



## MEMORANDUM

**To:** Mayor and City Council

**From:** Rey Arellano, Assistant City Manager

**Date:** June 22, 2016

**Subject:** June 9, 2016 Council questions re: APD Technology Acquisitions

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Attached for your information is a consolidated list of the questions and responses from the June 9, 2016 City Council meeting during discussion of the Automate License Plate Readers, Body Worn Cameras, and Smartphones and Wireless Service.

Should you have any additional questions or need further information, please do not hesitate to contact me directly.

Cc: Marc A. Ott, City Manager  
Chief Art Acevedo, Austin Police Department  
Elaine Hart, Chief Financial Officer  
James Scarboro, Purchasing Officer  
Paul Hopingardner, Deputy Chief Information Officer, Communications & Technology Management

**Regular Meeting of the  
Austin City Council June 9,  
2016  
Agenda Item #36 – Automatic License Plate Readers (ALPR)**

**Background**

**RCA Contract Summary**

Authorize negotiation and execution of a 12-month contract through the GENERAL SERVICES ADMINISTRATION cooperative purchasing program with GENEARL SALES ADMINISTRATION, INC. DBA MAJOR POLICE SUPPLY to provide the Vigilant Solutions Automatic License Plate Recognition System in an amount not to exceed \$350,000, with five 12-month extension options in an amount not to exceed \$110,000 per extension option, for a total contract amount not to exceed \$900,000.

**RCA Amount and Source of Funding (Original RCA)**

Funding in the amount of \$343,000 is available in the Fiscal Year 2015-2016 Police Federal Department of Treasury Asset Forfeiture Budget of the Austin Police Department. Funding in the amount of \$7,000 is available in the Fiscal Year 2015-2016 Operating Budget of the Austin Police Department. Funding for the extension options are contingent upon available funding in future budgets.

Vigilant Solutions Automatic License Plate Recognition System (ALPR)  
for Austin Police Department's Auto Theft Interdiction Project (ATIP)

	Contract Term		Funding Sources			
	Contract Term (Months)	Contract Amount	Total Funding Sources	Police Federal Dept. of Treasury Asset Forfeiture Budget	APD Operating Budget	Fiscal Year
Original Term	12	\$ 350,000	\$ 350,000	\$ -	\$ 350,000	FY 2016
Extension Option 1	12	\$ 110,000	\$ 110,000	\$ -	\$ 110,000	FY 2017 *
Extension Option 2	12	\$ 110,000	\$ 110,000	\$ -	\$ 110,000	FY 2018 *
Extension Option 3	12	\$ 110,000	\$ 110,000	\$ -	\$ 110,000	FY 2019 *
Extension Option 4	12	\$ 110,000	\$ 110,000	\$ -	\$ 110,000	FY 2020 *
Extension Option 5	12	\$ 110,000	\$ 110,000	\$ -	\$ 110,000	FY 2021 *
	<b>72</b>	<b>\$ 900,000</b>	<b>\$ 900,000</b>	<b>\$ -</b>	<b>\$ 900,000</b>	

\* Funding contingent upon available funding in future budgets.

APD = Austin Police Department

Due to Council's concern regarding the expenditure of Police Federal Department of Treasury Asset Forfeiture funding for this purchase, the Austin Police Department has requested that funding from the Police Federal Department of Treasury Asset Forfeiture Budget in the amount of \$343,000 be replaced. An additional \$343,000 funding from the Austin Police Department Operating Budget resulting from salary savings above the estimated amount has been identified. A Memo to Mayor and Council regarding this funding revision request has been provided.

As a result, funding in the amount of \$350,000 is available in the Fiscal Year 2015-2016 Operating Budget of the Austin Police Department. Funding for the extension options are contingent upon available funding in future operating budgets of the Austin Police Department within the General Fund.

## Purchasing Questions

### 1. What can the Asset Forfeiture Funds be used for?

A legal memo (provided separately with this memo) dated May 31, 2016 was provided to the Mayor and City Council that explains the use of the Asset Forfeiture Fund. In summary, there are many categories of permissible uses for Treasury Department asset forfeiture funds including:

- Law enforcement operations and investigations
- Training
- Law enforcement, public safety, or detention facilities
- Equipment
- Joint law enforcement/public safety operations and equipment
- Contracts for services
- Law enforcement travel and per diem
- Law enforcement awards and memorials
- Drug gang education and awareness programs
- Matching Funds
- Certain transfers to other law enforcement agencies
- Salaries

Impermissible uses include:

- Use of forfeited property by non-law enforcement personnel:
- Creation of scholarships or endowments
- Use contrary to applicable state or local law
- Personal or political use
- Purchase of food and beverages
- Extravagant expenditures
- Petty cash or stored value cards
- Purchase of items for other law enforcement agencies
- Costs related to lawsuits
- Loans
- Money laundering operations
- Certain law enforcement equipment covered by Executive Order 13668
- Transfer of funds to non-law enforcement community organizations
- Transfers to other agencies upon termination of participation in the program:

### 2. Are we using these asset forfeiture funds for this purchase?

No. The initial proposal was to use the Asset Forfeiture Funds for the initial equipment purchase, installation and training for the implementation of ALPR. However, due to Council's concern regarding the expenditure of Asset

Forfeiture Funding, the Austin Police Department has requested that funding for the purchase come from the Department's General Fund budget resulting from salary savings. A memo to Mayor and Council regarding this funding revision request has been provided (see attached).

**3. What five firms responded to the original RFP?**

The five firms that responded to the original solicitation (two of which proposed the Vigilant Solutions system) were:

- Austin Ribbon & Computer (ARC) – Vigilant Solutions
- Consolidated Telecom Services (CTS) – Vigilant Solutions
- Hitachi Data System Solutions – Genetec Solutions
- PCS Mobile - Genetec Solutions
- L-3 Mobile-Vision, Inc. – L3

**4. Did Vigilant bid in the original solicitation?**

Vigilant Solutions did not submit the proposal directly. Two (2) offerors responding to the City's RFP did propose the Vigilant Solutions System, including Austin Ribbon & Computer and Consolidated Telecom Services (both as resellers).

