

**COUNTY OF MILWAUKEE**  
District Attorney's Office  
Inter-Office Communication

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DATE: February 18, 2022

TO: Marcelia Nicholson, Chairperson, County Board of Supervisors

FROM: District Attorney's Office

RE: From the District Attorney, Requesting Authorization to Enter into a Single Source Five-Year Contract with Axon Enterprises, Inc., to Provide Investigators and Process Investigators in the Milwaukee County District Attorney's Office with Body-Worn Cameras and Associated Equipment and Services; and Requesting an Appropriation Transfer to Increase Org. Unit 4500 – District Attorney expenditures (Account 70809) by \$24,979 and revenues (Account 44007) by \$24,979 consistent with that Contract and a Grant Award (Grant award ID 15PBJA-21-GG-04399-BWCX), which will Partially Off-set the Contract Costs

We are requesting, pursuant to section 56.06(1) of the county general ordinances (CGO),

- (1) Authorization to enter into a single source, five-year contract with Axon Enterprises, Inc., to provide Investigators and Process Investigators in the Milwaukee County District Attorney's Office body-worn cameras, and associated equipment, services, storage, and training. The cost over the five-year contract will total \$152,486, and will be partially offset in years one, two and three by a \$48,000 grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance ("BJA") (Grant award ID 15PBJA-21-GG-04399-BWCX). The contract term will be from April 1, 2022 through March 31, 2027.
- (2) That the Office of Strategy, Budget and Performance and the Office of the Comptroller be authorized to process an appropriation transfer to increase Org. Unit 4500 – District Attorney expenditures (Account 70809) by \$24,979 and revenues (Account 44007) by \$24,979 to reflect the receipt of the federal U.S. Department of Justice grant award (Grant ID 15PBJA-21-GG-04399-BWCX) to effectuate the body-worn camera initiative.

**BACKGROUND**

On May 26, 2021, BJA released a solicitation for federal funding under the "2021 BJA FY 21 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies," grant Opportunity Number is O-BJA-2021-131001 ("federal grant"), a three year grant to fund the purchase of body-worn cameras that are implemented as part of comprehensive body-worn camera programs. That grant requires a 1:1 local match.

In File 21-581, the District Attorney’s Office applied for, and received, County Board permission to apply for that grant and to accept grant funds if awarded.

After the Resolution in File 21-581 was approved, the District Attorney’s Office applied for \$48,000 in funds under the federal grant.<sup>1</sup> On December 17, 2021, the District Attorney’s Office received notice that it had received an award of \$48,000 over a three-year period under the federal grant to partially fund the acquisition and maintenance of, digital storage for, and training in the use of, body-worn cameras and equipment (“body-worn camera services”) for its sworn investigators and process investigators. The federal grant award has been designated as Grant ID 15PBJA-21-GG-04399-BWCX.

PROPOSED CONTRACT

The District Attorney’s Office has an authorized staff of twenty-five sworn positions, including the Chief Investigator, sixteen FTE Investigators, two FTE line supervisors, and six hourly Process Investigators, all of whom interact with the public when engaging in official, law enforcement-related functions. We seek to equip all sworn staff with body-worn cameras, because the devices improve law enforcement interactions with the public; strengthen law enforcement accountability; and assist in deescalating conflicts, resulting in more constructive encounters between officers and the community

There are at least twenty companies that provide body-worn cameras and related supplies and services to law enforcement agencies, nation-wide. None are located in Milwaukee County or in Wisconsin. One of the primary vendors is Axon Enterprises, Inc. (“Axon”). There are nineteen law enforcement agencies in Milwaukee County; sixteen equip officers with body-worn cameras. Axon currently provides body-worn camera services to ten of those sixteen agencies, including the Milwaukee Police Department (MPD) and the Milwaukee County Sheriff’s Office.

In January of 2022, Axon provided the District Attorney’s Office a proposed contract to provide our sworn staff body-worn camera services. (See the Contract, attached). The quote, for a five-year contract totaling \$152,486, is summarized here, by item category and on an annual basis:

5 Year Contract Cost by Item Category		
Item	Quantity	Amount
Axon Body 3 Camera Bundle <sup>2</sup>	24 <sup>3</sup>	\$16,776.00

<sup>1</sup> The solicitation capped the grant award at \$2000 per body camera to be acquired. Because the District Attorney’s Office projected 24 sworn personnel at the time, the maximum possible award was \$48,000.

<sup>2</sup> The Camera Bundle includes cameras, mounts, and cables.

<sup>3</sup> Although we have 25 sworn staff, we are seeking only cameras and associated equipment and services for 24. When we submitted the grant application, the District Attorney’s Office had 25 authorized sworn positions in the Investigative Unit. Because we did not know how many positions would be authorized and funded for 2022, we projected that we would need cameras for 24 in the grant budget, and the award we received was based on that number. Although the number of authorized positions has remained at 25, because the grant funding is fixed, we intend to proceed with 24 devices as contemplated by the grant. Two part-time employees whose shifts do not overlap will share equipment.

