


Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** November 19, 2015

**SUBJECT:** Fiscal Impact Statement – Body-Worn Camera Program Amendment Act of 2015

**REFERENCE:** Bill 21-351, Committee Print shared with the Office of Revenue Analysis on November 17, 2015

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**Conclusion**

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

**Background**

The Metropolitan Police Department uses 400 body-worn cameras to record police interactions with the public, and plans to increase the number of cameras to 2,800. The video footage from the body-worn cameras is subject to the same regulations that govern Freedom of Information Act (FOIA) requests on all other government documents. However, MPD cannot always meet the FOIA requests on the body-worn camera footage because of the technological challenges of redacting private information on video footage, the lack of consensus or standards on what constitutes private information in a video,<sup>1</sup> and the high cost of redacting videos.

This bill establishes<sup>2</sup> procedures and regulations<sup>3</sup> for public access to MPD's body-worn camera videos. The public can request access to footage by identifying the location, the date, and the approximate time of a recorded police interaction. MPD will have 25 business days to determine

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<sup>1</sup> See, for example, the recent discussion published in the Governing Magazine, available at <http://www.governing.com/topics/public-justice-safety/gov-body-cameras-chesapeake-virginia.html>.

<sup>2</sup> The bill amends Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

<sup>3</sup> By amending Title 24 of the District of Columbia Municipal Regulations to add a new Chapter 39.

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whether it can release the requested video to the public. MPD can take an additional 15 days to respond to the request if the request is large, if MPD must consult with another public body, or if MPD needs to work with a vendor to redact private information from the video.

The bill exempts the following types of videos from FOIA requests:

- Video footage filmed in a personal residence; and,
- Video footage that captures an incident of domestic violence, stalking, or sexual assault.

The bill establishes a Body-Worn Camera Fund to hold the FOIA fees for video requests, which MPD will use to pay a vendor to redact the video footage.

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

Before releasing body-worn camera footage to the public, MPD must review and, if necessary, redact footage. MPD plans to contract with an outside vendor to redact private information from videos and establish an internal unit for reviewing the videos before releasing to the public. Assuming that FOIA requests account for about 3 percent of all footage in a year, MPD will spend approximately \$2 million to redact the videos and approximately \$525,000 to pay for eight FTEs who will staff its review unit. The table details the cost estimate and the underlying assumptions.

The Mayor introduced a supplemental budget request<sup>4</sup> on September 16, 2015, which funds the bill in fiscal year 2016. The out-year costs of the body-worn camera program must be included in the baseline expenditures during the FY 2017 budget formulation process if the program is to continue. The current financial plan has sufficient capacity after the implementation of the September 2015 tax triggers to account for out-year costs.

On October 10, 2015, the OCFO released a fiscal impact statement on a similar bill introduced by the Mayor.<sup>5</sup> The estimated costs for the Mayoral bill are identical to this one, although there are two major differences. First, this bill does not provide a FOIA exception for assault cases, which constituted 10 percent of crimes in D.C. in 2014. Second, this bill allows for fewer days to meet FOIA requests (the Mayor's bill allowed for 45 days with an additional 30 days for large requests; this bill allows for 25 days with an additional 15). These two changes can increase the workload, but given the delays in the program start and the uncertainties about the number of FOIA requests MPD could receive, we are leaving the estimate the same.

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<sup>4</sup> The Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Emergency Adjustment Act of 2015.

<sup>5</sup> The fiscal impact statement for the Public Access to Body-Worn Camera Video Amendment Act of 2015, Bill 21-356, is available here: [Bill 21 356 FIS](#)

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Fiscal Impact of the "Body-Worn Camera Program Amendment Act of 2015"					
	FY 2016	FY 2017	FY 2018	FY 2019	Four Year total
Annual total payments to redaction vendor (\$250 for each video) <sup>b, c</sup>	\$2,016,000	\$2,016,000	\$2,016,000	\$2,016,000	\$8,064,000
Salary and Benefits <sup>a, d</sup>	\$526,439	\$542,232	\$558,499	\$575,254	\$2,202,424
Total	\$2,542,439	\$2,558,232	\$2,574,499	\$2,591,254	\$10,266,424

**Table Notes**

a. Each full time employee is expected to spend 1,920 hours per year reviewing videos. With 7 employees reviewing videos, this would be 13,440 hours worked in a year reviewing videos.

b. The estimate assumes that on average 12.5 minutes of video requires 1 hour and 40 minutes of reviewing for quality assurance, resulting in 8,064 videos that can be reviewed annually given employee workload limitations. This amount of video is approximately 3 percent of the total number of videos recorded by 2,800 body-worn cameras in a fiscal year.

c. Assumes that the MPD provides an advance payment of \$250 for each video redacted by a contract vendor based on restrictions under current law.<sup>6</sup>

d. Includes one Freedom of Information Act Specialist Supervisor (Grade Level 13 with a salary of \$89,079); seven Freedom of Information Act Specialists (Grade Level 11 with a salary of \$62,480 for each); and a three percent cost of living adjustment annually.

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<sup>6</sup> D.C. Official Code § 2-532(b-3) - No agency or public body may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency or public body has determined that the fee will exceed \$250.