



May 27, 2016

City of Austin
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Re: Protest of Body-worn Camera Award
Response to Solicitation: # RFP EAD0124

This document is our written protest of the award of Austin Solicitation #RFP EAD0124 to Taser International.

The protest is based upon information included in a recent press report and a review of the Austin RFP EAD0124 technical requirements. A full re-examination of the bid scoring is now justified in light of Austin PD asking for Austin City Council Approval to award **an additional \$5M contract** to provide iPhones to provide functionality missing in Taser body-worn cameras that is already included in the Utility BodyWorn camera solution. We also believe any comparison of video redaction capability was too simplistic to be useful for performing a meaningful evaluation of vendor solutions proposed for Austin Police.

The evaluation of bids for RFP EAD0124 should have included this new proposed iPhone contract as a part of the Taser International bid. Since the RFP EAD0124 bid evaluation did not include the additional \$5M iPhone contract, and no meaningful evaluation of video redaction capabilities was performed, the RFP EAD0124 bid evaluation and award to Taser International was fundamentally flawed and deficient.

Adding missing BWC functionality in a separate \$5M contract

A recent news story reports the Taser bid amount for this RFP was \$12.2 million. Now it is revealed that an additional \$5M contract for iPhones to be paired with Taser body-worn cameras has been proposed – after the RFP EAD0124 contract award was announced. Which means the new combined total bid for Taser's body-worn cameras plus iPhones is \$17.2 million. The Utility proposal **already included providing smart phones** as part our BodyWorn solution and was bid at \$9.6M. Taser's new total \$17.2M equivalent bid is 180% of the Utility bid amount.

The Taser + iPhone solution still does not include the Officer Safety capabilities of Officer Down Emergency Reporting and BOLO, Amber, and Silver alert real-time pushes to Police Officers that the Utility BodyWorn solution provides. Austin will spend \$7.6M more but still get less capability in terms of Officer Safety? How is that a prudent use Austin taxpayer dollars or justified to Austin Police Officers?

On any fair and disciplined RFP analysis basis, this new de facto Taser total contract price of \$17.2 million for the scope of work included in RFP EAD0124 compared to the Utility bid of \$9.6M could easily result in Utility winning the Austin award on a best value basis for Austin Taxpayers. This does not include any value attributed to capabilities that increase the safety of Austin Police Officers, which in all good conscience should not be ignored.

Video Redaction Quality Evaluation was not performed

We also challenge that Taser can provide the video redaction capability that our Smart Redaction provides. We challenge any notion that a simplistic smearing of an entire video qualifies as a redaction method that will be acceptable to FOIA requesters, the Press, Prosecutors, Defense Attorneys, and the Courts. Austin will then be forced to manually redact videos of only faces and skin at a substantial labor effort, with a long elapsed production time. So therefore Austin will face significant additional costs to redact video compared to the Utility Smart Redaction solution. The true cost differential between Taser and Utility video redaction on a 5 year Total Cost of Ownership basis could be millions of dollars per year, and should be included in the overall cost evaluation of vendor bids.

We are not aware of any public information about how Austin evaluated mandatory Technical Requirement 1.8. However, we challenge any analysis that judges simplistic full screen smearing as equivalent to our Smart Redaction. Manual video redaction annual cost could well exceed the cost of the body-worn camera system. The quality, cost, and production time of redacting video will be critical for protecting Austin Citizen and Police Officer Privacy, while also providing Police Accountability and Transparency.

Austin should conduct a fair and equitable side-by-side redaction of three example complex videos with at least 20 people in each video that are at least 15 minutes long. This video redaction challenge should evaluate each redaction solution on the quality of redaction, completeness, ease of use, video administrator elapsed time to perform and review the redacted video, the video redaction execution run time, and overall cost.

Two Devices are less reliable than one device

As a general comment not addressed by RFP EAD0124 Technical Requirements, any solution that depends upon two devices – for example pairing an iPhone with a body-worn camera -- will inherently be less reliable than a single device. Two devices have to be configured, tracked, successfully paired via a Bluetooth connection, and two batteries have to be kept charged. This of course means the Police Officer has two devices to keep up with, to start up,

