

## BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY



Office of Open Government

June 22, 2015

***VIA ELECTRONIC MAIL***

Chief Cathy L. Lanier  
Metropolitan Police Department  
300 Indiana Avenue, NW  
Washington, DC 20001

Dear Chief Lanier:

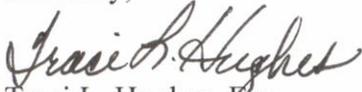
Thank you for your communication of May 28, 2015, regarding your proposal to vest in the Office of Open Government (OOG) the authority under a Memorandum of Understanding (MOU) to review, redact and release Metropolitan Police Department (MPD) Body-Worn Camera (BWC) video under the District of Columbia Freedom of Information Act (FOIA).

As the director of the OOG, I commend the efforts of the MPD to comply with the requirements of FOIA. Although I serve as the chief FOIA officer for the District, and ensure that agencies and the public are aware of the parameters of the District's open records laws, the OOG has not been granted the authority by the Executive Office of the Mayor (EOM) to review, redact and disclose subordinate agency records under FOIA. This reasoning is sound as only the agencies are in the best position to conduct the initial search and review, and make a determination as to which records are to be disclosed or properly exempted under FOIA. While I thank you for your confidence in my ability and your deference to the role of the OOG, I must respectfully decline your offer of entering into a MOU. The OOG does not have the authority, or sufficient personnel, to make the necessary redactions to BWC video footage requested under FOIA.

As the totality of my testimony before the Committee on the Judiciary's May 7, 2015 *Public Oversight Roundtable on The Metropolitan Police Department's Body-Worn Camera Program* made clear, there is no immediate necessity for the District to rush to employ software or services to make redactions to BWC video, as such requests are currently exempted from disclosure under the personal privacy exemption (D.C. Code § 2-534(a)(2)) and/or the law enforcement exemption (D.C. Code § 2-534(a)(3)). Further, the EOM has convened a working group, of which I am a member, to offer input into regulations addressing public access to BWC footage without jeopardizing law enforcement investigations, privacy interests or the due process rights of citizens. I am confident that we can meet these objectives if our collective approach to MPD BWC policies are well-informed, measured, and in the best interests of District Government and the public we serve.

Thank you again for your willingness to defer to the expertise of the OOG. I look forward to continuing to work with MPD and all District agencies in promoting a more transparent and open government.

Sincerely,



Traci L. Hughes, Esq.

Director, Office of Open Government

Board of Ethics and Government Accountability

cc: Mayor Muriel E. Bowser  
Chairman Phil Mendelson, Council of the District of Columbia  
Councilmember Kenyon R. McDuffie, Chairman, Committee on the Judiciary