A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ADOPTING FEES FOR THE STAFF TIME ASSOCIATED WITH REDACTING TUKWILA POLICE DEPARTMENT BODY WORN VIDEO FOOTAGE REQUESTED PURSUANT TO PUBLIC RECORDS REQUESTS.

WHEREAS, the Tukwila Police Department implemented a Body Worn Video Program in 2017; and

WHEREAS, body camera recordings are public records subject to Chapter 42.56 RCW, the Washington State Public Records Act; and

WHEREAS, pursuant to RCW 42.56.240(14)(f), law enforcement agencies are permitted to charge requestors not exempted under RCW 42.56.240(14)(e) the reasonable costs of redacting videos prior to disclosure; and

WHEREAS, the Tukwila Police Department analyzed a 2017 Body Worn Video Redaction Cost Study completed by the Seattle Police Department, which determined the amount of time it takes to redact such footage, and multiplied that amount of time by the Tukwila Police Department Records staff salaries to determine the "reasonable cost" for such redactions; and

WHEREAS, the City Council wishes to adopt a Tukwila Police Department fee that will allow the City to recover the cost of actual staff time incurred by the City for redacting body worn video;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Police Department Fee Schedule. The Tukwila Police Department will charge requestors not exempted under RCW 42.56.240(14) for the actual staff time cost incurred for redacting body worn video at the rate of $0.63 per minute.
Section 2. Effective Date. This resolution and the fee schedule contained herein shall be effective as of January 1, 2021.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Special Meeting thereof this 21st day of September, 2020.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

De'Sean Quinn, Council President

APPROVED AS TO FORM BY:

Office of the City Attorney
ITEM INFORMATION

STAFF SPONSOR: REBECCA HIXSON

AGENDA ITEM TITLE: Add fee for select Body Worn Video redaction for Police department

CATEGORY

- Discussion
- Resolution
- Ordinance
- Bid Award
- Public Hearing
- Other

SPONSOR

- Council
- Mayor
- HR
- Trans&Infrastructure
- CommunitySvs/Safety
- Fire
- T&I
- Planning/Economic Dev.
- Arts Comm.
- Parks Comm.
- LTAC
- Planning Comm.
- P&R
- Police
- Finance
- PW
- Court

SPONSOR'S SUMMARY
Resolution to add fee for select Body Worn Video redaction for the Police department. Although the Public Records Act allows a law enforcement agency to charge certain requestors the reasonable costs of redacting videos prior to disclosure, the Police department is not currently charging for this work.

RECOMMENDATIONS:

Sponsor/Admin.

COMMITTEE

COST IMPACT / FUND SOURCE

EXPENDITURE REQUIRED $ AMOUNT BUDGETED $ APPROPRIATION REQUIRED $

Fund Source:

Comments:

MTG. DATE

RECORD OF COUNCIL ACTION

09/14/20 Forward to next Regular Meeting Unfinished Business

ATTACHMENTS

09/14/20 Informational Memorandum dated 08/24/20 (revised after Finance Committee)

Seattle BWV Cost Study

Estimating Cost Redaction Worksheet

Draft Resolution

Minutes from the 8/24 Finance Committee meeting

09/21/20 No new attachments. Verbal presentation
INFORMATIONAL MEMORANDUM

TO: Finance Committee

FROM: Bruce Linton, Chief of Police

BY: Rebecca Hixson, Senior Manager, Support Operations Division

CC: Mayor Ekberg

DATE: August 24, 2020  (Revised after 8/24 Finance Committee)

SUBJECT: Fees of Body Cam Redaction

ISSUE
To enhance open government and public agency transparency, Tukwila Police Department (TPD) implemented a Body Worn Video (BWV) program in 2017. Officers wear body cameras and capture recording that are public records subject to the Washington Public Records Act (PRA), RCW 42.56. Redaction of body cam footage is a time-consuming and tedious process. Between November 2017-April 2020, TPD processed 828 BWV public records requests. Although the PRA allows a law enforcement agency to charge certain requestors the reasonable costs of redacting videos prior to disclosure, TPD is not currently charging for this work. The police department is in full support of providing body worn camera footage when requested and has come to better understand the cost of this transparency. TPD is proposing charging certain requestors the reasonable costs of redacting videos prior to disclosure to support this work.

BACKGROUND
The PRA allows agencies to charge the actual cost of redacting BWV recordings including the cost of redaction technology provided it is the least costly commercially available method. We do not intend to charge requestors technology costs. In addition, per RCW 42.56.240 (14), we will not charge requestors who are people directly involved in the incident or their attorney.

