

**Task Force Agreement Pertaining to Use of the El Mirage Police Department Body-Worn
Cameras by Deputized Task Force Officers**

This Agreement is between the Drug Enforcement Administration (DEA) and the El Mirage Police Department. In addition to the task force named, this Agreement also applies to all deputized officers of the El Mirage Police Department, including those granted case-specific or emergency deputizations. Pursuant to Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety; Memorandum from Deputy Attorney General Lisa Monaco, Body-Worn Camera Policy, June 7, 2021 (DOJ Policy); DEA's Body Worn Camera Policy; and the most current Task Force Agreement between DEA and the El Mirage Police Department (TFO Agreement), the El Mirage Police Department has advised DEA that it will require its deputized officers participating in the Task Force or otherwise deputized by DEA to use Body-Worn Cameras (BWCs) owned and issued by the El Mirage Police Department. This agreement governs that use only; it does not govern BWCs owned and issued by DEA to deputized officers of the El Mirage Police Department. No Task Force Officer (TFO) shall be permitted to participate in any DEA operation that requires the use of BWCs, as outlined in DEA's BWC Policy until this agreement is ratified.

The Parties hereby agree that the most current version of DEA's BWC policy shall govern TFO BWC usage, even those not specified herein, to include the following:

- I. Task Force Officers (TFOs) will adhere to DOJ Policy and DEA's Body-Worn Camera Program Policy contained in the DEA Agents Manual (AM) § 6125 (attached to this Agreement), and other applicable DEA policies and procedures.
- II. The El Mirage Police Department confirms that prior to executing this agreement it has provided to DEA details regarding the BWC system and cameras, including the details of any system protections, and any state or local policies or laws applicable to the TFO's use of BWCs, including any retention policies.
- III. Use of BWCs During Federal Task Force or Other Federal Operations:
 - A. TFOs will be allowed to wear and activate their BWC recording equipment in accordance with AM § 6125 and other applicable DEA policies.
 - B. However, if state, local, or municipal law requires more extensive activation and recording than that which is required by DEA policy, such laws may be followed by TFOs after a limited waiver has been requested and granted. TFO Parent Agency shall follow the procedures in AM 6125.61(B) regarding how to request and obtain a limited waiver.
 - C. TFOs will follow the provisions set forth in this agreement for use of BWCs, as articulated in the attached BWC Policy, and the provisions of this agreement will

supersede any conflicting provision in the agency's policy for TFOs while serving on the federal Task Force.

- D. TFOs may possess and use only one agency-issued and agency-owned BWC, under this agreement. TFOs will not be allowed to possess or use any privately owned BWC. TFOs may only wear one BWC, either one issued by the Parent Agency *or* one issued by DEA.
- E. In the event a TFO's BWC is not working or inoperable due to a technical problem or cannot be used due to physical damage, and, in the judgement of the Task Force supervisor, delaying the operation to repair or obtain a replacement BWC is not practical or would impair the operation, the TFO may participate in the operation without using a BWC.
- F. Even when BWC use would be permissible in the circumstances set forth in Section III. above, consistent with DEA BWC Policy, TFOs are prohibited from intentionally recording the following scenarios unless unavoidable or unless in direct conflict with applicable state, local, or municipal laws:
 - 1. Undercover personnel;
 - 2. Confidential informants or confidential sources;
 - 3. On-scene witness interviews prior to or after the operation; or
 - 4. On-scene actions by any non-law enforcement persons who are assisting law enforcement personnel prior to or after the operation.

The El Mirage Police Department is expected to inform DEA Task Force supervisors of any state, local, or municipal laws requiring activation or recording prior to any operation where any of these four aforementioned recording scenarios might apply.

IV. El Mirage Police Department Internal Controls:

- A. Lieutenant Jimmy Chavez will serve as a point-of-contact (POC) for DEA on BWC matters.
- B. El Mirage Police Department will notify DEA of any change in state or local law that will modify how DEA TFOs must use BWCs or will affect release or redaction of BWC recordings from TFO BWCs made while working under federal authority on behalf of DEA. DEA will notify the El Mirage Police Department of any changes in federal law, DOJ policy, or DEA policy that will modify how DEA TFOs must use BWCs or will affect release or redaction of BWC recordings from TFO BWCs made while working under federal authority on behalf of DEA, and will provide the El Mirage Police Department with a copy of the updated policy.
- C. El Mirage Police Department will notify and consult DEA prior to making any change in agency policy that will affect the storage, release, or redaction of TFO BWC recordings.

