



SUMMARY REPORT

Agenda Date: 12/10/2024

To: Sonoma County Board of Supervisors
Department or Agency Name(s): District Attorney
Staff Name and Phone Number: Shane Lewis 707-565-3150
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:

Agreement with Axon Enterprise Inc.

Recommended Action:

Adopt a Resolution to delegate authority to the District Attorney or their designee to execute Agreement Q-611657-45609.870BC with Axon Enterprise, Inc. for 120 software licenses and subscription to a Digital Evidence Management System (DEMS) to receive and share evidence with law enforcement agencies, store and manage files, utilize editing tools, and share files with the Public Defender or other defense counsel, in the amount of \$1,711,584 for the period of January 1, 2025-June 30, 2035. (Majority)

Executive Summary:

The District Attorney's Office (DAO) is the public prosecutor and has the mandated responsibility to prosecute crimes committed within Sonoma County, including city jurisdictions, pursuant to the following:

Government Code 26500:

The district attorney is the public prosecutor, except as otherwise provided by law. The public prosecutor shall attend the courts, and within his or her discretion shall initiate and conduct on behalf of the people all prosecutions for public offenses.

Penal Code 1054.1

The prosecuting attorney shall disclose to the defendant or his or her attorney all of the following materials and information, if it is in the possession of the prosecuting attorney or if the prosecuting attorney knows it to be in the possession of the investigating agencies:

- (a) The names and addresses of persons the prosecutor intends to call as witnesses at trial.
- (b) Statements of all defendants.
- (c) All relevant real evidence seized or obtained as a part of the investigation of the offenses charged.
- (d) The existence of a felony conviction of any material witness whose credibility is likely to be critical to the outcome of the trial.
- (e) Any exculpatory evidence.
- (f) Relevant written or recorded statements of witnesses or reports of the statements of witnesses whom the prosecutor intends to call at the trial, including any reports or statements of experts made in conjunction with the case, including the results of physical or mental examinations, scientific tests, experiments, or comparisons

which the prosecutor intends to offer in evidence at the trial.

As part of prosecuting cases, attorneys often need to review video files, police interviews with suspects and witnesses, police reports, 911 tapes, and other related digital and electronic files and are required by law to provide these copies to the Public Defender's Office or to other defense counsel. The current technology available to the DAO through law enforcement partners does not provide the necessary tools to ensure we are meeting both our mandated responsibilities and requirements to share materials with the Public Defender or defense counsel.

Discussion:

The DAO is the public prosecutor and has the mandated responsibility to prosecute crimes committed within Sonoma County, including city jurisdictions, pursuant to Government Code 26500. As part of prosecuting cases, attorneys often need to review video files, police interviews with suspects and witnesses, police reports, 911 tapes, and other related digital and electronic files and is required to provide these copies to the Public Defender's Office or other defense counsel.

At present, the District Attorney does not possess an omnibus repository system to retain and centralize electronic files for the purpose of retention and reevaluation, which has become critical due to Criminal Justice Reform efforts by the California Legislature to permit re-litigation of all prior prosecutions and to respond to Public Records Act requests. For example, SB 384 requires the District Attorney's Office to review old files to determine whether sex offenders should be re-tiered. Penal Code section 1172.6 requires the DA to potentially re-litigate old murder convictions. Penal Code Section 745 (2021 Racial Justice Act) creates a mechanism for the defense to potentially relitigate old cases where there is an allegation of racial discrimination. Last, AB600 allows a judge to recall any sentence, at any time, to reconsider sentencing in light of changes in law. These examples illustrate the need for expanded file retention and storage capabilities.

The DAO has attempted to leverage the current technology available from our law enforcement partners but with the significant increase and reliance on body worn cameras, dashcams, smart phones and home/business video surveillance it is critical that we implement a DEMS. The current application available through our justice partners provides basic functionality and supports only Axon-generated data. Axon Justice Premier, however, is a Digital Evidence Management System (DEMS) designed to allow the DAO to store all data related to criminal prosecutions in Sonoma County with advanced tools to help us more efficiently review the large volumes of data associated with our cases including the ability to share with defense counsel and ensure that we have met requirements related to Discovery. Additionally, Axon Justice provides unlimited storage, ensuring the DAO can manage evidence without capacity constraints.

