

**FRANKLIN D. COOKE, JR.**  
STATE REPRESENTATIVE  
16<sup>th</sup> District



**HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901**

**COMMITTEES**  
Public Safety & Homeland Security, Vice-Chair  
Corrections  
Gaming & Pari-Mutuels  
Housing & Community Affairs  
Judiciary  
Labor  
Veterans Affairs

House Public Safety & Homeland Security Committee Meeting Minutes  
5.12.21

Chair Cooke called the virtual meeting to order at 1 p.m. He stated that the meeting was planned in accordance with HCR 1 and took the roll of the committee's members. Members present included Chair Cooke, Vice Chair Osienski, and Reps. Chukwuocha, Bush, Lynn, Morris, Smyk, Vanderwende, and Briggs King.

**Chair Cooke introduced HB 195, AN ACT TO AMEND TITLE 11 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION OF BODY WORN CAMERAS.**

Rep. Dorsey Walker, the prime sponsor of the bill, explained that the bill requires certain police officers and employees of the Department of Correction and Department of Services for Children, Youth, and Their Families to wear a body worn camera and to use the body worn camera to record interactions with a member of the public in accordance with the regulations to be established by the Council on Police Training. She added that the bill requires state agencies to implement the statewide body worn camera program through the procurement of cameras, development of a central data storage program, and provision of necessary personnel as funding is available. The Council on Police Training (COPT) will establish regulations and will be required to increase the size of its membership. Rep. Dorsey Walker concluded her remarks by stating that she has received widespread support from law enforcement agencies across Delaware. She thanked several members of the Department of Justice (DOJ), law enforcement officers, and legislators for their help in moving the bill.

Rep. Briggs King thanked Rep. Dorsey Walker for bringing the bill forward and asked the sponsor for clarity on text in line 53, specifically asking whether "an employee of the Department of Correction assigned to a law enforcement task force" would include Probation and Parole officers.

With permission from the Chair, Rep. Dorsey Walker asked Chief Deputy Attorney General Alex Mackler to clarify. Mr. Mackler stated that DOJ worked with DOC on the cited language and further emphasized that the intent is to require every officer interacting with civilians to wear a body camera, while the specific language regarding DOC officers is meant to draw a clean line to ensure that officers working on operations such as Operation Safe Streets have cameras.

Rep. Briggs King stated that Probation and Parole officers are out in the field even if they are not always engaged with the public. She explained that they may still interact with clients and former offenders.

Mr. Mackler stated that he will discuss the implications of the language with DOC.

Rep. Briggs King asked about the reference given to the Council on line 41, stating that the Department of Homeland Security (DSHS) is not a required entity for the Council on Police Training to consult with in the development of the regulations. She pointed out that DOC was also not included in the implementation of the statewide body worn camera program expressed in line 60.

At the request of the Chair, DHSS Secretary Nathaniel McQueen referred to line 41 and explained that the current Chair of the Council on Police Training is a DSHS employee. He added that DOC will have a chance to weigh in on the implementation of body worn cameras.

Rep. Briggs King emphasized the significant need to have consistent language within the bill, especially to maximize transparency and accountability.

Secretary McQueen noted that DOC does not fall under the authority of the Council, so that is why they are included as a consulting entity on line 42.

Representative Briggs King reminded committee members present that it may be prudent to re-examine the current structure of

DOC as it relates to Community Corrections.

Chair Cooke reminded Rep. Briggs King that Probation and Parole falls under DOC and under a different section of the Code.

At the request of the Chair, Chief Patrick Ogden of the Delaware Police Chiefs' Council stated that his conversations with the state Fraternal Order of Police (FOP) and the Delaware State Troopers Association (DSTA) reflected their understanding that the body worn camera program is a mandatory component of the collective bargaining agreements. He added that there are a few concerns about legislating the body worn camera policy but that there is widespread support, especially with the assistance provided by the bill in accessing a repository for all body worn camera data.

Rep. Smyk stated that labor unions had led the initial charge for body worn cameras and he is a large supporter of body worn cameras but a bit hesitant in terms of the policy requirements. He asked Chief Ogden whether the Wilmington Police Department is a member of the Delaware Police Chiefs Council.

Chief Ogden stated that the Wilmington Police Department is a member of the Delaware Police Chiefs Council.

