



2019 JUN -7 PM 4:00
OFFICE OF THE
SECRETARY

MURIEL BOWSER

MAYOR JUN 7 2019

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman Mendelson:

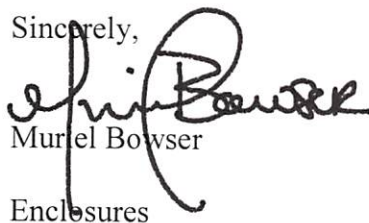
Enclosed for consideration by the Council, is the "Closed Circuit Television Modernization Rulemaking Approval Resolution of 2019."

This resolution would approve proposed rulemaking to amend Chapter 25 (Metropolitan Police Department Use of Closed Circuit Television) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).


The proposed rulemaking changes the requirement that an official of the rank of Lieutenant or above must be present in the Command Information Center (CIC) to monitor CCTV activities and allows for sergeants and civilian equivalents to do so. The current requirement is inconsistent with Metropolitan Police Department's (MPD) and the District's long term effort to civilianize positions that do not require police powers. By implementing this change, more sergeants and lieutenants will be available for operational duties that cannot be fulfilled by civilians. In addition, the rulemaking extends the current CCTV retention period from 10 days to 90 days so as to be in line with the minimum retention requirements for body-worn camera videos. The rulemaking also allows CCTV recordings used for training purposes to be retained in accordance with MPD's retention schedule for records maintained by the Metropolitan Police Academy. The retention of CCTV footage is important for documentation of the training members have received. Finally, it requires video recording to be maintained rather than "indexed" and "stored," as it is unnecessary to index recordings that will soon be deleted.

I urge the Council to take immediate action on the enclosed legislation. Chief Peter Newsham and I are available to discuss any questions you may have.

Sincerely,


Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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6 A PROPOSED RESOLUTION

7 _____
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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11 _____
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13 Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution,
14 which was referred to the Committee on _____.
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16 To approve the proposed rules to amend Title 24 (Public Space and Safety) of the District of
17 Columbia Municipal Regulations.
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19 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
20 resolution may be cited as the “Closed Circuit Television Modernization Rulemaking Approval
21 Resolution of 2019”.

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23 Sec. 2. Pursuant to section 2702(a) of the Metropolitan Police Department Video
24 Surveillance Regulations Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C.
25 Official Code § 5-133.19(a)) the Council approves the proposed rulemaking adopted by the
26 Metropolitan Police Department to amend Title 24 of the District of Columbia Municipal
27 Regulations.

28 Sec. 3. The Council adopts the fiscal impact statement in the committee report as the
29 fiscal impact statement required by section 4a(a) of the General Legislative Procedures Act of
30 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a(a)).

31 Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the
32 Mayor, Chief of Police of the Metropolitan Police Department, and the Administrator of the
33 Office of Documents and Administrative Issuances.

Sec. 5. This resolution shall take effect immediately.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



Legal Counsel Division

MEMORANDUM

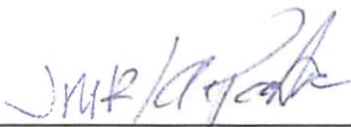
TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Affairs

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: February 2, 2018

SUBJECT: Legal Sufficiency Review – Draft “Closed Circuit Television Modernization Rulemaking Approval Resolution of 2017”
(AE-17-704)

This is to Certify that this Office has reviewed the above-referenced proposed legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Janet M. Robins

METROPOLITAN POLICE DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

2019 JUN 10 AM 9:24

The Chief of the Metropolitan Police Department, pursuant to the authority under Section 2702 of the Metropolitan Police Department Video Surveillance Regulations Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 5-133.19(a)) (the "Act"), hereby gives notice of the intent to adopt amendments to Chapter 25 (Metropolitan Police Department Use of Closed Circuit Television) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the publication of this notice in the *D.C. Register*.

The proposed rulemaking modifies and updates the procedures governing the Metropolitan Police Department (MPD) network of closed circuit television (CCTV) cameras. A more detailed summary of the proposed changes is below.

Pursuant to Section 2702(b) of the Act, the proposed rulemaking will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

Summary of the Proposed Regulatory Action

The rulemaking changes the requirement that an official of the rank of Lieutenant or above must be present in the Command Information Center (CIC) to monitor CCTV activities and allows for Sergeants and civilian equivalents to do so. The rulemaking extends the current CCTV retention period from 10 days to 90 days. It allows CCTV recordings used for training purposes to be retained in accordance with MPD's retention schedule for records maintained by the Metropolitan Police Academy.

