



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: LeRonne L. Armstrong
Chief of Police

SUBJECT: OPD ShotSpotter Contract

DATE: April 19, 2021

City Administrator Approval 

Date: May 6, 2021

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator 1) Enter Into A Professional Services Agreement With ShotSpotter, Inc. For Gunshot Location Detection Service Coverage For:

- A. OPD ShotSpotter Area Phases I, II And III, From July 1, 2021 To June 30, 2023, For An Amount Not To Exceed Six Hundred One Thousand One Hundred Eighty-Six Dollars (\$601,186) Per Year For A Total Of One Million Two Hundred Two Thousand, Three Hundred Seventy-Two Dollars (\$1,202,372), With An Optional Third Year, From July 1, 2023 To June 30, 2024 For An Amount Not To Exceed Six Hundred One Thousand One Hundred Eighty-Six Dollars (\$601,186); For A Total Not To Exceed One Million Eight Hundred And Three Thousand, Five Hundred Fifty Eight Dollars (\$1,803,558) For The Period Of July 1, 2021 Through June 30, 2024; And OPD ShotSpotter Area Phases I, II And III, From July 1, 2021 To June 30, 2023, For An Amount Not To Exceed Six Hundred One Thousand One Hundred Eighty-Six Dollars (\$601,186) Per Year For A Total Of One Million Two Hundred Two Thousand, Three Hundred Seventy-Two Dollars (\$1,202,372), With An Optional Third Year, From July 1, 2023 To June 30, 2024 For An Amount Not To Exceed Six Hundred One Thousand One Hundred Eighty-Six Dollars (\$601,186); For A Total Not To Exceed One Million Eight Hundred And Three Thousand, Five Hundred Fifty Eight Dollars (\$1,803,558) For The Period Of July 1, 2021 Through June 30, 2024; And

The City Council May Choose To Also Adopt A Resolution Authorizing The City Administrator To Enter Into A Professional Services Agreement With ShotSpotter, Inc. For Gunshot Location Detection Service Coverage For:

- B. OPD ShotSpotter Area Phase IV, From July 1, 2021 To June 30, 2023, For An Amount Not To Exceed One Hundred Ninety-Five Thousand, Three Hundred Dollars (\$195,300) Per Year For A Total Of Three Hundred Ninety Thousand, Six Hundred Dollars (\$390,600) With An Optional Third Year, From July 1, 2023 To June 30, 2024, For An Amount Not To Exceed One Hundred Ninety-Five Thousand, Three Hundred Dollars (\$195,300); For A Total Amount Not To Exceed Seven Hundred Ninety-Six Thousand Four Hundred Eighty Six Dollars

City Council
May 18, 2021

(\$796,486) Per Year For An Overall Total Of One Million Five Hundred Ninety Two Thousand Nine Hundred Seventy Two Dollars (\$1,592,972) For OPD ShotSpotter Area Phases I, II, III And IV For The Period Of July 1, 2021 Through June 30, 2023, With An Optional Additional Third Year Of OPD ShotSpotter Coverage For Area Phases I, II, III And IV, For The Period Of July 1, 2023 Through June 30, 2024, In An Amount Not To Exceed Seven Hundred Ninety Six Thousand Four Hundred Eighty Six (\$796,486); And

2) Waive The Competitive Request For Proposal/ Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Local Business (L/SLB) Enterprise Program Provisions For The Contracts With ShotSpotter, Inc.

EXECUTIVE SUMMARY

ShotSpotter, Gunshot Location Detection (GLD) Service Coverage enhances the ability of the Oakland Police Department (OPD) to provide the residents and visitors of Oakland with a long-term crime deterrence tool. Awareness of gunfire incidents and cumulative data collection enables proactive crime analysis and strategic deterrence. In 2020, ShotSpotter alerted OPD to 6,053 unique gunshot incidents - 5,507 (91%) were not called in by the community and OPD would not have known about them nor have been able to respond in a timely fashion.