**5. Why wasn't this item solicited via Request for Proposals (RFP)?**

Last year, this procurement was competitively solicited using the RFP process and the City received and evaluated five (5) proposals. However, none of the offerors submitted a required form demonstrating their intent to comply with the City's M/WBE program. As none of the proposals were compliant in this regard, the RFP had to be cancelled.

During this time, APD staff determined that the Vigilant system was best suited to meet the City's needs. Before developing a subsequent solicitation, staff researched whether any cooperative contracts offered the Vigilant system, including contracts available from the Texas Department of Information Resources (DIR) and the Federal General Services Administration (GSA).

Staff determined that Vigilant Solutions System was available through GSA contract with General Sales Administration, Inc. dba Major Police Supply (Major Police Supply). Major Police Supply's prices were significantly better than prices noted in the market and the prices received in response to the recently canceled RFP.

**6. Why was original RFP cancelled?**

The original RFP was cancelled because all five offerors to the solicitation were not compliant with the City's M/WBE program.

**7. Does the Vigilant cooperative purchase meet the requirement of the M/WBE program?**

Yes. During the initial RFP process, SMBR reviewed the contract and established M/WBE subcontract goals. Through Major Police Supply, Vigilant contacted City of Austin certified M/WBE firms as required, but did not find any that possessed the required product certifications. SMBR determined that Major Police Supply did perform Good Faith Efforts as required by the City's M/WBE program. The requested contract with Vigilant does not include these subcontract opportunities.

**8. Can we allow 3M to provide pricing and compare 3M's product to Vigilant's?**

Yes. For comparison purposes, Purchasing has requested product specifications and prices from 3M.

**9. Can any other company bid now?**

Yes. However, in order for another company to provide a proposal at this time, it would have to have an identified Cooperative Contract available. This enables the City to obtain competitive proposals without going through the competitive bidding process.

## **APD Operational Questions**

**10. Can APD have a privacy policy in place before the purchase?**

The Austin Police Department (APD) currently has operational directives that addresses privacy.

There is also an operational directives revision currently being submitted that addresses privacy issues within the directives. The revision contains the following language:

**1. Law Enforcement use**

The ALPR data is law enforcement information and will be used solely for law enforcement purposes. Any non-law enforcement usage of the data is strictly prohibited.

- a) The privacy of the information obtained by the Austin Police Department is of the utmost importance. The information obtained by the use of the ALPR is the property of the Austin Police Department and will not be sold, transferred or otherwise distributed to any third party outside of law enforcement agencies for law enforcement purposes

**11. Can APD confirm that that private information will not be sold?**

Yes. APD can confirm that the law enforcement data will not be sold.

The contract does allow APD to share the data with other law enforcement

agencies who contract with Vigilant through its Law Enforcement Archival and Reporting Network (LEARN). This is solely at the discretion of APD and can be cancelled at any time. When the contract with Vigilant is terminated, Vigilant will provide a copy of the APD data to APD and delete the data from LEARN.

Please note that the LPR system does not collect or store Personally Identifiable Information (PII). It only stores license plate numbers and the location of that license number when it was “read”. If a license plate “hit” is received, the information must be verified by the officer or another means (such as dispatch) prior to any law enforcement action.

APD also refers to the Privacy Impact Assessment for the Texas Department of Public Safety (DPS) Collection, Storage, Management and Use of Automated License Plate Reader Data as a guideline for privacy questions and answers that the public may have.

**12. Can APD assure to the Council the sorts of protections that will be put in place to ensure we are not using this information for warrant round ups or parking tickets? Will these automatic license plate readers address serious crime issues only?**

APD can assure Council that data collected will not be used for warrant round ups for minor offenses or parking tickets, but only for serious crime issues.

**13. Can APD clarify to the public exactly what we are purchasing these automatic license plate readers for?**

The main goals for the use of the LPRs are as follows:

- Reduce auto thefts and related crimes involving vehicles;
- Increase auto theft vehicle recovery rates;
- Increase the apprehension of suspects for auto thefts, burglaries and any other crimes involving a vehicle;
- Increase the solvability of crimes involving a vehicle;
- Reduce the overall cost to citizens through the reduction of insurance costs associated with vehicle related crimes, property recovery, and prosecution;
- Increase investigative leads to reduce auto thefts and vehicles used in gateway crimes (i.e. robbery, burglary of residence, etc.); and
- Reduce insurance loss.

APD is purchasing these license plate readers to recover stolen vehicles and return stolen property to owners expeditiously. A Vigilant LPR Proof of Concept was conducted by APD and since the end of February 2016 examples of success include the following:

- The LPR has recovered dozens of stolen vehicles with several being

occupied

- A robbery suspect was identified
- APD recovered a vehicle involved in a carjacking
- LPR has been utilized in a sexual assault investigation for suspect leads
- Burglary suspects have been identified

The LPRs will reduce the number of manual license plate searches and increase the efficiency of conducting multiple license plate searches. This equipment will identify vehicles on the Texas Crime Information Center/National Crime Information Center (TCIC/NCIC) hot lists such as amber alerts, silver alerts, "Be on the Lookout" (BOLO), kidnapping vehicles and wanted vehicles. Data can be shared among law enforcement agencies in the interception of illegal activities up and down IH-35 and in the Austin region.

**14. Do we currently use automatic license plate recognition system in the APD department?**

Yes.

**15. How many cars have the automatic license plate recognition system in them?**

Three (3) APD vehicles are equipped with the LPR equipment.

**16. Where are these units (automatic license plate system) located?**

Currently, the ALPR units are being used by the Criminal Interdiction Unit within the Organized Crime Division.

**17. If we already have three (3) automatic license plate readers, can we use those for the rock throwing issue?**

Yes, APD can use the three (3) LPR systems for targeted law enforcement operations including investigating the IH35 rock throwing cases. However, in order to be truly effective, more units are needed.

