

Written Testimony
of
The Office of the D.C. Auditor

Prepared for the

Council of the District of Columbia
Committee on the Judiciary and Public Safety

Public Hearing on
Bill 25-291, the “Safer Stronger Amendment Act of 2023”

June 27, 2023
12 p.m.

Virtual Platform
The John A. Wilson Building
1350 Pennsylvania Avenue N.W.
Washington, DC 20004

The Office of the D.C. Auditor (ODCA) provides this written testimony to assist the Council of the District of Columbia in considering Bill 25-291, the “Safer Stronger Amendment Act of 2023,” which was introduced by Chairman Mendelson at the request of Mayor Bowser. Our written statement focuses on two sections of Bill 25-291: (1) Title VIII, Private Security Camera Incentive Program, and (2) Title IX, Criminal Justice Coordinating Council. Please include this statement in the official hearing record for Bill 25-291.

The statement draws on our June 2022 report titled [NEAR Act Violence Prevention and Interruption Efforts: Opportunities to Strengthen New Program Models](#), which examined the private security camera program as well as the core public health programs of the NEAR Act (such as the funding of violence interrupters in target neighborhoods). Our statement also reflects insights from field work conducted for an upcoming NEAR Act report on police reform provisions. We have included questions that the Committee might wish to pose to government and public witnesses.

Title VIII: Private Security Camera Incentive Program

Title VIII of Bill 25-291 would remove provisions of current law that limit the rebates that the Office of Victim Services and Justice Grants (OVSJG) provides to residents who purchase private security cameras and register them with the Metropolitan Police Department (MPD). The current caps on the rebates, which would be removed by Bill 25-291, are as follows:

- \$200 per camera installed on a building owned or leased by an individual, with a maximum rebate of \$500 per camera system for each residential address.
- \$200 per camera installed on a building owned or leased by a business, non-profit, religious institution, or other entity, with a maximum rebate of \$750 per camera system for each address.

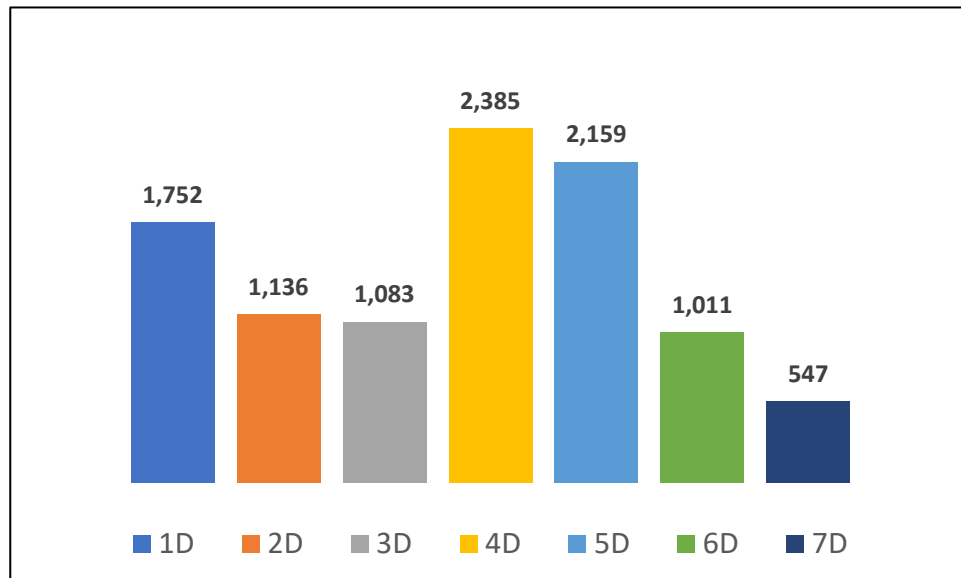
In place of the current caps, Bill 25-291 would allow the Mayor to issue rules establishing the maximum allowable rebates for individuals, entities, and addresses. A provision of current law limiting the rebate to the purchase price of the system would remain in place.

ODCA has some concerns about the proposed removal of the fixed rebate caps, which are explained below in more detail. Rather than grant the Mayor authority to set the caps through rulemaking, it might be preferable to raise the caps by specific amounts – perhaps to a maximum of \$750 for residential cameras and a maximum of \$1,000 for non-residential cameras – or to keep the current caps in place.

In our June 2022 NEAR Act report, we identified several strengths of the private security camera program. We found that OVSJG implemented the program in a manner consistent with the intent of the NEAR Act (which permanently authorized the private security camera program). The program had very consistent output, providing rebates and vouchers to almost 2,000 individuals and organizations each year, and subsidizing the purchase of more than 4,000 cameras per year. The program was well-publicized by OVSJG, MPD, and other agencies, as well as by Advisory Neighborhood Commissioners (ANCs) and business representatives. Finally, ANCs who had participated in the program described the application process as straightforward and stated that reimbursements were prompt.

At the same time, we noted that the issuance of program awards (rebates and vouchers) was very uneven by police district. Applicants from 4D and 5D, respectively, claimed approximately four times the number of awards as those from 7D (see figure on the next page).

