

The Regional Municipality of York Police Services Board

Public Board Meeting
June 22, 2022

Report of the Chief of Police

Direct Purchase of Conducted Energy Weapons

1. Recommendations

1. That the Board approve a direct purchase for the purchase and supply of the Taser 7 Conducted Energy Weapons to Axon Public Safety Canada Inc. at a total cost not to exceed \$2,070,000 excluding HST, for a period of 75 months; and
2. That the Chief of Police be authorized to execute the contract on behalf of the Board, subject to the approval of the Regional Municipality of York's Regional Solicitor, or designate, as to form and content.

2. Summary

This report requests the approval to enter into a direct purchase agreement with Axon Public Safety Canada Inc. (Axon) for the purchase of the Taser 7 (T7) Conducted Energy Weapon (CEW) platform.

Key Points:

- Axon is the only entity that can supply Canadian law enforcement with the T7 platform directly with the manufacturer;

- The Taser X2 CEW model is the current CEW platform used by York Regional Police and has been in use since 2014;
- The current Taser X2 CEW model is antiquated and will be discontinued by Axon in 2023;
- The Axon T7 CEW has been authorized for use by the Ministry of the Solicitor General;
- The 75-month contract term reflects the staggered delivery date of the T7 CEW and the life cycle of each device.

3. Background

REPLACEMENT AND TRANSITION OF THE TASER X2 CONDUCTED ENERGY WEAPON PLATFORM TO THE NEW TASER 7 CONDUCTED ENERGY WEAPON

CEWs have been approved for law enforcement use by the Ministry of the Solicitor General since 2002. The CEW program was originally implemented by York Regional Police in 2014, where the earlier Taser X2 CEW platform was first integrated. CEWs are a less lethal force option designed to safely incapacitate violent subjects during intense encounters. The CEW emits electrical impulses which affect the nerves that regulate movement in the human body and have proven to be an effective tool for police officers in de-escalating dangerous subjects and situations.

All CEW law enforcement programs require the purchase of the CEW and consumable items, which include cartridges and batteries. Although York Regional Police has integrated the Taser X2 platform since 2014, the device itself is 11-year-old technology that has become antiquated. This platform remains an effective less lethal tool, however, Axon will soon discontinue this model. It is anticipated that the sale of the Taser X2 CEW will cease in 2023.

The Taser X2 CEW has a five-year life cycle, after which time replacement is required. Over the next five years the current Taser X2 CEWs will reach end of life and will require replacement. Unless replaced with a new model, York Regional Police's CEW inventory and qualified users will begin to decrease in 2023. Axon has manufactured a new CEW platform, the T7 CEW, to replace the Taser X2 platform.

The T7 CEW model possesses many technological advantages over the Taser X2 model. Major advancements include CEW maintenance and evidence capturing capabilities. This model utilizes a rechargeable battery system, automatically downloads data/evidence and performs automatic device updates. These capabilities significantly decrease the unit's downtime and no longer require instructors to manually download CEW units. This will eliminate approximately 400 hours currently required for annual CEW maintenance.

A transition plan has been developed which requires the purchase and delivery of the T7 CEW over three years. The transition plan would ensure that qualified users are transitioned to the new platform without seeing a disruption or decrease to the number of qualified users

or required equipment, ensuring that police officers are equipped appropriately with less lethal force options.

4. Analysis

TASER 7 SUBSCRIPTION BASED PLATFORM

Axon has moved to a subscription-based platform for their T7 model. The subscription-based platform includes all units, cartridges and warranty for the entire five-year life cycle of the CEW. The subscription-based program allows for budget predictability and protects against increased consumable pricing throughout the life cycle of the T7. MD Charlton was previously Canada's only national distributor for CEWs. This company is a third-party supplier of the Axon T7. Although MD Charlton is a third-party supplier, they can only supply the T7 using a traditional model of purchasing. The traditional model would require the purchase of the T7 device upfront and purchasing consumables separately. Axon is the only entity able to sell the T7 on the subscription-based platform.

The subscription-based platform offers added value by providing 33% more cartridges for the same cost as being purchased using the traditional model. Having additional cartridges adds value to the CEW program by ensuring supplementary cartridges are available for additional CEW training. The subscription-based platform also includes an extended warranty on the CEWs at no additional cost, which reduces unexpected costs when a device requires repair.

DIRECT PURCHASE JUSTIFICATION

At its September 10, 2014 meeting the Board authorized the direct purchase of the Taser X2 CEW from MD Charlton Company Limited. On April 22, 2020, the Board approved an extension of the Taser X2 CEW direct purchase which expires at the end of 2022.

On March 16, 2022, Axon provided York Regional Police with a sole source letter. This letter provided documentation with respect to Axon being the only company in Canada which can provide the T7 with a subscription-based platform.

REPORTING REQUIREMENTS

Purchasing Bylaw Number 10-17 Section 10.1(b) and 10.2 permits direct purchases where there is only one entity reasonably capable of providing the deliverables and subject to the Board's approval if greater than \$150,000. Section 18.1(a) of Purchasing Bylaw 10-17 requires Board approval where the term of a contract exceeds five years.

5. Financial

Funding in the amount of \$2.326 million is included in the 2022 Capital Budget and outlook to 2027 for firearms and CEW equipment. Funding in the amount of \$242,600 is included in the 2022 Operating budget for CEW consumables. An evaluation of the subscription model determined costs to be approximately 7.5 percent greater than the immediately prior six-year

period where equipment and consumables were purchased separately. Although a 7.5 percent increase, a benefit of the subscription model is the predictability of costs over the 75-month contract term versus the risk of potentially greater inflationary increases. Further value includes, maintaining an evergreen program to ensure that police officers are equipped with the most current technology, to effectively de-escalate use of force encounters. The T7 CEW program is set to cost \$2.03 million over the 75-month contract term. The funding to renew outlook years will be included in the 2023 budget proposals and subject to the annual approval of the Board and Regional Council.

6. Conclusion

It is recommended that the Board approve the Direct Purchase Award to Axon Public Safety Canada Inc., in accordance with Sections 10.1(b), 10.2 and 18.1 of Purchasing Bylaw 10-17.

Accessible formats or communication supports are available upon request.

Jim MacSween, B.A.A.
Chief of Police

JMS/cb

Attachment (1) - Axon Public Safety Canada Sole Source Letter