**Regular Meeting of the  
Austin City Council June 9,  
2016**

**Agenda Item #37 – Body Worn Cameras (BWC)**

**Background**

**RCA Contract Summary**

Authorize negotiation and execution of a 60-month contract with TASER INTERNATIONAL, or one of the other qualified offerors to Request for Proposals EAD0124, to provide body worn cameras in an amount not to exceed \$9,428,236, with two 12-month extension options in an amount not to exceed \$1,225,179 for the first extension option, and \$1,547,811 for the second extension option, for a total contract amount no to exceed \$12,201,226.

**Total Funding in FY 2015-2016 Budget for Body Cameras**

The FY 2015-2016 Approved Budget included a total of \$2,578,000 and 3.0 full time equivalents (FTEs) related to Concept Menu item #1.43 for the purchase and use of body cameras. The total \$2,578,000 was comprised of \$1,053,000 in the Austin Police Department General Fund budget and a transfer of \$1,525,000 from the Budget Stabilization Reserve (one-time funds) to the Communications and Technology Management (CTM) Capital Budget. Of the \$1,053,000 in the Austin Police Department General Fund budget, a total of \$123,398 covers 2.0 FTEs, \$853,977 was transferred to the CTECC Fund - Combined Transportation, Emergency & Communications Center Fund (Managed by CTM) and \$75,625 was transferred to the Wireless Communication Services Fund (Managed by CTM). The table below summarizes the FY 2016 Budget funding for body cameras.

<b>FY2015-2016 Approved Budget</b>	<b>FTEs</b>	<b>Source</b>	
\$ 1,053,000	2.00	Austin Police Department General Fund (see detail below)	
		Budget Stabilization Reserve One-Time Funds transfer to	
\$ 1,525,000		Communications and Technology Management (CTM)	
		Capital Budget	
<b>\$ 2,578,000</b>		<b>Total Funding for Body Cameras</b>	
<b>FY2015-2016 Approved Budget</b>		<b>Source</b>	<b>Transferred Funds to</b>
\$ 853,977	1.00	Austin Police Department General Fund	CTECC - Combined Transportation, Emergency & Communications
\$ 75,625		Austin Police Department General Fund	Center Fund (Managed by CTM)
<b>\$ 929,602</b>		Transferred to Other Funds	Wireless Communication Services Fund (Managed by CTM)
\$ 123,398	2.00	Funding for APD FTEs	Remains in APD General Fund
<b>\$ 1,053,000</b>	<b>3.00</b>	<b>Austin Police Department General Fund</b>	

**RCA Amount and Source of Funding**

Funding in the amount of \$1,503,393 is available in the Fiscal Year 2015-2016 Capital Budget of the Communications and Technology Management Department. Funding for the remaining 56 months of the original contract period and extension options are contingent upon available funding in future budgets.



The contract is for the purchase, implementation, and support of wearable body cameras for the Austin Police Department (APD). Initial deployment will consist of 500 cameras. Subsequent deployment will consist of approximately 500 cameras for the second year, 500 camera for the third year, and 200 cameras for the fourth year, contingent on funding availability. The number of cameras may be adjusted based on APD's needs.

Body worn cameras will be refreshed or replaced at a minimum of every 24 months after each deployment. The number of cameras purchased for subsequent years will be based on the refresh or replacement schedule and the growth of the City and APD.

The following chart shows a breakdown of the contract by year and the funding sources by fiscal year.

Austin Police Department Body Worn Cameras									
	Year 1	Year 2	Year 3	Year 4	Year 5	60-month Contract Total	Extention Option #1 - FY 2021	Extention Option #2 - FY 2022	Total Contract
# of Camera Units	500	500	500	200	200	1,900	100	100	2,100
Contract (60-months with two 12-month extentions)	\$ 1,304,518	\$ 1,826,662	\$ 2,363,806	\$ 2,127,725	\$ 1,805,525	\$ 9,428,236	\$ 1,225,179	\$ 1,547,811	\$ 12,201,226
<b>Funding Sources</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>				
CTM Capital Budget	\$ 470,338	\$ 1,000,000	\$ 33,055	\$ -	\$ -	\$ 1,503,393	\$ -	\$ -	\$ 1,503,393
CTECC Operating Budget	\$ 758,555	\$ 52,162	\$ 1,156,251	\$ 1,903,225	\$ 1,581,025	\$ 5,451,218	\$ 1,225,179	\$ 1,547,811	\$ 8,224,208
Wireless Operating Budget	\$ 75,625	\$ 24,500	\$ 424,500	\$ 224,500	\$ 224,500	\$ 973,625	\$ -	\$ -	\$ 973,625
Anticipated State Grant	\$ -	\$ 750,000	\$ -	\$ -	\$ -	\$ 750,000	\$ -	\$ -	\$ 750,000
Anticipated Federal Grant	\$ -	\$ -	\$ 750,000	\$ -	\$ -	\$ 750,000	\$ -	\$ -	\$ 750,000
<b>Total Funding Sources</b>	<b>\$ 1,304,518</b>	<b>\$ 1,826,662</b>	<b>\$ 2,363,806</b>	<b>\$ 2,127,725</b>	<b>\$ 1,805,525</b>	<b>\$ 9,428,236</b>	<b>\$ 1,225,179</b>	<b>\$ 1,547,811</b>	<b>\$ 12,201,226</b>
Funding contingent upon available funding in future budgets.									
APD = Austin Police Department									
CTECC = Combined Transportation, Emergency & Communications Center Fund (Managed by CTM)									
Wireless = Wireless Communication Services Fund (Managed by CTM)									

Purchases of body camera equipment will be funded from the Communications and Technology Management (CTM) Capital Budget, a multi-year budget. The cloud video storage service is an operating expense not a capital expenditure and will be funded from the Operating Budget of CTECC and Wireless rather than the CTM Capital Budget. In addition, Austin Police Department anticipates grant funding from the State and Federal governments of \$750,000 each. The State grant application is currently pending approval subject to Council approval of this RCA.

## Purchasing Questions

### 18. Why were only four vendors out of the ten who submitted responses scored?

Of the six offerors who were not scored, one offeror did not meet the solicitation's requirements related to the City's Minority Owned and Women Owned Business Enterprise Procurement Program and five did not meet various product and/or service specifications set forth in the solicitation.