1. For purposes of this agreement, the term “TFO BWC recordings” refers to audio and video recordings, and associated metadata, from BWCs owned and issued by the El Mirage Police Department made while the deputized TFO is working under federal authority.
- D. El Mirage Police Department will provide training to DEA task force personnel on the BWCs to familiarize them with the capabilities and operation of BWCs used during task force activities. DEA will provide training to deputized task force officers in DOJ and DEA policy regarding use of BWCs while working under federal authority.
 - E. El Mirage Police Department will allow DEA Task Force supervisors to make decisions about recording or not recording under the same circumstances that the El Mirage Police Department supervisors are allowed to make such decisions. The El Mirage Police Department will provide training to DEA personnel as needed to implement this. The El Mirage Police Department shall provide DEA Task Force supervisors with explicit information regarding any applicable state, local, or municipal laws requiring their personnel to activate BWCs or record. DEA Task Force supervisors understand that such requirements apply to TFOs, even when engaging in DEA Task Force operations.
- V. Handling of BWC Recordings Made During Federal Task Force or Other Federal Operations:
- TFO BWC Recordings Made During Federal Task Force or Other Federal Operations will be handled in accordance with DEA’s BWC and other applicable DEA policies.
- A. Expedited Public Release: The procedures governing the expeditious release of TFO BWC footage will occur in accordance with DEA’s BWC Policy and other applicable DEA policies.
 - B. In all circumstances, TFO BWC recordings shall be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings, and as potential evidence in a federal investigation subject to applicable federal laws, rules, and policy concerning disclosure or dissemination (including but not limited to 28 C.F.R. Ch. 1, Pt. 16, Subpart B (“Touhy Regulations”)); and therefore deemed privileged absent appropriate redaction prior to disclosure or dissemination.
 - C. If a TFO BWC recording involves a “reportable incident” as defined in AM 6114.2 et. seq., or involves another time-sensitive or urgent situation, the El Mirage Police Department will provide DEA copies on an expedited basis, including during non-business hours.

- D. El Mirage Police Department will provide witnesses as needed to authenticate TFO recordings in DEA cases.
- E. El Mirage Police Department will inform DEA of the length of time TFO BWC recordings will be retained by the agency before deletion. The El Mirage Police Department will honor any request by DEA to retain the TFO BWC recordings for a longer period of time.
- F. El Mirage Police Department will restrict access to TFO BWC recordings within the agency as mutually agreed between DEA and the El Mirage Police Department.
- G. El Mirage Police Department will notify DEA immediately of any unauthorized access to TFO recordings discovered by the agency.
- H. El Mirage Police Department will cooperate fully with DEA in the investigation of any unauthorized access to or disclosure of TFO recordings, including providing DEA the name(s) of any agency personnel determined by the agency to be involved in unauthorized access, copying, or disclosure.
- I. El Mirage Police Department will notify DEA as soon as possible regarding any request or demand for release or disclosure of TFO recordings, including but not limited to subpoenas, discovery demands or motions, open record/freedom of information requests, media requests, or union or other professional association requests.
- J. El Mirage Police Department will assist in the redaction of any video or audio portion of TFO recordings as requested by DEA prior to public release unless doing so would violate a federal court order. Redactions will be determined in accordance with DEA policy.

VI. Effective Date, Modification, and Termination:

- A. This agreement shall become effective when both Parties have signed it, and, unless amended or terminated in accordance with Sections VI.B or VI.C, shall remain in effect for the duration of the referenced Task Force Agreement and any successor Task Force Agreement(s).
- B. This agreement may be amended in writing by mutual agreement of the Parties.
- C. Either Party may terminate this agreement by providing written notice of same at least thirty (30) days in advance to the other Party. If this agreement is terminated, the El Mirage Police Department will provide DEA with TFO BWC recordings made while the agreement was in effect and still in the custody and control of the El Mirage Police Department, and continue to adhere to the provisions of the agreement relating to the storage, handling, dissemination, and release of such TFO BWC recordings.

