METROPOLITAN POLICE DEPARTMENT | Washington, DC

A Report on MPD's Use of

Body-Worn Cameras

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Chief of Police

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR

Pursuant to the *Body-Worn Camera Regulation and Reporting Requirements Act of 2015*, Title III Subtitle A of the *Fiscal Year 2016 Budget Support Act of 2015* (Act 21-0148), the Metropolitan Police Department (MPD) is required to publish data on its Body-Worn Camera (BWC) program beginning October 1, 2015, and every six months thereafter. This report is provided in compliance with the Act.

Overview of MPD Body-Worn Camera Program

The use of body-worn cameras (BWCs) will benefit members of the community and the Department by improving police services, increasing accountability for individual interactions, and strengthening police-community relations. In October 2014, the Department launched Phase I of the body-worn camera program, focusing on the selection of the best camera model for the members of the MPD. After evaluating five different models, MPD selected models provided by Taser that allow officers to annotate video in the field, without taking officers off the street.

Phase II of the body-worn camera program was launched on June 29, 2015. The cameras that had been deployed in Phase I were pulled back, and the Fifth and Seventh Police Districts each received 200 new cameras. This deployment was designed by a team of national researchers who will analyze the impact of body-worn cameras on such issues as citizen complaints and use of force. The lessons and findings of this evaluation will benefit District residents, the MPD, and law enforcement agencies and communities across the country that are also considering the use of body-worn cameras.

The Department anticipates Phase III of the body-worn camera program launching in 2016. The MPD expects to deploy the additional cameras in the remaining police districts by the end of Fiscal Year 2016 (FY16), subject to the availability of funding to purchase and operate the program. Mayor Muriel M. Bowser has strongly supported this program. The Mayor proposed funding the purchase of 2,400 additional cameras in the FY16 budget. When the Council of the District of Columbia failed to pass full funding in the initial FY16 budget, Mayor Bowser then identified funding through her proposed FY16 Supplemental budget. The Mayor's supplemental budget, passed by the Council on September 23rd, includes the additional funding needed to implement the program – which covers the cost of the 2,400 additional cameras, as well as the cost of Freedom of Information Act requests for video footage. The deployment of the additional cameras can commence only after the Council approves the Mayor's proposed legislation and regulations to govern the BWC program. The Committee on the Judiciary intends to hold a public hearing on the *Public Access to Body-Worn Camera Video Amendment Act of 2015* and the *Body-Worn Camera Program Regulations Amendment Act of 2015* on October 21, 2015.

In addition, the U.S. Department of Justice last week awarded the Metropolitan Police Department $1 million to support the expansion of its BWC program. This will fund approximately 579 additional cameras. Body worn cameras are part of President Barack Obama's commitment to build trust and transparency between law enforcement and the

communities they serve. The Justice Department awarded grants totaling more than $23.2 million to 73 local and tribal agencies in 32 states to expand the use of body-worn cameras and explore their impact. The grants build on President Obama's proposal to purchase 50,000 body-worn cameras for law enforcement agencies within three years. The Metropolitan Police Department is pleased to be on the forefront of major city police departments deploying cameras.

Frequently Asked Questions

Chief Cathy L. Lanier and other members of the MPD Command Staff have been speaking in the community about the BWC program throughout the past year. Community response has been overwhelmingly positive. Answers to some of the questions most frequently asked by community members are provided below.

Q: Why are they only being deployed in the Fifth and Seventh District?

A: Eventually, our goal is for every patrol officer, and some other officers with frequent citizen contact, to wear a camera. This will happen in phases. For this next phase, we have 400 cameras to deploy. The research team helped us to determine that we should concentrate the deployment in two districts.

Q: Why were the Fifth and Seventh District selected for the first deployment?

A: The Fifth and Seventh District were selected because they each have a very high number of citizen contacts with police.

Q: I don't live in the Fifth or Seventh District. When will officers in my district have body-worn cameras?

A: Once the Council has passed the Mayor's proposed legislation and regulations to govern the BWC program, MPD will be able to purchase cameras for the remaining five police districts. The Department anticipates a staggered schedule for purchase and deployment. We will deploy the additional cameras as quickly and effectively as we can do so.

Q: When will the body-worn cameras be activated?

A: The cameras will be activated for most police interactions with the public. This includes contacts that have an investigative purpose, stops, arrests, and traffic crashes. It does not include incidental contact, such as someone asking an officer for directions, or officers walking their beat talking to neighbors or doing business checks.

