



DATE: July 5, 2022

TO: Mayor and City Council

FROM: City Manager
Chief of Police

SUBJECT: Adopt a Resolution Authorizing the Hayward Police Department to Enter Into A Five-Year Agreement With Axon Enterprises, Inc. For the Purchase of Axon Fleet Vehicle Dash Cameras With Automated License Plate Reading Technology

RECOMMENDATION

That the Council adopt a resolution (Attachment II) authorizing the Hayward Police Department to enter into a five-year agreement with Axon Enterprises, Inc., for the purchase of Axon Fleet Vehicle Dash Cameras with automated license plate reading (ALPR) technology.

SUMMARY

In a continuing effort to broaden transparency, mitigate liability, advance investigative capabilities, and improve crime solvability, the Hayward Police Department is recommending purchasing and installing Axon Dash / ALPR cameras in fifty-three patrol vehicles.

BACKGROUND

In 2014, the Hayward Police Department purchased ALPR cameras for its patrol fleet. These systems from Motorola Solutions consisted of four externally mounted cameras (two forward facing and two rearward facing), which were attached to the roofs of two patrol vehicles. These cameras were only capable of capturing license plate data and as of 2021, they reached the end of their serviceable lifespan. During their operational years, the ALPR camera systems averaged over one-million license plate reads annually.

In fiscal year 2019, \$150,000 was budgeted into the CIP to purchase dash cameras for HPD's patrol vehicles (the project and related funds were suspended due to COVID). Moving forward, dash camera technology has advanced to a point where a single front-facing camera can now not only capture video footage but can also capture vehicle license plate information.

DISCUSSION

The Hayward Police Department began its Body Worn Camera (BWC) program in 2015. BWCs have proven to be an invaluable tool for law enforcement in documenting interactions with the community, investigating and prosecuting criminal behavior, and providing litigation protection for the city. Some limitation of BWC's include their inability to provide a stable overview of an incident and based on the BWC's positioning on officers (upper chest area), they are unable to capture officers' observations while they are driving their patrol vehicles. BWC's are also prone to potential non-activation by an officer in dynamic, high-stress critical incidents. The HPD's BWC Policy 425 is attached for review (Attachment III).

The Axon Fleet 3 system is made up of a front facing dual-view camera which can record both video footage as well as capture images of license plates. These actions occur simultaneously. In addition, a second infrared camera is positioned inside the passenger compartment to provide coverage of the prisoner transport area. The camera system for video footage can be activated manually, or by up to ten triggering events such as activation of emergency lights, unlocking of less lethal or lethal weapons from the vehicle, reaching a certain vehicle speed, or upon the recognition that a collision has occurred. In addition, Fleet 3 cameras can be paired with officers' current BWCs to allow their BWCs to be automatically activated upon the activation of the Fleet 3 cameras.

Video footage and license plate images, captured by the system, are wirelessly uploaded into Axon's cloud-based storage accessed through "Evidence.com." This is the same storage platform that HPD uses to store and manage BWC video footage. Axon's storage platform is Criminal Justice Information Service (CJIS) certified. To receive this certification Axon must adhere to the FBI's CJIS security policy, which provides a set of security requirements to protect and safeguard Criminal Justice Information (CJI) used by law enforcement.

The image captured in an ALPR scan, and stored by Axon, contains a picture of the license plate, the date and time of the scan, and the GPS location of the scan. No personally identifiable information is captured with the ALPR scan or stored in the database.

The ALPR camera not only records a vehicle's location but can also alert officers, in real-time, if a scanned license plate has an associated want for the vehicle. This includes sex registrant information, statewide alerts such as "Amber Alerts" for abducted or endangered children, missing persons, vehicles used in felony crimes, stolen vehicles, and stolen license plates.

Axon has not built out the capability to grant access to ALPR data to other Law Enforcement Axon customers. If the capability is created in the future, HPD will have to grant each individual agency permission via a memorandum of understanding (MOU). Axon does not grant access to any unauthorized third parties. Pursuant to California Government Code Section 3, Chapter 17.25 (commencing with section 7284) federal, state, or local law enforcement agencies shall not use any non-criminal history information contained within the database for immigration enforcement purposes.

The records retention period of the scanned license plates is customizable through Axon. HPD currently retains license plate data for one year, unless the data is evidentiary in a criminal or civil action, as outlined in HPD's ALPR Policy #429 (Attachment III).

Current regional police departments that have already invested in this technology are Livermore PD, Campbell PD, Tracy PD, Vacaville PD, Vallejo PD, and the Solano County Sheriff's Office.

On April 11, 2022, this proposal was brought before the Community Advisory Panel (CAP) for review and input. While there was overall support for the implementation of the program, the two areas of concern dealt with security and sharing of data. Those concerns were addressed by providing the CAP with the information sharing and security measures outlined in this Staff Report.

On April 27, 2022, this proposal was brought before the Council Infrastructure Committee. A discussion occurred regarding ACLU's position on ALPR technology and the general capabilities and features of the fleet cameras. Committee recommendations included advocacy group outreach and a council work session to enable further dialogue regarding the proposal.

On June 21, 2022, a Council Work Session took place to further discuss the proposed purchase of the Fleet 3 camera system. During that session, Council recommended several areas to address before implementation of the project:

1. Having a mechanism in place to present information regarding the use of the system to the Community Advisory Panel and City Council.

To address this concern, a report of system usage will be included in the Police Chief's bi-annual report to Council, which is concurrently shared with the Community Advisory Panel. This will provide another level of transparency in HPD's use of the system.

2. Ensure that Dash Cam Video is captured in the highest video resolution rate possible to enhance video review.

To address this concern, language will be put into place in both Dash Camera policy as well as the contract with Axon that only the highest resolution rate available will be utilized (Currently at 1080p).

