

CITY OF OAKLAND
AGENDA REPORT

REVISED

2009 JUL -9 PM 5:10

To: Office of the City Administrator

Attn: Dan Lindheim

From: Department of Information Technology and Police Department

Date: July 14, 2009

Re: A Report And Resolution Authorizing The City Administrator, Without Further Council Action, To Negotiate And Enter Into A Contracts: 1) With Digital Safety Technology (DST), Inc. In An Amount Not-To-Exceed Three Hundred Fifty Thousand Dollars (\$350,000) to Complete The Installation, Integration and Training of the In-Car Video Management System ("ICVMS"), 2) For The Purchase of A Backup System to Archive the Tagged Video for Three Years As Required by the Negotiated Settlement Agreement (NSA) In An Amount Not-To-Exceed Ninety Thousand Dollars (\$90,000), 3) For The Purchase of Maintenance Services For The Video Network And Security Infrastructure To Support Secure Video Transmission And Related Support Services In An Amount Not-To-Exceed One Hundred Fifty-Three Thousand Five Hundred Dollars (\$153,500); 4) Waive The City Of Oakland's Competitive Request For Proposal and Advertising and Bid Processes For The Above Described Contract With Digital Safety Technology, Inc; And 5) Enter Into Additional, Competitively Bid Maintenance Contracts With Other Vendors For Two Years of Annual Maintenance, Without Returning To Council, In An Amount Not-To-Exceed One Hundred Twenty-Six Thousand Five Hundred Dollars (\$126,500)

SUMMARY

The Department of Information Technology (DIT) seeks to complete installation of the In Car Video Management System (ICVMS) Project, which includes installation and integration of hardware / software, and testing and training services for 101 City of Oakland police vehicles. This project will be completed by use of remaining funds previously authorized by Resolution No. 80127 C.M.S., on September 19, 2006.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to execute a contract in an amount not to exceed \$350,000 between the City of Oakland and Digital Safety Technology, Inc to complete the In-Car Video Management System (ICVMS) Project (installation and integration of hardware and software and testing and training services for 101 Police Vehicles of the City of Oakland Police Department) including a 2-Year maintenance and support agreement. The work will include the completion of configuration and testing of the network and security equipment at the Eastmont Mall Substation for video uploads and viewing. The City is required to negotiate

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and execute separate additional vendor service agreements for additional purchase, installation services, maintenance and support of third party hardware and software.

The information listed in the table below shows the sources of funding and the associated totals for the ICVMS project.

| Source of Funds | Amount of Funding |
|--|-------------------|
| General Purpose Fund (1010); In Car Video System Project (A296210) | \$219,000 |
| General Purpose Fund (1010); In-Car Video Management Project (P300710) | \$501,000 |
| TOTAL Source Funding | \$720,000 |

The following tables outline the use of funds for one time amounts (itemized analysis of costs) associated with installation services, maintenance/support, contingency, and equipment needed to effectively implement, operate and maintain the In-Car Video Management System.

| Use of Funds | One Time Costs (\$) | Item Description |
|--|---------------------|--|
| Digital Patroller Equipment and Services by DST, Inc | \$350,000.00 | The total contract amount of the In-Car Video Management System (ICVMS) from DST, Inc which includes the completion of the 101 police cars cameras, components, installation, computer equipment, storage, software, database and two years maintenance and support agreement. |
| Tagged Video Archival and Tape Backup Solution | \$90,000.00 | The total amount required to purchase the off-line archival and tape library system. This includes backup hardware, tape library equipment, cabling materials, and installation at the Police Administration Building. |

| Use of Funds | One Time Costs (\$) | Item Description |
|---|-----------------------|--|
| Maintenance and Support of Microwave Backhaul | \$15,500.00 | 4.9 GHz Microwave Equipment for connecting the PAB, Comm Center and Eastmont Mall Substation. |
| Video Network and Security Equipment Maintenance and Support Services | \$97,000.00 | The total amount required to purchase the annual maintenance and support for two additional years. |
| ICVMS Servers and Storage Equipment Maintenance | \$41,000.00 | The total amount required to purchase the annual maintenance and support for two additional years. |
| Total Support Services | (\$153,500.00) | |
| Miscellaneous Services and Equipment needed to support the operations | \$67,500.00 | The total amount required for additional hi-performance desktop computers for DVD authoring, Video Analysis Software, Video redacting software, etc. |
| Contingency costs (approx 7.5 percent) | \$59,000.00 | The total amount allocated for cost contingency coverage, change orders, in case of requirement changes, and possible wireless network expansion. |
| Total Maintenance | (\$126,500.00) | |
| GRAND TOTAL | \$720,000.00 | |

