


**CITY OF BETHLEHEM, PENNSYLVANIA
DEPARTMENT OF POLICE**

	INTER-DEPARTMENTAL MEMORANDUM	
	TO:	Michael Colon, Council President
	FROM:	Michelle L. Kott, Chief of Police
	DATE:	10 August 2023
	RE:	FUSUS MOU

Attached to this memorandum is a proposed resolution for Council's consideration.

The resolution, authorizing an intergovernmental agreement between the Bethlehem Police Department and the Lehigh County District Attorney's Office, would allow the Bethlehem Police Department to participate in Lehigh County's FUSUS project.

FUSUS is a simple, but powerful digital platform that enables the sharing of video and data assets by participating law enforcement agencies (as listed in the attached MOU).

I fully support this resolution and feel that it will significantly increase the Bethlehem Police Department's ability to efficiently respond to emergency situations and investigate crime.

Please feel free to contact me if you have any questions.

Respectfully,

Michelle L. Kott

RESOLUTION 2023-_____

AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO 53 Pa. C.S.A. §2307 BY AND BETWEEN THE CITY OF BETHLEHEM POLICE DEPARTMENT, THE DISTRICT ATTORNEY OF LEHIGH COUNTY, THE LISTED MUNICIPAL POLICE DEPARTMENTS AND OTHER CRIMINAL JUSTICE AGENCIES IN LEHIGH COUNTY, AND THE PENNSYLVANIA STATE POLICE.

WHEREAS, the City of Bethlehem is a municipal corporation being a City of the Third-Class, subject to the Optional Third-Class City Charter Law, organized and existing under the laws of the Commonwealth of Pennsylvania, its constituent parts being split by law between Northampton County and Lehigh County, Pennsylvania with principal administrative offices at City Hall, 10 E. Church Street, Bethlehem, PA 18018 (hereinafter referred to as “City”); and

WHEREAS, pursuant to Article 107 of the Codified Ordinances of the City of Bethlehem, the City established a Police Department (hereinafter referred to as “BPD”) which is responsible for all police services required for the protection of the residents of the City, along with Emergency Management; and

WHEREAS, the municipal police departments and criminal justice agencies listed in the Memorandum of Understanding attached hereto (the “MOU”), including the BPD, are Agencies as defined by the Criminal History Records Information Act; and

WHEREAS, the Agencies have agreed to share video from the FUSUS platform to facilitate and coordinate investigations and solve crimes within Lehigh County, Pennsylvania and this video sharing effort is accomplished by use of the FUSUS unified public safety solution; and

WHEREAS, in order for each Agency to become a Participating Agency in the FUSUS platform it must sign the attached MOU; and

WHEREAS, it is recognized that municipal law enforcement agencies collect video information through the course of their normal daily business, and that video may be valuable sources of information for other law enforcement agencies conducting similar or concurrent investigations; and

WHEREAS, it is recognized that, in order to facilitate the sharing of this information between participating law enforcement agencies, that certain protocols and assurances must exist between these law enforcement agencies; and

WHEREAS, the BPD desires to execute the MOU for the purpose of becoming a participating agency as defined in the Agreement; and

WHEREAS, the BPD's involvement in the MOU shall become effective on the date the City signs the Agreement and shall continue until terminated by the District Attorney of Lehigh County or the City upon written notification to the District Attorney of Lehigh County; and

WHEREAS, the MOU further addresses the operational procedures and requirements necessary to implement the MOU.

NOW THEREFORE BE IT RESOLVED, on this _____ day of _____, 2023, that the City Council of the City of Bethlehem, approves and ratifies the Memorandum of Understanding attached hereto and that the Mayor and the Controller and/or such other City officials as deemed appropriate by the City Solicitor, are hereby authorized to execute the same on behalf of the City of Bethlehem and its Police Department.

Sponsored by _____

ADOPTED by Council this _____ day of _____, 2023.

President of Council

ATTEST:

City Clerk

Memorandum of Understanding

This Memorandum of Understanding (“MOU”) is entered into by and among the following Municipal Police Departments and other Criminal Justice agencies in Lehigh County.