Evidence.com Unlimited TAP Bundle <sup>4</sup>	24	\$126,343.30
Professional Services Bundle <sup>5</sup>	1	\$4750.00
Axon Body 3 8 Bay Docks	3	\$4,616.70
Total		\$152,486.00

Contract Cost by Year	
Year 1 <sup>6</sup>	\$49,958.00
Year 2	\$25,632.00
Year 3	\$25,632.00
Year 4	\$25,632.00
Year 5	\$25,632.00
Total	\$152,486.00

The grant award will reimburse the District Attorney’s Office for \$48,000 of the total contract costs, on the following schedule:

Grant Budget and Reimbursement Schedule						
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Federal Funds	\$24,979	\$12,816	\$10,205	\$0	\$0	\$48,000
County Funds	\$24,979	\$12,816	\$15,427	\$25,632	\$25,632	\$104,486
Total Expense	\$49,958	\$25,632	\$25,632	\$25,632	\$25,632	\$152,486

In Years 1 and 2, the federal grant will match county dollars 1-to-1. In Year 3, grant funds will reimburse only \$10,205 of the contract cost because, in that year, the grant reimbursement will reach, on a cumulative basis, the award maximum, and grant funds be fully expended.

By entering into a five-year contract for body-worn cameras and related equipment and services, the District Attorney’s Office will be committing to a long-term, comprehensive body-worn camera program that embodies evidence-based and problem-solving approaches.

**SINGLE SOURCE REQUEST**

A procurement having an aggregate value of more than \$50,000 normally is required to go through a formal purchase process. However, purchases may be made from a single source where the items, by their nature, are not adapted to award by competitive bidding

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<sup>4</sup> Technology Assurance Plan (TAP) is a service plan that provides warranty coverage for the equipment. The agreement provides no-cost replacement cameras and docking units every 2.5 years, on-site spare units, and an extended warranty. The Unlimited TAP Bundle provides unlimited cloud storage for body-worn camera recordings and a Pro License (which gives users the ability to redact recordings to comply with Marsy’s law and trial courts’ *in limine* orders), a transcription tool, and a multi-camera function. The Unlimited TAP Bundle provides a cost savings of \$27,809.54 over the 5 year life of the contract.

<sup>5</sup> The Professional Services Bundle is initial training and on-site set up of equipment by Axon personnel.

<sup>6</sup> The Year 1 costs include the costs of cameras, docks, and set-up service; subsequent years’ costs relate primarily to the annual cost of the TAP Bundle.

as determined by the procurement director or his or her designee and approved by the purchasing standardization committee. Because this multi-year contract requires County Board approval, the District Attorney's Office seeks County Board approval for a single source purchase from Axon as described above. (See Single Source Request, attached)

In support of the request to enter into the proposed contract with Axon, the District Attorney notes that the body-worn camera to be acquired under the contract, the Body 3 Camera, is available only from Axon. (See Axon Camera Sole Source Letter, attached) In addition, the District Attorney's referral and discovery processes are designed around Axon products and services; products and services from another vendor would not fit seamlessly into current processes.

A. Integration with Current Systems in the District Attorney's Office

As noted, ten of the sixteen law enforcement agencies in Milwaukee County which equip officers with body-worn cameras obtain their equipment from Axon. Those ten agencies include the Milwaukee County Sheriff's Office and the three largest police departments: MPD, the Wauwatosa Police Department, and the West Allis Police Department. Each of those agencies routinely captures body-worn camera video and police squad video using their Axon equipment; in support of referrals for criminal prosecution, each routinely transmits substantial amounts of such material to the District Attorney's Office through Axon, through a service called Evidence.com, which is also referred to as "E.com."

All information transmitted to the District Attorney's Office in conjunction with a referral for prosecution must be stored and retained for a period consistent with public record retention rules; in addition, when a defendant is charged, police reports, witness statements, body-worn camera video and squad video, and other relevant material must be provided to the defendant as part pre-trial discovery. Due process requires that discovery be turned over in a timely fashion.

The District Attorney's Office receives thousands of evidentiary videos from law enforcement each year. These must be pulled into our system, associated with a referral, saved to an appropriate location, and documented; then tracked, sent out as discovery if a criminal complaint is filed, and eventually archived. Most of the District Attorney's referrals come from the three largest police departments: in 2021, the District Attorney's Office received over 26,000 referrals; over 19,000 (about 70%) came from MPD, Wauwatosa, and West Allis, all of which transmit digital evidence to the District Attorney's Office through E.com. Although not all referrals contain digital evidence such as body-worn camera or squad video, most do; and many contain multiple. In 2021, the District Attorney's Office received 163,885 pieces of evidence through E.com from our partner agencies. Not surprisingly, the District Attorney's Office has designed its case intake, digital storage, and discovery dissemination processes around Axon products and services.

