

TIMOTHY B. HOWARD
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SHERIFF OF ERIE COUNTY

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October 21, 2019

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Awarding of RFP #1929VF and Contract Authorization

Dear Honorable Members:

Attached please find a proposed resolution and accompanying memorandum from the Erie County Sheriff's Office requesting authorization for the Erie County Sheriff's Office to award a vendor for RFP #1929VF. This resolution also seeks approval for the County Executive and the Sheriff to enter into an agreement with the vendor for a term of 5-years.

Representatives from the Sheriff's Office will be available to answer any questions.

Very truly yours,

TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Awarding of RFP #1929VF and Contract Authorization
Date: October 21, 2019

Summary of Recommended Action

After a 5-month long process of authoring then issuing a Request for Proposals, followed by a three-month process of interviewing prospective vendors and researching the vendor's qualifications, products and security measures, the Body Camera Selection Committee recommended a vendor to the Sheriff and Undersheriff. Following the review of the committee's recommendation, the Sheriff and Undersheriff agreed with the committee's recommendation and authorized representatives from the Erie County Sheriff's Office to negotiate a contract for the Erie County Sheriff's Body Worn Camera program.

Now the Erie County Sheriff's Office and the County Executive need the authorization to award the RFP and to enter into an agreement with the vendor.

Additionally, the legislature needs to transfer funds to purchase body cameras, data storage, and evidence management software. Some of this funding is necessary for the Department of Information and Support Services to upgrade the broadband capabilities at the Sheriff's substations.

Fiscal Implications of Proposal

The awarding of RFP #1929VF will not have a fiscal impact on the 2019 County Budget.

Reasons for Recommendation

The Legislature needs to provide authorization for the Sheriff's Office to award RFP #1929VF to the selected vendor. The resolution also seeks approval for the County Executive, and the Sheriff to enter into a contract with the vendor to supply body cameras, evidence management systems, and cloud-based data storage to the Sheriff's Office for 5-years not to exceed \$600,000.00.

The Erie County Sheriff's Office and the Erie County legislature have agreed to fund the first phase of a body worn camera program for the Sheriff's Office. On June 19, 2019, the Sheriff's Office published RFP #1929VF, seeking proposals for body worn cameras, evidence management systems, and cloud-based data storage. The RFP detailed the requirements of the agency which included a minimum 12-hour battery life, water and weatherproof needs, and impact specifications, cameras without infrared capabilities, an evidence management system with evidence access audit capabilities, and cloud-based data storage solutions with an option to transfer the data to an on-premises data storage server.

The Sheriff's Office created the Body Camera RFP Review Committee (Committee) consisting of nine members. The members included two representatives from the Division of Information and Support Services, two members from the ECSO PBA, four members of the Polices Services Division, and one member from the Sheriff's Administration Division.

The Erie County Sheriff's Office received nine proposals by the published deadline. The Sheriff's Office performed an initial review of the proposals to ensure the vendor's product and service met the agency's minimum standard specifications. Following the initial evaluation, the Committee voted to reject three of the proposals for failing to meet the agency's minimum standards specifications outlined in the RFP.

The Committee met in person four times from July 30 through August 29 and conducted virtual meetings and discussions via group emails. The Committee hosted five (5) qualified vendors for formal presentations and interviewed the vendor representatives. Each presentation and interview lasted approximately two hours and was followed by internal committee discussions.

The Committee had followup questions for multiple vendors and communicated these via group emails. Upon receipt of the vendor's response, the members conducted email conversations as well as in-person conversations.

During the August 29, the Committee held final discussions about the various vendors and polled the members for the top two vendors. Because the Committee had additional questions from the finalists, the members voted to extend the original selection date to continue researching the remaining vendors.

Via emails, the Committee conducted additional conversations and inquires with the finalists. Upon review of the vendors' responses, the Committee voted to award RFP #1929VF to AXON. The Committee's final review of the finalist concentrated on the vendor's current internal security measures to protect the cloud-based stored evidence. The Committee emphasized security throughout the process and believed AXON maintained the highest level of security standards among all the interviewed vendors.