### 19. Where did the 2,200 number of body cameras come from?

The total number of body cameras required in the solicitation was 1,700. The Offeror, Taser, proposed a higher number of cameras in their proposal. This

higher number was due in part on their estimate of the number of replacement units that would be deployed over the contract's seven-year term. At the June 9, 2016 Council meeting, Taser confirmed that this number was 2,200 cameras.

**20. Are we still in the process of negotiating the exact number of cameras?**

Yes. Negotiations at this time haven't been completed since a contract hasn't been authorized by City Council.

**21. Is the \$12.2 million amount on the RCA the total amount for seven years and does it include data storage?**

Yes. The \$12.2 million is inclusive of all costs including the body cameras, software, licensing fees, annual maintenance and support, patches and upgrades as available, hosting fees, annual unlimited data storage, and hardware refreshes.

**22. Why can't we keep the years the same for contracts?**

The State of Texas and the City of Austin currently do not set a maximum length for multi-term contracts. When establishing the term for any multi-term contract, staff take into consideration what is common in an industry, what term makes the most sense operationally, and what term will allow the City to realize the maximum contract value based on product lifecycle.

**23. Did all respondents propose seven years with their response?**

The solicitation required a five year initial term with two, one-year extensions. All offerors were evaluated based on their seven-year price proposal.

## **APD Operational Questions**

**24. Do procedures need additional review or are they fully fleshed out yet?**

The APD BWC operational directive has been approved by Executive Staff and has been implemented by the Department. All APD guidelines are constantly evaluated in an attempt to make changes that are in the best interest of the community, the department and consistent with city code and State statutes. APD is currently meeting with community groups and stakeholders and changes based upon their input will be considered in the coming weeks.

**25. Is the money for the body cameras in the current fiscal year budget? Not in FY17?**

Yes. \$1.5 million is coming out of the CTM Capital Budget in the current fiscal year. Funding for FY17 is being considered in the City Manager's budget submittal.

**26. Where is the remaining funding for future years coming from? Will it come out of the Capital Budget of CTM?**

Subsequent funding will go through the regular budget process annually presented to Council and will likely be budgeted through the general fund of APD.

**27. What is the amount available through all of the grants?**

For FY17, \$750,000 is available through a state grant. APD is applying for an additional \$750,000 grant from the Department of Justice for FY18.

**28. Is part of the \$750,000 state grant included in the \$1.5 million in the FY15/16 Capital Budget of CTM?**

No. The \$750,000 state grant would impact the FY17 budget.

**29. Does APD have a policy in place as a condition for the grant?**

Yes.

**30. Would approval of the state grant need authorization from Council before the July break?**

APD must have a grant application submitted and certified through the State's eGrants system by 5PM on July 15<sup>th</sup>. However, if the Council has not voted on the matter and provide the resolution that is needed, the State could make receipt of the resolution a condition of final funding.

The July 15<sup>th</sup> application for funding is not binding on the City of Austin until the Council accepts the grant, which would come after the resolution is approved.

**31. If the RCA gets deferred for 120 days to answer questions, will APD still qualify for the grant(s)?**

No. A delay of 120 days will result in the loss of the grant funding.

**32. SB 158 411.488 talks about rights of officers, if the officer is entitled to access any recording involving an incident with that officer before they make a statement, shouldn't that same right apply to someone who has been filmed?**

Suspects of criminal activity have rights. They are never required to give a statement. The Constitution affords criminal defendants several protections. Discovery-related procedural protections include the right against self-incrimination and the right to confront witnesses. For example, under the U.S. Supreme Court's decisions in *Brady v. Maryland* and *Giglio v. United States*, the prosecution must turn over to the defendant all exculpatory and impeachment evidence in the government's possession. A criminal defendant has no equivalent duty because of the right against self-incrimination. Police officers suspected of criminal activity have these same rights.

Police officers involved in a critical incident or internal affairs investigation become the subject of an administrative investigation. During this investigation, officers are required to give a statement, or risk losing their job. Due to the fact that officers are compelled to give a statement and administrative investigations are not governed by the same rules as criminal investigations, the body worn camera law gives officers the right to review their video prior to making a statement. (see *Garrity v. New Jersey* (1967) for further details.)

**33. Did this go through the Public Safety Commission or Public Safety Committee and if not, why not?**

The issue of Body Worn Cameras was discussed at both the Public Safety Committee and the Public Safety Commission meetings.

The BWC project was on the Public Safety Committee's agenda on the following dates:

- April 27, 2015 -APD Body Worn Cameras request for proposal update
- Sept 28, 2015 -APD Body Worn Cameras request for proposal update
- Oct. 26, 2015 - APD Body Worn Cameras request for proposal update include development of APD's request for proposal
- March 28, 2016 – Police discussion regarding Body Worn Cameras
- May 23, 2016 - Releasing Video from Body Worn Cameras – APD

The Public Safety Commission discussed this item on at 4/06/2015 and 11/02/2015 meetings. The Public Safety Commission sent a recommendation to City Council in support of the BWC project.

**34. Why are the data storage costs so high? Is it required that we use Taser for the data services? Can we use the state's data services or do it ourselves?**

The RFP called for a turnkey solution including cloud storage. We would have to use Taser for the data services since that is what the RFP called for. At the time of the planning and issuance of the RFP, the State was not able to provide data storage services. And while we understand the State is in the process of establishing such services, at this time the State does not provide data storage. APD considered managing the data storage services itself, but concluded that this approach would be in the City's best interest.

**Regular Meeting of the  
Austin City Council June 9,  
2016**

**Agenda Item #38 – Smartphone**

**Background**

**RCA Contract Summary**

Authorize negotiation and execution of a 60-month contract through the TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative program with AT&T, for the purchase of smartphones and wireless phone services to enhance the functionality of body worn cameras in an amount no to exceed \$5,029,200.

**RCA Amount and Source of Funding**

Funding in the amount of \$127,000 is included in the Fiscal Year 2015-2016 Operating Budget of the Communications and Technology Management Department. Funding for the remaining 56 months of the initial contract period is contingent upon available funding in future budgets.