The City has entered into several contracts with ShotSpotter, Inc. since 2009. OPD and ShotSpotter have implemented the ShotSpotter System in three distinct geographical areas (Phases I, II, and III – see **Attachment B** for map), each of which suffers from disproportionate gunshot activity, compared to other parts of the City. OPD is now looking to also expand coverage in three additional areas of East Oakland (Phase IV see **Attachment C**), in addition to maintaining coverage across the areas of Phase I, II, and III. This expanded coverage is recommended based on increased gun crimes in recent years.

OPD recognizes that additional funds will need to be identified by the City Council to cover the additional cost of \$390,600 for Phase IV over two years as well as \$195,600 for an optional third year. The City Council has the option to adopt Part A of the resolution authorizing a contract for current Phases (I, II, and III) only, or to also adopt Part B of the resolution authorizing the Phase IV coverage in a new ShotSpotter contract – or to refrain from any contract authorization. Staff recommends that the City Council identify funds to authorize a new ShotSpotter contract for coverage in all four Phases because of the high level of public safety value the technology provides to Oakland communities.

The ShotSpotter system and Use Policy has been reviewed by Oakland's Privacy Advisory Commission (PAC) in accordance with the City's Surveillance Technology Ordinance memorialized in Oakland Municipal Code (OMC) Section 9.64. The PAC recommended adoption of OPD Department General Order (DGO) I-20: "Gunshot Location Detection (GLD) System" at their October 3, 2019 meeting; the report was presented to the City Council on November 19, 2019 and adopted by the City Council via Resolution No. 87937 C.M.S. DGO I-20 requires that OPD provide an annual report to the Chief of Police, the PAC, and the City Council. PAC Commissioners at the June 16, 2020 meeting recommended that the Council only adopt a one-year contract as the PAC had not yet reviewed an annual report of the surveillance technology required by OMC 9.64; the City Council approved a one-year contract at the June

23, 2020 City Council meeting. OPD is scheduled, as of the date of this report, to bring the ShotSpotter 2020 Annual Report (Attachment A) to the May 6, 2021 PAC meeting.

The original contract proposed in June 2020 included maintaining the same original square mile (sq mi) coverage rate structure for each phase, with five percent cost increases. The newly proposed two-year contract with one optional third year allows the City to lock in the same rate for each coverage area over all three years – saving the City approximately \$61,000 over year two and three. Staff also recommends that the City Council waive the competitive request for proposal or quote (RFP/Q) requirements of Oakland Municipal Code (OMC) Section 2.04.051.B because ShotSpotter is the only contractor which has demonstrated an ability to implement a GLD system capable of providing coverage within the City.

BACKGROUND / LEGISLATIVE HISTORY

ShotSpotter System

The ShotSpotter System is composed of outdoor acoustic sensors placed strategically to detect gunshots. The sensors can identify and time-stamp impulsive acoustical noises in the acoustic range of gunshots types; the system triangulates the location of the sound source to within 25 meters and runs features of the sound through machine classification. ShotSpotter's Incident Review Center (IRC) is manned by trained experts who confirm the machine classification and publish an alert - typically within 30-45 seconds of the trigger pull (see **Figure 1** below).

Gun-related crimes that occur in Oakland go unreported, and many times gunshot reports to OPD dispatch are not accurate. ShotSpotter gunshot detection data shows that less than three percent of gunshot alerts are matched by 9-1-1 calls for service received within a reasonable distance and timeframe of gunfire incidents (within 300 feet and 3 minutes of the incident).

Figure 1 – How the ShotSpotter System Works



ShotSpotter provides near-instant notifications to officers of gunshot crimes in progress with real-time data delivered to OPD Communications Section and patrol vehicles. Officers can use their vehicle computers for real-time access to maps of shooting locations and gunshot audio. Between ShotSpotter data and communications with OPD dispatch, patrol personnel also receive actionable intelligence detailing the number of shooters and the number of shots fired; this type of information is incredibly important for officer safety. The system pinpoints precise locations for first responders.