The Committee recommended AXON to the Sheriff and the Undersheriff, who accepted the committee's recommendation and authorized a resolution seeking approval of the RFP and the contract.

This resolution also requests that up to \$10,000.00 be designated to the Department of Information and Support Services for internet access upgrades or installation at the substations, Public Safety Building, 1 Sheriff's Drive (the Ridge), the Erie County Holding Center, and other locations where body camera docking stations are installed. However, the Sheriff's Office requests any unused funds be transferred to the Sheriff's Office to fund its body camera program.

Consequences of Negative Action

The Legislature's failure to approve this resolution will prevent the Sheriff's Office from awarding RFP #1929VF to the most qualified vendor for the Sheriff's Body Worn Camera

program.

Steps Following Approval of Measure

Certified copies of this resolution shall be forwarded to the County Executive, County Attorney, County Comptroller, Division of Budget and Finance, the Purchasing Department, and the Sheriff's Office for implementation.

**A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE**

Re: Awarding of RFP #1929VF and Contract Authorization

WHEREAS, the Erie County Sheriff's Office (ECSO) has been researching the deployment of body worn cameras since October 2016; and

WHEREAS, the ECSO initiated a pilot program for body cameras which ended in March of 2018; and

WHEREAS, the Sheriff's Office authored and published a Request for Proposals (RFP) for a Body Worn Camera program on June 19, 2019, which included specifications for body worn cameras, evidence management systems, and cloud-based data storage; and

WHEREAS, the RFP detailed the requirements of the agency which included a minimum 12-hour battery life, water resistance, weather and impact specifications, cameras without infrared capabilities, an evidence management system with evidence access audit capabilities, and cloud-based data storage solutions with an option to transfer the data to an on-premises data storage server; and

WHEREAS, Sheriff Howard and Undersheriff Wipperman authorized the creation of the Body Camera RFP Review Committee ("Committee") to research and recommend a vendor; and

WHEREAS, the Sheriff's Office received nine RFPs by the deadline of July 10, 2019; and

WHEREAS, upon receipt of the RFPs, the Sheriff's Office performed an initial review of the proposals to ensure the vendor's products and services met the agency's minimum standard specifications, and following the initial evaluation, four of the proposals were disqualified for failing to meet the agency's minimum standard specifications outlined in the RFP; and

WHEREAS, the Committee met in person four times from July 30 through August 29, as well as conducting multiple discussions via group emails; and

WHEREAS, the Committee had nine members which included two representatives from the Division of Information and Support Services (DISS), two members from the ECSO PBA, four members of the Polices Services Division, and one member from the Sheriff's Administration Division; and

WHEREAS, the Committee hosted five (5) qualified vendors for formal presentations and interviewed the vendor representatives. Each presentation and interview last approximately two hours which was followed by internal committee discussions; and

WHEREAS, the Committee had followup questions for multiple vendors and communicated these to the vendor via group emails, and upon receipt of the vendor's response, the members conducted email conversations as well as in-person conversations to review the

answers; and

WHEREAS, during the August 29, the Committee held final discussions about the various vendors and polled the members for their top two vendors; and

WHEREAS, because the Committee had additional questions for the finalists, the members voted to extend the original selection date to continue researching the remaining vendors; and

WHEREAS, through emails, the Committee conducted additional conversations and inquires with the finalists; and

WHEREAS, upon review of the vendors' responses, the Committee voted to award RFP #1929VF to AXON; and

WHEREAS the Committee's review of the finalist concentrated on the vendor's current internal security measures to protect the cloud-based stored evidence. The Committee emphasized security throughout the process and believed AXON maintained the highest level of security standards among all the interviewed vendors; and

WHEREAS, the Committee emphasized server and website security throughout the process and AXON demonstrated it maintained the highest level of security standards among all the interviewed vendors; and

WHEREAS, the Committee followed all procedures and guidelines set forth by the Purchasing Department for RFPs; and

WHEREAS, the Committee consulted with the Department of Purchasing before finalizing its work and contacting the selected vendor; and