Lehigh County

The District Attorney of Lehigh County, his designees and all operations and task forces under his direct supervision*

Alburtis Police Department
Allentown Police Department
Bethlehem City Police Department
Catasauqua Police Department
Coopersburg Police Department
Coplay Police Department
Emmaus Police Department
Fountain Hill Police Department
Lehigh Northampton Airport Authority
Macungie Police Department
Salisbury Police Department
Slatington Police Department
South Whitehall Township Police Department
Upper Macungie Police Department
Upper Saucon Township Police Department
Whitehall Police Department
Lehigh County Sheriff’s Office

Commonwealth of Pennsylvania

Pennsylvania State Police

The foregoing listed criminal justice agencies will hereinafter each be known as “Agency”, as defined by the Criminal History Records Information Act, hereinafter known as “CHRIA”. This list may be amended from time to time as necessary to reflect the full and complete list of all Agencies participating in the initiative set forth hereunder. The undersigned acknowledges and agrees that an update to this list as is necessary to reflect the foregoing shall not require this MOU to be re-executed. Any such updated list is incorporated by reference into this MOU.

The County of Lehigh is an accommodation party to this MOU by virtue of the fact that the Administration has provided funding for the purchase of hardware, software and professional services for the Fusus video platform initiative.

Memorandum of Understanding

WITNESSETH

Whereas the foregoing listed “Agencies” have agreed to share video from the FUSUS platform to facilitate and coordinate investigations and solve crimes within Lehigh County, Pennsylvania and that this video sharing effort is accomplished by use of the FUSUS unified public safety solution.

Whereas each Agency understands that in order to become a Participating Agency in the FUSUS platform it must sign this MOU.

Whereas it is recognized that no single law enforcement agency alone can combat the crime problem in Lehigh County.

Whereas it is necessary for law enforcement agencies in Lehigh County to communicate and share data and video effectively to achieve this objective.

Whereas it is recognized that municipal law enforcement agencies collect video information through the course of their normal daily business.

Whereas it is recognized that the participating law enforcement agencies are defined as Criminal Justice Agencies by the Criminal History Records Information Act.

Whereas it is recognized that the video collected by these law enforcement agencies may be valuable sources of information for other law enforcement agencies conducting similar or concurrent investigations.

Whereas it is recognized that it is necessary to make this information quickly and readily accessible to all law enforcement agencies.

Whereas it is recognized that, in order to facilitate the sharing of this information between participating law enforcement agencies, that certain protocols and assurances must exist between these law enforcement agencies.

Now Therefore, in an attempt to increase the number of crimes that can be solved with video information shared between participating law enforcement agencies, each Agency agrees to:

- a. Become a Participating Agency as defined in the Agreement.
- b. Generally be bound by all relevant terms in the Agreement.
- c. Acknowledge that it is neither intended or expected that any agencies cameras be monitored in real time or recording by any other agency unless permission is

Memorandum of Understanding

granted by the originating video's agency. Each agency must provide at least one point of contact for this project.

- d. Generally participate in good faith to the fullest extent of its capabilities in support of the FUSUS project.
- e. Ensure that the video shared via FUSUS shall be restricted to lawfully collected video by that Agency in the course of normal daily business.
- f. Ensure that any Intelligence Information and video, as defined under CHRIA, will only be shared in compliance with CHRIA.
- g. Ensure that any video received via the FUSUS platform will be disseminated outside of their respective Agencies only in accordance with CHRIA and after notifying the originating agency and obtaining permission to disseminate. This practice is known as "Secondary Dissemination".
- h. Ensure that access to FUSUS is restricted to authorized Agency personnel and further; ensure that security is sufficient to guarantee that no unauthorized person would have access to any systems capable of accessing FUSUS.
- i. Utilize procedures as adopted and required by the District Attorney of Lehigh County.

All Agencies signing this MOU understand that the information shared via FUSUS is information protected by § 9106 of the Criminal History Records Act.

Access to FUSUS by any Agency will not be permitted without executing this MOU.

All data shared via FUSUS shall remain the property of the generating Agency and shall remain under its control. The data shall not be co-mingled with data from other Agencies at any time.

Violation of any of the terms of this MOU may result in sanctions up to, and including, suspension or termination of Agency access to FUSUS.

This MOU may be executed in multiple copies that will all be construed as one integrated whole. Further, upon execution of this MOU, the undersigned Participating Agency will forward an original signed copy to Lehigh County.

By executing this MOU, each undersigned Agency memorializes its agreement to participate in the FUSUS project and be bound by this MOU.

Memorandum of Understanding

This MOU Addendum is entered into on the following date: _____

Agency Signatures:

District Attorney, Lehigh County, Pennsylvania
Authorized Signature

James B. Martin, District Attorney
Name and Title

Date

Participating Agency Name

Authorized Signature

Name and Title

Date