City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 20-0706, **Version:** 1

REPORT TO COUNCIL

SUBJECT
Approve Budget Modification No. 4 to Appropriate $121,361 to a New Project, FY20/21 DPS Crime Reporting and IA/Use of Force Tracking Software and Authorize the City Manager to Approve an Amendment to the Existing Contract with Tritech Software to Update Crime Data Reporting Capability

BACKGROUND
The Department of Public Safety (DPS) is requesting funding for a new project that will facilitate the acquisition of two new software solutions that are time-sensitive and require implementation in FY2020/21.

1. NIBRS Software
    The FBI's Criminal Justice Information Services (CJIS) Advisory Policy Board passed a recommendation, which was subsequently approved by the FBI Director in February 2016, to transition all local, state, and tribal law enforcement agencies from the Summary Reporting System (SRS) to the National Incident Based Reporting System (NIBRS) by January 1, 2021. The transition to NIBRS is a top priority because its implementation will improve the nation's crime statistics for reliability, accuracy, accessibility, and timeliness.

    Any crime data collected after December 31, 2020 must be in the NIBRS format in order to be uploaded into the FBI Uniform Crime Reporting (UCR) system. In California, crime data is reported monthly to the state Department of Justice (DOJ) in a flat file that is then transmitted to the FBI. The California DOJ is in the process of updating their data format and obtaining FBI NIBRS Certification. In order for DPS to implement the NIBRS reporting capability on the effective date of January 1, 2021, the current Records Management System (RMS) system must be updated.

    Central Square/Tritech Software Systems, the vendor for the department's current RMS, has provided an amendment (Attachment 1) to the existing contract that will allow DPS to upgrade the existing system to include NIBRS reporting capability. Due to the proprietary nature of the RMS, Tritech Software is the only compatible solution. This will require a one-time cost of approximately $105,000.

2. IA/Use of Force Tracking Software
    In September of 2017, DPS engaged a consultant to conduct a review and analysis of the department's Internal Affairs ("IA") process, and to provide recommendations that would ensure the highest level of effectiveness and accountability in this program. The consultant's key recommendations included creating an off-site IA office for interviews, modernizing the IA process, and providing department-wide training to staff on the Internal Affairs process. These recommendations have been implemented.

Another recommendation from the consultant is that DPS maintain a transparent and accountable IA record keeping process to efficiently track and document misconduct complaints. DPS has determined that a digital record keeping system would provide a comprehensive solution to this need. There are several software solutions that have the required security and data retention capabilities; however, there is only one solution that will seamlessly integrate with the existing digital evidence storage system, "Axon Standards."

The Axon Standards reporting software module would provide a digitally accessible record keeping system capable of tracking misconduct complaints and providing use of force data. The estimated annual cost for Axon Standards is $16,823. Upon approval of this budget modification, DPS will initiate the purchase of this software in accordance with the City's procurement process and policy.

This is an important project for public transparency because issues such as conduct and use of force by law enforcement is of great interest to members of the public. Current state laws (SB 1421, AB 738, and AB 71) also require law enforcement agencies to be more transparent with information related to use of force.

EXISTING POLICY
Pursuant to Sunnyvale Charter Section 1305, at any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by affirmative votes of at least four members so as to authorize the transfer of unused balances appropriated for one purpose to another, or to appropriate available revenue not included in the budget.

DISCUSSION

NIBRS SOFTWARE
For many years, the Department of Public Safety has participated in the Federal Bureau of Investigations (FBI) Uniform Crime Reporting (UCR) Program. The primary purpose of the UCR is to generate reliable information for use in law enforcement administration, operation, and management. The data in the UCR has also become one of the country's leading social indicators, assisting policy makers, analysts and the general public in identifying crime trends and making informed decisions about how to address problems.

Data has historically been collected through the FBI's Summary Reporting System (SRS). SRS is limited, collecting aggregated (i.e., totaled) data and omitting some data in accordance with its Hierarchy Rule. (The SRS Hierarchy Rule states only the one most serious offense within a criminal incident is counted. For example, if a robbery and a homicide occur in the same incident, SRS will only count the homicide.)

NIBRS collects more robust data and details of crime, making it a more effective tool for policy makers, analysts, and the general public. For example, NIBRS collects data on up to ten offenses per incident, and NIBRS collects data on types of offenses SRS does not count at all. This information provides policy makers and the public with a more accurate view of the impact of crime within the community.

The FBI is transitioning to NIBRS-only crime data collection, eliminating SRS effective January 1,

2021. In addition to the many agencies who have already made the transition, several agencies are committing to the transition and are collaborating with the FBI to develop a transition plan and timeline for conversion. Agencies that choose not to participate in NIBRS will not have their crime statistics included in the FBI's nationwide crime statistics and will risk losing funding assistance that is based on participation in the UCR Program.