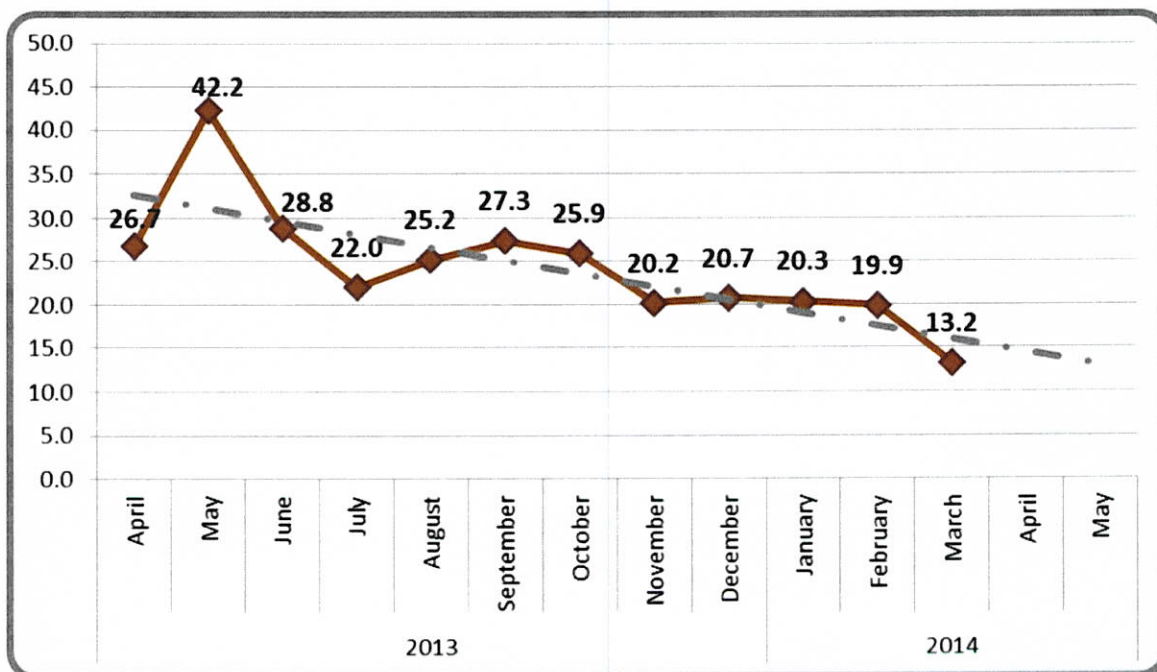
and to verify periodically are still working and paired together via BlueTooth, in addition to the other 10 – 25 pounds of gear and accessories they are already carrying and tasks they are performing. Important functionality is lost when one device's battery is dead, or the BlueTooth connection between devices fails for any reason. It is common sense that one device that provides all functionality is going to be more reliable than two devices. Two devices are inherently going to be more distracting, which is a Police Officer safety issue.

This issue of keeping up with two devices could not have been evaluated by the RFP EAD0124 bid evaluation team, because apparently two devices were not proposed by Taser International in the scope of their bid. If the Taser bid had included a supplemental iPhone in the scope and cost of their bid, there would be no need for Austin PD to now propose an additional \$5M iPhone contract to the Austin City Council. It may be that Austin PD always intended to propose a supplemental \$5M contract for iPhones to the Austin City Council only after the EAD0124 contract was awarded to Taser International. If that was the plan all along, then the EAD0124 RFP was flawed and misleading, and inherently deceitful to other vendors such as Utility who responded on a good faith basis to RFP EAD0124 as it was published.

Manual Recording Failure to Record BWC Video - DoJ Bureau of Justice Phoenix Smart Policing Report – September 2015

The DoJ Bureau of Justice Assistance September 2015 Phoenix Smart Policing report showed that manually-operated body-worn cameras were rarely turned on according to Phoenix PD video recording policy.

Figure 1. Proportion of Incidents with Video



Note: The gray line represents the trend line.

This chart shows the results of analysis of Phoenix PD Computer-Aided Dispatching data of when body-worn camera video ***should have been recorded*** according to Phoenix PD video recording policy compared to how often body-worn camera video was ***actually recorded***. By the end of the study, video was only recorded 13.2% of the times video should have been recorded. Police Accountability and Transparency are significantly damaged when video is recorded less than 20% of the time policy says video should have been recorded.

If the Taser camera proposal did not include automatic video recording triggering capability, then Austin is likely to have the same failure to record video experience as Phoenix. Video will rarely be recorded when recording is up to officer discretion, and the body-worn camera requires video recording to be started manually.

RAND Report – Manually Operated cameras with Officer recording discretion increases assaults on Police Officers and Use of Force against Citizens

RAND Corporation recently published a study from Europe that reports assaults against Police officers rose 15%, and Use-of-Force against Citizens increased by 71% if officers have personal discretion about when to turn body-camera recording on and off. The RAND report is attached.

Certainly Austin does not want to see an increase in either assaults on Police Officers or an increase in Use-of-Force against Citizens. Therefore the ability of various body-worn camera solutions to support Policy-Based Recording and automatic recording triggers should be carefully evaluated and scored.

