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Teresa Quon
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January 23, 2014

Via electronic mail

FOIA Request

Fee waiver requested

Dear Ms. Quon,

This letter constitutes a request under the D.C. Freedom of Information Act, D.C. CODE § 2-532 (“D.C. FOIA”), and is submitted on behalf of the Reporters Committee for Freedom of the Press (“RCFP” or the “Reporters Committee”) to the D.C. Police Department (“MPD”). The Reporters Committee is a nonprofit association of news reporters and editors. By this request, it seeks information regarding the MPD’s use of body worn cameras (“BWC”).

Records Requested

Pursuant to the D.C. FOIA, I, on behalf of the Reporters Committee, request access to and copies of:

1. All BWC recordings that have been categorized as “Retain”, as defined in Special Order 14-09 or Special Order 14-14¹
2. All BWC recordings that have been categorized as “Requires Supervisory Review”, as defined in Special Order 14-09 or Special Order 14-14
3. All BWC recordings that have been used for training purposes.
4. All records indicating which MPD officers were issued BWC between October 1, 2014, and January 23, 2015.
5. All records that reflect activation and/or use of a BWC by an MPD officer between January 1, 2015, and January 8, 2015, including, but

¹ Available at https://go.mpdconline.com/GO/SO_14_14.pdf

not limited to, narratives in field contact reports, supplements accompanying incident reports, arrest reports in the Records Management System (RMS), violation citations on PD form 61D, and notices of infraction (NOIs).

6. All BWC recordings that have been provided to the D.C. Office of Police Complaints.
7. All BWC recordings that have been offered or admitted as evidence, lodged with a court, or otherwise shown or used in connection with any civil or criminal proceeding.
8. All BWC recordings that have been offered or admitted as evidence, or otherwise shown or used in connection with any arbitration and/or mediation proceeding.

I prefer to receive these records in electronic form. For video files, my preference is that they are released in a standard video codec (such as a H.264 or MPEG-4 implementation) that fairly and accurately represents the resolution and quality of the original video. For other records, my preference is that they are released in their original format, or if that is not possible, as PDFs.

Fee Waiver

As the information that is the subject of this request “can be considered as primarily benefiting the general public”², I ask that you waive any applicable fees. This information is not being sought for commercial use. This information is being sought by RCFP, as a representative of the news media, for dissemination to the general public through multiple avenues, including its website,³ email newsletters, and *The News Media & The Law*,⁴ RCFP’s quarterly magazine that has been continuously published since 1977.

Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. There has been intense interest in the relations between the MPC and civilians over the last few years.⁵ According to Police Chief Cathy Lanier, BWC will help promote transparency in

² D.C. CODE § 2-523(b).

³ <https://www.rcfp.org/>.

⁴ Available at <http://www.rcfp.org/magazine-archive>.

⁵ See, e.g., Eric Tucker, *DC police facing scrutiny over arrested officers*, TWOP (Jan. 24, 2014), <http://www.wtop.com/41/3548231/DC-police-facing-scrutiny-over-arrested-officers>; AP, *D.C. Police Chief Addresses Officer Misconduct*, CBS DC (Jan. 26, 2014), <http://washington.cbslocal.com/2014/01/26/d-c-police-chief-addresses-officer-misconduct/>; Clarence Williams, *D.C. police officer guilty of assault for use of excessive force during 2011 arrest*, THE WASHINGTON POST (Oct. 16, 2013), http://www.washingtonpost.com/local/crime/dc-police-officer-guilty-of-assault-for-use-of-excessive-force-during-2011-arrest/2013/10/16/f8e08018-369f-11e3-80c6-7e6dd8d22d8f_story.html; Human Rights Watch, *Capitol Offense: Police Mishandling of Sexual Assault Cases in the District of Columbia*, (Jan. 2013), <http://www.hrw.org/reports/2013/01/24/capitol-offense-0>.

these relations because they “establish a record of police conduct.”⁶ As the BWC are currently in a trial period to determine their effectiveness,⁷ it is important that the public have access to this information in order to determine if they are, in fact, having the intended effect.

Conclusion

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the FOIA.

I look forward to your response within 15 business days, per the requirements of the D.C. FOIA.⁸ Please feel free to contact me via email (amarshall@rcfp.org) or telephone (202-795-9308) if you have any questions regarding this request.

Sincerely,

Adam A. Marshall
Jack Nelson – Dow Jones Foundation Legal Fellow
Reporters Committee for Freedom of the Press

⁶ Associated Press/NBC4 Washington, *Group of D.C. Police Officers to Begin Testing Body-Worn Cameras*, NBC WASHINGTON (Sep. 24, 2014), <http://www.nbcwashington.com/news/local/DC-Chief-to-Discuss-Body-Cameras-for-Officers-276893401.html>.

⁷ *See id.*

⁸ D.C. CODE § 2-532(c).