Funding in the amount of \$219,000 is available in General Purpose Fund (GPF) (1010), Organization (107210), Project (A296210) and in the amount of \$501,000 in GPF (1010), Organization (107110), Project P300710.

BACKGROUND

Task 32 of the Negotiated Settlement Agreement (NSA) mandated that staff explore the possibility of implementing an in-car video system that would provide visual evidence of incidents and public interactions that occur while officers are on patrol throughout the City.

On September 19, 2006, Council passed Resolution No. 80127 C.M.S., authorizing the Oakland Police Department to enter into a contract with Integrian (formerly Digital Patroller) for an

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amount not-to-exceed \$1,665,664.00 to purchase the In-Car Video Management System for approximately 80 Police Department Vehicles, along with a three-year maintenance contract, video network equipment to support secure video transmission, and related installation services. In addition, funds in the amount of \$272,000 were allocated for one full-time civilian employee to administer and support the ICVMS program, recurring costs for dedicated AT&T telecommunication lines to support the large amounts of video data uploads from remote locations, and annual network maintenance. Later, the number of police cars was expanded from the original 80 to 101 police cars, including 19 Problem Solving Officer (PSO) cars, using Measure Y funds, and 2 Crime Reduction Team (CRT) cars, using the Justice Assistance Grant (JAG) funds.

On March 7, 2007, the City entered into a Product and Services Agreement with Integrian, Inc., to license software and to acquire hardware, related professional services and maintenance items comprised of Integrian's Digital Patroller product, which consisted primarily of in-car cameras, servers, and other support equipment for the City's Police Department patrol vehicles. Integrian apparently abandoned the ICVMS Agreement as no work was performed on the Project after November 1, 2008, and the company did not return any calls from City staff nor did they respond to e-mails concerning Integrian's failure to continue performing under the Integrian Agreement.

On or about December 10, 2008, the City learned from Digital Safety Technology, Inc ("DST") that Integrian had become insolvent; the City again attempted to reach Integrian by e-mail and by phone but Integrian did not respond. On February 19, 2009 (by certified mail) the City gave Integrian notice of its default of the Integrian Agreement and demanded that Integrian cure its default within 30 days of the Notice of Default, and failure to do so would result in termination of the Integrian Agreement.

On March 23, 2009, the City terminated the Integrian Agreement and gave Integrian notice of the termination, a result of Integrian's failure to cure or attempt to cure its default,. Throughout these events, the City and DST discussed whether and how they could work together to complete the Project. Those discussions led to the contract proposed in this report.

Exclusive Vendor Justification

The City of Oakland has made significant investments in the hardware and software products currently used to operate the ICVMS program, which were acquired by DST in the dissolution of Integrian, Inc. Department of Information Technology and Oakland Police Department staff have already been trained in the use of these applications, and are currently using them in the program. To protect the City's investment, and avoid additional costs of purchasing new equipment, software, and training, contracting with DST is the only option.

KEY ISSUES AND IMPACT

In-Car Video Management Systems provide a tool for reducing the number of police misconduct allegations by offering evidence of complaints and encouraging professional conduct. As stated in *Police Quarterly* "The promise of ICV technology cannot be ignored. Video technology could deter abuses by officers, limit frivolous complaints against officers about alleged abuses, and help restore confidence in the fairness of police departments. It could also provide evidence of crimes or attacks against officers, streamline the truth-finding process by providing the best evidence, and encourage the humane treatment of suspects, and respect for civil rights and liberties. In short, ICV systems have the potential to add a layer of accountability and trust between the police and the public." (Vol.5, No.1, March 2002)

Additionally, ICVMS can be a valuable training tool for improving officer safety tactics for rookie and veteran police officers and act as an incentive for officers to behave in the utmost professional manner during public interactions.

