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Title: RESOLUTION AUTHORIZING A SERVICE AGREEMENT OF FIVE YEARS FOR BODY WORN CAMERAS AND AS-NEEDED DATA SERVICES FROM AXON ENTERPRISE, INC. AS AUTHORIZED BY COOPERATIVE AGREEMENT. THE SERVICE AGREEMENT IS FOR THE PERIOD OF NOVEMBER 1, 2020 TO OCTOBER 31, 2025, IN AN AMOUNT NOT TO EXCEED \$1,680,232.20 FUNDING OF THE FIRST YEAR REQUIRES SPECIAL AUTHORIZATION FROM THE BOARD TO USE \$187,660.26 OF RESERVE FUNDS. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET

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Attachments: 1. 22. 2020-0330 Attachment A, 2. 22. 2020-0330 Attachment B, 3. 22. 2020-0330 Draft Resolution

Date	Ver.	Action By	Action	Result
10/9/2020	1	Board of Port Commissioners	adopted	Pass
10/6/2020	1	Board of Port Commissioners		

DATE: October 6, 2020

SUBJECT:

RESOLUTION AUTHORIZING A SERVICE AGREEMENT OF FIVE YEARS FOR BODY WORN CAMERAS AND AS-NEEDED DATA SERVICES FROM AXON ENTERPRISE, INC. AS AUTHORIZED BY COOPERATIVE AGREEMENT. THE SERVICE AGREEMENT IS FOR THE PERIOD OF NOVEMBER 1, 2020 TO OCTOBER 31, 2025, IN AN AMOUNT NOT TO EXCEED \$1,680,232.20 FUNDING OF THE FIRST YEAR REQUIRES SPECIAL AUTHORIZATION FROM THE BOARD TO USE \$187,660.26 OF RESERVE FUNDS. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET

EXECUTIVE SUMMARY:

The Harbor Police Department was on the precipice of initiating a Body Worn Camera pilot program when the District fell victim to a cyber-attack in September 2018. Since that time, Staff has been actively working to reestablish network security and functionality to the Harbor Police. The network infrastructure has now been returned to a state where a Body Camera Program can be successfully implemented and maintained. While the network issues were being addressed, staff has maintained awareness of the progression of Body Camera Programs in the region through participation in the County Wide Body Camera Working Group, organized by the San Diego County District Attorney's Office.

During the time that lapsed since the first inception of a Harbor Police Body Worn Camera Program, the public's expectation that officers routinely use body worn cameras has grown exponentially. Additionally, both the Office of the District Attorney and the City Attorney have expressed it is their expectation that police agencies both audio and video record all criminal interviews as well as capture as much evidentiary video as possible to further prosecution and enhance investigations. Based upon the expectations by our stakeholders of comprehensive evidence capture and enhanced transparency, the implementation of a Body Worn Camera program is of upmost importance at this time.

Currently every major San Diego County police agency has implemented a Body Worn Camera Program using Axon Enterprise, Inc. In addition to the body worn cameras themselves, Axon also provides a cloud-based software storage and data sharing platform that has a complete suite of data management tools. The offices of the San Diego District Attorney and City Attorney subscribe to Axon's software services as well and can access member agency data when it is shared to them. This functionality allows for electronic case filing and the near instantaneous sharing of data when needed.

The Axon Enterprise, Inc. Body Camera Program solution as proposed is a complete audio and video collection and management package that includes redaction services, user monitoring and auditing of equipment usage, internal affairs complaint processing, use of force auditing, interview room recording, and full data sharing and case file management. Also included in the contract is up to two complete equipment upgrades or replacements and full software and hardware support. As a complete out of the box solution, it will minimize any additional internal Staff work or support.

RECOMMENDATION:

Adopt a resolution selecting and authorizing an agreement with Axon Enterprise, Inc. for comprehensive Body Worn Camera, video evidence collection, and related video evidence storage and management services for a period of five years from November 01, 2020 to October 31, 2025 in an amount not to exceed \$1,680,232.20.

FISCAL IMPACT:

The total cost for five years of hardware and software services is \$1,680,232.20, payable in annual payments as follows:

- Year 1 \$187,660.26
- Year 2 \$328,703.85
- Year 3 \$387,956.03
- Year 4 \$387,956.03
- Year 5 \$387,956.03

Year one is not budgeted and will require Board Action to allocate Operating Reserve Funds for this contract. Years two through 5 will be budgeted in the appropriate fiscal year, subject to Board approval.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port that is a safe place to visit, work and play.
- A Port with an innovative and motivated workforce.

DISCUSSION:

During the time since the District's cyber attack, every major police agency in San Diego County has adopted the use of Body Worn Cameras. Collectively, Axon Enterprise, Inc. has been selected as the standard for the county, in large part due to its comprehensive suite of services that complement well designed and dependable hardware. The software, packaged as Evidence.com, allows for the ability to share data and electronically file cases directly with both the offices of the City Attorney and the District Attorney, replacing the current hand carried paper process. Also included is an Artificial Intelligence powered redaction software that will allow for a cost-effective and quick response to Public Record Act requests. Finally, built into the service is the ability to audit each officer's use of the system to ensure that no one is intentionally not recording contacts, along with internal affairs and use of force reporting software that leverage the body camera footage when available.

While the Axon Enterprise, Inc. contract and business model is very similar to a software as a service contract, the District would own all of the hardware and all data collected. If at a future date, another vendor or a solution is chosen, the District would be able to transfer the data to a District owned server or to another cloud provider. All equipment would remain the property of the District, however because it is designed to function with the Axon software, the functionality would be severely limited.

Because of the widespread adoption of the Axon Enterprise, Inc. Body Camera and related services, the dependability and customer service are known commodities. As staff has done their due diligence exploring Body Camera Programs, local agencies have reported their satisfaction with the Axon Enterprise, Inc. services. Axon also meets all relevant standards for data security for transmission to and storage in their cloud environment. Because of the level of customer satisfaction coupled with the regional adoption of Axon Enterprise, Inc. services, staff has concluded that Axon Enterprise, Inc. is the correct choice for the implementation of a Body Camera Program at the Harbor Police.

If the Board feels it is appropriate to fund this program, Staff will utilize a Cooperative Agreement through Sourcewell to enter into a five-year contract with Axon Enterprise, Inc. for Body Camera, data storage, and all related services in amount not to exceed \$1,680,232.20.

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved this agenda, proposed agreement, and resolution, as presented, as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, a resolution authorizing an agreement for body worn cameras and data services, does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of the proposed Board action that requires the District or the Board’s discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a “no project alternative” or adopting a Statement of Overriding Consideration, if required. The proposed Board action in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

The proposed Board action complies with Sections 21 and 35 of the Port Act, which allow the Board to pass resolutions and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because it will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District’s CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The proposed Board action in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Eric Womack
Harbor Police Captain

Attachment A: Total Cost of Ownership (TCO) - Axon Enterprise, Inc.
Attachment B: Axon Master Services and Purchasing Agreement