

REVISED

Agenda Report

January 22, 2024

TO: Honorable Mayor and City Council

THROUGH: Community Police Oversight Commission (December 7, 2023)

FROM: Police Department

SUBJECT: **AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TACTICAL SUPPORT EQUIPMENT, INC. NOT-TO-EXCEED \$1,281,614 FOR THE PURCHASE OF A CELLULAR SITE SIMULATOR; ADOPT A RESOLUTION AUTHORIZING THE CONTRACT AND CORRESPONDING POLICE DEPARTMENT POLICY; AND AMEND THE POLICE DEPARTMENT'S FISCAL YEAR 2024 OPERATING BUDGET BY APPROPRIATING \$1,281,614**

RECOMMENDATION:

It is recommended that the City Council:

1. Find the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the "Common Sense" exemption that CEQA only applies to projects that may have the potential for causing a significant effect on the environment;
2. a) Accept the bid dated August 14, 2023, submitted by Tactical Support Equipment, Inc. (TSE) in response to specification for a cellular site simulator for the Police Department, and b) authorize the issuance of a contract with TSE in an amount not to exceed \$1,281,614. This includes the base amount of \$1,074,548, use tax of \$107,066 and contingency of \$100,000;
3. Adopt a resolution authorizing the above-mentioned contract and Pasadena Police Department Policy 620, pertaining to cellular site simulators; and
4. Amend the Police Department's Fiscal Year (FY) 2024 Operating Budget by appropriating \$1,281,614 from the unappropriated fund balance in the Asset Forfeiture Fund (207) for the purchase of the cellular site simulator.

BACKGROUND:

The Pasadena Police Department (PPD) has identified the need to procure cellular site simulator (CSS) technology. The CSS technology is utilized by law enforcement personnel to locate suspects of criminal investigations, victims of abduction or foul play, and missing persons. This technology would substantially increase the Police Department's ability to achieve its public safety objectives for the residents and guests of Pasadena.

The PPD's CSS technology project team conducted a preliminary assessment to define goals of the project as well as gather information about competition, standard operations, and other features available in the marketplace. Subject matter experts from across the United States, employed by both governmental agencies (local, regional, state, and federal levels) and private businesses, were consulted. Their insight assisted the PPD project team in determining an optimal technological solution and procurement strategy.

Deployment of the CSS equipment would commonly occur in critical incidents such as: missing persons (Amber / Silver Alerts), homicides, attempted homicides, kidnappings, major drug trafficking, credible school threats, and credible threats to Rose Bowl events. The Police Department has been relying on other law enforcement agencies for assistance with the CSS technology. Although the assistance has been appreciated and effective, there are delays associated to borrowing the technology; the consequences of which led to violent offenders remaining in our community to re-offend.

The CSS technology will offer authorized investigators the ability to locate cellular devices in two scenarios: (1) During an exigent situation / emergency, which must be followed up by a search warrant submittal to a magistrate within 72 hours or (2) following a search warrant being reviewed and signed by a magistrate in accordance with applicable state and federal law. In both scenarios, the search warrant must specifically request the use of CSS technology. Authorized investigators can use the CSS technology to help locate cellular devices whose unique identifiers are already known to law enforcement, or to determine the unique identifiers of an unknown device.

The CSS equipment uses cellular technology to provide the precise geo-location of a cellular device. The system does not allow investigators to access, read, and/or listen to any communication, data, text messages, emails, etc. from the target's cellular communication device. There are no violations of privacy laws or infringement of personal privacy when CSS technology is utilized pursuant to magistrate approval based upon probable cause. The CSS technology shall not be utilized unless the proper legal process has been followed.

