



# Clallam County Sheriff's Office

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Chief Civil Deputy

Don Wenzl  
Chief Corrections Deputy

**Brian King**  
Sheriff

FILE: BWC Program

## MEMORANDUM

**To:** Sheriff Brian King  
Undersheriff Ron Cameron

**From:** Special Assistant to Sheriff's Command Staff, Diane Harvey

**Date:** April 20, 2023

**Subject:** **Body Worn Camera Public Disclosure Video Redaction Fee**

## INTRODUCTION

The Clallam County Sheriff's Office is seeking to implement a body worn camera (BWC) program for its patrol and corrections deputies. Deputies would wear body cameras and capture recordings that are public records subject to the Washington Public Records Act (PRA), RCW 42.56. After a public record request is made for a body-worn camera video, these records would need to be reviewed and possibly redacted pursuant to the privacy exemptions existing under the RCW and under certain federal statutes and rules.

The PRA allows agencies to charge the reasonable costs associated with redacting body-worn camera video and audio, including the cost of redaction technology, so long as it is the least costly commercially available method. Certain requestors cannot be charged a redaction fee under the PRA. Since the cost and work involved in reviewing and redacting audio and video can be substantive, most law enforcement agencies charge a redaction fee to those requestors that a fee can be imposed upon.

Law enforcement agencies in Washington State with existing body worn camera programs have consistently set their redaction fees according to the average salary (including fringe benefits) of the employee responsible for video redaction and the actual amount of time it takes to process the digital footage. None of these agencies have included a technology redaction cost, presumably due to the difficulty in apportioning such a charge when the number of video requests requiring redactions cannot be predicted in advance of any given year.

Utilizing the methodology of all the other law enforcement agencies with an existing BWC program and calculated by assuming the expected salary/fringe benefits of our proposed Sheriff Office hire who will perform these redactions, our fee would be set at \$37.08 per hour (prorated if less than a full hour at \$0.618 per minute).

## **APPLICABLE LAW UNDER THE PRA**

The PRA allows an agency to charge a requestor “the reasonable cost of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure,” except for the following requestors who cannot be charged for redactions:

- A person directly involved in an incident recorded by the requested BWC recording;
- An attorney representing a person directly involved in an incident recorded by the requested BWC recording;
- A person or his attorney who requests a BWC 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.<sup>1</sup>

In order to charge the redaction fee, the PRA requires that an agency “must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.”<sup>2</sup>

Agencies interpreting the above PRA provisions have performed two analyses: (1) a cost analysis and (2) a time study analysis. None of the current agencies engaged in a BWC program charge a requestor for the cost of redaction technology.

## **PROPOSED POLICIES**

It is recommended that the following policy assumptions be made in order to be consistent with the PRA:

- Charge for redactions based upon the parameters provided by the PRA and the methodologies employed by agencies who currently have a BWC program and charge redaction fees;
- Charge staff time directly applicable to redacting video, including any necessary audio redactions;
- Charge staff time (salary and benefit cost only) based upon the employee who is to perform the redactions;
- Use redaction technology that most effectively and efficiently meets the administrative and operational needs of the Sheriff’s Office;
- Do not charge requestors any costs related to the redaction technology software;
- In addition to allowed redaction costs, charge requestors the actual cost of copies of BWC recordings as provided under the PRA.<sup>3</sup>

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<sup>1</sup> RCW 42.56.240 (14)(e) and (f)(i). Currently, the Washington State House of Representatives is proposing changes to these exceptions. See HB 1080.

<sup>2</sup> RCW 42.56.240 (14)(f)(ii).

<sup>3</sup> RCW 42.56.240 (14)(f)(ii).

**COST ANALYSIS**

The following cost analysis is consistent with the methodology used by all existing agencies who have a BWC program and charge redaction fees. The calculation is straightforward: the salary and fringe benefit for the employee performing the redactions is calculated and then that dollar amount is divided by the total minutes worked by that employee in a calendar year assuming 260 days and an 8-hour day (i.e., 260 days x 8 hours x 60 = 124,800 minutes). Using the information provided by Chief Civil Deputy Waknitz, the following 2023 employee salary/benefits is assumed:

<b>Salary</b>	\$ 62,725
<b>Benefits</b>	\$ 28,776
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<b>Total</b>	\$ 91,501

The Total is then divided by 124,800 minutes: \$91,501 / 124,800 minutes = \$ 0.733 per minute

This per minute redaction charge is consistent with other agencies who are currently charging BWC video redaction fees:

- City of Kent                    \$1.01
- City of Monroe                \$0.79
- City of Mukilteo              \$0.92
- City of Seattle                \$0.60
- City of Spokane               \$0.39
- City of Tacoma                \$0.49
- City of Tukwila                \$0.63

**TIME STUDY ANALYSIS**

Most agencies with an existing BWC program have relied upon a time study analysis performed in 2018 by the City of Seattle. Attached hereto as Exhibit 1. The conclusions of the Seattle time study are provided below:

Time Study Results:

Redaction Type	Actual Time	Redaction Time
Targeted Video Redaction with or without Targeted Audio Redaction	1 Minute per individual or object redacted	10 Minutes per individual or object redacted
Targeted Audio Redaction Alone	1 Minute	5 Minutes
Screen Blur or Screen Blackout	1 Minute per segment	1 Minute per segment

The Clallam County Public Records Officer has reviewed this time study and is comfortable that the results reflect a reasonable analysis to utilize for our County. A data driven Clallam County time study analysis can be performed once there is sufficient data derived from our BWC video redaction experience.