



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 02/18/2020

ITEM NO: 5

DATE: February 18, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize actions for the purchase and maintenance of body-worn cameras and conducted energy weapons (Tasers):

- a. Authorize the Town Manager to execute a five-year agreement with Axon Enterprises Inc. for the purchase and maintenance of conducted body-worn cameras and energy weapons in an Amount Not to Exceed \$377,130.
- b. Authorize an Expenditure Budget Transfer of \$54,797 from the Equipment Replacement Fund to the Police Department Operating budget.

RECOMMENDATION:

Authorize actions for the purchase and maintenance of body-worn cameras and conducted energy weapons (Tasers):

- a. Authorize the Town Manager to execute a five-year agreement with Axon Enterprises Inc. for the purchase and maintenance of conducted body-worn cameras and energy weapons in an amount not to exceed \$377,130.
- b. Authorize an Expenditure Budget Transfer of \$54,797 from the Equipment Replacement Fund to the Police Department Operating budget.

BACKGROUND:

The Los Gatos-Monte Sereno Police Department was a pioneer in Santa Clara County in deploying Officers with body-worn cameras (BWC) in 2008. The vendor selected at the time was VieVu which only offered on-site storage of video data. The Town's Information Technology Department, therefore, purchased an additional server to accommodate the massive increase in required data storage for a successful BWC program and in compliance with best practices for retention periods. The technology benefits the Town, Police Department, and the public through enhanced evidence collection, retention, increased Officer safety,

PREPARED BY: Greg Borrromeo
Traffic Sergeant

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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BACKGROUND (continued):

accountability, and transparency. The program is also crucial in limiting potential liability exposure to the Town. The BWCs in use today are no longer supported by the manufacturer in either warranty or service and are at the end of their useful life cycle.

The current law enforcement practice is to collect and retain digital evidence on a single operating platform. This allows for seamlessly collecting BWC audio and video which includes patrol vehicle in-car camera audio and video as well as computer-automated dispatch information. VieVu videos are currently downloaded onto desktop computers which require a specific cable to make the data transfer. The IT Department has spent countless hours replacing or troubleshooting difficulties with the cables to ensure that the captured videos are available for investigative purposes. As of 2018, there was a nationwide shortage of VieVu cameras and the estimated time for repair was nearly three months. The Police Department currently has only seven VieVus in surplus to replace any that require repair or are no longer functioning.

Effective January 1, 2018, California law requires law enforcement agencies to release BWC video footage to victims of domestic violence and sexual assault. Effective July 1, 2019, California law also requires law enforcement records, including audio and video, related to specified incidents, complaints, and investigations involving peace officers to be made available for public inspection pursuant to the California Public Records Act. The BWC footage that is captured by the Police Department contains sensitive information, such as graphic footage, videos of children, and/or videos of uninvolved subjects that is not subject to dissemination. The Police Department does not currently have the ability to redact the footage without having to pay for additional software, or contracting with an outside company to redact information, thus losing the security aspect and chain of custody of the videos.

In addition to BWCs, the Police Department purchased and implemented conducted electrical weapons (CEWs), commonly referred to as "Tasers," into patrol use in November 2005 as a sole source purchase from Taser International. The use of CEWs has reduced the need for deadly force on violent or physically resisting suspects and has decreased the chances of the public, Officers, or suspects being injured in the field. They differ from traditional stun weapons in two significant ways. First, they are "projectile" stun weapons and allow the weapon to be deployed at a distance instead of by direct contact. Secondly, the Taser effectiveness is not dependent on pain but operates from neuro-muscular incapacitation. The Police Department currently has an agreement with Axon Enterprises Inc. for CEWs which is due to end in 2020. The Police Department does not currently have backup CEWs to replace inoperable units.

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DISCUSSION:

Since initially contracting with VieVu in 2008, Axon Enterprise Inc. has invested substantially into its research and development teams to create BWC hardware and software that resolve real-world problems faced by law enforcement agencies. Some of the important features to note include:

- A Department of Justice compliant cloud-based storage system that will eliminate the need for on-site servers.
- Records Management System and Computer Aided Dispatch (RMS/CAD) integration allows for videos/pictures to be automatically assigned to RIMS case numbers. Officers will no longer be required to manually enter metadata, allowing staff to use their time on other essential duties.
- Videos captured in the Evidence.com platform can be redacted and prepared for dissemination.
- Videos will no longer need to be burned onto DVD discs. Instead, the video files are prepared and sent via an e-mail link to a specified Axon user. The Santa Clara County District Attorney's Office is already using the Evidence.com platform and will have access to prepared video files.

The Police Department has utilized Taser devices since 2005 through a sole source purchase agreement with Taser International. Taser devices manufactured by Axon Enterprises Inc, is currently the preferred manufacturer for less lethal CEWs among law enforcement agencies. Since the initial purchase in 2005, Taser devices have undergone dramatic technological advances, like other electronic devices that now make them smarter and safer to deploy. Taser devices now have the capability to measure the resistance of clothing worn by an individual and control the amount of initial electrical energy delivered to overcome clothing barriers. Taser batteries are now capable of being recharged which would limit the requirement for replacement prior to the end of the life of the Taser. As a part of the agreement, the Police Department would receive new Tasers or receive a credit to upgrade to the most current Axon CEW, the Taser 7, which would be compatible and integrate with the most current Axon BWC.

In accordance with the Town's Purchasing Policy, Section 7c (Cooperative Purchasing), these purchases are based on a formal bid process completed by the State of California Department of General Services, which allows for other municipalities to purchase equipment using their formal bid proposal documents.

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CONCLUSION:

Authorize the Town Manager to execute a five-year agreement with Axon Enterprises Inc. for the purchase and maintenance of body-worn cameras and conducted energy weapons and approve necessary budget adjustments.

ALTERNATIVES:

Alternatively, the Town Council could direct staff to delay the replacement of the equipment. Staff does not recommend this alternative as the current BWC system and Tasers have reached their useful life. A lack of replacement will impact daily operations and has the potential to increase liability in the Police Department.

FISCAL IMPACT:

There are sufficient funds available in the Equipment Replacement Fund for the first-year payment of Tasers and BWC for a combined total of \$54,797. A \$54,797 revenue and expenditure budget adjustment, including a transfer of funds from the Equipment Replacement Fund to the general fund, is required. Ongoing annual payments, estimated to be \$82,000, will be requested through the annual budget process. The 5-year contract also includes full warranty on all cameras and docks.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Agreement for Body-Worn Cameras
2. Agreement for Conducted Energy Weapons