

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
*Metropolitan Police Department*



*Public Oversight Roundtable On*

*The Metropolitan Police Department's  
Body-Worn Camera Program*

Testimony of  
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Before the

Committee on the Judiciary  
Council of the District of Columbia

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Good afternoon, Chair McDuffie, members and staff of the Committee. I am Cathy Lanier, Chief of Police of the Metropolitan Police Department. I am pleased to testify before you today on the Department's plans for outfitting our officers with body-worn cameras. The use of these cameras will benefit the community and MPD by increasing accountability, improving police services, and enhancing public safety. But as with many new technologies deployed by the government, it is important for the public to understand the program. I am reminded of MPD's first deployment of Closed Circuit Television (CCTV), when residents and Councilmembers had many questions and some concerns. After a few years, however, most of our neighborhoods were no longer concerned, and instead wanted more CCTV cameras. As with that program, I want the public to understand the benefits of body-worn cameras and to feel comfortable working with police wearing them. This program will be of the greatest benefit to those who interact with the police, but I recognize that even those who do not work with MPD still need to feel comfortable with its operation. That is why it is critical for the public to know that not only will the agencies and individuals who are tasked by the government to hold police accountable all have access to unredacted videos, but also anyone who reports being the victim of police misconduct.

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In 2013, the Metropolitan Police Department (MPD) began researching the potential use of body-worn cameras, or BWCs, which are small video cameras that officers wear on their uniform to record interactions with the public. MPD was not the first to deploy this technology, but we have been at the forefront of implementing a large-scale program that will balance accountability with privacy. Throughout our research, we have been listening to the community and countless stakeholders in order to craft the policies that will govern our use of the cameras.

We began exploring body-worn cameras before many of the recent high-profile incidents around the country heightened national attention on police accountability. These events have intensified the frustration and lack of trust that some in the community have with police. There is no easy solution to resolve these difficult issues, but body cameras could improve the climate by providing a better record of police interactions with individuals from start to finish. Other agencies have reported that police use of force and citizen complaints have significantly decreased with the deployment of the cameras. Given the expected benefits, more and more departments are launching BWC programs. Body-worn cameras may be an important step in restoring public trust in law enforcement.

As we discuss this technology, there are two important principles to consider: privacy and transparency. Accountability, both individual and organizational, requires transparency, but we also have an obligation to protect the privacy of those with whom we interact. But it is critical to understand that restricting publication of sensitive footage does not mean that no one will see it. Let me explain how we came to the conclusion that exempting this video footage from the District's very open Freedom of Information Act—or FOIA—was the best public policy.

Police officers often interact with people—whether as victims, witnesses, or arrestees—when they are going through difficult personal challenges. Juveniles and arrestees have strong privacy protections under District law, in part to mitigate the negative impact that information about an arrest may have upon an individual's ability to secure employment. Victims also have privacy protections in the law, particularly to protect them from the accused. Even someone stopped for a traffic ticket has a right to privacy. These are all important considerations when we review documents for public release and identify the information that needs to be protected.



Under current law, police records that are open to the public, such as police reports, are available to any member of the public through the FOIA process. “Members of the public” include anyone—the press, a neighbor, a potential employer, an interested bystander, or an ex-partner or spouse. But a police report, which has for decades been the primary record of police interactions, is a brief paper document from which sensitive information can be easily redacted or blacked out.

It is clear that the FOIA law never contemplated the complexities of protecting privacy in video and audio recordings. The body-worn cameras record almost everything an officer sees or hears. Therefore the videos will capture a much broader range of information, from the faces, voices, and vehicles involved in a scene; private documents, confidential phone calls, and personal phone numbers or even passwords; as well as sensitive information appearing on computer monitors and transmissions on police radios about other incidents, calls, and people. In other words, there are numerous items beyond just faces in the video that would need to be redacted in order to protect one’s privacy. This is where the significant challenges arise.

Like many others, we initially believed current or, at the very least, imminent technology would be able to efficiently and accurately identify and redact the sensitive information in video recordings. We even submitted to the Mayor and shared with the public a proposal to release video with redactions. After further research, it has become clear that given the limitations of current technology and the resource-intensive requirements, we cannot promise that any released videos could be sufficiently redacted without a potentially staggering influx of resources to both pay for an external vendor and the in-house staff to ensure the quality of redactions.

We have spoken to numerous experts in the field of “video de-identification” from the private sector, federal government, and academic institutions. They noted that there are some available tools that can identify and blur or gray out faces that appear in video at a success rate of approximately 90 percent – depending upon the quality of the video, distance from the camera, lighting, and some other environmental factors, as well as critical factors about whether the face is moving, or coming in and out of a frame. They emphasized that while we can trust automated redaction of human faces about 90 percent of the time, all of the resulting video would still need to be reviewed by a human to make up the difference and ensure accurate de-identification. But this is only for faces. This does not even begin to address the wide variety of information captured that could reveal the identity of someone interacting with police or casually on the scene. The experts also noted that the audio would need to be removed since there is no automated technique for identifying the private information contained within recorded audio. To help illustrate the challenges, we simulated a typical police that I will show you at the end of my testimony.<sup>1</sup>

The experts agree that the video redaction or de-identification industry is in its infancy, with no industry standards upon which to judge the quality of work provided and the level of de-identification reached. For instance, Google, which is actively pursuing this technology, reports that it has only an 89 percent success rate in automatically blurring faces in Google Street View. And keep in mind: this is only for a still screen shot, not moving video. Sources indicated that the technology to accurately de-identify faces and other private information within an automated platform is still anywhere from two to ten years away.

