



OFFICE OF
INSPECTOR GENERAL

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

M E M O R A N D U M

August 25, 2022

TO: SEC OIG Office of Investigations (OI) Personnel

FROM: Nicholas Padilla, Jr.
Deputy Inspector General for Investigations

SUBJECT: Interim Body Worn Camera Policy

Purpose: Pursuant to the Presidential Executive Order on Advancing Effective Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety (E.O. 14074), dated May 25, 2022, the heads of all Federal Law Enforcement Agencies must establish policy for the use of Body Worn Camera (BWC) recording equipment. SEC 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 interim policy focuses on the deployment of BWCs in planned law enforcement operations, where the use of force may reasonably be anticipated. The SEC OIG intends to use BWCs to increase transparency and accountability in those situations.

Applicability: These requirements apply to all SEC OIG OI 1811 personnel. As of the date of this memorandum, the SEC OIG OI is in the process of evaluating and acquiring BWC recording equipment. This interim policy will be updated once the SEC OIG purchases and issues its BWC equipment. This policy focuses on the deployment of BWCs in planned law enforcement operations, specifically, the planned execution of arrest warrants, search warrants, and armed transports, where the use of force may reasonably be anticipated.

Policy:

Law Enforcement Operations. When conducting law enforcement operations, the SEC OIG will partner with a federal, state, and/or local law enforcement agency that utilizes BWCs for use during those operations. The SEC OIG will request that other agencies deploy and utilize their BWC for the purposes of recording actions during the tactical portion of law enforcement operations where the use of force may reasonably be anticipated. At a minimum, BWCs shall be activated at the beginning of the tactical portion of the operation and shall be deactivated only when the on-site operation Supervisor determines that the scene is secure and the tactical portion of an enforcement operation has concluded. The partner agency should follow its own BWC policy.

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Pre-Operation Planning. Prior to the law enforcement operation, the Case Agent and respective Special Agent in Charge (SAC) will ensure that BWCs will be on-site and activated during the operation as noted above. The SAC will have a discussion with the partner agency's supervisor/team leader, which shall include briefing the partner agency on SEC OIG BWC policy and reviewing the partner agency's BWC policy, if applicable.

Prior to a law enforcement operation requiring the use of BWCs, the SAC overseeing the operation shall notify the Deputy Inspector General for Investigations (DIGI), or designee, of any unresolved conflicts with any partner law enforcement agency regarding BWC deployment during an operation. Any conflicts must be resolved with concurrence of the Counsel to the IG prior to SEC OIG participation in the operation.

Any deviation from the SEC OIG BWC policy must be approved, in writing, by the DIGI, or designee, in concurrence with the Counsel to the IG. Prior to the operation, policy deviations must be addressed in a memorandum from the Case Agent to the DIGI through the SAC overseeing the operation. Under exigent circumstances, a verbal authorization may be given by the DIGI or designee, in concurrence with the Counsel to the IG, but must be subsequently documented in writing.

Documenting Use. The Case Agent will document the use of BWC on the SEC OIG Operational Plan, or in cases where the other agency is drafting the Operational Plan, and not the SEC OIG, it will be documented in a separate Memorandum of Activity (MOA).

Malfunction of BWC. If notified that there was a device malfunction, operator error, or other circumstances that disrupted the recording of the BWC, the Case Agent will document in a memorandum to address the following circumstances:

- Why the recording was not made;
- Why the recording was interrupted; and/or
- Why the recording was terminated.

Request for BWC Recordings in SEC OIG Led Operations. The SEC OIG shall make a request for BWC recordings from the respective partner agency, pursuant to the partner agency's respective policy, within five days of the law enforcement operation. Copies of the recordings will be uploaded to the SEC OIG Case Management System (CMS) as part of the official case file, and maintained according to SEC OIG records retention policies.

Request for BWC Recordings in Non-SEC OIG Led Operations. The SEC OIG may request BWC recordings from the respective partner agency, pursuant to the partner agency's respective policy, if deemed necessary.

Expedited Public Release of BWC Recording(s). Although the SEC OIG does not currently possess its own BWCs, the SEC OIG will work with any partner agency to ensure expedited public release of BWC

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recordings from SEC OIG operations when they depict conduct resulting in serious bodily injury or death of another.

In all circumstances, BWC recordings shall be treated as Law Enforcement Sensitive, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings, and as potential evidence in a federal investigation subject to applicable federal laws, rules, and policy concerning any disclosure or dissemination; and therefore, deemed law enforcement privileged, absent appropriate redaction prior to disclosure or dissemination.

Attachment:

1. Presidential Executive Order on Advancing Effective Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, dated May 25, 2022.

<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/>

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