The question of “what is a reasonable cost” was answered in a February 2017 Body Worn Video Redaction Cost Study completed by City of Seattle. Seattle PD completed stopwatch style time studies to determine the amount of time it takes to redact BWV recordings (see attached). Then they created a cost per minute of redaction time based on the weighted staff salary costs. Based on the SPD study and our team’s salaries, TPD is asking to charge requestors not exempted under RCW 42.56.240 (14) the actual time it takes to redact a video calculated at the rate of $0.63 per minute.

The fee would be effective January 1, 2021.

DISCUSSION
We are committed to providing records to requestors. Our goal is to do so in a manner that allows access to the records at a reasonable cost while not causing undue burden on staff. Seattle ($0.60) and Monroe ($0.79) Police Departments have already implemented this system successfully. Bellingham is in the planning process to implement charges.

FINANCIAL IMPACT
The City will be compensated for the actual staff time spend redacting BWV.
RECOMMENDATION
The Council is being asked to approve the resolution and consider this item at the September 14, 2020 Committee of the Whole meeting and subsequent September 14, 2020 Regular Meeting.

ATTACHMENTS
Attachment 1: City of Seattle Body Worn Video Redaction Cost Study Narrative, February 2017
Attachment 2: Estimating Cost Redaction Worksheet
Attachment 3: Draft Resolution
City of Seattle
Body Worn Video Redaction Cost Study
Narrative
February 2017

Background
SPD has implemented a Body Worn Video (BWV) program. Officers will wear body cameras and will capture recordings that are public records subject to the Washington Public Records Act, Chapt. 42.56 RCW (PRA). The PRA allows a law enforcement agency responding to requests for BWV recordings to charge certain requestors the reasonable costs of redacting videos prior to disclosure. The purpose of this cost study is to determine those reasonable costs. Allowable redaction costs are in addition to copying costs that agencies are legally allowed to charge requestors.

Introduction
With the exception of the following requestors, the PRA allows an agency to charge a requestor the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure:

- A person directly involved in an incident recorded by the requested body worn camera recording;
- An attorney representing a person directly involved in an incident recorded by the requested body worn camera recording;
- A person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person;
- The executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs; or
- If relevant to a cause of action, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement.

An agency that charges redaction costs must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

The purpose of this cost study is to determine the reasonable cost of redacting BWV recordings in order to provide a requestor the estimated cost of redacting particular BWV recordings and, to provide requestors a choice of redaction types in order to reduce costs to those requestors.
Principles

- We charge for redactions based on the parameters provided in the PRA
- We charge staff time directly applicable to redacting videos
- We charge staff time (salary + benefits) for no more than the lowest-paid employee assigned responsibility for redacting video
- We have highly-skilled Video Specialists who apply their expertise to redact video in an efficient and skillful manner
- We use redaction technology that most effectively and efficiently meets the administrative and operational needs of the Department
- We do not charge requestors any costs related to the redaction technology
- The City incurs substantial costs for video management, processing, storage, and redaction technology
- In addition to allowed redaction costs, we charge requestors the actual cost of copies of BWV recordings as provided in the PRA

Types of Redactions

- Targeted Video Redaction of Person or Object with or without Targeted Audio Redaction: This blurs or blacks out the face or identifying features of an individual or object and removes exempt audio content
- Targeted Audio Redaction Alone: This removes exempt portions of the audio
- Targeted Blackout of Screen or Targeted Screen Blur with or without Audio Removal: This completely blacks out targeted segment(s) of video. It may also remove all audio from the segment(s) as called for
- Complete Screen Blur and Audio Removal: This blurs the entire screen for the entire duration of the video and removes all audio for the entire duration of the video
- The types of video redactions are illustrated in the next section

Video Redaction Type Illustrations

Targeted Video Redaction\(^1\)  \hspace{2cm} Targeted Blackout of Screen  \hspace{2cm} Screen Blur\(^2\)

\(^1\) The size of the dot or shape obscuring an individual or object may vary to ensure that exempt identifying details are sufficiently obscured.

\(^2\) Screen Blur may be targeted for a specific length of time within a video or for the entire duration of the video at the option of the requestor. Screen blur here is illustrated at 60% blur. The level of blurring may vary to ensure that exempt identifying details are sufficiently obscured.
Redaction Process

The cost of redacting video using current technology reflects actual staff time derived from the workflow necessary to apply redactions as detailed in the SPD Redaction Process Workflow, attached to this Cost Study.

