

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

April 10, 2019

Commissioner Kathryn Denise Rucker Krepp
ANC 6B
1837 A Street, S.E.
Washington, D.C. 20003

Re: Requests for Body-Worn Camera Footage

Dear Commissioner Krepp:

You asked whether Advisory Neighborhood Commissioners may access body-worn camera footage. The answer is yes, but any such request must go to the Metropolitan Police Department (“MPD”) and is subject to important limits.

Because body-worn camera footage is a public record,¹ the Body-Worn Camera Program Amendment Act of 2015 (“Act”)² amended the Freedom of Information Act of 1976 (“FOIA”)³ to establish how this footage may be requested. Any request must be submitted to MPD,⁴ and MPD has 25 business days to “either make the requested recording accessible or notify the person making such request of its determination not to make the requested recording or any part thereof accessible and the reasons therefor.”⁵ MPD may withhold body-camera footage that is exempt from disclosure under FOIA,⁶ and must comply with any applicable confidentiality restrictions imposed by other law.⁷ For example, MPD cannot release “law enforcement records or files concerning a child.”⁸

If you have any questions, please contact Josh Turner, Assistant Attorney General, at 442-9834, or Arthur J. Parker, Acting Deputy Attorney General, Legal Counsel Division, at 724-5565.

¹ See D.C. Official Code § 2-502(18) (2016 Repl. and 2018 Supp.).

² Effective March 9, 2016 (D.C. Law 21-83; 63 DCR 774).

³ Effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

⁴ D.C. Official Code § 2-532(c)(2)(B) (2016 Repl.).

⁵ *Id.* § 2-532(c)(2)(A).

⁶ See *id.* § 2-534 (exemptions from disclosure).

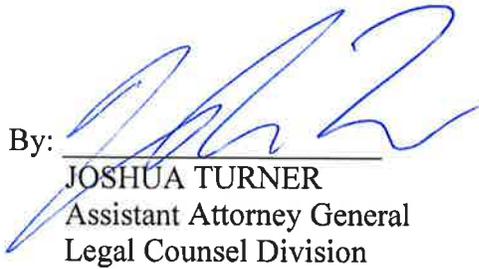
⁷ See *id.* § 2-534(6) (exempting “[i]nformation specifically exempted from disclosure by statute”).

⁸ *Id.* § 16-2333.

Sincerely,

KARL A. RACINE
Attorney General for the District of Columbia

By:



JOSHUA TURNER
Assistant Attorney General
Legal Counsel Division

(AL-19-284)