On August 3, 2023, an email notification about the procurement of a Cellular Site Simulator was sent via the City's e-procurement site to 2,608 users. Nine vendors downloaded the bid documents. One response was received by the bid closing date of August 14, 2023. The bid results are as follows:

<u>Bidder(s)</u>	<u>Amount</u>
Tactical Support Equipment, Inc. (TSE, Inc., Fayetteville, NC)	\$1,074,548

TSE was the one responsive and responsible bidder that complies in all aspects of the requirements in the Bid Specification. Based on a comparison of historical prices and purchases conducted by other cities of similar technology, this pricing represents fair market value. The proposed contract includes the base bid of \$1,074,548. The Police Department is requesting an additional \$100,000 as contingency should any modifications become necessary during manufacturing along with \$107,066 for the payment of applicable use tax. The total cost would be \$1,281,614.

The Police Department recommends purchasing the CSS technology from TSE for the base bid of \$1,074,548, plus allowing an additional \$100,000 be set aside as a contingency and \$107,066 for use tax. If approved, the total cost would be \$1,281,614.

The cellular site simulator (CSS) procurement project was presented to the Public Safety Committee on April 19, 2023, the Finance Committee on October 23, 2023, and the Community Police Oversight Commission on November 2, 2023. Following the inclusion of some recommended edits, the cellular site simulator procurement project and related department policy were re-presented to the Community Police Oversight Commission on December 7, 2023. During the presentation, the Community Police Oversight Commission recommended the Police Department / City Council adopt the revised cellular site simulator policy with four additional recommendations. Three of the four recommendations were adopted by the Police Department and added to the draft CSS policy; one recommendation was not.

The fourth recommendation included adding in language recommending any agencies requesting to use the CSS will have a draft policy of their own on its use. After consideration, the Police Department did not add this language to the draft policy as the department's policy, once approved, requires the requesting agencies to agree and adhere to Pasadena Police Department's CSS Policy that we will provide them upon its use.

California Government Code Section 53166, subdivision (c) (1) states that ... "a local agency shall not acquire cellular communications interception technology unless approved by its legislative body by adoption, at a regularly scheduled public meeting held pursuant to the Ralph M. Brown Act [...], of a resolution or ordinance authorizing that acquisition and the usage and privacy policy required by this section." Once adopted by the City Council, the Resolution will assist the PPD to provide for the safety, health and social service needs of Pasadena residents. The Department will post its usage and privacy policy related to the CSS technology on its Internet website pursuant to Government Code Section 53166, subdivision (b) (2).

Generally speaking, the City Council may not play a direct role in approving Pasadena Police Department policies, due to sections 409 and 604(J) of the Charter, which establish the Council-Manager form of government. The City Attorney's office has shared public opinions addressing this limitation in relation to, for example, PPD's body-worn camera policy, as well as, more recently, the timing of completing administrative (personnel) reviews of police officer involved shootings. Here, however, is one

exception to the general rule, where the Council is required to approve of a PPD policy, due to the requirements of Government Code Section 53166.

COUNCIL POLICY CONSIDERATION:

This agenda item supports the following City Council Strategic Planning Goals:

Ensure public safety: This technology furthers the City Council's strategic planning goal of ensuring public safety by giving the Police Department the ability to quickly locate violent offenders following the commitment of criminal acts and / or save vulnerable victims who have been abducted or are missing.

ENVIRONMENTAL ANALYSIS:

The proposed action has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061 (b)(3), the Common Sense Exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The purchase of the CSS technology would have no adverse impact on the environment.

FISCAL IMPACT:

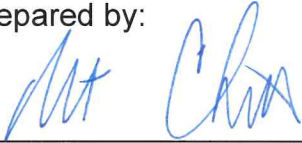
This action will amend the Police Department's FY 2024 Operating Budget by an amount not to exceed \$1,281,614 for purchase of the cell site simulator. This action will be funded by the unappropriated fund balance in the Asset Forfeiture Fund (207). It is anticipated that all costs will be expended in FY 2024. There is no impact to the General Fund.

Respectfully Submitted,



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MIGUEL MÁRQUEZ
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