Time Studies

Stopwatch style time studies were conducted to determine the amount of time it takes to redact BWV recordings including how long it takes to fully blur and remove audio from an entire video, eliminate one minute of video, redact one minute of simple audio, redact one minute of complex audio, redact one minute of simple video, and redact one minute of complex video.

Time Study Results:

<table>
<thead>
<tr>
<th>Redaction Type</th>
<th>Actual Time</th>
<th>Redaction Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Targeted Video Redaction with or without Targeted Audio Redaction</td>
<td>1 Minute per individual or object redacted</td>
<td>10 Minutes per individual or object redacted</td>
</tr>
<tr>
<td>Targeted Audio Redaction Alone</td>
<td>1 Minute</td>
<td>5 Minutes</td>
</tr>
<tr>
<td>Targeted Blackout of Screen, Targeted Screen Blur with or without Audio Removal</td>
<td>1 Minute</td>
<td>4.5 Minutes</td>
</tr>
<tr>
<td>Complete Screen Blur and Audio Removal</td>
<td>Per Video</td>
<td>1 Minute</td>
</tr>
</tbody>
</table>

Video Specialist Weighted Salaries

The weighted salaries for Video Specialists within SPD range from $.61 per minute to $.89 per minute. The PRA allows agencies to charge the actual cost of redacting BWV recordings including the cost of redaction technology provided it is the least costly commercially available method. The Video Specialists weighted salary amounts do not include the cost of redaction technology and the City does not intend to charge requestors technology costs at this time. The City intends to charge requestors at the rate of $.60 per minute of Video Specialist time to redact body worn videos. This rate is below the actual cost incurred by the City for redacting video.

Estimating Redaction Costs

Based on the results of the cost study, SPD Public Disclosure Unit staff will calculate estimated redaction costs at the following rates:

<table>
<thead>
<tr>
<th>Redaction Method</th>
<th>Estimated Cost Per Minute to Redact</th>
<th>Minutes to Redact Per Minute of Raw Footage</th>
<th>Estimated Cost of Redaction Per Minute of Raw Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Targeted Video Redaction with or without Targeted Audio Redaction</td>
<td>$0.60 per individual or object redacted</td>
<td>10 per individual or object redacted</td>
<td>$6.00 per individual or object redacted</td>
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<tr>
<td>Targeted Audio Redaction Alone</td>
<td>$0.60</td>
<td>5</td>
<td>$3.00</td>
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<tr>
<td>Service Description</td>
<td>Cost 1 ($/minute)</td>
<td>Cost 2 (time)</td>
<td>Total Cost ($/video)</td>
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<tr>
<td>Targeted Blackout of Screen, Targeted Screen Blur with or without Audio Removal</td>
<td>$0.60</td>
<td>4.5</td>
<td>$2.70</td>
</tr>
<tr>
<td>Complete Screen Blur and Audio Removal</td>
<td>$0.60</td>
<td>N/A</td>
<td>$0.60/video</td>
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**SPD Will Charge Redaction Costs Based on Actual Redaction Time**

The City will charge requestors redaction costs reflecting the actual time it takes to redact a particular video calculated at the rate of $0.60 per minute.
1. Receive Initial Video Request
   a. Locate video in Evidence.com using one or more of the following fields: case number, officer ID, and date/time
   b. Conduct additional research in RMS/CAD to locate additional video not tagged by officer, if needed.
   c. If one video is identified, then a direct download from Evidence.com can be conducted.
   d. If multiple videos are identified, then a bulk download is requested (Evidence.com is a cloud-based system)
   e. If targeted video and/or audio redaction is required proceed to either Step 2 or Step 3 depending on whether redaction will be done jointly by PDO and Video Specialist or by Video Specialist working independently
   f. If complete screen blur and audio removal is required, proceed to step 4
2. Coordinated PDO/Video Specialist Redaction Process
   a. Unzip video files and place videos temporarily on local machine
   b. Receive Evidence.com download link via email and download videos.
   c. Upload videos to GOVQA for PDO to identify redactable content.
   d. Video Specialist deletes video files from local machine.
   e. PDO watches and listens to video identifying content that requires redaction, detailing relevant time codes.
   f. PDO sends redaction request to Video Unit
   g. Video Unit receives request in GOVQA or Video Unit Electronic Ordering Form (one redaction request will usually contain multiple video files that need redacting).
   h. Review redaction instruction spreadsheet with video timecodes, description of identifying information, and type of redaction (blur, audio only, etc.)
   i. Print hard copy of request.
   j. Locate videos in GOVQA.
   k. Download to local workstation.
   l. Import files to Adobe Premiere.
   m. Conduct audio/video redactions as indicated in spreadsheet provided by the PDO.
3. Video Specialist Only Redaction Process
   a. Unzip video files and place videos temporarily on local machine.
b. Receive Evidence.com download link via email and download videos.
c. Download to local workstation.
d. Import files to Adobe Premiere Video Specialist watches and listens to video identifying content that requires redaction.