WHEREAS, on September 26, the Committee authored and delivered a letter to Sheriff Howard and Undersheriff Wipperman explaining its methodology and reasons for its recommendation as well as the extension of the deadline; and

WHEREAS, on September 30, Sheriff Howard responded in writing his review and acceptance of the Committee's recommendation and authorized members of his administration to begin negotiating an agreement with AXON; and

WHEREAS, the Sheriff, who accepted the committee's recommendation, authorized a resolution seeking approval of the RFP and the contract; and

WHEREAS, representatives from the Sheriff's Office began negotiating a contract with AXON; and

WHEREAS, the Sheriff's Office detailed to AXON the agency's needs and expansion of the body camera program from the original RFP; and

WHEREAS, due to increased industry competition and advancements in digital storage, the costs associated from the original estimation decreased which is allowing the Erie County Sheriff's Office to increase the number of Deputies issued body cameras; and

WHEREAS, the Sheriff's Office has negotiated a five (5) year contract with AXON to supply, 209 body cameras, thirty-four docking stations, unlimited storage, evidence management licensing agreements, evidence redaction software, and extended warranty program through the life of the agreement; and

WHEREAS, under New York State's Freedom of Information Law (Public Officers Law §§84-90), the Erie County Sheriff's Office may charge fees for copies of records based upon the actual cost of reproduction; and

WHEREAS, in instances where it takes substantial time to prepare a copy, the FOIL legislation permits an agency to charge a fee based on the cost of the storage medium used, as well as the hourly salary of the lowest-paid employee who has the skill needed to complete the FOIL request; and

WHEREAS, AXON estimates that video evidence redaction takes three to four minutes for every one minute of video evidence footage; and

WHEREAS, the Sheriff's Office has designated a sergeant as its employee with proper access and training to preserve and redact video evidence, and

WHEREAS, the Sheriff's Office believes a fee of \$10.00 per each redacted video does not create an undue financial burden for the requesting individual; and

WHEREAS, the Sheriff's Office requests authorization to charge \$10.00 per DVD or other types of storage devices to fulfill Freedom of Information Law requests; and

WHEREAS, the Sheriff Timothy B. Howard requests the Erie County Legislature to authorize transfer of \$600,000.00 to fund the body camera program and broadband capabilities; and

WHEREAS, DISS is in the process of auditing the Sheriff's substations and other locations to determine if internet access upgrades will be needed to support the data transfer to the evidence management cloud; and

WHEREAS, up to \$10,000.00 of the designated funds be transferred to DISS to complete all necessary upgrades and installations at the substations, holding center and other designated locations; and

WHEREAS, the Sheriff's Office and DISS request authority to transfer any unused funds back to the Sheriff's Office to support the body camera program; and

WHEREAS, the Sheriff's Office requests the County Attorney's Office to review the

agreement and for the County Executive and sign it allowing the Sheriff's Office to initiate training and deployment in the Police Services and Jail Management divisions beginning in November 2019; and

WHEREAS, this funding will not have an impact on the 2019 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to award RFP #1929VF to AXON; and be it further

RESOLVED, this Honorable Body authorizes the County Executive and the Sheriff's Office to enter into an agreement with AXON for a term of five (5) years for an amount not to exceed \$1,659,253.25 for the Erie County Sheriff's Body Camera Program; and be it further

RESOLVED, this Honorable Body authorizes the Erie County Sheriff's Office to charge a fee of \$10.00 per redacted video and storage article to fulfill New York State Freedom of Information Law requests; and be it further

RESOLVED, this Body agrees to transfer \$10,000.00 to the Department of Information and Support Services for all internet access upgrades and installations at the substations, holding center and other locations deemed necessary by the Sheriff's Office; and be it further

RESOLVED, this Legislature authorizes that any unused funds designated for internet upgrades be transferred to the Erie County Sheriff's Office for its body camera program; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, Certified copies of this resolution shall be forwarded to the County Executive, County Attorney, County Comptroller, Division of Budget and Finance, the Purchasing Department, and the Sheriff's Office for implementation.