



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** LeRonne L. Armstrong  
Chief of Police

**SUBJECT:** OPD Axon Body-Worn Camera  
Ancillary Purchase Waiver

**DATE:** March 9, 2022

City Administrator Approval

Date: Mar 10, 2022

## **RECOMMENDATION**

**Resolution Waiving The City's Advertising / Bidding And Request For Proposal Requirements For The Purchase Of Body Worn Camera (BWC) Ancillary Technology Products From Axon, Inc. Not To Exceed Two Hundred Fifty Thousand Dollars**

## **EXECUTIVE SUMMARY**

On September 21, 2021, the City Council approved Resolution C.M.S. 88825, to allow the Oakland Police Department's ("OPD" or "Department") to enter into a contract with Axon, Inc. ("Axon") to: 1) purchase body-worn cameras (BWCs), electronic control weapons (ECWs), signal holster technology, and ancillary items; and 2) waive the city's advertising / bidding and request for proposal requirements. One of the reasons the Department selected Axon for BWCs was due to the "signal" technology; this technology allows for actions such as the firearm being unholstered or the ECW being armed to automatically activate the officer's BWC regardless of whether the BWC was already activated.

"Late BWC activations" refer to when an officer does not activate their BWCs before different types of police encounters occur (OPD's BWC policy requires BWC activations before many types of police encounters). Late BWC activations have been noted by the Independent Monitoring Team associated with the OPD Negotiated Settlement Agreement NSA<sup>1</sup>. Therefore, late activations are an ongoing issue related to OPD's NSA compliance.

Signal technology can assist with this issue. The Department recognized that Axon also produces technology ("signal vehicle") that can be set to automatically activate nearby BWCs when selected actions occur in the patrol vehicle.

The Department has already purchased the signal vehicle hardware (using a sole-source waiver through the City Administrator's office with a purchase price of less than \$50,000), but now needs to install these devices in over 200 patrol vehicles. OPD and the Oakland Public Works Department (OPW) believed originally that OPW could install these devices in patrol vehicles through the OPW Corp Yard Facility. However, after further consultation with OPD and OPW staff, they have concluded that OPW does not have the resources to complete this task. OPD

<sup>1</sup> More information about the NSA can be found here: <https://www.oaklandca.gov/resources/oakland-police-negotiated-settlement-agreement-nsa-reports>

now seeks to collaborate with Axon to install the devices into the patrol vehicles as expeditiously as possible given the connection to OPD's NSA compliance.

Additionally, staff have already noted areas (such as upgraded or different BWC mounts, which attach the BWC to the officers' uniforms) where the purchase of additional hardware from Axon would be beneficial to the success of this crucial project. Staff therefore recommends a waiver from the City's competitive bidding processes for an amount not to exceed \$250,000 in connection with the existing OPD Axon contract, so that staff has the flexibility to properly support this accountability initiative.

## **BACKGROUND / LEGISLATIVE HISTORY**

### ***BWCs, Modern Policing, and Contract History***

BWCs are used nationwide to increase public trust, transparency, and accountability for law enforcement. The use of BWCs allows OPD officers to document interactions with the public as officers conduct all manner of policing operations. BWCs allow officers to record all activity occurring during police interactions so that a record of events is maintained by the Department. BWCs also create evidence that is useful in examining police conduct and policing protocols. BWC video is used as evidence in internal and criminal investigations. OPD continues to work with Stanford University in leading the country by using BWC video as a training tool, leading to groundbreaking research in police-community interactions. Ultimately, OPD believes that BWC usage promotes high quality procedurally-just policing, which supports the citywide goal of improving community safety.

On September 21, 2021, OPD brought forward a contract proposal to the City Council for a new BWC contract with Axon, Inc. (Axon), the leading national provider of BWC technology. The [report and accompanying resolution](#) explained:

- how the use of BWCs have helped OPD to increase accountability, reduce complaints, and increase trust between the police and the public;
- the history of OPD BWC contracts and why a new contract with Axon was requested for a new generation of BWCs as well as accompanying audio / video data management system; and
- the development of a privacy policy for use of BWCs that was recommended for approval by the City's Privacy Advisory Commission.