Near-real time notifications translate into quicker access to gunshot victims – potentially providing a response that means the difference between life and death. In 2020, ShotSpotter alerted OPD to 6,053 unique gunshot incidents - 5,507 (91%) were not called in by the community and OPD would not have known about them nor have been able to respond in a timely fashion. There were 123 shooting victims related to ShotSpotter alert notification, 22 of which were homicides and 101 were injured. It is very possible to believe some of the 101 injured shooting victims may have lost their lives without a ShotSpotter notification and subsequent emergency response.

The notifications also allow responding personnel to find important gun crime evidence (e.g., guns and bullet casings). ShotSpotter activations in 2020 led to 1,526 crime incident reports; 1,170 (77%) of these incidents resulted in OPD Crime Lab requests for further firearm forensic analysis. Historically, officers would have to spend many hours driving block by block looking for evidence without knowing exactly where to respond. This additional time provides criminals

ample time to leave the shooting scene. Additionally, officers need to canvas areas and potentially leave communities feeling uncomfortable with a less focused presence.

ShotSpotter Forensic Reports

ShotSpotter's forensic reports have provided evidence to support criminal cases as well as evidence in liability cases for the City such as officer involved shootings. In 2020, ShotSpotter provided five detailed and enhanced forensic reports for OPD¹ that provided law enforcement and criminal justice professionals with detailed audio and incident analysis. These reports contain scientific, court-admissible evidence and are used in court cases and prosecutions.

Contract and Legislative History²

The City has entered to several contracts through the following Council-adopted resolutions:

- July 18, 2006 - Resolution Nos. 80075 C.M.S., authorized the initial ShotSpotter coverage area (Phase I).
- October 4, 2011 - Resolution No. 83580 C.M.S., authorized a new contract at \$84,000 per year for Phase I, expiring on April 18, 2016.
- October 2, 2012 - Resolution No. 84058 C.M.S., authorized an expansion into Phase II, for an annual subscription fee of \$264,000 per year (Phase I and Phase II) through April 18, 2016.
- November 5, 2014 - Resolution No. 85254 C.M.S., authorized ShotSpotter coverage expansion (Phase III) for \$146,600 from October 21, 2014 through April 18, 2016.
- April 5, 2016 - Resolution No. 86083 C.M.S., authorized a contract from April 19, 2016 to April 18, 2017, for all three OPD ShotSpotter Phases for \$494,600 per year.
- August 2016 - Resolution No 86083 C.M.S., authorized ShotSpotter coverage for the period of April 19, 2016 to April 18, 2017:
 - The City and SST, Inc. signed Amendment No. 1 for ShotSpotter service for the period of April 19, 2017 to April 18, 2018 for Phase I and Phase II, and from September 28, 2017 to September 27, 2018 for Phase III; and
 - The City and SST, Inc. signed Amendment No. 2 for ShotSpotter service for the period of April 19, 2018 to April 18, 2019 for Phase I; and extending Phase II coverage from April 19, 2018 to June 30, 2018, and to shorten Phase III coverage from September 27, 2018 to June 30, 2018; and
 - The City and SST, Inc. signed Amendment No. 3 for ShotSpotter service to extend Phase II and Phase III coverage from July 1, 2018 to June 30, 2019; and
 - The City and SST, Inc. signed Amendment No. 4 for ShotSpotter service to extend Phase I coverage from April 19, 2019 to April 18, 2020, and for Phase II and Phase III coverage from July 1, 2019 to June 30, 2020.

¹ See OPD ShotSpotter 2020 Annual Report (***Attachment A***) for more detail on OPD's use of ShotSpotter in 2020

² All prior resolutions for OPD ShotSpotter contracts contained legislation to waive the competitive request for proposal/qualifications (RFP/Q) process requirements as well as the local and small local business (L/SLB) enterprise program provisions, due to the unique product supplied by ShotSpotter and a finding that that these waivers have been in the best interest of the City.

- June 23, 2020 – the City Council authorized a one-year contract via Resolution No. 88172 C.M.S. along with a motion that the PAC and OPD provide feedback to the City Council after reviewing the 2020 ShotSpotter Annual Report.