Austin Police Department Smart Phones and Wireless Phone Services							60-month Contract Total
	Year 1	Year 2	Year 3	Year 4	Year 5		
# of Phone Units	500	500	500	200	200		1,900
Contract (60-months)	\$ 381,000	\$ 762,000	\$ 1,143,000	\$ 1,295,400	\$ 1,447,800		\$ 5,029,200
<b>Funding Sources</b>	<b>FY 2016</b>	<b>FY 2017 *</b>	<b>FY 2018 *</b>	<b>FY 2019 *</b>	<b>FY 2020 *</b>	<b>FY 2021 *</b>	
CTM Operating Budget Services	\$ 127,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 127,000
APD Operating Budget Services	\$ -	\$ 762,000	\$ 1,143,000	\$ 1,295,400	\$ 1,447,800	\$ 254,000	\$ 4,902,200
	<b>\$ 127,000</b>	<b>\$ 762,000</b>	<b>\$ 1,143,000</b>	<b>\$ 1,295,400</b>	<b>\$ 1,447,800</b>	<b>\$ 254,000</b>	<b>\$ 5,029,200</b>

\* Funding contingent upon available funding in future budgets.  
APD = Austin Police Department  
CTM = Communications and Technology Management (CTM)  
Contract includes Unlimited talk, text, data tethering.

The contract is for the purchase of smartphones and monthly wireless phone services to be used in conjunction with body worn cameras (BWC) for the Austin Police Department (APD). APD is requesting that each officer assigned a BWC is issued a smartphone which has the ability to sync with a mobile application and allow officers the ability to perform multiple functions in the field at the time of the recording. Some of these functions include automatic geolocation of recordings, remote viewing, ability to take and upload evidentiary photos, classification of videos, and adding notes. The Body Worn Camera solution can classify the videos using a computer or mobile application and having the smartphone will allow APD to classify the videos in the field using the mobile application. Without the smartphone, the videos can only be classified using a computer. The smartphone enables the officers to simply dock their cameras at the end of their shift to download the videos instead of having to log into a computer to add all of the required metadata, resulting in a huge cost savings of officer time. Automatically adding the location of each recorded event will keep APD in compliance with the

legislative mandate for open records requests for BWC videos.

Additionally, the smartphones will also enhance operational efficiencies on multiple levels. The smartphones offer short message service, also known as SMS messaging or text messaging, email, applications such as be on the lookout alerts with photographs, automatic language translation, phone location services for cellphone thefts, as well as many other features. By using a smartphone in conjunction with the BWC, it will add global positioning mapping for officers that previously were not able to have this feature since they were not in a vehicle. This will enhance officer safety by providing the location of officers not in vehicles with Toughbooks.

Under the proposed contract, AT&T would provide the City with the iPhones **at no charge** and the cellular service for a set amount per month. Included in AT&T's proposal (at no additional charge), AT&T will keep a set amount of extra phones available (2% of the total amount being used by the City) to replace any phones that are damaged or fail during the contract term. AT&T will also replace the phones every 18 (new phones will be within one generation of the newest model available at the time of the replacement). Under the proposed contract, there is no equipment cost requiring capital budget funding. This contract is a services contract that is funded appropriately from the department's operating budget.

## Background

APD began soliciting quotes from cellphone companies in mid-April 2016 for a cost comparison of moving to officer-issued cellphones for enhanced functionality for:

- Body Cameras
- Taking evidentiary photographs and uploading them
- Adding Dual Factor Authentication RSA Tokens for CJIS compliance
- Geolocating officers
- SMS Messaging
- Language translation applications
- Accessing city email
- Phone location services for immediate follow up on stolen or lost devices
- Future applications currently in development include: Electronic Crash reporting and Electronic Citation

APD received quotes from AT&T, Verizon, Sprint, and T-Mobile. In order to implement the functionality listed above, certain back-end functions and data circuits must be in place. When implementing Mobile Data Computers (MDCs), APD established all necessary circuits and connections with AT&T and Verizon. If T-Mobile or Sprint were to be added, the City would need expend additional funds and resources to replicate these connections for these carriers.

The AT&T quote is approximately \$63.50 per user per month. In addition to utilizing the existing back-end connections already in place, AT&T's solution includes:

- Wireless priority service that would give APD data priority on the wireless

network when there are bandwidth issues. In other words, an officer would have priority for bandwidth over another users streaming music or a video.

- Unlimited data tethering that would turning a cellphone into a hotspot to allow other devices to access the internet.
- Airwatch device management that would that allow APD to manage the phones remotely, control the installation of applications, add and update security features and protocols as needed to each device. It would also allow for the monitoring of activity on each device.
- Unlimited texting, unlimited mobile to mobile and nights and weekends minutes
- AT&T will maintain a number of back-up phones, equal to 2% of the phones in service, to replace any phones that break before they are due to be replaced.
- Deployment enrollment program (DEP). A program that pre-configures the phone for each officer with all of the necessary applications and functionality for their position. As soon as APD receives the phones, they can hand it out. Currently, this is a feature only supported by Apple.
- Phone replacement every 18 months with phones that are no more than one model older than the most current model.

As requested by Council at the June 9, 2016 Council meeting, staff contacted T-Mobile for a cooperative quote to provide the same services offered by AT&T. The quote from T-Mobile is \$72.09 per user per month. However, it does not include access point name or mobile data management, which are included in the AT&T quote. Therefore, APD would need to absorb the following additional costs:

- Access Point Name (\$2.00 per month per user)
- Mobile Data Management (\$6.85-\$9.95 per month per user)

In addition, the City would have ongoing and onetime costs to set up backend connections, circuits, and the deployment enrollment program (DEP) since T-Mobile is still in the pilot stage of engaging Apple for DEP.

## **Purchasing Questions**

### **35. Can you address the separate \$5 million for the phone contract?**

Staff is requesting authorization of a contract with AT&T for smartphone services for an amount not to exceed \$5,029,200. While the smartphones are compatible with the body worn cameras and allow some additional functionality, the acquisition of smartphones is otherwise unrelated to the body worn cameras.

The body camera solicitation, RFP EAD0124, did not require offerors to include smartphones in their proposals. Taser's proposals in response to the solicitation did not include smartphones.