As reported to the Public Safety Committee in January and April 2004, staffing of the ICVMS is a major concern. Funding is imperative to cover the cost of one full-time Police Services Technician (PST) to manage the ICVMS. Just as there are requests to listen to and copy Communications Division audio tapes of radio traffic and 9-1-1 calls, have already been similar requests and subpoenas to view and copy in-car video recordings. During the research period, it was determined that agencies without a designated employee to manage the ICVMS system could not adequately maintain or respond to requests for copied videos. Some agencies delegated responsibility to varying units throughout the organization but found that there was no control over the entire system. Consequently, the most effective way to maintain control of the system, and effectively provide reproduction services (an integral part of the system), is to designate a minimum of one full-time staff member to manage the ICVMS. The original funding amounts designated for staffing as part of the initial project implementation has now been exhausted. Ongoing funding for a full-time staff member will now need to be provided by the City. However, this may be at least partially offset by the yearly costs savings recognized by replacing the original telecommunication method of video data transfer between Eastmont and the PAB with a microwave backhaul.

PROJECT DESCRIPTION

The project scope requires the overall network architecture to connect to the Police Administration Building (PAB), Police Communications Center (911), Internal Affairs Division (IAD) facility, and the Eastmont substation. Currently, approximately 35 vehicles in Area 1 and 2 vehicles are functional and using the video upload stations at the PAB for video upload to the Main server. The video copying and duplicating tasks are being performed at the PAB and the

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PAB Data Center hosts the Main Server for databases and storage of the video. Currently the uploaded video can be viewed at the PAB, Eastmont, and IAD offices. The IAD also has the ability to store videos being used in complaint investigations to their local server.

To date, despite the relatively few active systems, thousands of videos have been uploaded to the server. While most are of limited evidentiary value, a number have been successfully used to support officer accounts of events in court proceedings, and have been accessed and used during complaint and misconduct investigations and internal use of force and pursuit hearings. These uses frequently result in positive outcomes for the officers and limit the need for further investigative actions by the City or Department. One such video resulted in a citizen's complaint receiving an "unfounded" finding by Internal Affairs during the initial Complaint Intake process. Another proved an allegation of evidence planting was false. Several videos have been used to determine officer adherence to departmental policy during pursuits. At least one video has been requested for use in official departmental trainings. Sergeants and Field Training officers review available videos as a part of the performance review process. Requests for videos have been received not only from OPD officers and investigators, but also from the District Attorney's office, defense attorneys, and the general public via the Public Records request process.

ICVMS is a tool for providing an objective record of interactions with the community and protect both police officers and citizens. There are three primary elements associated with the In-Car Video Management System that allow for the capture, transfer and storage of video imagery.

- ***In-Car Data Capture System*** is the actual digital video recorder mounted as unobtrusively as possible inside the vehicle. It consists of a high quality 18x optical zoom color camera, an LCD Monitor/Control Panel user interface, and wireless microphone. The camera and monitor are mounted near the headliner of the vehicle, where data is routed to the heart of the system. The DigitalPatroller[®] unit itself is small enough to be mounted under the dash, between the seats, or in the trunk of the vehicle. The unit stores all information as digital computer files on hard drives instead of on tape. DigitalPatroller[®] essentially operates in the background. An officer can completely ignore the system if he or she so chooses and it will operate normally and effectively throughout their shift, and can store up to 40 hours of full resolution video before its files need to be uploaded into permanent storage. The system records the standard items: video, audio, date/time, vehicle ID, and radar, and offers GPS capability.
- ***Data Transfer System*** is a fully automated means of transferring the captured video files to a server located at a designated area of the agency. Officers and supervisors never handle the data files. At the end of a typical shift, the officer will plug in the data transfer

cable located at the rear of the car and verify that DigitalPatroller[®] uploaded the files and reset itself for normal operation.

