

A RESOLUTION

23-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to approve the proposed rulemaking submitted by the Mayor 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Closed Circuit Television Modernization Rulemaking Approval Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve the proposed rulemaking submitted by the Mayor 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.

(b) On August 10, 2018, the Metropolitan Police Department published a proposed rulemaking to modify and update the procedures governing the Metropolitan Police Department’s (“MPD”) network of closed circuit television (“CCTV”) cameras. MPD did not receive any public comments in response.

(c) The District’s existing regulations provide that CCTV videos shall be indexed, stored, and maintained for 10 calendar days, after which time they will be recorded over or destroyed. The proposed rulemaking would change this in 2 ways. First, recordings would no longer need to be “indexed” and “stored”, and MPD could instead “maintain” the recordings. Second, video recordings could be maintained for up to 90 days instead of the current 10-day retention period. The rulemaking would also allow a sergeant or civilian, in lieu of a lieutenant, to monitor CCTV footage. Lastly, the rulemaking would allow CCTV recordings used for training purposes to be retained according to MPD’s existing retention schedule.

(d) Section 2702(b) 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(b)), requires that rulemakings pertaining to MPD’s use of CCTV cameras be submitted to the Council for a 45-day review period, after which time they are deemed disapproved. Therefore, on June 7, 2019, Chairman Mendelson, at the request of the Mayor, introduced

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Proposed Resolution 23-357, the Closed Circuit Television Modernization Rulemaking Approval Resolution of 2019. The proposed resolution was referred to the Committee on the Judiciary and Public Safety (“Committee”) on June 18, 2019, and the Committee held a public roundtable on the proposed resolution on September 26, 2019. Without Council action, the proposed rulemaking will be deemed disapproved on October 24, 2019.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closed Circuit Television Modernization Rulemaking Approval Emergency Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.