The purchase from AT&T is a separate contract which could be used to enhance the functionality of the body cameras and other applications used by the Austin Police Department.

- 36. Was \$5 million part of the initial discussions of the bid with additional companies? If we would be required to spend an additional \$5 million to implement this program, is that the same case with other companies? Do we even know?**

The body camera Solicitation, RFP EAD0124, did not require offerors to include smartphones in their proposals. Taser's proposals in response to the solicitation did not include mobile phones.

- 37. Can the body cameras be approved without approving the cellphones?**

Yes. However, APD will not be able to automatically add the geolocation of where officers initiate body worn camera recordings. Locations based on cad data or manual entry are not as accurate as geolocation. In addition, officers will not be able to take evidentiary photographs and upload them securely from the field.

The phones also provide an officer safety and accountability component by locating officers using the geolocation feature of the phone. We can currently locate cars with Toughbooks, but cannot locate officers once they leave the vehicle. This would be very beneficial for foot pursuits, as well as officers patrolling on foot, bikes, and motorcycles.

- 38. Would we only pay for the phones one time and be able to replace the broken phones?**

No. This item requests authorization of a five-year contract with AT&T. Under the proposed contract, AT&T would provide the City with the iPhones at no charge and would provide the cellular service for a set amount per month. Included in AT&T's proposal (no additional charge) AT&T will keep a set amount of extra phones available (2% of the total amount being used by the City) to replace any smartphones that are damaged or fail during the contract's term. AT&T will also replace the phones every 18 (new phones will be within one generation of the newest model available at the time of the replacement).

## **APD Operational Questions**

- 39. What are the additional features and productivity of having the phones?\***

While some of the apps to be installed on the phones are still being developed, many of the apps APD intends to have installed on the phones include:

- Axon View (to view videos and add metadata)
- Axon Capture (Digital evidence such as photos can be taken and uploaded from phone)



- OmniLink (Monitor GPS ankle monitors for high risk offenders)
- Google Translate or iTranslate
- Google Maps
- Find my iPhone
- AirWatch (Mobile Data Management)
- MobilePD (Austin PD Mobile APP)
- Inform CAD (Mobile Access to CAD)

**40. What is APD and the public getting out of the phone purchase?**

As smartphones become a main staple in today's society, many companies are moving from traditional software to mobile applications. This affords APD the opportunity to streamline their processes and increase operational efficiency by adapting smart policing concepts. The most significant feature is the ability to geo-locate officers using the phone. The phone also has a digital camera that can be used to photograph evidence and upload into the digital evidence database immediately at the scene as opposed to waiting until the conclusion of the officer's shift. Each officer with a smartphone will allow for immediate push notifications from the department and city in the case of emergencies or other significant events that may occur.

APD and the public will be getting a more efficient and effective way to conduct APD business. The cellphone has numerous functions that will be included to cut down on the officers time spent on calls. This will allow for more uncommitted time by officers which will allow for faster response time for calls for service.

Currently, patrol officers are not issued smartphones nor do they receive a phone stipend. Many officers use their personal phones to conduct city business on a daily basis.

**41. Is the efficiency of the officer's time the biggest return?**

Officer efficiency is one of the larger returns with the purchase. The device will allow for consolidation of several other devices that the officers use or need access to. The ability to free officer's time on patrol is another important return.

**42. Have you done calculations to show that the amount of time is worth this amount of money?**

Officer time cost savings is approximately 15 minutes per shift which equals 4 hours a month or a value of approximately \$160 per month per officer.

**43. How many officers does the City have right now?**

Slightly under 1,900.

**44. \$160/month and 1,900 officers comes out to \$3.6 million that we'd spend if the officers took the time to add the data themselves. Is that correct?**

Not all officers will be issued cameras. Officers assigned to patrol would

realize the most time savings, that is about half of the officers.

**45. If we paid Officers to do the tagging would it come out to \$2 million annually?**

The estimated annual cost of 1,000 patrol officers to manually enter the data would be approximately \$2 million dollars (1000x160x12).

One patrol officer could generate a time savings value of \$96.50 per month (\$160 in time saved minus the \$63.50 service cost of the phone. The cost of the phone is free and included in the \$63.50 maximum monthly service cost). The quote provided by AT&T includes optional data tethering, Mobile Device Management (Airwatch) and data priority.

Once approved the amount for each device could be less depending on how many options and which options will be added to each phone. The maximum amount would not be greater than the quote provided of \$63.50 per month per device with all additional features added. The RCA was based on the higher estimate of \$63.50 per month per device.

**46. Are smartphones shared with officers shift to shift? Will they stay with one officer?**

The phones will not be shared between officers. The intent is to issue each officer their own smartphone so that the officer will have all the required applications and functions that come with the smartphone with them at all times. The phones will be personalized with the officer's information for security purposes and set up for access to their city email. It will also allow for any immediate notifications to be pushed out to the entire department at one time. This is currently accomplished by a paging system that has one way communications where the officers can only receive a message and have no way to respond.

**47. How many are we trying to buy?**

The intent is to roll out the cell phones at the same time as the body cameras, 500 per year for first three years and 200 the fourth year. The goal is to issue every officer a smart phone.

**48. Can the City build the applications?**

No. We have no way currently to build applications within the City of Austin. Currently, the city uses Mobile Device Management tools that restrict the ability to add applications by the individual users. This same management tools also allows for the city to control and restrict access to websites through each device.

**49. What is the accuracy of using the phones to geo-locate versus the officer entry?**

According to one study<sup>1</sup>, geolocation will give a location within eight meters

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<sup>1</sup> Geolocation case study: <https://communityhealthmaps.nlm.nih.gov/2014/07/07/how-accurate-is-the-gps-on-my-smart-phone-part-2/>

using the GPS. This is a tagged location that happens the moment the camera activates and begins recording. It will give the same location type and accuracy as a map application on any smartphone. This location is extremely precise and can be used to accurately reflect the officer's location at a later time.

Using a manual entry process will not be as precise since the officers use block numbers when they are not at a specific address (i.e., 600 block of Congress Ave). This gives a less accurate reflection of the officer's location at the time of the recording.