Oakland Privacy Advisory Commission

The City's Surveillance Ordinance No.13489 C.M.S. enshrined in Oakland Municipal Code (OMC) 9.64 "Regulations on City's Acquisition and Use of Surveillance Technology" requires a review of City surveillance technologies. In December 2019, ShotSpotter received a unanimous recommendation from the Oakland Privacy Advisory Commission (PAC) that the City Council adopt the OPD GLD privacy policies. This recommendation came after months of PAC review, including a visit to ShotSpotter Headquarters in Newark, CA. to review the system in more detail. The City Council adopted Resolution No. 87937 C.M.S. on November 19, 2019, authorizing OPD's GLD Use Policy and Surveillance Impact Report.

OMC 9.64.040 requires that a written annual surveillance report be presented to the PAC and City Council following adoption of the technology's Use Policy. Following the Use Policy adoption, OPD proposed a resolution for a new contract with ShotSpotter for one year for all three phases with two optional additional years for contract of three years total. However, at the June 16, 2020 meeting PAC commissioners recommended that the Council only adopt a one-year contract as the PAC had not yet to date reviewed an annual report of the surveillance technology required by OMC 9.64; the City Council moved to schedule an amended resolution to the June 23, 2020 Council meeting - No. 88172 C.M.S. at the June 23, 2020 City Council meeting, which authorized a one-year contract, and adopted a motion that the PAC and OPD provide feedback to the City Council after reviewing the 2020 ShotSpotter Annual Report.

OPD has scheduled, as of the date of this report, the 2020 ShotSpotter Annual Report to the May 6, 2021 PAC meeting.

ANALYSIS AND POLICY ALTERNATIVES

ShotSpotter Area Expansion

The ShotSpotter Gunshot Location Detection (GLD) system is a proven gun crime response tool. The system ultimately serves as a tool of deterrence. This practically instantaneous awareness of gunfire incidents – combined with cumulative data collection - enables proactive crime analysis and strategic deterrence. The City has expanded the system over several contracts (see ***Attachment A*** for ShotSpotter Current Area Coverage Map):

- Phase I (in West Oakland and East Oakland).
- Phase II (North West Oakland and East Lake and Fruitvale); and
- Phase III (Downtown, Jack London Square, West MacArthur Blvd, Maxwell Park).

The City and ShotSpotter have contracted to cover these areas. OPD is now looking to expand coverage in three additional areas of East Oakland "Phase IV" (see ***Attachment C, Phase IV Coverage Map***) to cover approximately 2.79 square miles of additional areas of East Oakland that also suffer from relatively high levels of gunshot activity. The new contract proposal includes the separate cost to cover this additional area as well as the cost to provide ongoing coverage to Phases I, II, and III. OPD recognizes that additional funds will need to be identified

to cover this additional \$390,600 two-year cost as well as optional \$195,600 for a third year of this expanded Phase IV coverage.

Multi-Year Discount

The original contract proposed in June 2020 consisted of a three-year period with five percent cost increases over years two (July 1, 2021-June 30, 2022) and year three (July 1, 2021-June 30, 2022); the contract would have increased from \$572,562 (Phases I-III) to \$601,190 in year two and \$631,248 in year three – see Table 1 below for details.

Table 1: Originally Proposed July 1, 2020 – June 30, 2023 Three Year Contract

Subscription Term	Phase I	Phase II	Phase III	Annual Payments
<i>Square Mile Area</i>	6 sq mi	6.6 sq mi	2.78 sq mi	
July 1, 2020 to June 30, 2021	\$97,241	\$305,613	\$169,708	\$572,562
July 1, 2021 to June 30, 2022	\$102,103	\$320,894	\$178,193	\$601,190
July 1, 2022 to June 30, 2023	\$107,207	\$336,938	\$187,103	\$631,248
Three Year Total				\$1,805,000

