

TO: **HONORABLE CITY COUNCIL**

FROM: **CITY MANAGER** **DEPARTMENT:** **POLICE**

DATE: **AUGUST 1, 2005** **CMR:341:05**

SUBJECT: **AUTHORIZE THE CITY MANAGER TO EXECUTE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$200,000 WITH KUSTOM SIGNALS, INC. FOR THE POLICE VEHICLE MOBILE AUDIO VIDEO RECORDING SYSTEM – CAPITAL IMPROVEMENT PROGRAM PROJECT NUMBER PD-05010**

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a purchase order in an amount not to exceed \$200,000 with Kustom Signals, Inc. for the procurement of an in-vehicle police mobile audio video (MAV) system following the successful completion of the required 30-day trial period.

BACKGROUND

Police departments throughout the United States are realizing the value of video recording of officer-citizen contacts in the field, citizen transports, criminal investigations and citizen complaints. Almost 50 law enforcement agencies in California, including several in the Bay Area, are either using or considering the use of in-vehicle video systems. These agencies have realized a number of benefits including increased conviction rates, reduced time for court proceedings and litigation, increased officer safety, reduction in unwarranted lawsuits and complaints, officer accountability and usefulness in training.

The International Association of Chiefs of Police (IACP) conducted a two year comprehensive study of mobile audio video technology under a grant through the Department of Justice. Because of the importance of this technology to law enforcement, the IACP has sought to provide law enforcement agencies with as much comparative information, legal research and vendor information as possible on this topic. Along with information from the IACP, Police staff has conferred with colleagues in other law enforcement agencies in the area who have experience with this technology or are pursuing the use of this technology.

DISCUSSION

On November 8, 2004, the City Council authorized \$200,000 in funding from the Technology Fund (CMR 462:04 – Attachment A) and authorized staff to conduct a formal solicitation process for an in-vehicle mobile audio video system. After extensive research, the City developed specifications and requirements and issued a Request for Quotation (RFQ) on May 18, 2005 (RFQ Number 112015). A copy of the solicitation is provided as Attachment B.

Concurrent with the solicitation process, the Department is working with the Palo Alto Police Officers Association (PAPOA) on the development of a use policy for in-car video system and working through procedural issues. Although Police Management and PAPOA have had several meetings, meet and confer discussions are still in process and this policy has not yet been finalized. On April 21, 2005 and May 12, 2005, Police Department staff reviewed the proposed policy with the Human Relations Commission (HRC) and obtained its input on the MAV technology and the draft use policy.

Summary of Solicitation Process

There are five primary considerations when looking at mobile audio video technology: the equipment to be installed in the police vehicle, the type of media used to record and capture in the information, how the information is transferred from the patrol vehicle to the storage system, what type of archival system is used, and the future growth potential of the system (with such a significant investment of dollars, it is prudent that the system can grow and change with the introduction of new technology into the marketplace). Each of these items is equally important and played a key role in evaluating the vendor's proposals and final selection.

Along with a comprehensive set of specifications, the Department added additional criteria by which the MAV systems would be evaluated and a final vendor selected. They included system design and overall integration, experience of the vendor, and the quality of system components, as well as cost competitiveness. In addition, the Department required the vendor to install (at its cost) a selected MAV system into an existing Palo Alto patrol vehicle to ensure the system truly operates as proposed by the vendor. This additional "study phase" enables the City evaluation team and additional officers to operate the MAV system for a period of 30 days prior to issuing the final order for equipment.

The City outreached directly to approximately 20 mobile audio video vendors, as well as placed the RFQ on the City's website for additional outreach. The chart below provides an overview of the responses received.

Project Name/Number	Mobile Audio Video (MAV) System – Request for Quotation (RFQ) Number 112015
Proposed Length of Project	4 months
Number of Proposals Mailed to Vendors	20, plus published on City of Palo Alto Purchasing Website under Open Solicitations
Total Days to Respond to RFQ	15 Business Days
Pre-Proposal Meeting	No
Number of Proposals Received	Six
Solicitation Price Range	\$158,445.67 to \$252,291.78

Although only two of the 14 vendors that did not submit proposals contacted the City, it is anticipated that many of the vendors did not respond to the RFQ because their MAV solutions did not comply with the minimum solicitation requirements set forth in the RFQ.

As part of the proposal review and vendor selection process, the Police Department put together a MAV Selection Review Committee consisting of the two Police Agents (who chaired the committee), a detective, two patrol officers and the Technical Services Division Coordinator. The committee carefully evaluated each of the six proposals submitted by vendors, consulted with the Purchasing Department on guidelines and screened out the proposals based on compliance with the specifications. Each of the proposals was individually and carefully screened for adherence to technical specifications and the other criteria outlined above. Although each of the vendors' proposed solutions had merits, the chart below outlines the Committees' evaluation of the adherence by each of the vendors to all the requirements in the RFQ and the assessment of which system most closely met the requirements and needs of the Police Department. The quality of the proposal and law enforcement agency references (systems that were operational in existing law enforcement agencies) were requirements that the committee paid close attention to. The quality of the proposed technology, the choice of components proposed and the overall system design were also considered. Taking all those factors into consideration, the committee narrowed the field of vendor candidates to two – L3 Communications/Mobile Vision and Kustom Signals, Incorporated.