The same report also explained that the new system utilizes Bluetooth technology to allow for automatic BWC activations when firearms are removed from holsters. The City Council on September 21, 2021 voted to adopt Resolution No. 88824 C.M.S., which approved OPD's BWC Use Policy (covering the privacy policy) and related Impact report. The City Council on September 21, 2021 also voted to adopt Resolution No. 88825 C.M.S. which authorized:

- 1) a contract with Axon, Inc.(Axon) to purchase 786 BWCs, 786 electronic control weapons (ECW, known as tasers), cloud-storage for the audio and video BWC storage system known as Evidence.com for the five year period of January 1, 2022

- through December 31, 2026, for an annual cost not to exceed one million six hundred thirty eight thousand five hundred five dollars (\$1,638,505) for a total five year contract cost not to exceed eight million one hundred ninety two thousand five hundred twenty five dollars (\$8,192,525); and
- 2) waiving the city's advertising / bidding and request for proposal requirements for the proposed contract.

The Department has received the majority of the equipment purchased as a result of this contract and has already issued over 325 BWCs to uniformed staff. Staff have already recorded over 9,000 BWC videos equaling over 2.5 terabytes of storage to the Evidence.com storage system. Department staff are in the process of issuing BWCs to all sworn staff and applying signal technology to handgun holsters of sworn staff, such that BWCs will activate automatically when sworn officers draw their firearm in the course of their duties. This roll-out is expected to be finalized by the end of April 2022.

OPD believes that setting the signal vehicle devices so that nearby BWCs are activated during the following conditions will significantly lower the incidences of late BWC activations:

- The front driver or passenger doors are opened;
- The vehicle's "Code 3" (full flashing lights) are activated; and
- The gun lock, which can secure a shotgun and/or a patrol rifle, is unlocked.

### **ANALYSIS AND POLICY ALTERNATIVES**

OPD continues to be subject to the Negotiated Settlement (NSA) from the matter of *Delphine Allen et.al. v. City of Oakland et.al.* The section above in this report explains that the new Axon contract includes the holster signal technology. A related technology is patrol vehicle activation – the Axon BWC system is designed to also turn on and record automatically when a patrol vehicle door is opened, when the signal technology is configured for such operation. OPD leadership believes that this technology will further support OPD's positive strides at achieving NSA compliance for NSA related tasks – both tasks where OPD has achieved full compliance and for outstanding tasks where OPD still needs to demonstrate full compliance. The Independent Monitoring Team has identified on-time activations of BWCs as critical to complying with the Federal Negotiated Settlement Agreement (NSA)<sup>2</sup> related to use-of-force tasks. OPD leadership therefore believe strongly that OPD must also implement BWC signal vehicle triggers to enhance department-wide BWC compliance as the new BWCs continue to be deployed with the new contract.

The Department has already purchased the signal vehicle hardware (using a sole-source waiver through the City Administrator's office with a purchase price of less than \$50,000), but now needs to install these devices in over 200 patrol vehicles.

OPW does not have the resources to complete this task. As this is a time-sensitive NSA compliance-related issue, utilizing Axon to complete the installation of these devices in patrol vehicles is the best option for successfully installing the devices without unnecessary delays

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<sup>2</sup> More information about the NSA can be found here: <https://www.oaklandca.gov/resources/oakland-police-negotiated-settlement-agreement-nsa-reports>.

and additional technical challenges. OPD risks impeding progress towards NSA compliance by not implementing the signal vehicle installation and losing an automatic trigger for the BWCs. BWC automation can reduce the instances of officers activating their BWCs late. For this reason, the Department and the Independent Monitoring Team agree that this technology should be implemented.

### ***Need to Augment Existing OPD Axon Purchase Agreement***

When OPD purchased the signal vehicle hardware, it was with the understanding that (OPW) would have the capacity to install this hardware in OPD patrol vehicles. However, installation of this hardware requires both expertise and time to install the hardware in over 200 vehicles. OPD and OPW have since concluded that OPD's Corp Yard staff and facility cannot accomplish this significant vehicle installation.

OPD worked with the OPW to identify other possibilities for upfitting this hardware into the patrol vehicles, including using local contractors ("upfitters") that already work on OPD vehicles through contracts with the City and OPW. OPD did receive three bids, one of which was Axon. However, it was clear from review of the bids that Axon's bid, while not the lowest in price, was the one that provided:

- The best ability, capacity, and skill to provide the service (installation) required; and
- The best ability to provide the service promptly, and within a time frame that would allow the Department to report on this compliance-related item to the Judge at the next Case Management Conference for the *Allen* case.

