

Memorandum of Agreement ("MOA")

Between

Franklin Township and

Fraternal Order of Police, Capital City Lodge No.9 ("FOP")

Regarding The Use of Body Worn Cameras and Recordings

WHEREAS, Franklin Township ("Township") intends to equip all officers with body worn cameras to be used in the performance of their duties; and

WHEREAS, the Township and the FOP have reached an agreement regarding the use of body worn cameras and the video/recordings from those devices;

NOW, THEREFORE, it is hereby agreed as follows:

- (1) The use of cameras and their recordings are subject to all provisions of the Contract, unless such provisions are modified by or in conflict with this MOA.
- (2) Members shall have a 120-day adjustment period to acclimate to use of the body worn cameras. During this period, infractions of SOP 20-1 regarding body worn cameras shall result in non-disciplinary corrective counseling only.
- (3) Misconduct detected as a result of any review of recordings may result in a member receiving non-disciplinary positive corrective counseling. No discipline may be taken against a member in this instance unless of the following apply:
 - (a) Allegations of misconduct that are criminal on their face may be investigated and discipline imposed pursuant to Article 8 of the Contract, under which the time limit is the applicable statute of limitations;
 - (b) Allegations of misconduct that could reasonably lead to criminal prosecution may be investigated and discipline imposed under Article 8 of the Contract;
 - (c) Allegations of non-criminal misconduct that is the same or similar to conduct of which the department would expect to render a suspension of 30 calendar days or longer and/or termination as the proper level of discipline for the first offense may be investigated and discipline imposed pursuant to Article 8 of the Contract;
 - (d) Allegations of misconduct arising out of an investigation of a citizen complaint may be investigated and discipline imposed under Article 8 of the Contract;
 - (e) Allegations of misconduct arising out of an administrative investigation of a member's conduct in a particular incident or event may be investigated and discipline imposed pursuant to Article 8 of the Contract, provided that any such misconduct is discovered within 90 calendar days of the incident being investigated.

After repeated positive corrective counseling for the same or similar conduct occurring within a ninety-day period, a member may receive a documented oral reprimand. If the member engages in same or similar conduct following the oral reprimand, the Township may apply progressive discipline under Article 8 of the Contract.

This section shall not apply to members who are in their initial probationary period.

- (4) A member shall be notified, in writing, of any public records request for any recording(s) that were made on any camera assigned to that officer, and any other public records request for recording(s) in which the officer is identified by name and/or badge number in the public records request.
- (5) Members shall be entitled to review recordings from an incident in which they were involved prior to completing a report or making a statement.
- (6) No recordings related to a disciplinary action against a member shall be used for training by the Township until such action has been adjudicated to the level of the Trustees.

Entered this ____ day of August 2020

For the FOP:

For the Township:
