



AGENDA REPORT

Police Department

DATE:	July 26, 2022
TO:	Mayor Butt and Members of the City Council
FROM:	Louie Tirona, Assistant Chief of Police
Subject:	Redaction Service for Body Worn Camera (BWC) Footage and Other Videos
FINANCIAL IMPACT:	The amendment amount of \$14,250 will come from the Police Department's approved budget for fiscal year 2022-2023 set aside for police video redaction services to comply with state law mandates (01191021-400209).
PREVIOUS COUNCIL ACTION:	A prior short-form contract in the amount of \$9,500 was utilized. The significant increase in the number of Public Record Act (PRA) requests have led to an overall increase in contract amount.
STATEMENT OF THE ISSUE:	The Police Department's (PD) current redaction services contract is running low on available billable hours, and in order to comply with State law under SB1421 pursuant to PRA requests for Body Worn Camera footage and other video's under SB1421, the PD is requesting a contract amendment to add additional funding and time.
RECOMMENDED ACTION:	APPROVE a first contract amendment with Veritone, Inc. to add \$14,250, for a total not to exceed amount of \$23,750, for redaction services to comply with State law under SB1421 pursuant to Public Record Act (PRA) requests for Body Worn Camera footage (BWC) and other videos possessed by the Richmond Police Department, for an extended term through November 30, 2023 – Police Department (Louie Tirona 621-1802).

DISCUSSION:

Senate Bill 1421 (SB1421) is a California State law that grants the public access to police records relating to sexual assault, acts of dishonesty, and use of force incidents. The bill was signed into law and took effect on January 1, 2019.

The California Public Records Act (CPRA) requires that state and local agencies make public records available, subject to certain circumstances and exceptions. "Records" means all documents related to the incident, including any reports created by the agency, the records of its investigations, photographic and video evidence, and the agency's disciplinary decisions.

Redactions of information are mandated under Penal Code 832.7. Information to be redacted includes personal data/information, anonymity of complainants/witnesses, confidential medical/financial information, specific information that would pose a significant danger to the physical safety of another, and when specific facts where the public interest served by not disclosing information clearly outweighs the public interest served by disclosure.

Beginning in January 2019, the City of Richmond has received an abundant amount of CPRA requests under SB1421 from various entities, including community members, universities, media, etc. The Richmond Police Department (RPD) had no resources or personnel dedicated to providing redacted materials under these requests. Outside of utilizing some Press Information Staff or personnel on "light (desk) duty," this work was delegated to the Office of Professional Accountability (OPA) staff of RPD, which included three persons. This intensive and time-consuming task was in addition to their essential accountability duties to investigate alleged misconduct of RPD personnel.

An example of the intensive and time-consuming nature of obtaining, documenting, sorting, reviewing, and determining what was releasable and redacting BWC footage and videos is that it takes an estimated five (5) hours to provide one (1) hour of redacted material.

The City of Richmond and CPRA requestors litigated various aspects in court from 2019-2020. The court concluded and ordered RPD to produce six (6) hours of redacted BWC footage and videos per week to address the expansive and post-dated relevant materials under SB1421 back to 2014.

From this court decision, OPA began producing the required materials using various off-the-shelf software programs, such as Adobe Premiere, Photoshop, Adobe Professional, and even the newly launched AXON redaction owned by RPD. Learning a new field of video and audio redaction and producing quality materials that did not violate Penal Code 832.7 PC was daunting and time-consuming, requiring work outside of regular paid working hours. AXON's launched redaction software is complicated to produce materials and takes twice as long to make any acceptable materials. This doubles personnel hours to perform an aspect of work outside of the regular personnel duties,

resulting in an unacceptable and prolonged delay of primary accountability processes and misconduct investigations.

To comply with the timeline mandated by the court, we contacted Veritone, Inc., a company successfully utilized by law enforcement agencies for redaction services. In addition, their software is more user-friendly, and it takes a shorter period of time for a new user to become adept at it. As a result, we entered into a pay-as-you-go trial agreement with Veritone, Inc. in 2020 and entered into a one year contract in 2021. Our 2021 contract period ends in November 2022; however, we have exhausted all but six (6) of 100 hours. As a result, we will have zero hours by the end of July 22, 2022, and will be left without the ability to redact any BWC footage or videos, falling short of our court-ordered six (6) hours of production content required each week. Therefore, RPD staff is requesting City Council approval of the contract amendment.

DOCUMENTS ATTACHED:

- Attachment 1 – Original Contract
- Attachment 2 – Amendment to the Contract
- Attachment 3 – Veritone Agreement Amendment No. 1
- Attachment 4 – Veritone Agreement
- Attachment 5 – Veritone Master License Terms and Conditions