**ATTORNEY-CLIENT PRIVILEGED  
MEMORANDUM**

TO: Mayor & Council

FROM: Chris Coppola, Assistant City Attorney  
Robin Harris, Assistant City Attorney

THROUGH: Anne Morgan, City Attorney

DATE: May 31, 2016

SUBJECT: Use of Asset Forfeiture Funds

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The purpose of this memorandum is to provide Council with an overview of the permissible and impermissible uses of state and federal asset forfeiture funds.

At your May 19, 2016 meeting, you considered item # 26, concerning the Austin Police Department's (APD) proposal to spend asset forfeiture funds to purchase automated license plate reader equipment and associated services. During the discussion Council asked for information about how asset forfeiture funds can be used by APD and the City.

Through the operations of APD and agreements with local prosecuting attorneys and federal law enforcement agencies (these federal agreements are typically known as "equitable sharing" agreements), the City acquires funds derived from the proceeds of assets that are forfeited to the state or federal government due to their use in the commission of certain crimes. State law (Code of Criminal Procedure Chapter 59) regulates how state funds may be expended. Federal agency rules—issued by the Treasury Department and the Department of Justice—control how federal funds may be used.

APD is proposing to use funds acquired through the Treasury Department to purchase the automated license plate readers. Therefore, the rules for the use of those funds will be covered first and in the greatest detail.

## I. Federal Funds – Treasury Department

On November 1, 2015, the Treasury Department issued new policy guidance that local law enforcement agencies must follow when expending asset forfeiture funds received through equitable sharing agreements with Treasury Department federal law enforcement agencies. State and local law enforcement agencies are no longer permitted to receive Treasury Department asset forfeiture funds when the governing body, state or local law, or policy: (1) directs expenditure of the funds in a manner that contravenes the Treasury Department's policy guidance; (2) transfers the funds to non-law enforcement agencies; or (3) expends funds for non-law enforcement purposes. The Treasury Department (and the Dept. of Justice) routinely audits the expenditure of federal asset forfeiture funds. APD has been very conservative in how it has sought to spend this money.

### a. General Principles

There are several general principles that must guide all expenditures of Treasury Department Funds:<sup>1</sup>

- **Asset forfeiture funds may not be anticipated:**  
Law enforcement agencies should never anticipate receiving future funds. Therefore, a law enforcement agency's budget should not include the expenditure of asset forfeiture funds that have not already been received. Agencies may budget for the expenditure of funds that have been received.
- **Asset forfeiture funds may supplement but not supplant:**  
Asset forfeiture funds may only increase a law enforcement agency's budget. Asset forfeiture funds may not be used to supplant or replace an agency's budget. For example, if a police department receives \$10,000 in asset forfeiture funds, it may not have its overall budget reduced by \$10,000 such that the funds do not directly benefit the police department.
- **Funds must be kept in separate accounts:**  
Asset forfeiture funds received through a Treasury Department equitable sharing agreement must not be commingled with other funds.

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<sup>1</sup> This is not an exhaustive list.

b. Permissible Uses

There are many categories of permissible uses for Treasury Department asset forfeiture funds. However, even funds spent on permissible uses must be spent according to the general principles:

- **Law enforcement operations and investigations:**

Funds may be spent in support of investigations and operations that support the agency's law enforcement mission. Examples include payments to informants, rewards money, "buy" money, recruitment costs, or costs for an interpretation/translation service.

- **Training:**

Funds may be spent on training—for sworn or non-sworn personnel, including prosecutors—in any area that is necessary to perform official law enforcement duties.

- **Law enforcement, public safety, or detention facilities:**

Funds may be spent on the purchase, lease, construction, expansion, or improvement of law enforcement or detention facilities.

- **Equipment:**

A wide range of equipment may be purchased using Treasury asset forfeiture funds. This includes law enforcement equipment like radios, vehicles, body armor, animals, firearms, and uniforms. It also includes ancillary equipment like filing cabinets, copiers, desks, and telephones.

- **Joint law enforcement/public safety operations and equipment:**

Certain operations and equipment used jointly by law enforcement and other public safety agencies may be purchased. This might include funds for rescue operations and equipment, 911 call center equipment, or aircraft. Funds may not be spent on equipment used exclusively for fire or EMS operations.

- **Contracts for services:**

Services that enhance or relate to law enforcement may be purchased. However, contracts for long term employment or services that should ordinarily be provided by the agency are not permitted.

- **Law enforcement travel and per diem**

- **Law enforcement awards and memorials**

- **Drug gang education and awareness programs**

- **Matching Funds:**

Law enforcement agencies may use the funds to pay a matching or contributing share required to receive a state or federal grant for items other than salaries, provided that the grant is for a law enforcement purpose.

- **Certain transfers to other law enforcement agencies**
- **Salaries:**

In general, Treasury Department asset forfeiture funds *may not* be used to pay the salaries of sworn or non-sworn law enforcement employees. There are, however, certain recognized exceptions to this rule. Specifically, funds may be used to pay for: (1) Matching federal grants—funds may be used to pay for the salaries and benefits of existing personnel that are funded through federal grants; (2) Overtime of officers, prosecutors, and investigators—funds may be used to pay for overtime to existing law enforcement personnel involved in law enforcement operations; (3) Salaries of officers hired to replace officers assigned to a task force—agencies may use funds to pay the salaries of officers hired to replace personnel that is assigned to another federal, state, or local law enforcement task force; (4) Specialized programs—funds may be used to pay the salaries and benefits of officers assigned to programs that are not traditionally associated with law enforcement (e.g. school resource officers); and (5) Temporary or contractual appointments not exceeding one year—Funds may pay the salaries and benefits of interns or temporary employees whose employment does not exceed one year.

c. Impermissible Uses

There are many of categories of impermissible uses—some of which seemingly overlap with permissible uses. The permissible uses must be read in the context of both the general principles and the enumerated impermissible uses to determine whether any given expenditure is allowed.