OPD continues to review services and supplies related to the Axon BWC project to ensure that items or services needed to augment the project are purchased or obtained in a fiscally responsible manner that best serves the City. It is clear that, given the need to install these items and purchase supplies that work specifically with the Axon BWCs (e.g., mounts), utilizing Axon as a supplier provides the best value for the City and furthers the overarching goal of compliance with the NSA.

### ***Other BWC Ancillary Equipment***

OPD will also benefit from better BWC to uniform mounts so that BWCs have a lower incidence of falling from the officers' uniforms during foot pursuits, struggles, or other normal policing operations. OPD's BWC technology program may also benefit from the Department's ability to purchase hardware unanticipated in the original contract (such as additional mounts, cords, or holsters) that further the Department's goals of ensuring the purchased BWC technology is fully operational and operating in a way that maximizes its use for accountability and NSA compliance. Staff is therefore seeking a onetime spending authority for supplemental purchases from Axon for an amount not to exceed two hundred fifty thousand dollars (\$250,000).

### ***Axon Contract and Waiving the City's Competitive Bidding Requirements***

In anticipation of the recent contract approved by City Council on September 21, 2021, OPD and the Information Technology Department (ITD) reviewed the national BWC, cloud-based audio/video storage system, and ECW marketplace. The conclusion reached was that only Axon could provide the BWCs, integrated storage, and ECW systems along with associated integrations.

OMC 2.04.050(A) and (E) require the City to conduct advertising and bidding and award contracts to the lowest responsible, responsive bidder. OMC section 2.04.050(I)(5) allows the City Council to waive the advertising and bidding requirements upon a finding by the Council that it is in the best interest of the City to do so.

Staff have once again reviewed options for purchasing installation for the signal vehicle triggers. This review has led to the conclusion that only Axon can provide the needed signal vehicle technology installation and mounts that are fully functional with the new Axon BWC hardware technology - and install the technology in a timely manner such that needed OPD vehicles are left for patrol service as much as possible. Staff therefore recommends that the City waive the competitive bidding requirements given that Axon is the only company today that can provide OPD with the signal vehicle triggers, BWC mounts, and related ancillary equipment needed for fully functional BWC program with on-time activations.

### **FISCAL IMPACT**

Funds in an amount not to exceed two hundred fifty thousand dollars (\$250,000) are available in the adopted FY2021-23 budget. Funding for these purchases will come from the General-purpose Fund (1010), Police Information Technology Org (106410), Administrative Project (1000008), and Agency-wide Administration Program (PS01).

The Department anticipates using grant funds or under-utilized funds for any purchases made pursuant to this spending authority; there is no request for new funding as a part of this report and resolution.

### **PUBLIC OUTREACH / INTEREST**

No notification was required beyond standard City Council notification requirements.

### **COORDINATION**

This report was reviewed by the Office of the City Attorney.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no economic opportunities identified in this report.

***Environmental:*** No environmental opportunities have been identified.

***Race and Social Equity:*** BWCs are used nationwide to increase public trust, transparency, and accountability for law enforcement, as they allow police agencies to document all manners of police activity and interactions with the public. BWC audio and video footage create important evidence used for examining police conduct. This report explains how OPD's use of BWCs has led to a decrease in un-sustained findings where it could not determine who was correct or what exactly transpired with community complaints. OPD has also seen on average a decline in overall community complaints since BWC adoption. Therefore, BWC technology arguably supports greater transparency as well as accountability in policing. All residents and visitors benefit from the use of BWCs which helps OPD and its sworn personnel to uphold high standards of accountability and transparency in policing.

**ACTION REQUESTED OF THE CITY COUNCIL**

Resolution Waiving The City's Advertising / Bidding And Request For Proposal Requirements For The Purchase Of Body Worn Camera (BWC) Ancillary Technology Products From Axon, Inc. Not To Exceed Two Hundred Fifty Thousand Dollars

For questions regarding this report, please contact Joseph Turner, Lieutenant, at [jturner3@oaklandca.gov](mailto:jturner3@oaklandca.gov) or 510-238-4476.

Respectfully submitted,



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