3. Several concerns were raised regarding specific items Council wanted to see included in the Policy language regarding the use of Dash Camera / ALPR technology.

The HPD has an existing ALPR policy, which has been in place since 2015 (Attachment III). Additionally, the City has an overarching policy statement regarding the use of surveillance and other technologies, which HPD would abide by should this program be approved. The current HPD policy addresses many of the areas of concern, including data

storage, data retention, data sharing, and data access. However, the HPD is certainly open to working with Council to strengthen policy language in these areas. With the extensive anticipated delays between the purchase of this technology and actual implementation (12 to 18 months), there will be ample time to strengthen policy language, which addresses concerns brought forward, as we have done with other technologies. This collective effort will contribute to the success of this technology. Some concerns, and associated suggestions for policy language, are listed below:

- *What triggering events would be initially installed that would automatically activate a Dash Cam recording?* As mentioned during the Council Work Session, the system allows up to ten electronic triggering events, which will begin a recording. At launch, staff would suggest these include, but not be limited to, emergency light activation, release of a less-lethal or lethal weapon from the vehicle's locking mechanism, vehicle speeds reaching greater than 80 MPH, and detection of a vehicle collision.
- *What events would require officers to activate their Dash Camera?* Staff would suggest that required activations mirror the current required activations outlined in the Body-Worn Camera Policy covered under Policy #425.8 (Attachment IV). To tailor these activations to Dash Cameras, verbiage similar to "in addition to activating your BWCs during these events, officers shall also activate their Dash Cameras when it reasonably appears that the Dash Camera will capture a portion of the event."
- *What event will trigger an "alert" in the officer patrol vehicle?* Staff would suggest receiving alerts only from the National Crime Information Center (NCIC) "Hot Sheet" list. These alerts include Amber Alerts, Silver Alerts, vehicles wanted in association with a felony crime, stolen vehicles, and stolen license plates.
- *Adding stronger language restricting data sharing for immigration enforcement purposes.* In addition to including language from California Government Code Section 3, Chapter 17.25 which prohibits local law enforcement agencies from using non-criminal information for immigration enforcement purposes and is listed above, additional policy language could be added to reinforce the City's position.

4. A Suggestion was made regarding adding stronger data security language in any contract signed with AXON.

Currently, no contract is in place regarding the purchase of the Fleet 3 camera system. During that process, staff would work closely with the City Attorney's Office and the City's Information Technology Department to ensure the proper level of data security assurances are included in the final contract.

In addition to the Fleet 3 camera system, staff also recommends the purchase of an Auto-Tagging subscription for each officer. Currently, officers are required to label each one of their BWC recordings. The labeling process includes inputting an incident or report number, a “Title” for the recording such as a crime type or type of call for service, and a retention period based on the content of the recording. With the purchase of the Fleet 3 cameras, this would require officers to label two separate videos if both their Fleet 3 camera and BWC were used for an event. This is not only time-consuming but also increases the chances of the videos being mislabeled. Auto-Tagging syncs Evidence.com with HPD’s Computer Aided Dispatch system to auto-populate the incident or report number and category.

Community Engagement Efforts

As part of HPD’s ongoing efforts to be transparent, provide information, and engage the community in dialogue, the following steps have been taken:

- As stated above, on April 11th, 2022, the proposal was presented to the CAP.
- HPD made notification, via email, of the proposed project and our ALPR Policy to the following community groups:
 - o The Community Advisory Panel (CAP) to the Chief of Police
 - o The Hayward Concerned Citizens
 - o The Hayward Community Coalition

During a Council Work Session on 6/21/2022, community members had the opportunity to make public comments regarding the proposed purchase and use of Dash Camera / ALPR technology. Several community members took the opportunity to participate, sharing their thoughts and positions on this technology.

FISCAL IMPACT

As with the BWC agreement HPD signed with AXON in 2021, Axon spreads out the cost of the equipment and services over a five-year period. During this five-year period, all hardware components supplied are warrantied, and at the conclusion of the contract, through Axon’s Technology Assurance Plan, all hardware components are upgraded and replaced at no cost. The annual costs, listed below, include installation services for all fifty-three vehicles.

| Payment | Fleet 3 | Auto-Tagging | Tax | Total |
|--------------|----------------|----------------|------------------|-------------------|
| Year 1 | 125,928 | 23,328 | 7,847.51 | 157,103.51 |
| Year 2 | 125,928 | 23,328 | 7,847.51 | 157,103.51 |
| Year 3 | 125,928 | 23,328 | 7,847.51 | 157,103.51 |
| Year 4 | 125,928 | 23,328 | 7,847.51 | 157,103.51 |
| Year 5 | 125,928 | 23,328 | 7,847.51 | 157,103.51 |
| Total | 629,640 | 116,640 | 39,237.55 | 785,517.55 |

Funding has been secured via CIP to cover nearly all the costs associated with year one of the agreement. Moving forward, HPD will request funding in CIP to cover the remaining four years of the agreement (FYs 2023, 2024, 2025, and 2026).

Due to current supply chain issues, implementation, if approved by Council, would be approximately 12 to 18 months.

NEXT STEPS

If approved, the City Manager will execute a five-year purchase/service agreement with Axon Enterprises, Inc. to equip HPD's patrol fleet with video dash cameras with integrated ALPR technology. The HPD will work with the Council to strengthen the language in the HPD's Policy 429 (ALPRs) prior to program implementation.

Prepared by: William Deplitch, Police Captain

Recommended by: Toney Chaplin, Chief of Police

Approved by:



Kelly McAdoo, City Manager