The District Attorney's Office receives its largest volume of referrals and digital evidence from MPD: in 2021, about 64% of the District Attorney's referrals (17,202) came from MPD. The contract between MPD and Axon provides every member of the District

Attorney's legal staff with an Axon account, through which the attorney can view body-worn camera, squad video, and other digital evidence. As a result, prosecutors have developed proficiency in reviewing and playing the material received through Axon.

B. Meeting Constitutional Standards for Discovery

Axon provides direct access share to and from partner agencies via E.com link, which increases the speed of transmission and prevents the potential corruption of data in the downloading / uploading process. That link can be secondarily be shared with defense attorneys, which ensures that defendants receive full and complete discovery in a prompt fashion and which saves digital media costs.

Axon services include an audit log, which tracks the user and the time the equipment was activated, as well as whether digital evidence transmitted to the DA has been viewed and when it was secondarily disseminated. This enables staff to more easily associate video with a referral to ensure that discovery is complete, and to ensure it was provided as discovery as required.

C. Integration with Law Enforcement Systems

The District Attorney's Office has an existing contract with Axon for Tasers and related equipment. Axon integrates its Tasers and its body-camera video systems: when a Taser is deployed, the body worn camera is automatically activated. The Tasers currently held by the District Attorney's sworn staff are too old for this process; but as they are life-cycled, they will be upgraded to models with this feature.

D. Other Features

As part of its Unlimited Tap Bundle, Axon includes a transcription service, providing 100 minutes of free transcription per user account. The District Attorney can use this to transcribe body-worn camera video or other recordings as needed.

Axon also includes a tagging feature, allowing the user to tag portions of video recordings with a unique identifier, such as an incident number or a case number, so that the video can be associated with a case at a later point. The feature is particularly important for the Process Investigators, who may be serving multiple individuals with subpoenas in different cases on a given day. The feature permits each interaction to be individually tagged and associated with the proper case, to be retrieved, disseminated as discovery, and used in as evidence in court as necessary.

For these reasons, District Attorney's Office requests County Board approval for a single source purchase from Axon, as described above.

FISCAL EFFECT

Because the grant funds had not been awarded at the time the District Attorney's 2022 requested budget was submitted, or the final budget, approved, the revenues and expenditures associated with the grant and the contract for body-worn camera services were not included in its 2022 County budget request. It is early in the fiscal year, but at

this point, we believe we will be able to absorb the unfunded required match of \$24,979 in our 2022 operating budget. Therefore if the District Attorney's Office receives authorization to enter into the contract with Axon as proposed here, our 2022 budget revenues should be increased by \$24,979, the amount of reimbursement we will claim under the grant; and our 2022 expenditures should similarly be increased by \$24,979. We will, however, continue to monitor our budget and may return to the Board at a future date to seek contingency funding to cover the unfunded match.

TERMS

We anticipate the contract will go into effect on April 1, 2022, and end on March 31, 2027.

For all the foregoing reasons, the District Attorney's Office respectfully requests authorization to enter into a sole source 5 year, \$152,486 contract with Axon Enterprises, Inc., to provide body-worn camera services to its investigators and process investigators, with an effective term of April 1, 2022 through March 31, 2027. The District Attorney's Office further requests the Office of Strategy, Budget and Performance and the Office of the Comptroller be authorized to process an appropriation transfer to increase Org. Unit 4500 – District Attorney expenditures (Account 70809) by \$24,979 and revenues (Account 44007) by \$24,979 to reflect the receipt of the federal U.S. Department of Justice grant award (Grant award ID 15PBJA-21-GG-04399-BWCX).

Contacts for Committee Meetings:

District Attorney John Chisholm	<a href="mailto:john.chisholm@da.wi.gov">john.chisholm@da.wi.gov</a>
Deputy District Attorney Bruce J. Landgraf	<a href="mailto:bruce.landgraf@da.wi.gov">bruce.landgraf@da.wi.gov</a>
Deputy District Attorney Karen Loebel	<a href="mailto:karen.loebel@da.wi.gov">karen.loebel@da.wi.gov</a>
Chief Investigator Scott LaFleur	<a href="mailto:scott.laFleur@da.wi.gov">scott.laFleur@da.wi.gov</a>
Financial Manager Anna Thomas	<a href="mailto:anna.thomas@da.wi.gov">anna.thomas@da.wi.gov</a>
Database Assistant Lynne Zidek	<a href="mailto:lynne.zidek@da.wi.gov">lynne.zidek@da.wi.gov</a>

PREPARED BY

Karen Loebel, Deputy District Attorney

APPROVED BY

John T. Chisholm, District Attorney

ATTACHMENTS

Contract  
Axon Camera Sole Source Letter  
Single Source Request