


Directive: 6.93

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Issued By: Robert Tracy Chief of Police		

Body-Worn Cameras

Purpose:

The purpose of this policy is to provide officers with guidelines for when and how to use a body-worn camera (BWC) so that officers may record their contacts with the public in accordance with the law and Wilmington Police Department policies. Law enforcement use of a BWC has proven effective in reducing violent confrontations between individuals and officers, uses of force by officers, and complaints against officers. Members of the Department will be governed by the procedures outlined in this policy.

Policy:

It is the policy of the Wilmington Department of Police to use BWCs to further the mission of the Department and enhance services to the community by adding another tool to document events, actions, and conditions of encounters between officers and the public when official police powers are exercised (e.g., traffic stops, arrests, searches and similar law enforcement actions). The Department is committed to protecting the safety and welfare of the public as well as its members. Audio and visual recordings from the BWC can improve the quality and reliability of investigations and increase transparency. Therefore, all officers will activate BWCs when exercising official police powers, or when they believe they are likely to exercise their police powers, as soon as practical.

Training:

All officers authorized to use a BWC must successfully complete training to ensure proper use and operations, including but not be limited to, how to operate the BWC, when it must be turned on and off, exercising and documenting officer discretion in recording encounters with the public, how to download and tag footage, and how to request the repair and replacement of damaged equipment.

Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, and to incorporate changes, updates, or other revisions in policy and equipment.

Operating Procedures:

- A. Officers are authorized to only wear the BWC equipment issued to them by the Department, and will not share BWC equipment with other officers.
- B. Officers shall inspect and test the BWC prior to each shift to verify battery life and proper recording functionality. If equipment is found to not be functioning properly, an officer shall immediately notify their supervisor and document the issue through a Departmental Information Report (DI). If a computer or other device capable of issuing a DI is not immediately available or an officer's duties during a shift do not permit notification of the supervisor through a DI, then the officer may initially notify their supervisor using a radio transmission on a recorded channel. The officer must then follow up with a DI by the end of their shift.
- C. Officers shall mount their BWCs on their uniform at the start of their shift in one of the departmentally approved methods and within the manufacturer's guidelines. The BWC shall be worn for the entire shift.
- D. Officers will activate BWCs prior to exercising official police powers or when they believe the likelihood is great that they will need to exercise their official police powers, provided that the activation does not compromise their safety or the safety of others.
- E. Once the BWC has been activated by the officer, the BWC shall remain in the recording mode until the conclusion of incident or arrest.
- F. Officers are not required to provide notification to a subject(s) that they are being recorded under Delaware Law, as Delaware is a one-party consent state. However, when practical, officers are encouraged to inform the subject(s) that they are being recorded (i.e., "Ma'am or Sir, I am advising you that our interaction is being recorded").
- G. Officers are reminded that BWC recordings do not replace the requirement to document incidents in a crime report.
- H. Officers issued BWCs are required to document in a crime report when an incident was recorded via BWC.
- I. Officers shall document in a Departmental Information Report to the Chief of Police when the BWC was not activated prior to or during an incident required to be recorded, or when the recording was interrupted or terminated before the end of the encounter. The officer shall immediately notify his or her supervisor when any of the foregoing incidents occur.
- J. Officers shall not knowingly edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or designee.
- K. Officers who would like to delete portions of a recording due to an accidental activation must submit a Departmental Information Report to the Chief of Police requesting

approval to delete the specified portion.

- L. Officers shall be provided with notice, when practical, when BWC recordings in which they are depicted will be released to the media or used for training purposes. Such notice shall be provided prior to release of the recording.
- M. When not otherwise prohibited by law or departmental policy, officers may activate their BWC in circumstances when they determine that doing so would be beneficial to the public interest.
- N. If the Department becomes aware that a BWC recording depicts an officer killed in the line of duty, then the Department will make best efforts to notify a representative of the officer's immediate family of the existence of the recording, and no member of the Department shall publicly release the footage unless required by a lawful authority to do so. Further, the public release of footage capturing any death or serious injury of any party will only be done in accordance with the provisions of the Delaware Freedom of Information Act, or when otherwise required by a lawful authority.