Vendor Name in Alphabetical Order	Met All RFQ Specifications and Requirements
Colby Systems	No
Cruise Cam International	No
Kustom Signals, Incorporated	Yes
L3 Communications/Mobile Vision	Yes
Motorola	No
Portable Computer Systems	No

Both L3 Communications/Mobile Vision and Kustom Signals Inc. were invited to participate in two days of demonstrations in the Police Department. The Department invited members of the City Council, the Human Relations Commission, other City department heads, as well as all Police Department personnel, to attend these demonstrations. This provided an opportunity to officers and other invited guests to get hands-on exposure to the equipment and solutions being considered. It gave individuals an opportunity to ask questions and provided the MAV Selection Committee with additional feedback on the merits of the two systems. In addition, staff had an opportunity to drive the demonstration vehicles provided by both L3 Communications/Mobile Vision and Kustom Signals, Inc. during the demonstration time period, to briefly test the functions being demonstrated by the vendors.

The chart in Attachment F provides an overview of the Police Department's most important functional needs and each of the vendor's demonstrated compliance with the critical system requirements. In addition to Kustom Signals being the overwhelming vendor of choice by the individuals attending the vendor demonstrations, the attached chart outlines that Kustom was the only vendor that actually demonstrated their compliance with the specifications.

Staff recommends that Council authorize award of the purchase order to Kustom Signals Inc. following successful completion of the study phase (installation in a Palo Alto patrol vehicle). If, during that study period, the system performs as proposed, the City Manager will execute the purchase order with Kustom Signals for the NXT Digital Eyewitness MAV system. Installation and training will begin soon thereafter. It is anticipated that this process will be completed by October 2005.

MAV Equipment and Media

It was important that the components (hardware) for the mobile audio video systems be easily and functionally integrated into an already crowded patrol vehicle. With radio consoles, light controls, mobile data computers, and other safety equipment, the MAV system needs to be compact, provide an easy and unobstructed view by officers, and have safety features that would minimize injury to officers if they were involved in an automobile accident. The Kustom Signal system has a compact overhead console that stores the equipment when not in view (for unobstructed driving) and can be easily controlled by the officer with easy-to-operate functions and controls.

The Department opted to pursue state-of-the-art MAV technology using digital recording cameras and digital recording that provides superior quality. Digital recording is becoming the standard in mobile audio video systems, as Departments opt for clear images and a component approach that can grow as the Department needs expand. Furthermore, a computer creates, catalogs, and archives video data with minimal human intervention. Data can either be manually or wirelessly uploaded to

the system server for storage and retention. The secured system holds the data in memory for a specified period online for ease of retrieval, review and court preparation by Police Department personnel.

Each system will include a zoom lens camera, wireless audio transmitter, monitor, control panel, and recording media (hard drive). A server and software will be purchased to easily store, search and copy video and audio files.

The Department will phase in the use of wireless transmission of the data, as the technology develops for faster transmission speeds. Although the police garage at the Civic Center has been equipped as a wireless hotspot, the number of available cars at any given time and the currently slow transmission speeds would make the transmission using this type of media at the present time a non-viable option. Instead, the hard drives (which store a minimum of 12 hours of video and audio recording at the highest grade setting) will be manually uploaded to the storage system by Police personnel or transmitted via an Ethernet connection which enables the information to be uploaded to the server without any intervention. Ethernet connections have not yet been installed in the Department and the Police Department will be working with the City's Information Technology (IT) Department to explore the viability of this option. In any event, the rugged hard drives (two per vehicle) provided by Kustom Signals have been tested and are able to withstand dropping or even being driven over by a vehicle. In addition, these drives cannot be tampered with or altered once the recording has completed.

Installation

Although Kustom Signals, Inc. provided installation costs as part of its formal proposal, the Department decided to retain responsibility for these services in-house. Utilizing qualified City of Palo Alto staff from the Public Works Department's Fleet Services Division, the vendor is prepared to provide the training necessary to certify City personnel in the installation of this equipment. As part of this training program, the City would be certified as an official Kustom Signals, Inc. installation shop and would have the opportunity to contract out these services to other law enforcement agencies, should the opportunity present itself. By retaining this service in-house, the Department can be assured of timely installations and will ensure that the MAV systems have a minimal downtime due to related issues.

Training

Training of Police Department personnel is an important component of deploying this type of technology. To ensure the Department has as much knowledge on deployment of this technology as possible, two Police Agents were sent to training earlier this year. The training was sponsored by the IACP.

