


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A CONTRACT WITH AXON, INC. TO PURCHASE 786 BODY-WORN CAMERAS (BWC), 786 ELECTRONIC CONTROL WEAPONS (ECW), CLOUD-STORAGE FOR THE AUDIO AND VIDEO BWC STORAGE SYSTEM KNOWN AS EVIDENCE.COM, AND INTERVIEW ROOM CAMERAS, 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

WHEREAS, the City Council and residents of Oakland expect the Oakland Police Department (OPD) to maintain its ability to protect and preserve evidence associated with the commission of crimes; and

WHEREAS, the use of body-worn cameras (BWCs) allows OPD officers to document interactions with the public as officers conduct all manner of policing operations; and

WHEREAS, OPD has been a national leader in the evolution of BWC use among police agencies; and

WHEREAS, BWCs allow police officers to record all activity occurring during police activity so that an unbiased record of events is maintained; and

WHEREAS, the use of BWCs allows Oakland Police Department (OPD) officers to document interactions with the public; and

WHEREAS, BWCs footage is useful as evidence in examining police conduct and policing protocols; and

WHEREAS, BWCs offer the potential to increase police accountability, reduce complaints of misconduct, and increase trust between the police and the public; and

WHEREAS, the Oakland City Council and residents of Oakland expect OPD to maintain its ability to protect and preserve evidence associated police activity; and

WHEREAS, OPD began using VIEVU-brand BWCs, along with a VIEVU video storage management system, in 2010; and

WHEREAS, on April 14, 2016, the City Council approved Resolution No. 86130 C.M.S., which authorized the purchase of 25 VIEVU brand BWCs for \$22,500 as well as \$10,000 in related equipment from Adamson Police Products (the licensed seller of VIEVU products), as well as \$100,000 in technical support from VIEVU; and

WHEREAS, the Information Technology Department (ITD) and OPD initiated a Request for Proposal (RFP) process in June 2016 in preparation to choose a vendor that can provide OPD with a fleet of cameras and a related video storage management solution, and chose VIEVU as a new vendor; and

WHEREAS, on November 28, 2017, the City Council approved Resolution No. 86986, which authorized a contract with VIEVU LLC, to purchase new BWCs, related hardware, and a fully hosted digital evidence management software solution, maintenance, professional services, and training, for a spending limit of up to \$1,271,221, for the entire contract period of January 1, 2018 through December 31, 2022; and

WHEREAS, a taser is the common name for an electronic control weapon (ECW), is considered a “less-lethal” weapon compared to a firearm; and

WHEREAS, tasers help law enforcement more safely approach and incapacitate individuals in dangerous situations, where there is a risk of the person causing harm to officers, other members of the public and/or themselves; and

WHEREAS, OPD most recently purchased ECWs and associated cartridges from Axon via a cooperative purchase agreement for the period of May 15, 2021 through June 5, 2024, through an agreement with League of Oregon Cities, and prior to this agreement, OPD had a cooperative agreement for tasers and supplies through County of Kern for the period of February 2016 through September 30, 2020; and

WHEREAS, Axon has increasingly become an industry leader in BWC and video evidence, as well as Taser system technology; and

WHEREAS, in 2018, Axon purchased VIEVU from Safariland, its former corporate owner, and is now the global leader in BWC technology and currently the only company capable of providing an integrated BWC and easily searchable video evidence storage system, called evidence.com; and

WHEREAS, OPD’s current Criminal Investigations Division interview room camera system is failing due to problems with the system’s storage, and OPD requires a more robust solution, and Axon Interview is a cloud-based system that streamlines the interview data recording and storage process, allowing for annotation and streamlined search functions as well as chain of command secure data sharing with parties such as the District Attorney’s Office; and

WHEREAS, OPD already uses evidence.com for ECW taser use data management, and will only be able to develop an integrated BWC, taser, and interview room camera data management system with Axon’s evidence.com; and

WHEREAS, Oakland Municipal Code section 9.64.030 requires Council approval of contracts for new and existing surveillance technology; and

WHEREAS, Oakland Municipal Code section 2.04.042 requires the City Administrator to conduct a competitive multi-step proposal solicitation process for purchasing computerized/information technology systems (combined purchase of products and professional services); and

WHEREAS, Oakland Municipal Code section 2.04.042(D) allows Council to waive the multi-step proposal solicitation process upon a finding by the Council that it is in the best interest of the City to do so; and

WHEREAS, staff recommend that it is in the city’s best interest to waive the City’s multi-step proposal solicitation process because only Axon can provide OPD with an integrated BWC, taser, and interview room camera data management system; and

WHEREAS, OMC Section 9.64.020(1)(A) requires City staff to notify the Privacy Advisory Commission (PAC) “prior to City solicitation of funds and proposals for surveillance technology;” and OMC section 9.64.030(1)(B) requires staff to obtain City Council approval prior to acquiring new surveillance technology or replacing existing surveillance technology that has not been previously approved by the City Council in accordance with OMC Chapter 9.64; and

WHEREAS, the BWC technology is “existing technology” pursuant to OMC 9.64 since OPD has owned and operated a BWC system for several years, including before the adoption of Ordinance No.13489 C.M.S, and OPD therefore plans to bring a BWC Use Policy to the PAC and City Council for review; and

WHEREAS, the Axon BWCs and evidence storage system will also comply with OMC section 9.64.045, titled “Prohibition on City's acquisition and/or use of face recognition technology Biometric Surveillance Technology and Predictive Policing Technology” which bans any use or receiving evidence from facial recognition systems, as Axon has confirmed that neither the camera’s firmware nor the backend evidence.com software allow for any type of automated facial recognition analysis; and

WHEREAS, staff recommends that the Council finds and determines that it is in the City's best interest to waive the competitive solicitation requirement of OMC Section 2.04.042, and negotiate and enter into an agreement with Axon, Inc. for the purchase of the BWCs, ECWs, the associated data storage platform, interview room cameras, and associated hardware and software; therefore be it

RESOLVED: that the City Administrator is authorized to negotiate and enter into a contract with Axon, Inc. to purchase 786 Body-Worn Cameras (BWC), 786 electronic control weapons (ECW), cloud-storage for the audio and video BWC storage system known as Evidence.Com, and interview room cameras, for the five year period of 2022-2026, 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 be it

FURTHER RESOLVED: That pursuant to OMC 2.04.042(D) and the for the reasons stated in this Resolution and in the staff report it, the City Council finds that it is in the best interests of the City to waive the multi-step proposal solicitation process for the purchase of the BWCs, ECWs, the associated data storage platform, interview room cameras, and associated hardware and software, and so hereby waives this requirement; and be it

FURTHER RESOLVED: that all Axon, Inc. contract funds shall be paid from the General-Purpose Fund (1010), Police Information Technology Org (106410), Account (54919), Project (100000), Agency-wide Program (PS01); and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to complete all negotiations, certifications, assurances and documentation required to accept, modify, extend, and/or amend the proposed contract except for any increases in the total costs, or contract duration, set forth herein, without returning to City Council; and be it

FURTHER RESOLVED: That the City Attorney shall approve the proposed agreements and contract terms as to form and legality; and be it

FURTHER RESOLVED: That the City Administrator or his designee shall place a copy of the fully executed agreements on file with the Offices of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California