- **Data Storage & Retrieval System** is a standard computer workstation that features powerful data management tools to efficiently manage files. It keeps the database organized and can instantly search using multiple criteria. DPPlayer[®] software plays back files along with all of the additional data streams (GPS location data, date and time, radar information, and officer and unit IDs). Digital Investigator permits the enlargement and sharpening of scenes without altering the original file, and the video transfer function allows for the effortless transfer of a file to videotape, CD-ROM, or DVD with or without overlays of any combination of the additional data streams.

SUSTAINABLE OPPORTUNITIES

Economic:

The greatest economy of savings will be realized in the potential of significant reduction in liability claims and payouts.

Environmental:

There are no environmental opportunities identified in this report.

Social Equity:

Use of an ICVMS could dramatically reduce the number of lawsuits levied against the Police Department and the City. The system could provide strong evidence that officers interacted appropriately with citizens by documenting evidence of confrontations. A major realization noted by agencies that use this system is that officers and citizens both appear to behave more appropriately when they know they are being recorded.

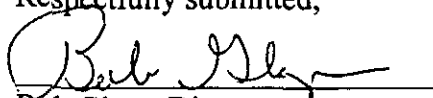
DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability or senior citizen access related issues with this report.

RECOMMENDATION / ACTION REQUESTED OF THE COUNCIL

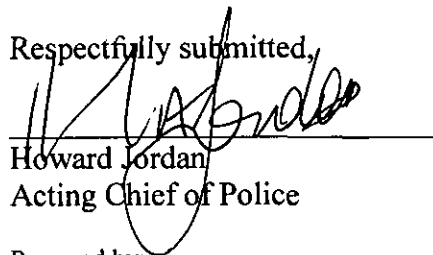
Staff recommends acceptance of this report and approval of the resolution authorizing the City Administrator, without further Council action, to negotiate and enter into a contracts: 1) with Digital Safety Technology (DST), Inc. in an amount not-to-exceed \$350,000 to complete the installation, integration and training of the ICVMS; 2) for the purchase of a backup system to archive the tagged video for three years as required by the NSA in an amount not-to-exceed \$90,000; 3) for the purchase of maintenance services for the video network and security infrastructure to support secure video transmission and related support services in an amount not-to-exceed \$153,500; 4) waive the City of Oakland's competitive Request for Proposal and Advertising and Bid Processes for the above described contract with Digital Safety Technology, Inc.; and 5) enter into additional, competitively bid maintenance contracts with other vendors for two years of annual maintenance in an amount not-to-exceed \$126,500.

Respectfully submitted,



Bob Glaze, Director
Department of Information Technology

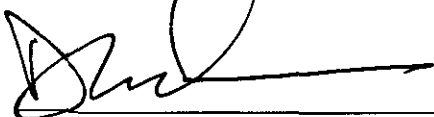
Respectfully submitted,



Howard Jordan
Acting Chief of Police

Prepared by:
Mr. Ahsan Baig,
IS Manager, Public Safety
Department of Information Technology