Restrictions on Use of BWCs:

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not be activated in the following instances:

- A. Officers shall not record in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms, unless the activation is required for the performance of official police duties.
- B. Officers shall not activate their BWC within the Wilmington Police Department Headquarters, unless the activation is required for the performance of official police duties.
- C. Officers shall not activate their BWC and record conversations of other police personnel of the Wilmington Department of Police.
- D. Officers shall not activate BWCs in roll call, while on break or while otherwise engaged in personal or non-work related activities.
- E. Officers shall not activate BWCs during strip searches.
- F. Officers shall not record patients during medical or psychological treatments or evaluations by a clinician or similar professional unless they are engaged in official police action (i.e., investigative questioning in an ambulance or medical facility).
- G. Officers should avoid recording exposed human genitals, buttocks, and female breast area when possible.

- H. Officers shall not activate their BWC during any judicial proceeding, unless a situation arises where the officer must take police action.
- I. Officers may exercise discretion and not record encounters with undercover officers or confidential informants.
- J. Officers may exercise discretion and not record interactions with child and sexual abuse victims.
- K. Officers may exercise discretion and not record witnesses when the witness will not cooperate due to being recorded.
- L. Officers shall not, under any circumstances, remove the BWC from their uniform and use it to monitor a situation remotely in an attempt to record an unsuspecting person's communication or statements that are self-incriminating.

Record Storage and Management of BWC's:

The Wilmington Department of Police will utilize the Taser AXON Body Camera system, which is a secured cloud-based storage system that includes records documenting the identity of those who access, modify and otherwise interact with BWC data.

Retention of BWCs:

- A. Administrators of the agency's Body-Worn Camera program will be determined by the Chief of Police or designee, and names and contact information will be issued to all members of the department by the Chief of Police or designee through an Informational Bulletin, which will be updated as necessary.
- B. Officers will be responsible for all equipment assigned to them.
- C. Officers shall immediately report damaged, malfunctioning, or missing equipment through their chain of command in a Departmental Information Report to the Chief of Police, as well as contacting the designated program administrator(s) as defined above.
- D. Officers will conduct a download of their BWC at the conclusion of every shift.
- E. Officers are permitted to review their recordings for official law enforcement purposes only, for example, to assist the officer in accurately writing a report writing or testifying in court. However, officers are reminded that under no circumstances shall they access, duplicate, post on social media, or release any recording files, as they are the exclusive property of the Wilmington Department of Police.
- F. For purposes of this section, "tag" or "tagging" is defined as: A method to reference data at a later date. The objective is to minimize the burden to officers and to maximize thoughtful, useful "tagging" by subject matter with cross-referencing to written reports.

Officers are required to “tag a video” during the following types of incidents:

- a) Arrest
- b) Domestic Violence
- c) DUI
- d) Use of Force
- e) Officer Injury
- f) Traffic Stop
- g) Serious Traffic Accidents
- h) Major Crime Scene to include but not be limited to:
 - Homicides
 - Shooting
 - Serious Assaults, Etc.
- i) Civil Disturbance
- j) Police-Citizen Contact (Pedestrian stops)
- k) Vehicle Pursuits
- l) Other (does not apply to any of the above listed categories)
- m) Any incident where the officer reasonably believes that the event or incident may result in a complaint or the recording may be used in future court proceedings.

Officers shall tag video in the following manner based on the type of BWC system or equipment they are issued. When an arrest is made, the officer must, at minimum, provide the officer’s name, case number, and type of incident. All other incidents can be “tagged” under the appropriate category for the incident. If an officer accidentally forgets to “tag” a particular video, and the officer has conducted a download of the equipment, then the officer is required to contact the program administrator(s) via email.

- G. BWC data shall be securely stored in accordance with state records retention laws and no longer than useful for the purposes of training or for use in an investigation or prosecution.
- H. Unless otherwise required by law, the Chief of Police or designee is the only authority who can grant permission to release BWC recordings to anyone outside of this agency.