

Thurston County Body Worn Camera Records Redaction Cost Study Narrative

November 2022

Background

The Thurston County Sheriff's Office is implementing a Body Worn Video (BWV) program. The cameras will capture recordings that are public records subject to the Washington Public Records Act, Chapter 42.56 RCW ("PRA"). The PRA allows a law enforcement agency to charge certain requestors the reasonable costs of redacting BWV videos prior to disclosure.¹ Allowable redaction costs are in addition to copying costs that agencies are legally allowed to charge requestors.² The purpose of this cost study is to determine those reasonable costs, including determining reasonable estimated redaction charges to provide to 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 disclosure³:

- 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.⁴

¹ RCW 42.56.240(14)(f)(i)

² RCW 42.56.120(2). TCC 2.130.020.

³ RCW 42.56.240(14)(e)(i)

⁴ RCW 42.56.240(14)(f)(ii)

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 only) for no more than the lowest-paid employee assigned responsibility for redacting video
- We have trained staff 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 county
- We do not charge requestors any costs related to the redaction technology
- Thurston County incurs substantial costs for video management, processing, storage, and redaction technology
- In addition to allowed redaction costs, we charge requestors the cost of copies of BWV recordings as provided in the PRA

Redaction Process

The cost of redacting video using current technology reflects actual staff time necessary to apply redactions.

Time Studies to Determine Estimated Redaction Charges

Stopwatch style time studies were conducted to determine the amount of time it takes to redact BWV recordings. These studies determined that per each minute of video being redacted, roughly 10 minutes of staff time are needed to make those redactions.

Public Records Staff Salary

Thurston County has determined that it will charge requesters a redaction cost based on the salary of a step 1 Civil Service Legal Assistant.⁵ This reflects the salary for the lowest paid employee who might be assigned responsibility for redacting video. The redaction cost does not include benefits paid to the employee or other overhead costs. 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 employee's salary amount does not include the cost of redaction technology. This rate is below the actual cost incurred by Thurston County for redacting video.

⁵ As of November 1, 2022, the redaction cost would be \$0.41 per minute based on a step 1 Civil Service Legal Assistant salary of \$4,308 per month. The redaction cost will be updated as the salary for this position is updated. The current rate will be listed on the Thurston County website.

Estimating Redaction Costs

Based on the results of the cost study, Thurston County public records staff will calculate estimated redaction costs as follows:

$(\text{Estimated minutes of raw footage needing redactions}) \times (10 \text{ minutes of staff time to make redactions per minute of raw footage}) \times (\text{per minute redaction cost}) = \$ \text{Estimated Redaction Cost}$

Thurston County will require payment of a deposit of 10% of the estimated redaction cost prior to making BWV recording redactions.

An example calculation is below:

15 minutes of raw footage needing redaction x 10 minutes of staff time per minute of raw footage x \$0.41 per minute = \$61.50. The 10% deposit would be \$6.15.

Thurston County Will Charge Redaction Costs Based on Actual Redaction Time

Thurston County will charge requestors redaction costs reflecting the actual time it takes to redact a particular video.