Each Palo Alto police officer will be provided an eight-hour training class on the MAV equipment prior to these systems being deployed. The training provided by the two Police Agents who attended the IACP train-the-trainer class, in conjunction with Kustom Signals, Inc., will give the officers hands-on access to the system, cover its use, and provide the officers with an overview on ethics, case law, and numerous other related topics. A copy of the draft training outline for this class has been provided in Attachment E.

Use Policy

Police staff prepared a comparison analysis of Palo Alto's proposed mobile audio video use policy and a draft policy developed by the IACP. A copy of the comparison is provided in Attachment D. It is evident from the comparison that although it differs slightly (as California case law and law enforcement practices differ from other agencies across the nation), the majority of items are consistent with the IACP model.

Due to Council and community concerns, staff paid particular attention to the recording time. The proposed policy dictates that the officers activate the MAV equipment during specific enforcement actions, either manually as stipulated in the policy or the system will automatically activate when the officer's lights are on. This policy is consistent with California case law which holds that the public has no expectation of privacy on open roadways.

The Police Department did evaluate recording on a continual basis when the officers are on duty. This approach was found impractical for several reasons. First, much of an officer's time is not spent in proximity to the patrol vehicle and within view of the cameras. The 24-hour by 7-day-a-week recording would also be significantly cost prohibitive. It is anticipated that operating these systems in "always-record" mode could cost the Department an additional \$300,000 per year in maintenance costs, storage media and equipment, as well as staffing needs to archive and manage these recordings. Finally, because officers at times interact with confidential informants, sexual assault or domestic violence victims, or other individuals whose anonymity must be protected, continual recording would necessitate the redaction of this information from the recordings, which would require expert testimony in court proceedings and additional staff resources to manage this process. In addition, the American Civil Liberties Union (ACLU) has expressed concern about the 4th Amendment rights of individuals being recorded continually.

Police staff provided two briefings to the Human Relations Commission (HRC) on the proposed policy. Based on input from HRC Commissioners, the Department was able to amend its RFQ specifications and request post-event recording. Specifically, that the digital system will continue to record for a user-defined time period, up to a maximum of 30 seconds, after the officer stops the recording. In addition, the Police Department provided the HRC with clarifying information concerning under what circumstances an officer would be able to manually disable the audio (the video would continue recording). As a result of those conversations, the Police Department

provided clarifying language in the draft policy provided as an attachment to this report. HRC members inquired about the audio recording range for this equipment. Although vendors provide a range of approximately 1,000 feet, it is realistically closer to 700 feet from the patrol vehicle. Commission members also inquired about limitations on release of these recordings to the public. Police staff advised that under California law – supported by case law – these recordings are considered investigative records, the same as 9-1-1 recordings, and as such are not considered a matter of public record. The Department will retain these recordings for a period of two years.

Next Phase of MAV Deployment

Due to space limitations on the existing police motorcycles, these in-car video systems will be deployed first in the patrol vehicles. However, as the current motor fleet is replaced the newer models, which utilize smaller radio and data components, will be equipped with in-car video systems. The MAV Selection Committee is recommending that the Police Department waits to deploy the MAV systems in the new motorcycles until the next digital release of the Kustom Signals hardware is available (expected later this year). Having evaluated the new equipment on a preliminary basis, it has a number of features that will be released in the new version that are currently available on the patrol vehicle model that are not available in the current motorcycle equipment. The timing for this purchase will be consistent with the acquisition and deployment of the new motorcycles.

RESOURCE IMPACT

Funding in the amount of \$200,000 is included in the In-Car Mounted Video Recording Systems Capital Improvement Program PD-05010. Within the original purchase order, the Department will extend the warranty period for a total three years. Beginning in Fiscal Year 2008-09 and future years through replacement of the equipment, the units will be maintained on a materials cost (per part basis). The Department will evaluate the maintenance requirements over the next two years and incorporate an appropriate budget amount, as well as keep an appropriate amount of spare parts in inventory for replacement as required. On-going maintenance at an annual cost will be budgeted in the Police Department operating budget and replacement costs will be budgeted in the Information Technology Infrastructure Fund.

POLICY IMPLICATIONS

This agreement is consistent with existing City policy and relevant State laws.

ENVIRONMENTAL REVIEW

This ordinance and the project to install in-car video recording systems, is not subject to CEQA pursuant to Title 14 California Code of Regulations Section 15061(b)(3), and it can be seen with certainty that there is no possibility of a significant effect on the environment.

ATTACHMENTS

- Attachment A: CMR 462:04 – November 8, 2004
- Attachment B: RFQ Number 112015 – May 15, 2005
- Attachment C: Palo Alto Police Department Policy Section
- Attachment D: Comparison Chart – IACP and Palo Alto Policy
- Attachment E: MAV Training Outline
- Attachment F: Vendor Ranking Chart

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