



## City of Sioux Falls

POLICE DEPARTMENT

320 West Fourth Street • Sioux Falls, SD 57104 • 605-367-7212

July 17, 2019

Beryl Lipton  
MuckRock News  
DEPT MR 69217  
411A Highland Ave.  
Somerville, MA 02144-2516  
[69217-38512943@requests.muckrock.com](mailto:69217-38512943@requests.muckrock.com)

Re: Public Record Request for AXON Materials

Dear Mr. Lipton:

The Sioux Falls Police Department (SFPD) received your written request for the various information relating to AXON.

This letter is to serve as a partial denial of your request due to the following statutory and constitutional considerations.

“Marketing: marketing materials from Axon (or Taser)-unsolicited, requested, or otherwise-related to past, present, or future products that may or may not be in use by this agency.” No such records exist or any that do would not be subject to public record request. These materials would not be a public record under South Dakota law as it is not a record “of or belonging to this State, any county, municipality, political subdivision, or tax-supported district . . .” SDCL 1-27-1.1. Furthermore, any marketing correspondence by email would be exempt under SDCL 1-27-1.5(12).

“Agreements: any and all contracts and agreements, including amendments and exhibitions, related to Axon, its services, and its products.” All contracts and invoices are enclosed/attached.

“Bidding: Requests for Proposal (or similar calls for bids), licensing agreements, documentation of selection, sole source or limited source justification and approval documentation, and other memoranda and documentation.” All available through public record request are enclosed/attached.

“Financial: purchase orders, invoices, or any other financial records related to this agency’s use of any Axon product or services.” Enclosed/attached.

“Policies: any policy directives, guidance documents, memoranda, training materials, or similar records governing the use of any Axon product or service that has been used or is in use by this agency.” Materials created by Axon would not be a public record under South Dakota law as it is not a record “of or belonging to this State, any county, municipality, political subdivision, or tax-supported district . . .” SDCL 1-27-1.1. Any



materials relating to training and some policies and procedures are exempt from public record request under SDCL 1-27-1.5(5). Any policies publicly available may be found at: <https://siouxfalls.org/police/policy-manual>.

“Company relations: records related to meetings or follow-up actions with Axon or any entity operating on its behalf or as its representative.” No such records exist or any that do would not be subject to public record request. Any records relating to meetings or follow actions would be exempt under SDCL 1-27-1.5(12).

“User guides: materials related to the function of any service or product provided by Axon, including emails, handouts, PowerPoint presentations, advertisements, or specification documents.” Any such records would not be subject to public record request. These materials would not be a public record under South Dakota law as it is not a record “of or belonging to this State, any county, municipality, political subdivision, or tax-supported district . . .” SDCL 1-27-1.1. Furthermore, any correspondence by email would be exempt under SDCL 1-27-1.5(12). Lastly, any materials relating to training would be exempt under SDCL 1-27-1.5(5).

“Training: training materials-either internal or external-governing the use of any Axon product.” Any such records would not be subject to public record request. Any external materials would not be a public record under South Dakota law as it is not a record “of or belonging to this State, any county, municipality, political subdivision, or tax-supported district . . .” SDCL 1-27-1.1. Any internal materials relating to training would be exempt under SDCL 1-27-1.5(5). Any policies publicly available may be found at: <https://siouxfalls.org/police/policy-manual>.

“Data guidelines: any materials or agreements guiding or regulating the use, sharing, or access to any related data collected by or provided to any Axon service or product.”  
Training Materials Licensing Agreement enclosed/attached.

If you have any questions, please feel free to contact our Legal Advisor, Keith Allenstein, at 605-367-8880.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Burns', with a stylized flourish at the end.

Matt Burns  
Chief of Police