4. Video Specialist applies redactions
   a. If Complete Screen Blur and Audio Removal is required, Video Specialist applies blur to entire video and removes all audio as appropriate.
   b. If Targeted Blackout of screen or audio redaction is required, Video Specialist will apply blackout and remove audio at appropriate points in video.
   c. If Targeted Screen Blur or audio redaction is required, Video Specialist will apply screen blur and remove audio at appropriate points in video.
   d. If the Targeted Video Redaction is required, Video Specialist must selectively blur/obscure video FRAME BY FRAME to ensure the exempt content is removed
      i. Camera movement, lighting conditions, environment, proximity of individuals/objects to camera, number of individuals/objects to be redacted, and other qualitative factors will contribute to the complexity of the redaction.
   e. Multiple passes of the video will be required to track individuals and/or ensure that all exempt video and audio content has been redacted throughout video.
   f. Video Specialist conducts quality assurance by replaying video in real time 1:1 or slower 2:1 and event 3:1 to refine redaction and ensure redaction accuracy.
   g. Export videos from Adobe Premiere.

5. Redaction Distribution
   a. Upload /Transfer redacted files to GOVQA.
   b. Notification is generated after video redaction is complete and is sent to PDO that redaction is complete.
   c. PDO receives the video files and reviews videos for accuracy.
   d. If additional redactions are identified, then request is re-submitted to Video Specialist.
   e. If no additional redactions are required, then Video Specialist logs request as completed.
<table>
<thead>
<tr>
<th>File Name</th>
<th>Redact From</th>
<th>Redact To</th>
<th>Targeted Video Redaction</th>
<th>Targeted Audio Redaction</th>
<th>Targeted Screen Blackout</th>
<th>Targeted Screen Blur</th>
<th>Blur Entire Video</th>
<th>Remove All Audio</th>
<th>Comments</th>
<th>Redaction Key</th>
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WHEREAS, body camera recordings are public records subject to Chapter 42.56 RCW, the Washington State Public Records Act; and

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WHEREAS, the Tukwila Police Department analyzed a 2017 Body Worn Video Redaction Cost Study completed by the Seattle Police Department, which determined the amount of time it takes to redact such footage, and multiplied that amount of time by the Tukwila Police Department Records staff salaries to determine the “reasonable cost” for such redactions; and

WHEREAS, the City Council wishes to adopt a Tukwila Police Department fee that will allow the City to recover the cost of actual staff time incurred by the City for redacting body worn video;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Police Department Fee Schedule. The Tukwila Police Department will charge requestors not exempted under RCW 42.56.240(14) for the actual staff time cost incurred for redacting body worn video at the rate of $0.63 per minute.
Section 2. Effective Date. This resolution and the fee schedule contained herein shall be effective as of January 1, 2021.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Special Meeting thereof this __________ day of ____________________, 2020.

ATTEST/AUTHENTICATED:

_________________________  ____________________________
Christy O’Flaherty, MMC, City Clerk  De’Sean Quinn, Council President

APPROVED AS TO FORM BY:

Filed with the City Clerk: __________
Passed by the City Council: __________
Resolution Number: ________________

_________________________
Office of the City Attorney
D. **Resolution: Video Redaction Fee**

Staff is seeking Council approval of a resolution that would charge a fee of $0.63/minute for redacting Police body cam video footage from public records requests. This will recover the actual staff cost which is allowed by the RCW, and the fee will not be charged to individuals involved in the incident or their counsel.

*Committee Recommendation*

Unanimous approval. Forward to September 14, 2020 Committee of the Whole and Special Consent Agenda.

E. **Budget Public Engagement**

Committee members and staff discussed the August 25, 2020 Budget Listening Session and format for an online survey. Staff suggests changing the survey format to ask users questions about a refined list of programs identified in the Priority Based Budgeting process. The Committee agreed with this direction.

*Committee Recommendation*

Discussion only.

F. **COVID-19 Financial Impact Report**

Staff presented an updated COVID-19 Financial Impact Report, which will also be discussed at the Committee of the Whole and the Budget Listening Session.

*Committee Recommendation*

Discussion only.

II. **MISCELLANEOUS**

III. The meeting adjourned at 6:27 p.m.

__________________________
Committee Chair Approval

Minutes by LH