The rulemaking also reflects a change in the name of the Department's communication center for daily operations from the Synchronized Operations Command Center (SOCC) to the CIC.

Supervisory Requirements

The requirement that an official with the rank of Lieutenant or above be present to supervise CCTV activities at all times is unnecessary. MPD has other, higher priority staffing needs that require the attention of these officials. As MPD proceeds through the ongoing retirement bubble, that challenge is greatly exacerbated. Use of the CCTV system is already tightly regulated by District law and MPD policy, thereby allowing a sergeant or civilian equivalent to be able to supervise the activity effectively.

Recording Retention

Updating CCTV footage retention to a 90-day time period is in line with the minimum retention requirements for body-worn camera videos. Maintaining CCTV footage for a longer period would avoid potential court challenges where footage was captured but not otherwise retained. It also reduces the burden on MPD staff to quickly review footage from a range of incidents. Additionally, the retention of CCTV footage is important for the documentation of the trainings MPD members received.

The rulemaking proposes that video recordings be maintained rather than “indexed” and stored.” This allows the Department to use its resources efficiently rather than undertake an indexing process for recordings that will soon be deleted.

Chapter 25, METROPOLITAN POLICE DEPARTMENT USE OF CLOSED CIRCUIT TELEVISION, of Title 24, PUBLIC SPACE AND SAFETY, is amended as follows:

Section 2504, ACTIVATION AND USAGE, is amended as follows:

Subsection 2504.3 is amended to read as follows:

2504.3 An official of the rank of Sergeant, civilian equivalent, or above shall be present in the Command Information Center (CIC) at all times, and shall supervise and monitor CCTV activities conducted in the CIC.

Section 2505, AUTHORIZATION TO RECORD AND RETAIN RECORDINGS, is amended to read as follows:

2505.1 Except in exigent circumstances or when recording is being done pursuant to a court order, the Chief of Police shall issue written authorization prior to recording any CCTV feed.

2505.2 Every recording shall be documented. The record shall include a copy of any written authorizations pertaining to each period of recording, the name of any person recording, a general description of the activity being recorded, and documentation as to when the recording began and ended.

2505.3 When recordings are made in exigent circumstances, the recording documentation shall also include a description of the exigency that gave rise to the need to record without prior written authorization.

2505.4 All recorded CCTV footage shall be maintained and secured by the official in command.

- 2505.5 Video recordings shall be maintained for ninety (90) calendar days after which time they will be recorded over or destroyed.
- 2505.6 Recordings may be retained beyond ninety (90) calendar days because the recordings contain evidence of criminal activity, because the recordings capture an occurrence that may subject MPD to civil liability, or because the recording will be used for training purposes. Recordings that contain evidence of criminal activity or recordings that capture an occurrence that may subject MPD to civil liability shall be maintained to final case disposition.
- 2505.7 The Chief of Police must provide, in writing, any decision to retain any recording beyond ninety (90) calendar days.
- 2505.8 Decisions to retain recordings beyond ninety (90) calendar days must include the purpose of the retention, the nature of the recording, and length of time for the retention. Retention of recordings for training purposes must additionally include a written description of the training purpose to be served by the recording as well as a description of the recording's unique suitability for the training purpose.
- 2505.9 Recordings used for training shall be retained in accordance with the Metropolitan Police Department's retention schedule for records maintained by the Metropolitan Police Academy.
- 2505.10 Recordings retained for criminal or civil purposes shall be secured as evidence, and access to the recordings shall be appropriately limited and documented.
- 2505.11 MPD personnel shall maintain a video catalog of all tapes held beyond ninety (90) calendar days, including a copy of any written authorizations pertaining to each activation/recording, the name of any person doing any recording, a general description of each activation/recording, and documentation as to when activation/recording began and ended.

All persons interested in commenting on this proposed rulemaking action may submit comments in writing to Kelly O'Meara, Strategic Change Division, Metropolitan Police Department, 300 Indiana Avenue, N.W., Suite 5067, Washington, D.C. 20001, or via email at regulations.CCTV@dc.gov. Comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. Copies of this proposal may be obtained, at cost, by writing to the above address.