



## Legislation Text

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**File #:** 19-274, **Version:** 1

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Staff Report for a City of San Leandro City Council Resolution that Authorizes a Sole Source Procurement, and Approves and Authorizes the City Manager to Execute a 5 Year Renewal Contract Between Axon Enterprise, Incorporated (Formerly Taser International) and the City, by and through the San Leandro Police Department for 110 Body Worn Cameras, 110 TASER Devices, and Continued Subscription Service to a Digital Evidence Management System for a Not to Exceed Amount of \$1,367,484, or \$262,982 in Fiscal Year 2019-20 and then \$276,126 Annually Through Fiscal Year 2023-24.

### SUMMARY AND RECOMMENDATIONS

This contract provides the equipment and services necessary to outfit 110 Police Department field staff with body worn cameras, TASER stun gun devices, five licenses for “Axon Air”, and department access to Axon’s Digital Evidence Management software suite through Fiscal Year 2023-24.

Staff recommends that the City Council authorize a sole source procurement, which is justified to align with the department’s use-of-force training program and also match equipment currently in use in field operations. Staff also recommends that Council approve and authorize the City Manager to execute the contract with Axon Enterprise, Incorporated (Formerly Taser International) for five additional years, through July 15, 2024.

### BACKGROUND

The use of body worn cameras by police personnel continues to assist in criminal prosecutions, mitigation of legal risk, and reviews of alleged employee misconduct. In addition, the digital storage management system provides an industry standard digital storage management solution for all electronic evidence and a software as a service to address changes to California’s Public Records Act laws that impact the release of body worn camera footage.

San Leandro Police Department field personnel averaged 90,335 incidents annually over the last five years (measured from Calendar Year 2014 through 2018). Mitigation and defense of civil liability and allegations of police misconduct consume considerable resources for police departments throughout the United States; the San Leandro Police Department is no exception. The Police Department understands the inherent value in outfitting all field staff with assigned cameras and TASER devices, which is the next evolution in this program.

### Analysis

Staff evaluated the current body camera and TASER device program and equipment inventory. Staff concluded that both the Axon body cameras and TASER devices continue to meet the Police Department's operational needs. Staff held vendor demonstrations of other providers and found none could match what Axon TASER provides, but also found that an abrupt change to body camera and TASER technologies would pose significant challenges regarding long established training protocols. Moreover, the Axon camera system provides a secure and digital cloud storage management system that now has functionality to allow for footage redaction to comply with recent legislative changes to the California Public Records Act. The Police Department's Professional Standards and Training Unit sets departmental training plans for each calendar year, including use-of-force training to comply with state mandated trainings from the California Peace Officers' Standards and Training (POST) Agency. That training program delivers a controlled environment where field personnel work repeatedly at muscle memory activities to ensure safe deployment in stressful environments. Changing equipment platforms to another vendor after five years of daily use disrupts that consistency and thus would open the City to potential liability.

City Council Resolution No. 2014-040 approved the purchase and deployment of 80 body worn cameras for field personnel in the Police Department. Axon TASER shipped two (2) extra units as spares for replacements. This brought the department's total inventory to 82. To reduce program costs, Police Department staff share equipment. On October 03, 2016, the City Council approved the purchase of 10 additional cameras bringing the total count to 92. Staff analyzed current equipment and usage and found that the department now needs 110 body cameras and TASER stun guns deployed to outfit the rest of the department's field personnel who were sharing that equipment previously.

Also, the Police Department is developing plans to deploy an Unmanned Aerial System Program in Fiscal Year 2019-20. Those deployments will require 5 licenses to the software suite available through Axon's digital evidence storage module.

### **Current Agency Policies**

The Police Department subscribes to the Lexipol Policy Management System where multiple policies govern the use, digital evidence retention, and release of Portable Video Recording System (PVRS)- or "body camera" devices.

Similarly, the Police Department has a policy governing the use of Less Lethal Conducted Energy Devices (i.e. "TASER" devices).

### **Previous Actions**

- Resolution 2013-127 - Axon TASER device purchase

- Resolution 2014-040 - Axon TASER Body Camera Program Inception
- Resolution 2014-110 - Axon TASER device Integration (IT)
- Resolution 2015-159 - Axon TASER Appropriations
- Resolution 2016-125 - Axon TASER Budget Adjustment for Subscription Fees
- Resolution 2016-155 - Axon TASER Purchase of Additional Body Cameras

### **Legal Analysis**

The City Attorney reviewed and commented upon the Department's Policies for Use of Body Worn Cameras and Less Lethal Conducted Energy Devices.

### **Fiscal Impact**

This renewal contract will cost \$1,367,484 over five (5) fiscal years, expiring July 15, 2024. Please note that the Axon Enterprise quotations attached to this report--totaling \$1,363,279.25--did not accurately capture the City's tax rate (which should be 9.75%, not 9.5%). The total fiscal impact reflects what staff believes will be the true cost to the City. Staff recommends funding the program as follows:

#### Fiscal Year 2019-2020 (Year #1 Total: \$262,982)

- \$85,008 from Fund 688-13-001-5310
- \$169,604 from Fund 010-21-001-5310
- \$8,370 from Fund 010-21-001-7401

#### Fiscal Year 2020-2021 (Year #2 Total: \$276,126)

- \$276,126 from Fund 146-21-014-5310

#### Fiscal Year 2021-2022, (Year #3 Total: \$276,126)

- \$276,126 from Fund 688-13-001-5310

#### Fiscal Year 2022-2023, (Year #4 Total: \$276,126)

- \$276,126 from Fund 688-13-001-5310

#### Fiscal Year 2023-2024, (Year #5 Total: \$276,126)

- \$276,126 from Fund 688-13-001-5310

### **Budget Authority**

This program's costs were included in the Fiscal Year 2019-20 and 2020-21 budget package currently before the City Council for approval. If the City Council authorizes that budget as presented, there will be sufficient appropriations to fund this program.

### **ATTACHMENTS**

#### **Attachments to Staff Report**

- Axon Enterprise, Incorporated Sole Source Justification
- Axon Enterprise, Inc. Equipment and Service Quote No. Q-205013-43553.982CM
- Axon Enterprise, Inc. "Axon Air" Quote No. Q-213663-43605.762CM
- Axon Enterprise, Incorporated (TASER) Original Agreement

#### **Attachments to Legislative File**

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