Q: If I am talking to an officer, how will I know if the conversation is being recorded?

A: The officer will tell you if the body-worn camera has been activated. When it is recording, the camera has a visible red light and beeps every few minutes.

Q: What is the MPD's policy related to Freedom of Information Act (FOIA) requests for body-worn camera videos? Can someone else get footage from a body-worn camera that includes video of me?

A: District law protects the privacy of individuals. No video will be released to the public with personally identifying information (PII) such as a home address, telephone number, or social security number, unless that information has been redacted. Since MPD does not have the technical capacity or staffing to do this for videos, or the legal authority to charge the public for outsourcing this, MPD will not release any videos that contain PII right now.

The Department's policy on FOIA requests and its authority to charge for any redactions will be addressed in regulations currently under review by the Council. In the meantime, MPD will retain all videos that have been requested through FOIA until the final policy is determined.

In addition, three agency partners will have direct access to all videos without redactions: the District of Columbia Office of the Attorney General, the United States Attorney's Office for the District of Columbia, and the independent Office of Police Complaints.

Q: How long will the video captured on a body-worn camera be retained?

A: Generally, if the video does not have any specific law enforcement purpose, such as a recording of a crime, the report of a serious crime, or of an arrest, it will be retained for 90 days. Specific categories of recordings will be retained according to related statutes of limitations or long-standing retention schedules for evidence. Recordings that are the subject of a citizen complaint will be retained for five or ten years depending on the severity of the complaint. Other categories, such as recordings related to litigation or requests under the Freedom of Information Act (FOIA) that have not been fulfilled, will be retained indefinitely. In cases that fall under multiple categories, the video will be retained for the longest specified time.

Q: If I want to file a complaint about an interaction with a police officer, how quickly do I need to do so to ensure the video is available?

A: If a video has been recorded by an officer with a body-worn camera, it will be retained for a minimum of 90 days. The Office of Police Complaints must receive a complaint within 45-days of an incident in order to investigate it, so any existing video would be available for a complaint filed within the timeframe. MPD can accept a complaint at any time, but in order to be sure that any video is available, the complaint should be filed as soon as possible after the incident.

Q: I had an interaction with an officer, and I may want to file a complaint. Can I see the video before deciding?

A: Depending on the type of incident, you may be able to view it at police station at no cost. You must wait at least 48 hours before going to a police station to view the video to allow time for the video to be uploaded into MPD's storage database, and you should make any such request no later than our base retention period, which is 90 days after an incident. At the station, ask to speak to the Watch Commander, who will be able to view the video. If the incident is not related to a criminal case, and if viewing the video would not violate the privacy of any other private individual in the video, you may be able to view it at the station.

Data

To allow for the necessary collection of data prior to the publication of this biannual report, the reporting periods will generally run from January 1st to June 30th for the October report, and July 1st to December 31st for the April report. However, because Phase II of the BWC program was launched on June 29, 2015, and to allow for consistent reporting of data related to Phase II, the reporting period for this first report will be January 1 through June 28, 2015. The questions below are those required by the Act.

Reporting Requirement	Response
How many hours of BWC recordings were collected?	4,554 hours
How many times did BWCs fail while officers were on shift and what were the reasons for the failures?	The reporting system that tracks reported technology issues indicates there were two BWC incidents that prevented regular function for BWC were reported. Both indicate an issue with the docking station and the network connection, which interfered with the upload of videos to the video management system. This does not necessarily mean that the officer could not deploy the camera for the tour of duty.
How many times were internal investigations opened for a failure to tum on BWCs during interactions?	There were four internal investigations. The misconduct was sustained in three cases, and counseling or discipline was issued. The fourth case was found to be justified, within policy.
How many times were BWC recordings used by MPD in internal affairs investigations?	1
How many times were BWC recordings used by MPD to investigate complaints made by an individual or group?	0
How many body-worn cameras were assigned to each police district and police unit for the reporting period?	Eighteen cameras were assigned to each of the seven police districts.

Reporting Requirement	Response
How many Freedom of Information Act requests did MPD receive for body-worn camera recordings during the reporting period? What was the outcome of each request, including any reasons for denial?	Five FOIA requests: • Four were denied in full due to privacy (D.C. Official Code § 2-534(a)(2) and (a)(3)(C)) (Unable to redact) • One was Closed (Deemed Withdrawn) for failure to furnish identification/authorization. The request for footage was part of a larger request for records of an individual implicating a privacy interest under D.C. Official Code § 2-534(a)(2) and (a)(3)(C).