OPD and ShotSpotter are once again proposing a three-year contract. Staff believes that a multi-year contract is more efficient; contract development is time consuming, and staff will have more time to focus on mission critical tasks. Secondly, ShotSpotter is offering a multi-year contract without a five percent cost escalator in years two and three – this offer is contingent upon a multi-year contract. This flat rate will also extend into the optional third year. The \$601,186 (Phase I, II, and III) per year cost does represent a five percent increase over the current (July 1, 2020-June 30, 2021) year. However, by agreeing to a two-year (and optional year three) contract, ShotSpotter is offering a fixed rate over all three years – saving the City over \$61,000 over years two and three. Additionally, ShotSpotter is offering to maintain the same per-square-mile (sq mi) coverage rate that has been established at the onset for each phase:

- Phase I = \$17,017 per sq mi
- Phase II = \$48,620 per sq mi
- Phase III = \$64,098 per sq mi
- Phase IV = \$70,000 per sq mi (current rate for new areas and new clients).

The new Phase IV coverage is being offered at a per-year rate of \$195,300 or \$390,600 for two years, for the coverage area of 2.79 square miles at \$70,000 per sq mi. The Fiscal Impact Section below provides additional detail on coverage and contract costs.

Waiving of the Competitive Bidding Process

Staff has determined that ShotSpotter, Inc., is the only contractor which has demonstrated an ability to implement a GLD system capable of providing coverage within the City and is an invaluable OPD tool that assists in the effort to reduce crime, saves the City valuable resources

and has demonstrated reliable results. In addition, ShotSpotter, Inc. is the only vendor proven to have GLD technology that has been independently tested and proven by the US Department of Justice. OMC Section 2.04.051.B authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so. Therefore, the resolution accompanying this report contains language to allow the City Council to waive these competitive bidding requirements.

FISCAL IMPACT

The costs outlined below are based on a July 1, 2021 start date. Phases I, II, and III would continue seamlessly if the City Council approves a new contract to begin on July 1, 2021. However, there will be time needed to install new sensors in Area or Phase IV; therefore, the costs for Phase IV – priced at \$195,300 per year will be prorated, and the cost for the first year of July 1, 2021 to June 30, 2022 will most likely cost less than the annual rate; the resolution accompanying this report therefore requests spending authority “not to exceed” \$195,300 per year for Phase IV. Table II below outlines the total annual costs for each area or Phase.

Table II: ShotSpotter Phases with Annual Costs

Subscription Term	Phase I	Phase II	Phase III	Annual Cost (Phases I-III Only)	Phase IV	Annual Cost (All Four Phases)
Square Mile Area	6 sq mi	6.6 sq mi	2.78 sq mi		2.79 sq mi.	
July 1, 2021 to June 30, 2023 (two-year cost)	\$204,204	\$641,784	\$356,384	\$1,202,372	\$390,600	\$1,592,972
July 1, 2023 to June 30, 2024 (optional third year)	\$102,102	\$320,892	\$178,192	\$601,186	\$195,300	\$796,486
Three Year Total	\$306,306	\$962,676	\$534,576	\$1,803,558	\$585,900	\$2,389,458

Funding will be through the General-Purpose Fund (1010), Information Technology Unit Org. (106410), Contract Services Account (54919), ShotSpotter and Department Admin Projects (1000752, 1000789, and 1000008), Agency-wide Administration Program (PS01). The funding for year 2 and year 3 of this contract (all four area “Phases”) will be contingent on additional appropriations via the FY 2021-23 Biennial Budget.

PUBLIC OUTREACH / INTEREST

No public outreach was necessary for the production of this report.

COORDINATION

The Budget Bureau and the Office of the City Attorney reviewed this report and accompanying resolution.

SUSTAINABLE OPPORTUNITIES

Economic: Timely response to crime scenes and improved crime analysis capability will result in resource optimization. OPD can focus efforts on crime trends and patterns while enhancing police services delivery. This will provide a safer environment for Oakland residents, visitors, and for economic activity.

Environmental: There are no environmental issues associated with this report.