- **Use of forfeited property by non-law enforcement personnel:**  
Forfeited property (e.g., vehicles), or property purchased with forfeited funds, may not be shared with or used by non-law enforcement personnel.
- **Creation of scholarships or endowments**
- **Use contrary to applicable state or local law**
- **Personal or political use**
- **Purchase of food and beverages:**  
With the exception of food and beverages purchased during law enforcement operations, or purchased pursuant to state and local laws (e.g. food purchased during travel with a per diem), funds may not be used for this purpose.
- **Extravagant expenditures:**  
Law enforcement agencies should use funds prudently, to avoid any appearance of waste, excessive spending, or impropriety.

- **Petty cash or stored value cards:**  
Asset forfeiture proceeds should not be stored or kept in funds where expenditures are not closely tracked and accounted for.
- **Purchase of items for other law enforcement agencies**
- **Costs related to lawsuits**
- **Loans:**  
Funds may not be used to make advance payments for expenditures that will later be reimbursed by grants or other funds.
- **Money laundering operations:**  
Funds may not be used to support state or local undercover money laundering operations.
- **Certain law enforcement equipment covered by Executive Order 13668:**  
Certain military-style equipment and riot gear may not be purchased with these funds.
- **Transfer of funds to non-law enforcement community organizations:**  
Law enforcement agencies may not transfer Treasury funds to non-law enforcement, non-profit community organizations.
- **Transfers to other agencies upon termination of participation in the program:**  
Agencies that are terminating participation in the program to receive Treasury funds may not transfer unspent funds to other law enforcement agencies. Those funds must be returned.

## **II. Federal Funds – Department of Justice**

The rules for expenditure of Department of Justice (DOJ) asset forfeiture funds, which were revised in 2014, are substantially similar to the rules for Treasury Department funds. Law enforcement agencies that fail to follow these rules will be excluded from future equitable sharing in DOJ asset forfeiture funds.

The few minor differences are:

- **DOJ funds may be transferred to non-profit community groups:**  
A law enforcement agency may transfer up to \$25,000 per year from its DOJ funds to community-based non-profit groups whose missions support law enforcement initiatives or policies.
- **DOJ funds may not be used for temporary employee salaries:**  
DOJ funds may not be used to pay for the salaries and benefits of interns or workers employed for one year or less.



- **No prohibition on transfers of funds to other law enforcement agencies on termination:**

There is no specific prohibition in the DOJ rules on transferring funds to other law enforcement agencies when a law enforcement agency terminates its participation in the DOJ asset forfeiture fund equitable sharing program.

### **III. State Funds**

Chapter 59 of the Texas Code of Criminal Procedure controls the forfeiture of assets connected to violations or alleged violations of certain state laws. Many of the principles and limitations that apply in the federal asset forfeiture programs are also seen in state law.

In general, state asset forfeiture funds acquired by a municipal police department must be deposited into a special fund in the municipal treasury, to be distributed to the police department, and used solely for law enforcement purposes.

Proceeds may be spent by the police department after a budget for the expenditure has been submitted to the governing body. The governing body *may not* use the existence of asset forfeiture funds to offset or decrease total salaries or expenses that the police department received from the governing body at or after the time the department receives the asset forfeiture funds.

The receiving agency may use state asset forfeiture funds for activities that relate to the criminal and civil enforcement of state laws, including expenditures for:

- equipment, including vehicles, computers, firearms, body armor, furniture, and software;
- supplies, including office supplies, mobile phone fees, and internet fees;
- investigative and training related travel expenses;
- conferences and training;
- investigative costs, including payments for informants and crime lab costs;
- crime prevention and treatment programs;
- facility costs;
- witness related costs, including travel and security;
- audit costs and fees; and
- donations to entities that assist in the detection of crime, provide mental health services or services for victims, or provide education or training related to the detection of crime or the provision of mental health or victim services.

State asset forfeiture funds may not be used to:

- contribute to a political campaign;
- make a donation to any group (except as outlined above);
- pay expenses related to training or education for any member of the judiciary;
- pay any travel expenses related to attending an educational seminar if such expenses violate generally applicable rules established by the governing body;
- purchase alcoholic beverages; or
- increase a salary, expense, or allowance for a budgeted employee unless the governing body first approves the increase.

#### **IV. Conclusion**

The rules and laws governing expenditure of proceeds from state and federal asset forfeitures can be complex and difficult to apply in any given situation. Moreover, the penalties for violation of the rules can be severe. APD carefully accounts for and controls its asset forfeiture funds. All expenditures must be approved by the Chief of Police, APD's accounting professionals, and the City Law Department. These funds advance law enforcement goals and serve as an important tool in enforcing the law.



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Art Acevedo, Chief of Police

**DATE:** June 17, 2016

**SUBJECT:** Clarification Memo for Item #55 – Contract through the General Services Administration

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The June 23<sup>rd</sup> City Council agenda includes an item for the Mayor and Council's consideration to Authorize negotiation and execution of a 12-month contract through the GENERAL SERVICES ADMINISTRATION cooperative purchasing program with GENERAL SALES ADMINISTRATION, INC. DBA MAJOR POLICE SUPPLY to provide the Vigilant Solutions Automatic License Plate Recognition System in an amount not to exceed \$350,000, with five 12-month extension options in an amount not to exceed \$110,000 per extension option, for a total contract amount not to exceed \$900,000.

In the Amount and Source of Funding section, it states the following, "Funding in the amount of \$ 343,000 is available in the Fiscal Year 2015-2016 Police Federal Department of Treasury Asset Forfeiture Budget of the Austin Police Department and Funding in the amount of \$7,000 is available in the Fiscal Year 2015-2016 Operating Budget of the Austin Police Department. Funding for extension options are contingent upon available funding in future budgets."

Police would like to change the Amount and Source of Funding section to state, "Funding in the amount of \$ 350,000 is available in the Fiscal Year 2015-2016 Operating Budget of the Austin Police Department. Funding for extension options are contingent upon available funding in future budgets."

Police is requesting this change due to Council's concern regarding the expenditure of Federal Asset Forfeiture funding for the purchase. The funding available from the General fund is a result of salary savings above the estimated amount and will not cause the department to exceed their current year budget.

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Art Acevedo, Chief of Police

xc: Marc Ott, City Manager  
Rey Arellano, Assistant City Manager  
Jannette Goodall, City Clerk  
Anne Morgan, City Attorney