

LAWS OF DELAWARE
VOLUME 83
CHAPTER 83
151st GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 195
AS AMENDED BY
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 11 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION OF BODY WORN CAMERAS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 43, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4321. Probation and parole officers.

(h) The Department shall devise and adopt a body worn camera policy that shall meet or exceed the standards established by the Council on Police Training by regulation.

Section 2. Amend Chapter 84, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 8401 Definitions.

As used in this chapter:

(2) "Articulation agreement" means a written agreement for the transfer of academic credit.

() "Body worn camera" means an electronic device that is worn by a law-enforcement officer and records audio and video data on the device itself or transmits audio and video data to another location for recording.

(3) "Council" means the Council on Police Training.

§ 8402 Members of Council.

(a) The Council shall be composed of ~~12~~ 16 members.

(b) The Council shall be composed of: a chairperson to be appointed by and to serve at the pleasure of the Governor; the Attorney General; the Superintendent of the Delaware State Police; the Chief of the City of Wilmington Police; the Chief of the New Castle County Police Department; the Chief of the City of Dover Police Department; the Chief of the City of Newark Police Department; the Secretary of Education; the President of the Delaware League of Local Governments; the mayor ~~or police commissioner~~ of an incorporated municipality in Kent County, to be appointed by the Governor; the mayor ~~or police commissioner~~ of an incorporated municipality in Sussex County, to be appointed by the Governor; the Chairperson of the Delaware Police Chiefs' Council, Inc; the Chair of Public Safety Committee of the House of Representatives; the Chair of the Corrections and Public Safety Committee of the Senate; 2 members of the public appointed by the Governor, who shall not be law enforcement officers or be affiliated with law enforcement. The Chairperson shall have had substantial practical experience in the field of law enforcement. Each public member's term shall be for 3 years.

§ 8403 Organization of Council.

(a) A Vice-Chairperson and a Secretary shall be elected from among the members of the Council. The Council shall hold no less than 2 regular meetings each year and may meet at such other times as it may determine. The Chairperson shall fix the time and place of such meetings in the ~~Commissioner's~~ Chair's discretion, but upon written request of any 3 members, the Chairperson shall call a meeting pursuant to the terms of such request. ~~Seven~~ Nine members shall constitute a quorum. Each member of the Council may have a proxy to represent the member at Council meetings.

(b) Notwithstanding any provision of law, Council membership shall not disqualify any member from holding any other public or private employment or constitute a forfeit of such office.

(c) Council members shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

§ 8404 Powers and duties.

(c) The Council shall propose regulations detailing mandatory standards for the use of body worn cameras by police officers no later than January 15, 2022, to ensure widespread and consistent use of body worn cameras. While developing the standards, the Council shall hold a minimum of two public meetings to solicit input from the community on the body worn camera regulations to ensure that victims' rights advocates, community groups, and member of the public have an opportunity to contribute to the development of the regulations. The Council shall include the Delaware State Troopers Association and the Delaware Fraternal Order of Police in discussions concerning regulations detailing mandatory standards for the use of body worn cameras by police officers. The Council shall consult with the Department of Correction, the Department of Services for Children, Youth, and Their Families, and the Office of Defense Services in the development of the regulations. Notwithstanding anything to the contrary in chapter 101 of title 29, the regulations shall not come into effect until after review by the Delaware State Troopers Association and the Delaware Fraternal Order of Police and formal approval by the Council on Police Training. At a minimum, the regulations shall address standards governing body cameras use, activation, electronic storage, and dissemination.

Section 3. Amend Part V, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 84A. Body Worn Cameras for Law Enforcement Officers.

§ 8401A. Definitions.

For the purposes of this chapter all terms mean as defined as in § 8401 of this title.

§ 8402A. Body worn camera requirements.

(a) In accordance with the regulations established in §§ 8404, 4321, and 9003 of this title, a police officer, a probation and parole officer of the Department of Correction assigned to a law enforcement task force, and an employee of the Department of Services for Children, Youth, and Their Families designated as a special investigator or serious juvenile offender officer shall wear a body worn camera while on duty in a role that is likely to result in interactions with the public.

(b) A police officer, a probation and parole officer of the Department of Correction assigned to a law enforcement task force, and an employee of Department of Services for Children, Youth, and Their Families designated as a special investigator or serious juvenile offender officer required to wear a body worn camera under subsection (a) of this section shall use the body worn camera to record interactions with the public while on duty in accordance with the regulations established in §8404 §§ 8404, 4321, and 9003 of this title.

(c) The Department of Safety and Homeland Security, Office of Management and Budget, Department of Technology, Department of Justice, and Office of Defense Services shall work to implement a statewide body worn camera program as funding is made available to procure body worn cameras for law-enforcement officers where necessary, to establish a central data storage program to house body worn camera footage, and to provide adequate personnel to administer the program.

Section 4. Amend Chapter 90, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9003. Powers, duties and functions.

(a) The Department of Services for Children, Youth and Their Families shall have the following powers, duties and functions:

(20) Shall devise and adopt a body worn camera policy that shall meet or exceed the standards established by the Council on Police Training by regulation.

Approved July 21, 2021