



## City Council

### Public Hearing and Approval of a Resolution Adopting Fees for Redacting Body Worn Camera Footage Requested Under the Public Records Act

**Agenda Date:** 5/14/2024  
**Agenda Item Number:** 5.A  
**File Number:**24-0413

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**Type:** public hearing **Version:** 1 **Status:** Passed

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#### **Title**

Public Hearing and Approval of a Resolution Adopting Fees for Redacting Body Worn Camera Footage Requested Under the Public Records Act

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Hold a Public Hearing and move to approve a Resolution Adopting Fees for Redacting Body Worn Camera Footage Requested Under the Public Records Act.

##### **Report Issue:**

Whether to hold a Public Hearing and move to approve a Resolution Adopting Fees for Redacting Body Worn Camera Footage Requested Under the Public Records Act.

##### **Staff Contact:**

Sean Krier, City Clerk, 360.753.8110

##### **Presenter(s):**

Sean Krier, City Clerk

##### **Background and Analysis:**

The Washington State Public Records Act permits law enforcement agencies responding to public records requests, for Body Worn Camera (BWC) recordings, to charge requestors reasonable fees for redacting videos prior to disclosure. The purpose for charging a fee is to deter requestors from submitting overly broad requests.

Fees are determined through a cost study published by the agency. With the launch of City's BWC program, the City conducted and published a cost study in 2022. The fee study:

- Identified what percent of requestors are exempt from paying the City;
- Determined how much to charge those requestors not exempt; and
- Established a model for determining how much of a deposit requestors should be charged prior to staff redacting the requested footage.

City staff conducted an update to the fee study to determine if there was a more streamlined model for determining the size of the upfront deposit requestors need to pay.

The current estimation model is extremely time consuming as staff have to watch the entirety of the film to create the estimate. Under the new proposed fee study, staff would run a simple calculation based on the length of the video being requested to determine a deposit.

In one recent example, creating an estimate under the existing approach took five hours - with the new approach, creating an estimate would take seconds.

The proposed model has proven effective in other jurisdictions. It provides clear expectations to requestors regarding potential costs and simplifying the calculation process for staff.

**Climate Analysis:**

This item does not have an effect on climate concerns.

**Equity Analysis:**

To minimize financial barriers for requestors, the fee does not include overhead costs related to:

- Software and hardware for redaction
- Miscellaneous supplies
- Training for staff involved in redaction processes
- Office space for staff working on BWC footage

Fee exemptions are also provided to ensure access for those directly involved or impacted by the incidents captured on BWC footage:

- Individuals or their attorneys involved in the incident
- Individuals or their attorneys relevant to a criminal case
- Representatives from Washington state commissions (African-American, Asian Pacific American, or Hispanic affairs)
- Attorneys representing individuals in potential civil rights denial cases
- Non-profit organizations working on relevant issues

**Neighborhood/Community Interests (if known):**

Transparency and access to public records is a community concern.

**Financial Impact:**

There is no financial impact associated with this item. In 2023, the City collected \$681.55 in BWC redaction fees.

**Options:**

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1. Hold the public hearing and following testimony, move to approve the Resolution Adopting Fees for Redacting Body Worn Camera Footage Requested Under the Public Records Act.
2. Hold the public hearing and schedule consideration of the Resolution at a future date.
3. Hold the public hearing and do not to approve the Resolution.

**Attachments:**

Resolution  
Fee Study