

Body Worn Cameras

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<i>Special Instructions:</i> NONE			
<i>Distribution:</i> All Sworn & Civilian Personnel	<i>Last Re-Evaluation Date:</i>	<i>Total Pages:</i> 5	

I. PURPOSE

The use of body-worn cameras (BWCs) has been determined by the Cheswold Police Department to be a benefit in its law enforcement responsibility to promote and protect the safety of officers, citizens and property within the State of Delaware. This policy is intended to provide officers with instructions on when and how to use BWCs so that officers may reliably record their contacts with the public. This policy applies to all sworn officers assigned a BWC by this department. The Cheswold Police Department has adopted the use of the BWC in recognition of the substantial benefits this technology provides to this department and to those it serves. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and court testimony. BWCs may also be used to resolve allegations of police misconduct

II. POLICY

It is the policy of this department that officers shall activate their agency issued BWC consistent with this policy when such use is appropriate in the performance of his/her assigned duties. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURES

A. When and How to Use the BWC

1. Officers shall activate the BWC to record the following:
 - a. All instances where a criminal arrest or detention is likely;
 - b. All instances where the use of force is likely;
 - c. Any other incident where the safety of people and property in Delaware is promoted.
2. Whenever possible, officers should inform individuals that they are being recorded unless doing so would be unsafe, impractical, or impossible. An officer may consider, where appropriate, the expressed desire of a victim or witness.

The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see items E.1-3).

- a. If interruption occurs, the officer shall document the reason for the interruption or termination of recording in a report. If an officer feels it is necessary to stop recording (e.g., talking to victim of a sexual assault, or a confidential informant) within constraints of policy, the officer shall verbally indicate his or her intent to stop recording before stopping the BWC, and upon reactivation, state that the BWC was restarted.
3. If an officer fails to activate the BWC, fails to record an entire incident, or interrupts a recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
4. Civilians shall not be permitted to review any BWC recordings at the scene of an incident, unless authorized for law enforcement purposes.
5. Personal use of the BWC equipment on or off duty is prohibited.

B. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed officers as authorized by their Chief of Police or his/her designee. Officer's assigned BWC equipment must use the equipment while performing uniformed law enforcement duties unless otherwise authorized by supervisory personnel.
2. Officers shall use only BWCs issued by their respective agency. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the issuing agency. BWC data shall not be converted for personal use. Accessing, copying, editing or releasing recordings or depictions of recordings without prior written authorization from the Chief of Police or his/her authorized designee is strictly prohibited and subject to disciplinary actions. This will include all data collected for both law enforcement and training purposes, as well as, any other use. Any uploading or converting BWC recordings for use on any type of social media is strictly prohibited.
3. Officers assigned BWCs and their supervisors must complete an agency approved and/or provided training program to ensure proper BWC use, as well as procedures for storage and retention of BWC data. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment. All officers who utilize BWCs must undergo training on standard operating procedures, policy, and the law such as *Brady, Giglio, and Deberry/Lolly*, etc. obligations.

4. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible.
5. Officers shall inspect and test the BWC prior to each shift to verify proper recording functionality and battery life sufficiency. Any identified problems shall be immediately communicated to the officer's supervisor for proper documentation and notification. Once the supervisor is notified, he/she will direct that the unit be removed from service.
6. Officers shall not duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval from their Chief of Police or his/her authorized designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes. The decision to utilize any recording for training purposes will be determined by the Chief of Police or his/her authorized designee.
8. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the issuing agency reserves the right to limit or restrict an officer from viewing the video file. However, this does not overrule the officer's rights under *Delaware Law Enforcement Officers Bill of Rights (DELEOBR)* or *Title 11, Chapter 92 of the Delaware Code*.
9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his/her authorized designee in accordance with Delaware record retention laws. All requests and final decisions shall be kept on file. In criminal cases, authorization to delete portions of recordings must be obtained from the Delaware Department of Justice State Prosecutor, Chief County Prosecutor, or their respective designee.
10. Officers shall note in all LEISS, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

C. Tagging of BWC Recordings

Definition: Tagging – The act of adding a specific textual identification marker to a particular portion of a BWC recording so as to characterize certain video/audio data as essential and therefore required to be retained for future access.

Tagging of BWC Recordings, including any complaint number, will automatically occur in any incident involving:

- 1) Use of Force
- 2) Detention or arrest
- 3) A formal or informal complaint has been registered

- 4) Complainant/victim/witness requesting non-disclosure
- 5) Complainant/victim/witness not requesting nondisclosure but disclosure would endanger life, physical safety, or property
- 6) Information that if disclosed, would be highly offensive to a reasonable individual and of no legitimate interest to the public
- 7) Medical information or treatment
- 8) Mental Health information or treatment
- 9) Any identifiable juveniles
- 10) Confidential informants

D. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the Chief of Police or his/her authorized designee.
2. Encounters with undercover officers or confidential informants.
3. When on break or otherwise engaged in personal activities.

E. Storage

1. All data files shall be securely downloaded periodically, and no longer than 96 hours following recording. Each file shall contain information related to the complaint number, date, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of the issuing agency. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited. All access to BWC data must be specifically authorized by the Chief of Police or his/her authorized designee and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
3. BWC Data shall be securely stored in an agency approved storage location, server, website, or other location authorized by the Chief of Police and in accordance with Delaware records retention laws. BWC data shall be kept for such time as is necessary for purposes of training or for investigation or prosecution.

F. Supervisory Responsibilities

1. Supervisory personnel should periodically verify that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

2. Supervisors should randomly review BWC recordings periodically to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with this policy and to identify any areas in which additional training or guidance is required.

For the purpose of this document, the term “file” refers to all sounds, images, and associated metadata.

ORDERED and EXECUTED this 1st day of October, 2018

Christopher Workman
Chief of Police