**Number of Security Camera Rebates and Vouchers Awarded
by Police District as of July 7, 2021**



Source: Office of Victim Services and Justice Grants

One reason for low participation in 6D and 7D cited by MPD officials, OVSJG management, and community leaders is that residents fear they could be targets for retaliation if they are seen as sharing information with police. Although police must receive the camera owner’s consent to view recorded footage, many residents may not be aware of this protection or trust that it will be observed.

Low participation in 6D and 7D, the lowest-income and highest-poverty areas in the city—raises the possibility that the private security camera program is largely funding purchases by middle- and upper-income residents who could have bought cameras without the program. This possible displacement of private purchasing is impossible to measure, but it might be more prevalent now that security camera prices have dropped sharply.

At the same time, the voucher option offered by the private security camera program—which was intended to remove barriers to participation by low-income residents by paying for residential cameras up front—has rarely been used. As of July 2021, only 16 vouchers (less than 0.2% of total program awards) had been issued. Interviewees suggested a variety of reasons for low usage, but one factor is that the five public assistance programs which qualify a resident to receive a voucher—had very small caseloads, with the exception of Temporary Assistance to Needy Families.¹

Because the voucher program has such a low participation rate, and lower-income neighborhoods east of the river also seem to have lower participation rates, we recommend that the Committee consider amending Bill 25-293 to include one of the recommendations from our June 2022 NEAR Act report –

¹ In addition to Temporary Assistance to Needy Families, the qualifying programs are General Assistance for Children; Emergency Shelter Family Services; Program on Work, Employment, and Responsibility; and Interim Disability Assistance.

namely, to add the Supplemental Nutrition Assistance Program (SNAP) to the list of programs that qualify residents to receive security camera program vouchers.

The number of D.C. residents benefiting from SNAP is more than six times the number of D.C. residents benefiting from TANF. Among public assistance programs, SNAP provides the best measure of economic need because the program serves low-income residents of all types, including families with or without children, senior citizens, and people with disabilities, unlike other programs that target their aid more narrowly.

Finally, the impact of the security camera program in preventing and solving crimes is difficult to assess due to data limitations, but police make extensive efforts to obtain camera footage and use it in investigations. Footage may advance investigations in multiple ways, such as identifying suspects or ruling them out, or narrowing down the time when a crime occurred.

MPD officials interviewed by ODCA consistently cited security cameras generally and the security camera program specifically as valuable tools in fighting crime. A recently retired MPD official likened security cameras to smoke detectors, stating that cameras serve an important purpose, do not cost much, and make people feel safer.

MPD officials expressed mixed views on whether security cameras help prevent crime. Those who saw a positive impact tended to focus on enhanced safety at sites where cameras were visible, leaving open the possibility that crimes were displaced to other areas. The more skeptical MPD officers also saw cameras as shifting crime rather than preventing it, whereas those who believed that cameras were not effective in deterring crime pointed to the brazen behavior of criminals, who commit crimes where they see targets even when cameras are visible.

By contrast with their views on prevention, MPD officials interviewed by ODCA were united in affirming the importance of security camera footage in investigating and solving crimes. These officials emphasized that camera footage is important in every stage of investigation while stating that footage was sometimes decisive in solving cases. For example, camera footage allows MPD to disseminate images of a crime to the public very quickly and helps detectives generate leads using stills of a person's clothing or a vehicle license plate. In addition, camera footage provides stronger evidence than witness accounts, according to MPD officials. An MPD commander stated that police can disseminate high-quality camera images "almost in real time."

As required by the NEAR Act, OVSJG has reported monthly to the Council on the number of times that MPD requested footage from a program recipient, the number of times the request was granted, and the number of times that footage from a private security camera helped lead to an arrest, including a breakdown by arrest. ODCA's analysis indicates that OVSJG and MPD had documented 124 requests by police officers to access footage from OVSJG-funded cameras as of July 2021. At least three of those requests were denied. OVSJG and MPD also cited 40 arrests in cases where footage from OVSJG-funded cameras was accessed—29 of which were for homicides—but there is no causal link between the use of camera footage and the ensuing arrests. In some cases, the footage that was accessed may not have yielded any useful information, or it may have been one factor among many that advanced the case.

Nevertheless, OVSJG and MPD officials emphasize that the data reported does not reflect actual camera usage for several reasons. First, police officers often identify private security cameras that may be useful

in an investigation by canvassing an area, rather than by requesting a list of nearby security cameras from MPD's database. Informal requests to access footage may not be recorded or connected to any arrests that may result. Second, many investigations are turned over to detectives who do not know if security cameras that provided valuable footage were funded by OVSJG. There is often a considerable lag between viewing footage and the time an arrest is made so that linking particular cameras to an arrest would involve retrospective analysis that would not be feasible for detectives or represent an effective use of their time.²

The most detailed examination of security cameras' impact on police work in D.C. identified by ODCA is an MPD study of the role of video footage in the investigation of 160 homicides that occurred in 2018. As shown in the table below, MPD detectives obtained video footage in 132 cases (83%) and found that video footage advanced the investigation in 59% of cases. The video footage covered in the study includes MPD's closed-circuit television cameras and private security cameras, but not cell-phone video footage.