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

Mr. Ronald McClain,
IT Consultant
City Attorney's Office

Sgt. Robin Brizendine,
IT Unit,
Oakland Police Department

Reviewed by:
Captain David Downing
Oakland Police Department

Ms. Cynthia Perkins
Legislative Analyst
Oakland Police Department

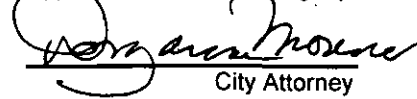
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FILED
OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, WITHOUT FURTHER COUNCIL ACTION, TO NEGOTIATE AND ENTER INTO CONTRACTS: 1) WITH DIGITAL SAFETY TECHNOLOGY, INC. IN AN AMOUNT NOT-TO-EXCEED \$350,000.00 TO COMPLETE THE INSTALLATION, INTEGRATION AND TRAINING OF THE IN-CAR VIDEO MANAGEMENT SYSTEM; 2) FOR THE PURCHASE OF A BACKUP SYSTEM TO ARCHIVE THE TAGGED VIDEO FOR THREE YEARS AS REQUIRED BY THE NEGOTIATED SETTLEMENT AGREEMENT IN AN AMOUNT NOT-TO-EXCEED \$90,000.00; 3) FOR THE PURCHASE OF MAINTENANCE SERVICES FOR THE VIDEO NETWORK AND SECURITY INFRASTRUCTURE TO SUPPORT SECURE VIDEO TRANSMISSION AND RELATED SUPPORT SERVICES IN AN AMOUNT NOT-TO-EXCEED \$153,500.00; 4) WAIVE THE CITY OF OAKLAND'S COMPETITIVE REQUEST FOR PROPOSAL AND ADVERTISING AND BID PROCESSES FOR THE ABOVE DESCRIBED CONTRACT WITH DIGITAL SAFETY TECHNOLOGY, INC; AND 5) PURSUANT TO REQUEST FOR PROPOSAL/QUALIFICATIONS PROCEDURES, ENTER INTO ADDITIONAL MAINTENANCE CONTRACTS WITH OTHER VENDORS FOR TWO YEARS OF ANNUAL MAINTENANCE IN AN AMOUNT NOT-TO-EXCEED \$126,500.00

WHEREAS, on September 19, 2006, Council passed Resolution No. 80127 C.M.S. authorizing the Oakland Police Department to enter into a contract with Integrian (formerly Digital Patroller) for an amount not-to-exceed \$1,665,664.00 for the purchase of the In-Car Video Management System for approximately 80 Police Department Vehicles, along with a three-year maintenance contract, video network equipment to support secure video transmission and related installation services ("ICVMS Project"); and

WHEREAS, on March 7, 2007, the City entered into a Product and Services Agreement with Integrian, Inc., to license software and to acquire hardware, perform maintenance and related services and maintenance for Integrian's Digital Patroller product which consisted primarily of in-car cameras, servers, and other support equipment for City's Police Department patrol vehicles; and

WHEREAS, Integrian apparently abandoned the ICVMS Project performing no work on it after November 1, 2008 and the City terminated the Agreement by letter dated March 23, 2009, following Integrian's failure to cure or attempt to cure its default; and

WHEREAS, Integrian has gone out of business, and their hardware and software assets have been purchased by Digital Safety Technology (DST); and

WHEREAS, contracting with DST to complete the ICVMS Project is the best option to protect the City's prior investment in that project; and

WHEREAS, the Department of Information Technology (DIT) seeks to complete the ICVMS Project, which includes installation and integration of hardware/software and testing and training services for 101 City of Oakland police vehicles; and

WHEREAS, the contracts to be awarded hereunder are in the public interest because of economy or better performance; and

WHEREAS, the services contracts to be awarded hereunder are of a professional, scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, this project will be completed by using funds previously authorized by Resolution No. 80127 C.M.S., on September 19, 2006; and be it

WHEREAS, funding in the amount of \$219,000 is in Organization: 107210, Fund: 1010, Project: A296210 and amount of \$501,000 is in Organization: 107110, Fund: 1010, Project: P300710 is available to complete this project; now therefore be it

RESOLVED: That the City Administrator is hereby authorized, without further Council action, to negotiate and enter into a contracts: 1) with Digital Safety Technology (DST), Inc. in an amount not-to-exceed \$350,000.00 to complete the installation, integration and training of the In-Car Video Management System; 2) for the purchase of a backup system to archive the tagged video for three years as required by the Negotiated Settlement Agreement in an amount not-to-exceed \$90,000; 3) for the purchase of maintenance services for the video network and security infrastructure to support secure video transmission and related support services in an amount not-to-exceed \$153,500; and 4) pursuant to request for proposal/qualifications procedures, enter into additional maintenance contracts with other vendors for two years of annual maintenance in an amount not-to-exceed \$126,500; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Codes 2.04.050.I.5 and 2.04.051.B, the City Council finds that it is in the City’s best interests to dispense with advertising and bidding and with the Request for Proposal/Qualifications processes for the contract with Digital Safety Technology, Inc. based on the reasons set forth above and in the City Administrator’s report accompanying this item; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve any agreements authorized hereunder for form and legality, and copies of any fully executed agreements authorized hereunder shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

- AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER
- NOES-
- ABSENT-
- ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California