as it is safe and practical.
  3. For transparency and to ensure integrity of the recording, BWCs must remain activated until the activity is completed, unless the contact moves into a restricted area.

### B. Restrictions on Activation

1. SAs equipped with BWCs should be mindful of locations where recording may be considered insensitive, inappropriate, or prohibited.
2. BWCs will only be used in conjunction with official law enforcement duties and not for personal activities.
3. BWCs will not be used to record the following types of activities unless the SA obtains express written permission from the AIGI:
  - a. Operational or law enforcement sensitive communications with other law enforcement personnel.
  - b. Undercover operations, including pre-planned arrests or searches involving undercover employees or other covert personnel.
  - c. Execution of search warrants or orders for records or data (in electronic format or otherwise) for which the execution of the warrant or order does not involve entry of a physical location.
  - d. OI workplaces (for example, regional offices, field offices, and any other OI-operated facilities).



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- e. Routine activities unrelated to enforcement.
  - f. Locations where recording may be considered insensitive, inappropriate, or prohibited by privacy policies.
4. SAs are not expected to activate their BWCs when it would be unsafe, impractical, or impossible to do so.

### C. Deactivation

1. SAs will only deactivate their BWC once the scene is clear and at the direction of the operation's lead SA.
2. Reasons for deactivation of BWCs may include:
  - a. If the duration of the operation is such that a BWC should be deactivated to conserve power, the lead SA may authorize deactivation.
  - b. For the SA to obtain medical attention.
  - c. For the SA to attend a non-law enforcement personal matter such as using the restroom.
  - d. The operation becomes restricted or exempted per this interim guidance or other policy.
  - e. Prior to deactivating the BWC, the SA will verbally state the date, time, and reason for the BWC's deactivation.

## 6. JOINT OPERATIONS

- A. SAs will comply with and follow Postal Service OIG interim guidance and other policy regardless of which agency is the lead.
- B. The AIGI may determine that the use of BWCs is not prudent during a joint operation and will authorize in writing that the OIG SAs participating do not have to use their BWCs during the joint operation.
- C. Use and Approval
  1. OIG SAs must receive approval from their ASAC prior to using external BWCs.
  2. ASACs must review the respective federal, state, or local agency's BWC



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requirements before allowing SAs to participate in activities that require the use of BWCs.

3. Prior to approving OIG SA use of a BWC from an external agency, the ASAC must confirm that the external agency's policy permits the OIG to obtain video surveillance when necessary for OIG investigations or administrative actions.
  4. SAs will follow the policies and guidelines of the external agency issuing the BWCs.
  5. Video/audio recording of subjects by confidential informants or during undercover operations must be in accordance with IGM 383, Confidential Informants and IGM 384, Undercover Operations respectively.
  6. The use of BWCs outside of the intended purposes listed above requires ESAC approval.
  7. If the use conflicts with Postal Service OIG interim guidance or policy, a written policy deviation approval is required by the AIGI and must be uploaded to the appropriate CRIMES case file.
  8. For additional guidance, submit an OGC helpdesk ticket.
- D. All BWC video/audio belongs to the external agency issuing the BWCs, and that agency will maintain all the video/audio files.
- E. Documentation
1. The case agent must complete and upload a Memorandum of Activity (MOA) into CRIMES to document the use of a BWC.
  2. The MOA will include the case number of the agency maintaining the BWC footage and all requirements listed in section 339.7, Documenting the Use of Body Worn Cameras.

## 7. DOCUMENTING THE USE OF BODY WORN CAMERAS

- A. Upon conclusion of the law enforcement activity or operation, the case agent will document BWC use in an MOA and provide a summary of the activity.
- B. The MOA should include the following information if available:
1. Names of the participating team members.



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2. Whether all SAs wore BWCs.
3. Time BWCs were activated and deactivated.
4. Whether all BWCs were activated prior to the activity or operation.
5. If any BWCs malfunctioned or were inoperable.
6. If any BWCs were not activated prior to the activity or operation.
7. If any BWCs were deactivated during the activity or operation.
8. If any BWC recordings were interrupted or terminated during the activity or operation.

### C. Documenting the Failure to Activate BWCs

1. If the BWC does not record the activity as directed, the SA will document in an MOA why the recording was not made, interrupted, and/or terminated.
2. SA failure to activate the BWC as directed or termination of a BWC recording without authorization may result in disciplinary action.

## 8. DOWNLOAD AND STORAGE OF BODY WORN CAMERA RECORDINGS

- A. The download of BWC footage is governed by the BWC program.
- B. The storage of BWC footage and recordings is governed by IGM 712, Records Retention Scheduling.
- C. All OIG BWC recordings will be downloaded to a server for storage.
- D. Each file will contain the date and time of the recording, BWC identifier, and assigned SA.