DoJ Smart Policing and RAND reports – Value of Policy-Based Recording

Both the DoJ Smart Policing and the RAND reports show issues that result when a body-worn camera is manually-operated at Police Officer discretion rather than being based upon Policy-Based Recording and automatic recording triggers to the maximum extent possible.

Challenges to Body-Worn Camera Technical Requirements

The following is commentary on a number of RFP EAD0124 Technical Requirements made in light of this new \$5M iPhone contract addition to the Taser body-worn cameras, and our understanding of the capabilities that are available with Taser body-worn cameras, and supplemental capabilities provided by iPhones paired with Taser body-worn cameras.

Technical Requirement 1.1 – The Vendor’s solution shall include everything needed to install and operate the video system, i.e. camera, mobile viewing device, client software, and any peripheral hardware - Mandatory

Since Austin PD is now requesting a supplemental \$5M purchase of iPhones to be paired with Taser Camera Devices to view video, provide GPS metadata to the Taser Camera device, and to provide other functionality provided by the iPhone when paired with the Taser Camera device, then clearly the Taser proposed solution as described in their response to RFP EAD0124 does not include everything needed to operate the video system. The iPhone is peripheral hardware that will be used as the mobile viewing device, will provide GPS and other metadata, and provide other solution functionality, but is being provided outside the scope of the Taser EAD0124 contract award via a separate \$5M contract. Therefore, the Taser body-worn camera proposal fails Mandatory Technical Requirement 1.1.

Technical Requirement 1.9 – Manage all hardware and software components through a single management console - Mandatory

A solution that requires both a body-worn camera and an iPhone will not be able to manage all hardware and software components through a single management console. There are various ways to manage iPhones, but we challenge any claim that both Taser body-worn cameras and iPhone hardware and software components can be managed through a single management console. Therefore the Taser body-worn camera and iPhone combined solution fails Mandatory Technical Requirement 1.9.

Technical Requirement 2.2 – The camera device shall identify the user wearing it in the metadata associated with recordings - Mandatory

Our understanding is the Taser device is only associated with a User when connected through a management console to a configuration function included in Evidence.com. The camera itself has no way to know which Officer is wearing the camera. There is no screen or user input capability on the Taser device itself for an officer to check to see if the camera is assigned to him or her. There is no NFC chipset reader or other electronic means to associate a camera with an officer’s garment. Since there is no user interface on the Taser body-worn camera, there is no way for a Police Officer to log into the Taser body-worn camera to assign the camera to him or herself. A Police Officer grabbing a Taser device out of a docking station has no way to know whether the device in his or her possession has actually been assigned to them. There will inevitably be situations where Officer A is wearing a Taser device that is actually assigned and registered to Officer B.

Therefore any Officer metadata captured in the video file may not be the Officer who actually recorded the video. There will be times when video metadata will indicate the video was recorded by Officer A, when in fact the video was recorded by Officer B. Therefore the Taser system fails Mandatory Technical Requirement 2.2.

Technical Requirement 2.5 – the system shall not allow users to edit or delete recordings on the body-worn camera – Mandatory.

If an iPhone is paired with a Taser device to view video, it may also be possible for users to edit or delete video using their iPhone device. Since the RFP EAD0124 bid evaluation apparently did not include iPhone devices being provided with access to view and possibly edit or delete video files, this legal evidence chain of custody security risk was never evaluated. It is also not clear if video files viewed through an iPhone in the field are included in Chain of Custody audit control logs. It is unknown if iPhone access to video in the field provides video access Chain of Custody records to Evidence.com. It may be that iPhones can edit or delete video files before they are uploaded to Evidence.com with no audit trail record included in Chain of Custody reporting. If so, then Taser fails Mandatory Technical Requirement 2.5. This Taser body camera and iPhone integration / pairing functionality may not have been tested by Austin, because apparently iPhones paired to Taser cameras was not included in the Taser RFP response.

This award protest does recognize that it is possible that the functionality of iPhones paired to Taser cameras was included in the Taser RFP response, and was tested by Austin PD, but then the \$5M cost for the iPhones was not included in the \$12.2M Taser bid.

Technical Requirement 2.19 – Device memory shall be secured in the device, even if it is removable – Mandatory

If a supplemental iPhone device can view video stored on the Taser camera, then the video files on the Taser camera must not be encrypted or otherwise secured. If the video on the Taser device was secured, it would not be viewable by an iPhone application unless the iPhone was able to decrypt and play the video. So either the video files are not encrypted on the Taser camera, or else the iPhone application is able to decrypt and then play the video. If the video can be played on the iPhone, it can also then be stored on the iPhone in an unencrypted state. This means the video is not secured on the Taser camera, and therefore the Taser camera device fails Mandatory Technical Requirement 2.19 as well as Mandatory Technical Requirement 2.5.