DPS participates in allocation-based Justice Assistance Grant (JAG) funding which supports front-line law enforcement activities. Effective January 1, 2021, the JAG Program will base its funding calculations on agencies' populations and violent crime statistics but will only consider those statistics that are submitted via NIBRS. This means the crime data of non-NIBRS agencies will not contribute to their state's JAG allocation, which will negatively impact future grant awards.

DPS is requesting one-time funding for the addition of NIBRS to the existing Records Management System (RMS). Implementation of a one-time NIBRS software solution is necessary and time-sensitive, as the target date for completion is January 1, 2021. DPS is also requesting that Council authorize the City Manager to execute the attached amendment to the existing agreement with Central Square/Tritech Software Systems (formerly Superion) to update the Tritech Records Management System with NIBRS reporting capability.

IA/USE OF FORCE TRACKING SOFTWARE
The Axon Standards software ("IA Tracking Software") has been identified as a beneficial tool that would greatly enhance the department's capability to conduct and track Internal Affairs (IA) complaints and use of force incidents. The Axon Standards software module works seamlessly with Axon Body Worn cameras, Axon Tasers and the new Axon MVAR (Mobile Video and Audio Recording) system, all of which are currently being utilized by the DPS. These devices allow the department to upload and catalogue recorded data in the Evidence.com system, which then provides instant access that utilizes appropriate analytics tools for review and retrieval.

The IA tracking component of the software will provide immediate digital access to IA records and statistics. Currently, research of this data involves an outdated IA computer program that is difficult to navigate and often requires staff time to manually retrieve information from paper files.

Axon Standards software will allow the department's IA investigator to complete and route a report electronically through the necessary chain of command, ensuring efficient and secure review of data, and saving staff time that is currently used to download and compile an investigation file into a hard copy format. Additionally, the Axon program will set reminders when reports need to be purged and when investigative deadlines are near, facilitating timely and accurate reporting and record keeping.

In light of recent changes in state laws (SB 1421, AB 738 and AB 71) related to the availability of certain public records, and recent nationwide events that have focused public attention on police use of force, it is reasonable to conclude that the demand for accurate and accountable use of force and Internal Affairs information will continue to increase. To maintain our commitment to accountability and transparency, it is imperative that we have record keeping system that is efficient and that will generate timely and accurate data.

ENVIRONMENTAL REVIEW
The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that is a

fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT
Funding Source
The new project would require appropriation from the General Fund Budget Stabilization Reserve and increase ongoing operating costs.

The one-time cost for this project is approximately $121,361 for two (2) software solutions. It is anticipated that NIBRS data compatibility will be included with any new RMS software solution that would be acquired when the current system reaches the end of its useful life, thus eliminating an additional or ongoing cost for the software.

Acquisition of the Axon Standards Internal Affairs software will result in an increase to the DPS operating budget due to the ongoing annual maintenance cost, with an estimated annual cost of $17,000 and an approximate 20-year impact of $500,961. There is an unknown savings in staff time that will result from the efficiencies of having software that catalogues and retrieves data that was previously manually researched.

Budget Modification No. 4 has been prepared to appropriate General Fund Budget Stabilization Reserves in the amount of $121,361 for a new project, FY20/21 DPS Crime Reporting and IA/Use of Force Tracking Software. Ongoing costs will be included in the FY 2021/22 Recommended Budget. As they are associated with public safety operations, the costs are all funded by the General Fund.

<div align="center">

Budget Modification No. 4
FY 2020/21

</div>

	Current	Increase/ (Decrease)	Revised
General Fund			
Reserves			
Budget Stabilization Reserve	$43,994,127	($ 121,361)	$43,872,766
Expenditures			
FY20/21 DPS Crime Reporting and IA/Use of Force Tracking Software	$ - 0 -	$ 121,361	$ 121,361

PUBLIC CONTACT
Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

RECOMMENDATION
Approve Budget Modification No. 4 to appropriate General Fund Reserves in the amount of $121,361

for a new project, FY20/21 DPS Crime Reporting and IA/Use of Force Tracking Software and Authorize the City Manager to Approve an Amendment to the Existing Contract with Tritech Software to Update Crime Data Reporting Capability

Prepared by: Elaine Ketell, Senior Management Analyst
Reviewed by: Phan S. Ngo, Director, Department of Public Safety
Reviewed by: Kathleen Boutté Foster, Chief Information Officer
Reviewed by: Tim Kirby, Director of Finance
Reviewed by: Jaqui Guzmán, Deputy City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS
1.   Tritech Software Contract Amendment