Impact of Video Footage (VF) on MPD Investigation of Homicides Occurring in 2018

	Total	VF Available	VF Advanced Investigation	VF Contributed to Closure
Closed Cases	85	67 (79%)	57 (67%)	48 (56%)
Open Cases	75	65 (87%)	37 (49%)	-
All Cases	160	132 (83%)	94 (59%)	48 (30%)

Source: Metropolitan Police Department

When comparing the data for the 85 homicide cases that were closed from 2018 with the 75 cases that remained open, MPD analysts found that video footage advanced the investigation in 67% of the closed cases, versus 49% of the open cases. Among the 85 closed cases, MPD found that video footage contributed to case closure 56% of the time. Based on these data, MPD concluded that, "(L)ocation-based CCTV cameras and their derivative video footage play a critical support role in police investigations."

Civil liberties groups and other privacy advocates caution that private security cameras could be used to track people exercising First Amendment rights and support excessive police surveillance, particularly as Internet-connected cameras such as Ring and Google Nest become more widespread. The concern is that security cameras can reduce people's ability to enjoy normal daily activities without being monitored and can contribute to racial profiling.

Suggested questions on Title VIII

1. When the private security camera program was launched in 2015, security cameras were less prevalent than they are today. The program has helped many residents purchase cameras, but the landscape is different today because technology has advanced (Ring and other doorbell

² OVSJG monthly reports have stated that, "Establishing a system to track the specific utility of video and the type of camera that recorded it until an arrest is actually made is not an efficient use of law enforcement resources better directed at investigating crime. Therefore, MPD is unable to provide comprehensive data on this."

cameras serving as an example) and cameras are less of a novelty as well as less costly. Do you see a time when the D.C. government should no longer subsidize the purchase of this particular good?

2. From a public safety perspective, the key aspect of the security camera program is that program beneficiaries must register their cameras with MPD. Are there alternative ways to further this goal, such as by offering an incentive payment to residents or businesses that install security cameras on their own (without a rebate) and then register the cameras with MPD? This approach could lower costs because the D.C. government could avoid costs of \$500 to \$750 (or more) per beneficiary.
3. What efforts could be taken to increase program participation by residents and organizations in the 6th and 7th police districts, and by low-income residents more generally?
4. What is your view of amending the law to allow residents who receive SNAP benefits to qualify automatically for security camera program vouchers?
5. What can be done to allay concerns of civil liberties and privacy violations as private security cameras proliferate – part of what some refer to as “a surveillance state.”

Title IX: Criminal Justice Coordinating Council.

Title IX requires the Criminal Justice Coordinating Council (CJCC) to report quarterly to the Mayor and Council, and to post on the CJCC website, “aggregate programmatic data on process and outcomes of programs, including diversion,” and “aggregate outcomes of alternative dispositions and sentencing arrangements.” This report would include relevant data from all CJCC members.

On its face, Title IX seems unobjectionable to ODCA. Nevertheless, ODCA has found in its field work on NEAR Act police reform provisions that many of the data reports required by the NEAR Act, such as a survey on police-community relations commissioned by the CJCC and annual reports on felony crime data published by the Office of the Deputy Mayor for Public Safety and Justice, have been used sparingly by policymakers and the public. Therefore, we suggest that the Committee use this hearing to probe how the administration plans to use these quarterly reports and what gaps they would fill in current data systems.

We further note that Title IX could benefit from more focus and specificity. Each CJCC member, such as the Office of the Attorney General or the Pretrial Services Agency, operates numerous programs (some of which are likely subject to other performance reporting requirements). Without more specificity, this mandate for “aggregate programmatic data on process and outcomes” may be less useful than expected.

Finally, ODCA points out that Title II, Chapter 42A (Criminal Justice Coordinating Council) of the D.C. Code has become very fragmented and unwieldy. D.C. Code § 22-4234, which sets forth the CJCC’s duties, has an array of data gathering and reporting mandates; moreover, other chapters of the Code prescribe additional data requirements for the CJCC pertaining to human trafficking (D.C. Code § 22-1841) and youth rehabilitation and recidivism (D.C. Code § 24-906.02). The Committee should consider how Title IX of Bill 25-291 can best be coordinated with the CJCC’s existing data collection and reporting mandates, and whether a wholesale review of the CJCC statute is needed in the future to ensure that the CJCC can administer its duties effectively and efficiently.

Suggested questions on Title IX

1. What specific gaps or deficiencies in our criminal justice data system do you hope to address through Title IX?
2. In light of prior data reports that have been little used (example: annual felony crime data reports prepared by DMPSJ, pursuant to the NEAR Act), how can we ensure that this fairly general proposal will be useful to policymakers and the public and help shape better criminal justice policy?
3. As the D.C. Code sections concerning the Criminal Justice Coordinating Council have become longer and perhaps more unwieldy, would a comprehensive review of CJCC powers and duties be beneficial?

Thank you for considering these findings, recommendations, and questions. Please let us know if we can be of further assistance as you review Bill 25-291.