A Digital Evidence Management System (DEMS) will improve, automate and streamline our business processes. Axon offers a cloud-based Digital Evidence Management System (DEMS) to facilitate receiving and sharing case-related files for the investigation and prosecution of crimes. Axon Justice provides functionality not available to our office, including a user interface built for prosecutor workflows and review tools. DAO staff will be able to quickly identify new cases, determine whether they have been reviewed, track which cases require review, identify disclosed cases and their recipients, and identify which cases still need to be sent to defense. Furthermore, advanced review tools such as transcription and translation, enabling staff to review cases more efficiently. Law enforcement agencies and first responders can submit any digital materials through the DEMS to the DAO for review, further investigation, and prosecution. The DAO can also use the DEMS to share files with the Public Defender or other defense counsel. There are over fifteen law enforcement

and first responders in the County that already utilize Axon as their provider of body worn camera technology. The DAO currently uses the law enforcement version of Evidence.com, which is limited to storing Axon-generated data such as body-worn camera (BWC) footage and in-car camera recordings. Axon Justice expands this capability, allowing the DAO to store all digital evidence in one centralized location, making it easier for staff to track, review, and disclose evidence. Additionally, Axon Justice Premier includes ingest portals for non-Axon law enforcement agencies (LEAs) to share digital evidence with the DAO, further consolidating all evidence in a single, centralized system. In addition, the DAO's use of Axon will allow every police agency to submit their files, irrespective of their vendor, to the DAO electronically. The Department can share files through the site with the Public Defender or other defense counsel as Axon does not require a license for other entities to retrieve and download shared files. The DEMS keeps record of when the DAO provides discovery to the Public Defender or defense counsel to comply with Penal Code Sections 1054 et seq.

The DEMS also provides tools to standardize file formats and trim the content for faster review and analysis. For example, the new DEMS will be able to add time metrics to files (audio and video) and will provide the ability to add tags so that reviewers can determine what time components are specifically related to the incident being investigated and prosecuted. It provides the functionality to blur faces and license plates of the public not involved in the crime and can create a transcription of recorded events such as suspect or witness interviews, 911 calls, and jail calls. In addition, it offers tools to clean up files to allow for better audio and picture clarity. The DAO is currently using the law enforcement version of Evidence.com, which only supports the transfer of evidence from Axon law enforcement agencies (LEAs) and the ability to share it with the defense. However, this version was not designed as a Digital Evidence Management System (DEMS) for prosecutors. Axon Justice Premier, on the other hand, is specifically tailored for prosecutorial needs. It includes ingest portals for non-Axon LEAs to share evidence with the DAO, unlimited storage, and unlimited searchable transcription. Additional features include the ability to view third-party videos without requiring a codec, a multi-camera view of incidents, and advanced redaction tools for videos, documents, audio, and photos. Furthermore, it offers a disclosure portal that allows the defense to access evidence securely via the cloud. These capabilities streamline the intake, review, and disclosure of digital evidence, enhancing efficiency for the DAO.

The Department requests approval of a 10.5 year contract, an initial 5.5 year agreement and a 5 year renewable agreement with Axon for 120 user licenses to the DEMS and unlimited cloud storage. Unlimited cloud storage ensures that the Department can retain case files for an indefinite period, receive files from law enforcement on a continuous basis, and provide discovery ongoing access to files without running the risk of reaching storage capacity. As attorneys rotate assignments, the evidence will remain consistently available with the notes or edits from attorneys previously assigned to the cases. The tracking functionality that DEMS offers for the files provides a chain of custody from the date and time files were received by the DAO through the time they were provided to defense counsel. This chain of custody reduces or eliminates liabilities associated with claims of misplaced evidence, discovery not being provided to the defense in a timely manner, and tracks staff access and edits to the files. The system maintains the file and format as originally submitted. The system ensures that any edits for clarity and efficiency occur on copies of the files.

Terms of the contract include Axon's compliance with the FBI's Criminal Justice Information System (CJIS) such as additional protective measures for the Department's files, storage, and access within the United States by authorized users only, and protocols to limit damage in the event of a data breach. For more information please see <https://trust.axon.com>. Axon maintains CJIS and Fed Ramp High certification. The platform is

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enabled for Single Sign-On (SSO) and Active Directory (AD) to manage authorized users and every aspect of the platform can be audited. The Department will have continuous and unobstructed access to files, and technical support 24 hours a day.

The DAO is utilizing Axon’s Master Services and Purchasing Agreement through a favorable cooperative purchasing Agreement between Axon and Sourcewell that has been approved by County Counsel and County Purchasing. Sourcewell is a State of Minnesota local government unit and service cooperative that offers procurement solutions to government entities.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

N/A

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses	\$71,280	\$71,280	\$148,262
Additional Appropriation Requested			
Total Expenditures	\$71,280	\$71,280	\$148,262
Funding Sources			
General Fund/WA GF	\$71,280	\$71,280	\$148,262
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources	\$71,280	\$71,280	\$148,262

Narrative Explanation of Fiscal Impacts:

The DAO will absorb the cost for FY 24/25 and work with the CEO, Public Defender and County Counsel regarding General Fund monies allocated to the Public Defender and Alternate Defense Counsel for discovery which totaled \$96,100 in FY 23/24 to offset the ongoing costs associated with the DEMS and submit a Program Change Request for FY 25/26 Budget.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

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Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

1. Axon Board Resolution
2. Axon Contract & Purchasing Agreement
3. Final Quote Q-611657-45609.870BC
4. Approved Single Source Waiver

Related Items "On File" with the Clerk of the Board:

N/A