



A Report on MPD's Use of

Body-Worn Cameras

May 2017



Peter Newsham
Chief of Police



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.

Update to 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 and transparency for individual interactions, and strengthening police-community relations.

In the summer of 2016, MPD deployed cameras to half of the Department's patrol members in order to study the effectiveness of the cameras as compared to a control group of members who were not issued cameras. By December 2016, more than 2,800 BWCs were deployed to officers and sergeants in public contact positions in all police districts and other specialized units. This completed the largest deployment of body-worn cameras in the country to date.

A team of behavioral scientists, academics, and analysts is conducting a comprehensive study to be released in 2017 that will provide insight into body-worn camera effectiveness on issues such as complaints, use of force, and officer discretion. 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 BWCs.

The MPD is pleased to be at the forefront of major city police departments using BWCs. Our officers have been eager to use this new technology, which has not been the case in some other police departments. The willingness of MPD officers to be early adopters of this technology demonstrates their strong commitment to safeguarding and providing the best service to our residents.

Frequently Asked Questions

Chief Peter Newsham 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: 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. Activation 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: 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 recording 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 applicable 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 90-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 a police station at no cost. Individuals must be the subject of the recording and 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. You should make any such request no later than the base retention period, which is 90 days after an incident. You may request to schedule a time to view the body-worn camera recording at the police district where the incident occurred. Individuals may submit requests for recordings online¹ or by submitting a Request to Review Body-Worn Camera Recording. If the incident is not related to a criminal case, and if viewing the video would not violate the privacy or safety of any other private individual in the video, you may be able to view it at the station.

¹ <http://mpdc.dc.gov/page/body-worn-camera-citizen-viewingprocess>

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: Members of the public may access BWC recordings by filing a FOIA request with the Department. District law, however, 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. There is no cost for members of the public. The Freedom of Information Office will review the video to determine whether appropriate redactions can be made to the footage in order to allow it to be released.

Members of the public may view BWC recordings if they are the subject of the recording at the district where the incident occurred. Again, these recordings will be reviewed for privacy considerations and only video that does not affect an individual's privacy will be allowed to be viewed.

In addition, three agency partners 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. Some videos, as with police involved shootings, are provided to the Mayor unredacted.

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. The questions below are those required by the Act.

Response to Reporting Requirements for July 1 through December 31, 2016

Reporting Requirement	Response (Jul 1, 2016-Dec 31, 2016)																																										
How many hours of BWC recordings were collected?	Hours: 86,011																																										
How many times did BWCs fail while officers were on shift and what were the reasons for the failures?	Incidents of reported BWC failure: 110 <u>Reasons for failure:</u> <ul style="list-style-type: none"> • Broken hardware/cords (AXON Flex) • Battery charging issues • General hardware malfunction 																																										
How many times were internal investigations opened for a failure to turn on BWCs during interactions?	Internal investigations: 89 <ul style="list-style-type: none"> • Misconduct Dismissed: 0 • Exonerated: 17 • Insufficient Facts: 2 • Sustained: 47 • Incident Summary Numbers cancelled: 3 • No Disposition: 20 																																										
How many times were BWC recordings used by MPD in internal affairs investigations?	Internal affairs investigations: 709																																										
How many times were BWC recordings used by MPD to investigate complaints made by an individual or group?	Investigatory complaints: 53																																										
How many body-worn cameras were assigned to each police district and police unit for the reporting period?	As of December 15, 2016, there were a total of 2,820 BWCs assigned and deployed <table border="1" data-bbox="776 1188 964 1608"> <thead> <tr> <th>UNIT</th> <th>#</th> </tr> </thead> <tbody> <tr><td>1D</td><td>243</td></tr> <tr><td>1D1</td><td>93</td></tr> <tr><td>2D</td><td>306</td></tr> <tr><td>3D</td><td>313</td></tr> <tr><td>4D</td><td>229</td></tr> <tr><td>4D1</td><td>94</td></tr> <tr><td>5D</td><td>313</td></tr> <tr><td>6D</td><td>222</td></tr> <tr><td>6D1</td><td>88</td></tr> <tr><td>7D</td><td>327</td></tr> </tbody> </table> <table border="1" data-bbox="1016 1188 1442 1692"> <thead> <tr> <th>UNIT</th> <th>#</th> </tr> </thead> <tbody> <tr><td>Nightlife</td><td>27</td></tr> <tr><td>Narcotics and Special Investigations Div.</td><td>100</td></tr> <tr><td>Metropolitan Police Academy</td><td>158</td></tr> <tr><td>Special Operations Div.</td><td>151</td></tr> <tr><td>School Resource Officers</td><td>95</td></tr> <tr><td>Criminal Investigations Div.</td><td>6</td></tr> <tr><td>Joint Strategic & Tactical Analysis Command Center</td><td>22</td></tr> <tr><td>Other Patrol</td><td>12</td></tr> <tr><td>Strategic Change Div.</td><td>21</td></tr> </tbody> </table>	UNIT	#	1D	243	1D1	93	2D	306	3D	313	4D	229	4D1	94	5D	313	6D	222	6D1	88	7D	327	UNIT	#	Nightlife	27	Narcotics and Special Investigations Div.	100	Metropolitan Police Academy	158	Special Operations Div.	151	School Resource Officers	95	Criminal Investigations Div.	6	Joint Strategic & Tactical Analysis Command Center	22	Other Patrol	12	Strategic Change Div.	21
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Reporting Requirement	Response (Jul 1, 2016-Dec 31, 2016)
<p>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?</p>	<p>Thirty-five (35) new FOIA requests in this reporting period:</p> <ul style="list-style-type: none"> • Closed: 28 <ul style="list-style-type: none"> ○ 6 directed to MPD’s public posting of redacted videos on YouTube.² ○ 3 redacted videos sent to the requester ○ 3 no responsive video found ○ 8 denied due to open investigation ○ 7 denied due to administrative procedures ○ 1 denied due to privacy exemption • Open: 7 <p>MPD is working with technicians to redact video to protect privacy to fully complete these requests.</p>

² The Department posts redacted recording to the MPD FOIA YouTube channel when a third party (e.g. journalist, non-profit organization, other) requests the recording. These recordings are fully redacted to protect the privacy of those involved. MPD Body Worn Camera FOIA Videos can be found at https://www.youtube.com/channel/UCSVpCusv_bqfKHyOj21jZqQ.