Race and Social Equity: Continued utilization of the ShotSpotter System will increase the likeliness of apprehending suspects involved in a violent crime. All Oakland residents and visitors benefit from efforts to decrease crimes using guns. Oaklanders in less advantaged communities often face higher rates of gun violence and thus stand to benefit greatly from these gun violence deterrence efforts.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator 1) Enter Into A Professional Services Agreement With ShotSpotter, Inc. For Gunshot Location Detection Service Coverage For:

- A. OPD ShotSpotter Area Phases I, II And III, From July 1, 2021 To June 30, 2023, For An Amount Not To Exceed Six Hundred One Thousand One Hundred Eighty-Six Dollars (\$601,186) Per Year For A Total Of One Million Two Hundred Two Thousand, Three Hundred Seventy-Two Dollars (\$1,202,372), With An Optional Third Year, From July 1, 2023 To June 30, 2024 For An Amount Not To Exceed Six Hundred One Thousand One Hundred Eighty-Six Dollars (\$601,186); For A Total Not To Exceed One Million Eight Hundred And Three Thousand, Five Hundred Fifty Eight Dollars (\$1,803,558) For The Period Of July 1, 2021 Through June 30, 2024; And OPD ShotSpotter Area Phases I, II And III, From July 1, 2021 To June 30, 2023, For An Amount Not To Exceed Six Hundred One Thousand One Hundred Eighty-Six Dollars (\$601,186) Per Year For A Total Of One Million Two Hundred Two Thousand, Three Hundred Seventy-Two Dollars (\$1,202,372), With An Optional Third Year, From July 1, 2023 To June 30, 2024 For An Amount Not To Exceed Six Hundred One Thousand One Hundred Eighty-Six Dollars (\$601,186); For A Total Not To Exceed One Million Eight Hundred And Three Thousand, Five Hundred Fifty Eight Dollars (\$1,803,558) For The Period Of July 1, 2021 Through June 30, 2024; And

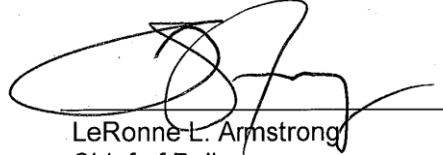
The City Council May Choose To Also Adopt A Resolution Authorizing The City Administrator To Enter Into A Professional Services Agreement With ShotSpotter, Inc. For Gunshot Location Detection Service Coverage For:

- B. OPD ShotSpotter Area Phase IV, From July 1, 2021 To June 30, 2023, For An Amount Not To Exceed One Hundred Ninety-Five Thousand, Three Hundred Dollars (\$195,300) Per Year For A Total Of Three Hundred Ninety Thousand, Six Hundred Dollars (\$390,600) With An Optional Third Year, From July 1, 2023 To June 30, 2024, For An Amount Not To Exceed One Hundred Ninety-Five Thousand, Three Hundred Dollars (\$195,300); For A Total Amount Not To Exceed Seven Hundred Ninety-Six Thousand Four Hundred Eighty Six Dollars (\$796,486) Per Year For An Overall Total Of One Million Five Hundred Ninety Two Thousand Nine Hundred Seventy Two Dollars (\$1,592,972) For OPD ShotSpotter Area Phases I, II, III And IV For The Period Of July 1, 2021 Through June 30, 2023, With An Optional Additional Third Year Of OPD ShotSpotter Coverage For Area Phases I, II, III And IV, For The Period Of July 1, 2023 Through June 30, 2024, In An Amount Not To Exceed Seven Hundred Ninety Six Thousand Four Hundred Eighty Six (\$796,486); And

2) Waive The Competitive Request For Proposal/ Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Local Business (L/SLB) Enterprise Program Provisions For The Contracts With ShotSpotter, Inc.

For questions regarding this report, please contact Shamika Shavies, OPD Fiscal Manager, at sshavies@oaklandca.gov

Respectfully submitted,



LeRonne L. Armstrong
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Reviewed by:
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Attachments (3):

- A: OPD ShotSpotter 2020 Annual Report
- B: Original ShotSpotter Coverage Map
- C: Proposed Phase IV ShotSpotter Coverage Map