## 9. RECORDS RETENTION

- A. BWC footage and recordings will be retained and managed under IGM 381, Evidence, IGM 452, Video and Audio File Handling and Retention, and IGM 712, Records Retention Scheduling.
- B. BWC recordings associated with normal training exercises where no injuries occurred will be deleted after the appropriate instructor reviews the recordings for





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teachable scenarios and confirms that it is appropriate to delete the recording.

### 10. BODY WORN CAMERA RECORDINGS

- A. OI's BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the OIG.
- B. SAs will not edit, alter, erase, duplicate, copy, share, or otherwise release, disclose, or distribute BWC recordings in any manner.
- C. Unauthorized access, copying, or release of BWC recordings or files is prohibited.
- D. Access and Review
  - 1. Viewing BWC recordings at the scene of the incident is prohibited.
  - 2. All instances where access to a recording is granted will be audited to ensure that only authorized persons are accessing the data for legitimate and authorized purposes.
  - 3. Any requests to review BWC recordings, except for permitted reviews, must be made in a memorandum to the AIGI and must state the reasons for requesting to review the recording.
  - 4. Permitted Reviews
    - a. SAs are entitled to access the audio and video derived from their issued BWC when it is reasonable and necessary for the SA to perform essential functions of their job, including but not limited to a review necessary to write an MOA describing a recorded operation.
    - b. SAs may also access BWC recordings when necessary to respond to allegations of administrative or criminal misconduct related to the recorded enforcement activity, with the following limitations:
      - i. A SA who is the subject of an administrative investigation related to a recorded enforcement activity; the SA may review their own BWC recording prior to being interviewed about allegations related to the SA's conduct.
      - ii. The SA may review their own BWC recording with their attorney or other representative.



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- iii. The SA, SA's attorney, or another representative for the SA will not be permitted to make or take a copy of the recording.
  - iv. Following the use of force incident or discharge of a firearm, the SA and/or SA's attorney will be given an opportunity to view their own BWC recording prior to giving a formal statement.
  - v. SAs who are witnesses to an SA involved shooting or use of force incident will also be allowed to view their own BWC recording prior to giving a formal statement.
  - vi. On a case-by-case basis, other BWCs from the same operation may be reviewed with OGC approval.
5. The Special Inquiries Division (SID) may request permission to review BWC recordings in connection with an official SID investigation by a memorandum to the AIGI stating the reason for the request and will be uploaded in the appropriate SID CRIMES case file.
6. Training
- a. BWC recordings may be used for training purposes.
  - b. Access to BWC recordings for training purposes will be coordinated through the BWC Coordinator in consultation with OGC.
  - c. Any footage used for training purposes will include form OIG 743-01 Model for any OIG personnel who appear in the footage in accordance with IGM 743, Using Individuals' Images.
7. Supervisory Reviews
- a. Supervisors are permitted to view BWC recordings to conduct "after-action debriefs" and for training purposes.
  - b. Supervisors must submit a memorandum to the AIGI stating the reason for the review.
  - c. Supervisors are prohibited from reviewing BWC recordings used solely for the purpose of evaluating an SA's performance during an operation or for conducting performance appraisals.



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### E. Deleting Recordings

1. Any request to delete a portion or portions of the recordings (for example, accidental recording) must be reviewed by OGC and submitted to the AIGI in writing stating the reason for the request for approval.
2. In a memorandum, the AIGI will authorize the deletion or explain the reasons for not approving the request for deletion.
3. The written request and AIGI memorandum response will be filed in the appropriate CRIMES case file.

## 11. DISCLOSURE OF BODY WORN CAMERA RECORDINGS

- A. BWC recordings will be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings.
- B. The BWC Coordinator will prioritize and expedite the availability of footage for review of all requests for BWC recordings that involve serious bodily harm, injury, or death of any individual.
- C. Public or media requests for disclosure will be submitted to OGC's FOIA and Policy Office.
- D. All investigation and law enforcement requests for disclosure recordings or related information will be forwarded to the BWC Coordinator, with a copy to the AIGI.
- E. Any other disclosure requests will be submitted to OGC in a helpdesk request for coordination and release.
- F. Any footage used as part of a case may be subject to the standards of IGM 761, Litigation Hold.

## 12. TRAINING

SAs will complete initial and recurring training to establish and maintain proficiency and knowledge related to BWC deployment, use and operation, as well as compliance with privacy and civil liberty laws.



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### 13. REFERENCES

Click the links below to access the references.

- A. [Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety dated May 25, 2022](#)
- B. [U.S. Department of Justice's Memorandum Body-Worn Camera Policy dated June 7, 2021](#)