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<sup>1</sup> The video is also posted at [mpdc.dc.gov/bwctestimony](http://mpdc.dc.gov/bwctestimony).



What this means is that someone would need to manually blur or cover every personally identifying piece of information in a video. This requires a subjective, frame-by-frame review and determination of exactly how much needs to be blurred out to properly protect a person's privacy in every single video: exterior of private residences, photographs on walls inside a residence, and so forth.

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Because the technology to redact video to protect privacy in an economically practical manner does not currently exist, we believe the proposed FOIA exemption is the best immediate approach. Similar bills exempting body camera footage from public disclosure in order to ensure privacy protections are being considered in many states.

While most people are familiar with the proposed FOIA exemption, many here today may not be aware of who would have access to the videos. I want to make absolutely clear that our proposal does not mean MPD would be the only ones with access to the videos. The U.S. Attorney's Office and D.C. Office of the Attorney General (OAG) will have direct access to the unredacted videos. And while I understand that some members of the public may view police and prosecutors as being so close that this access does not mean much, they do actually hold police accountable. A member was disciplined for conduct unbecoming after the OAG brought to my attention behavior they observed while watching video footage for a criminal case. Independent government agencies that investigate the police, such as the Offices of Police Complaints, Inspector General, and D.C. Auditor, will have access to the unredacted videos in order to conduct their investigations. In any legal cases, plaintiffs or defendants will have access to videos through the established evidentiary rules and discovery process; in other words, BWC video is no different than any other type of evidence that must be produced by prosecutors to defendants and their attorneys.

Additionally, the Mayor, in consultation with the Chief of Police and prosecutors, may release videos in situations that are a matter of great public interest – exceptional circumstances in which releasing the video would serve the public's best interest. The Department is also discussing with federal and academic researchers opportunities to evaluate our body camera program.

I believe it is essential that anyone who feels they have been a victim of police misconduct be able to see the video of that interaction. If we can't redact the video, however, that viewing should be done where they would file the complaint – either at MPD or OPC. Any review would be subject to due process considerations, potential criminal charges, and respect for witnesses and victims.

Rest assured, I am also here today to listen to the public comments. Indeed, members of my team and I have been discussing this program with the public and organizational partners for over a year, most recently focusing on the issue of access to videos. Our recommendation has evolved, but that is because every day we are learning more about the advantages of, as well as some limitations to, the technology. The video policies that I noted above – in conjunction with the public testimony we are receiving today – would inform a regulatory framework on the release of body camera footage.

Because we recognize that no one has all the answers yet, I recommend that the Department be given an opportunity to take this feedback and issue proposed regulations, subject to Council



review, guiding public access to body-worn camera footage outside of the FOIA process. We would submit these to the Council before the citywide expansion is rolled out in Fiscal Year 2016. Regulations could be more easily updated to keep pace with the changes to the technology, while still requiring Council review.

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There have been other suggestions made for addressing the concerns related to privacy and access to videos. Some have suggested that officers have the discretion to turn off the cameras if they so choose or if other people request not to be recorded. Others have gone so far as to suggest that we not implement the program at all if we are not able to publicly release videos. Neither of these suggestions are wise approaches.

Turning off the camera during an interaction or event would effectively remove the very accountability that we are seeking from the cameras in the first place. To ensure that there is a clear and consistent policy for officers to follow, almost all interactions will be recorded. In the end, if the privacy of everyone being recorded is respected, then the videos will serve the primary goal of protecting individuals interacting with police.

Suspending the deployment of the cameras until we are able to reliably redact video for public release would not make sense. We have an opportunity to deliver a very real and specific benefit to individuals interacting with police. We should not prioritize a general principle of transparency over their needs. The increased accountability and deterrence for bad behavior will transform the way police and individuals interact with one another. The inability to subsequently redact the video does not change that. Therefore, rather than scuttle the program, we support using the established regulatory process to enhance public understanding of and comfort with the program.

Ultimately, it is important that we get this right because it is almost impossible to retract sensitive information once it is released into the public domain. For instance, in many states, individuals have to spend valuable time and money trying to get their own “mug shots” removed from websites that publish arrest information, even if they were never convicted. The District of Columbia has made a commitment to protect the privacy of arrestees and does not allow the release of arrest photos.

In another example, a family has had to deal with leaked graphic photos of their deceased child following a horrible car accident. No sensible member of the public expects the investigative agency to publicly release photos of accidents. They understand that the “accountability” provided by the photos will occur within the investigation of the accident by police, insurance companies, and, if necessary, a criminal or civil determination of liability by the courts.

In closing, Mayor Bowser and I are committed to ensuring the Metropolitan Police Department is serving and protecting people in the District. Law enforcement professionals across the country – from agency leaders to the front line officers – recognize that the public perception of policing is at a low point. Grand gestures are not going to change that perception; police are going to need to restore trust one interaction at a time. While the majority of police-community interactions are appropriate, the use of body-worn cameras may be the catalyst that is needed to transform those that are not. I urge the Council to pass the budget that will allow us to use this tool, but in a manner that allows us to protect the privacy of the people who call on us for assistance, not public scrutiny.