Depending upon how video is played and secured on a supplemental iPhone device, it may be possible for someone to use a separate video recording device (such as a personal cell phone) to record a video of the video being played on the iPhone device paired with the Taser body-worn camera. This video might then be posted to YouTube, TMZ, or other social media sights from the personal recording device. Therefore, playback of video on a supplemental iPhone device could also represent a video security breach method where video would not be secured on the Taser camera device. Therefore the Taser camera device paired with an iPhone device would fail Mandatory Technical Requirement 2.19.

If video is encrypted on the Taser camera device, the method of encryption becomes relevant. Anything less than AES-256 encryption is potentially subject to being decrypted and exposed

if someone obtains physical possession of the Taser camera, cracks open the case, and removes the storage media. Simply removing a file entry in a file control table does not secure the file. Any hacker with modest programming skills could find video files on the Taser camera device, copy the file to a new media, and then play the video.

Technical Requirement 2.26 – The system shall include an in-vehicle charger for the camera - Mandatory

Our understanding is the Taser camera device has a proprietary connector that is used to recharge the Taser battery and also upload video when the Taser camera device is placed in a proprietary Taser central office docking station. If there is an in-vehicle charger connection for the Taser camera device, this connector may also provide a pathway to obtain access to video before the video is uploaded and secured at Evidence.com. If so, this in-vehicle charger device may cause the Taser Camera Device to fail Mandatory Technical Requirement 2.19.

This Mandatory requirement also raises a question about why camera run time minimum hours are specified to be a full shift if the Taser Camera device can be charged in a vehicle during a shift. Does this mean a Taser device may not be able to meet the published run times? Why would a vehicle charger for the camera be a Mandatory requirement?

Technical Requirement 3.10 - It shall be possible to classify recordings and classification shall be able to set retention – Mandatory

Since a Taser camera device does not have a display screen or input capability, it is not possible to classify recordings on the device. Either a supplemental iPhone must be used to classify video, or else video cannot be classified until hours or days later after video has been uploaded. Hours or days of delay before video is classified necessarily means classification errors will increase. Memories about event specifics typically decreases as time passes. Classification errors directly lead to errors in retaining video. Classification accuracy will increase if Officers can classify videos immediately on the scene after an Incident has concluded. Video should be classified immediately even if Policy restricts Officers from reviewing video before they prepare an Incident Report. In any case, it is clear that video cannot be classified on the Taser camera device immediately on the scene at the conclusion of the Incident. So therefore the Taser camera device fails Mandatory Technical Requirement 3.10.

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This analysis did not include an evaluation of the many "Desired" Requirements. However, since the Taser camera device appears to have failed a number of the EAD0124 Mandatory requirements, it is possible there are additional failures by the Taser camera device to meet one or more Desired requirements.

For the cost, officer safety, and mandatory requirement failure reasons listed above, Austin should conduct a full re-examination of all bids. It is known that a significant portion of Taser camera solution advertised functionality depends upon a pairing an iPhone or Android device with the Taser camera device. The purchase of iPhones for an additional cost of \$5M has now been proposed after the EAD0124 contract award. The \$5M cost of the supplemental iPhone purchase has to be added to the Taser bid amount so that proposals are evaluated on a fair and consistent basis. Furthermore an objective and disciplined test of video redaction should be performed, so that each vendor proves their capabilities, and Austin does not blindly accept capability claims that Austin has never verified.

It may be that adding \$5M to the Taser bid price immediately moves the Taser score down and the Utility score from second to first. Since Utility is already the second-ranked vendor, we stand ready and able to proceed with implementation upon receipt of a contract Award.

This contract Award protest is being made on a good faith basis that there are serious issues and flaws in the contract Award to Taser International. This protest addresses key points that should be considered carefully so that Austin obtains the most capable and best value solution for Austin Police Officers and Citizens to protect Police Officer and Citizen safety, reduce assaults on Police Officers, reduce Use-of-Force on Citizens, protect the Privacy for Austin Police officers and Citizens, and provide Police Transparency and Accountability to build and maintain Community Trust.

Also attached to this document is a Body-Worn Camera 5 Year Total Cost of Ownership analysis that Austin should find useful to consider. These cost factors can be tailored to the Austin specific factors, and used as a checklist to ensure that all costs over 5 years are considered. The 5 year Total Cost of Ownership of body-worn cameras is far more than just the initial purchase cost of the camera hardware.

Please acknowledge your receipt of this EAD0124 Contract Award Protest that is being filed on a timely basis.

Sincerely,



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cc: Steven Schaetzel, Esq.
Meunier, Carlin & Curfman, LLC