



CITY OF OAKLAND

# AGENDA REPORT

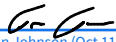
**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Floyd Mitchell  
Chief, OPD

**SUBJECT:** OPD Axon Interview Rooms Contract

**DATE:** September 25, 2024

City Administrator Approval

  
Jestin Johnson (Oct 11, 2024 05:37 PDT)

Date: Oct 11, 2024

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Waiving The Competitive Multiple Step Solicitation Process And The Local/Small Local Business Enterprise Requirements Awarding A Professional Services Agreement To Axon Enterprise In An Amount Not-To-Exceed Forty Thousand Dollars (\$40,000) To Provide Audio And Video Recording Over A Five-Year Term, From October 1, 2024 To October 1, 2029**

## **EXECUTIVE SUMMARY**

This proposed contract between the Oakland Police Department (OPD) and Axon Enterprise will provide audio and video recordings of OPD interview rooms as well as cloud storage of the data in an amount not-to-exceed \$40,000 per year for a five (5) year term, October 1, 2024, to October 1, 2029, for a total not-to-exceed contract amount of \$200,000 for a term of five (5) years.

## **BACKGROUND / LEGISLATIVE HISTORY**

OPD has a number of video and audio recorded interview rooms in its Criminal Investigation Division (CID). These rooms are intended for interviews with witnesses, suspects, and victims. Barring a few rare exceptions, such as sexual assault victims, almost all of these interviews are audio and video recorded, and the recording is retained as part of the criminal investigation. These recorded interviews are often used for criminal proceedings and are a vital part of the investigative and eventual prosecution process.

California also codified the requirement to record certain custodial interviews, such as homicide suspects. This creates clear and reliable evidence of what transpired during interviews, reducing the likelihood of false testimony and improving the accuracy of trials.

OPD currently utilizes the CaseCracker system to audio and video record these interview rooms. The system was installed in 2018 and has not received any major refresh or repairs

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since then. Disrepair has resulted in the decline in the number of interview rooms available for use in the CID section, dwindling from nine to five. Furthermore, the system stores the interviews in an internal OPD network storage system. This resulted in the server being compromised in the ransomware attack. Fortunately, due to the diligence of investigators downloading and storing the interviews as evidence, the data loss has not been significant.

## **ANALYSIS AND POLICY ALTERNATIVES**

OPD currently utilizes Axon Enterprise as its body worn camera provider. Axon also provides OPD with access to Evidence.com, where a majority of OPD's digital evidence is stored in a protected cloud-based system. Body worn camera footage is seamlessly uploaded into Evidence.com after being docked by an officer and with simple annotation, stored under the proper case file. This happens hundreds of times daily at OPD without incident. The digital evidence is easily shared with the District Attorney's office. Files on Evidence.com cannot be modified by the user, and only the system administrators can delete these files with the proper chain of command approval.

Axon's interview room solution functions very similarly. After an interview is concluded and the recording is stopped, the system automatically uploads the recording into Evidence.com, and the investigator will annotate the recording and it will be sorted and retained into the proper case file. This does not require the investigator to store a separate copy in OPD property for safekeeping.

OPD's current interview room system stores the recording at a CaseCracker terminal by the interview room. The investigator is then expected to download a copy of the recording from the terminal and store that as evidence, either at the OPD Property section or Evidence.com. However, since these terminals are on a localized network, they cannot directly upload to Evidence.com, and a physical copy must be created initially. This usually results in the investigator making additional physical copies for their case file and the District Attorney's office. Prior to the ransomware attack, the recordings were backed up onto a server located in OPD at regular intervals. After the ransomware attack, the recordings are backed up onto local hard drives. While these recordings can be uploaded into Evidence.com as well, with an average of ten interviews a day happening at CID and a physical copy needing to be created with this system, the process does not lend itself to easy cloud-based backup or storage.

The current interview rooms also need to be repaired and refurbished. Some of these rooms only have one functional camera, and the system occasionally shuts down due to system errors. When this happens, the system does not alert the user, and it will result in no recording of an interview. Therefore, CID investigators are having to bring personal digital recorders or body worn cameras to record interviews for redundancy. The Axon contract also will result in new audio and video recording systems installed in the interview rooms, as well as a warranty for the interview rooms for the duration of the contract, including 24-hour support.

Any system that does not automatically interface and upload the recorded interviews into Evidence.com would lead to additional work on the part of CID investigators. Given the expected staffing shortage and the volume of interviews a criminal investigation usually entitles, OPD is

requesting the sole source for the interview room solution to Axon Enterprise in order to provide better transparency, data storage, and data protection.

Staff requests that the Council waive the LBE/SLBE utilization requirements for this proposed contract award on this basis and because it is in the best interests of the City to do so. Staff also requests that the RFP/Q process be waived.

Awarding this contract to Axon Enterprise would support the City's goals of **Holistic Community Safety** and **Responsive, Trustworthy Government**. OPD requires newer and more efficient equipment to conduct interviews for criminal investigations.

Failure to award this proposed contract would result in the continued deterioration of the CID interview rooms and potentially endanger OPD's ability to effectively conduct criminal investigations.

### **FISCAL IMPACT**

The funding will be paid from the General-Purpose Fund (1010), Organization (102310), Miscellaneous Services Account (54919), Project (1000008), and Program (PS03).

### **PUBLIC OUTREACH / INTEREST**

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures because this is a routine updating of technology used by the police department. Furthermore, this technology is required under California law and is exempt from the Surveillance Technology Ordinance, not requiring Privacy Advisory Commission approval.

### **COORDINATION**

OPD coordinated with the City Administrator's Office, the Budget Office, and the Office of the City Attorney in preparation for this report.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic opportunities associated with this report.

**Environmental:** There are no environmental impact concerns associated with this report.

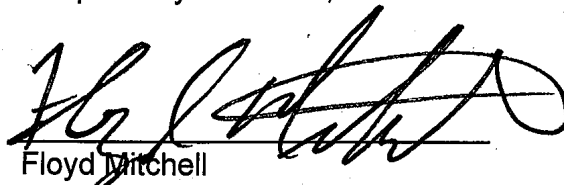
**Race and Equity:** All residents benefit from greater public safety. Successful investigations and more prosecutions of criminal activity will likely occur from the implementation of this project.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Waiving The Competitive Multiple Step Solicitation Process And The Local/Small Local Business Enterprise Requirements Awarding A Professional Services Agreement To Axon Enterprise In An Amount Not-To-Exceed Forty Thousand Dollars (\$40,000) To Provide Audio And Video Recording Over A Five-Year Term, From October 1, 2024 To October 1, 2029

For questions concerning this report, please contact Yun Zhou, Sergeant, OPD Criminal Investigation Division, at 510-238-3455.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Floyd Mitchell', written over a horizontal line.

Floyd Mitchell  
Chief of Police  
Oakland Police Department

Reviewed by:  
Dr. Tracey Jones, Police Services Manager  
OPD, Research, and Planning

Prepared by:  
Yun Zhou, Sergeant of Police  
OPD, Criminal Investigation Division, Homicide