Pursuant to the *Body-Worn Camera Regulation and Reporting Requirements Act of 2015*, Title III Subtitle A of the *Fiscal Year 2016 Budget Support Act of 2015* (Act 21-0148), the Metropolitan Police Department (MPD) is required to publish data on its Body-Worn Camera (BWC) program beginning October 1, 2015, and every six months thereafter. This report is provided in compliance with the Act.

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Phase II of the body-worn camera program was launched on June 29, 2015. All of the cameras that had been tested in Phase I were exchanged for 400 of the selected model. These were distributed to the Fifth and Seventh Police Districts, with each receiving 200 new cameras. This deployment was designed by a team of national researchers who will analyze the impact of body-worn cameras on such issues as citizen complaints and use of force. The lessons and findings of this evaluation will benefit District residents, the MPD, and law enforcement agencies and communities across the country that are also considering the use of body-worn cameras.

The Department anticipates Phase III of the body-worn camera program launching in 2016. The MPD expects to deploy the additional cameras in the remaining police districts by the end of Fiscal Year 2016 (FY16), subject to the Council approval of regulations governing Freedom of Information Act (FOIA) requests to purchase and operate the program. Mayor Muriel Bowser has strongly supported this program, including the identification of funding in the Mayor's FY16 supplemental budget, passed by the Council on September 23rd. This amount covers the cost of the 2,400 additional cameras, as well as the cost to process FOIA requests for video footage. The deployment of the additional cameras can commence only after the Council approves the Mayor's proposed legislation and regulations to govern the BWC program. The Committee on the Judiciary intends to hold a public hearing on the *Public Access to Body-Worn Camera Video Amendment Act of 2015* and the *Body-Worn Camera Program Regulations Amendment Act of 2015* on October 21, 2015.

In addition, the U.S. Department of Justice last week awarded the Metropolitan Police Department $1 million to support the expansion of its BWC program. This will fund approximately 579 additional cameras that will be used at the MPD Training Academy to increase officer proficiency with the cameras or deployed to officers with public contact. Body-worn cameras are part of President Barack Obama's commitment to build trust and transparency

between law enforcement and the communities they serve. The Justice Department awarded grants totaling more than $23.2 million to 73 local and tribal agencies in 32 states to expand the use of body-worn cameras and explore their impact. The grants build on President Obama's proposal to purchase 50,000 body-worn cameras for law enforcement agencies within three years. The Metropolitan Police Department is pleased to be on the forefront of major city police departments deploying cameras.

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Q: Why were the Phase II cameras only deployed in the Fifth and Seventh District?

A: Eventually, our goal is for every patrol officer, and some other officers with frequent citizen contact, to wear a camera. This will happen in phases. For Phase I, which is all that is covered in the reporting period of this report (January 1 – June 28, 2015), five different camera models were tested, with only 18 deployed per district at any one time. Currently, we have 400 cameras deployed for Phase II in the Fifth and Seventh District. The research team helped us to determine that to support an efficient deployment and robust research model, we should concentrate the deployment in two districts.

Q: Why were the Fifth and Seventh District selected for the first deployment?

A: The Fifth and Seventh District were selected because they each have a very high number of citizen contacts with police.

Q: I don't live in the Fifth or Seventh District. When will officers in my district have body-worn cameras?

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Response to Reporting Requirements for January 1 through June 28, 2015

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Reporting Requirement	Response
How many times were BWC recordings used by MPD to investigate complaints made by an individual or group?	0
How many body-worn cameras were assigned to each police district and police unit for the reporting period?	In Phase I, which is all that is covered in the reporting period, MPD was evaluating five different camera models. Therefore at any one time, only 18 cameras were deployed to each of the seven districts.
How many Freedom of Information Act requests did MPD receive for body-worn camera recordings during the reporting period? What was the outcome of each request, including any reasons for denial?	Five FOIA requests: • Four were denied in full due to privacy (D.C. Official Code § 2-534(a)(2) and (a)(3)(C)) (Unable to redact) • One was Closed (Deemed Withdrawn) for failure to furnish identification/authorization. The request for footage was part of a larger request for records of an individual implicating a privacy interest under D.C. Official Code § 2-534(a)(2) and (a)(3)(C).