Rep. Smyk stated that police agency body worn camera policies are being challenged in court, with the courts ruling that collective bargaining agreements should determine the policies and procedures. He stated that the Attorney General already has say over several areas of criminal justice policy in the State but should not take part in the policies crafted around body worn cameras as it is a labor issue. He stated that his conversations with DSTA and DE FOP have shown their lack of input on this bill.

Chief Ogden stated that almost all law enforcement agencies and related organizations agree that body worn cameras are a necessary policy, but that leadership from the two major collective bargaining agencies could be included in the creation of policies by the COPT. He reminded Rep. Smyk that the statewide implementation of body worn camera policies is a game changer for Internal Affairs, not just civilians.

Chair Cooke stated that the bill is not an "end all", and that legislators owe it to the public to pass the bill.

Rep. Briggs King added that the Office of Defense Services want body worn cameras as well. She stated that the members need to legislate and allow negotiations within the collective bargaining agreements.

Rep. Dorsey Walker stated that there was a discussion on a second piece of legislation to focus on collective bargaining unit agreement issues. She explained that COPT was included as they needed to determine who could be outfitted with a body worn camera.

Secretary McQueen stated that COPT laid down the foundation of law enforcement training within the state and that is why they were selected to establish policies and procedures.

Rep. Smyk stated that members of labor organizations will be impacted by this bill. He suggested that the General Assembly pass a bill that only requires agencies to establish body worn camera policies in order to allow labor organizations to utilize their expertise in creating sound body worn camera policies.

Chair Cooke stated his disagreement with Rep. Smyk's statements on the law enforcement collective bargaining agreements.

Rep. Smyk stated that law supersedes collective bargaining agreements. Secretary McQueen stated the legislation as written will allow COPT to govern the daily use of body worn cameras.

Rep. Smyk repeated that union leaders would like greater input on the policies established, and therefore would like to see two separate bills.

Rep. Briggs King expressed that there are several different ideas about how to utilize COPT, but that there should be a more comprehensive package on COPT regarding transparency and training once recommendations by the Law Enforcement Accountability Task Force are further developed.

At the request of the Chair, Secretary McQueen and Chief Ogden both stated that approximately 23 agencies throughout the State utilize body worn cameras and are following the guidelines established in the DPCC's model policy. Chief Ogden added that the language needs to be carefully crafted in order to spell out standard operating procedures, specifically citing Capitol Police law enforcement officers.

Chief Deputy Attorney General Mackler reminded the committee that the bill does not establish the specifics of the policy but mandates that COPT consult with designated agencies when updating the Police Chiefs Council's model policy.

Rep. Briggs King explained that another issue would focus on the person reviewing the data, emphasizing the need to maintain privacy.

Rep. Smyk suggested that the bill be tabled and amended into two separate bills. He expressed that DOJ had an inappropriate role as authorized by the bill and reiterated his belief that the current language creates a language issue.

Chief Ogden stated that the solution would be to include FOP and DSTA at the table when creating the policy. Secretary McQueen agreed.

Rep. Smyk asked Rep. Dorsey Walker if she would consider an amendment to allow DSTA and FOP to be added to the list of groups consulted in the creation of the policy.

Rep. Morris asked why the bill is not in the House Labor Committee, since it seems to be a labor issue.

Rep. Lynn reminded Rep. Smyk that he worked on this issue more than six years ago and suggested that the committee refocus the discussion. He explained that the bill is designed to address the preservation and protection of individual civil rights and added that DSTA and FOP could be consulted as soon as the bill is released from committee.

Rep. Smyk stated his appreciation for Rep. Lynn's prior attempts to legislate the use of body worn cameras. He reminded the committee that unions have been an important partner in policymaking.

Chair Cooke opened the meeting to public comment.

Robert Overmiller stated his support for the bill and asked that the legislation be cleaned up before it reaches the House floor.

Cindy Romer stated her support for the legislation and her appreciation that the committee meetings have been held online.

Lorenzo Hopkins of the Delaware Racial Justice Collaborative stated support for the bill and reminded the committee that body worn camera requirements have been implemented in other states for years.

Maren Bertelsen asked the committee to release HB 195 from committee, stating her support for the increased civilian membership of the COPT.

Jon Offredo, Legislative and Communications Director of the Office of Defense Services, stated support for the bill and reminded the committee that the policy is not an "be all end all". He stated his eagerness to continue discussions around law enforcement reform.

Zuneera Johnwell stated support for the bill on behalf of Delaware United's Policy Committee and emphasized that it is the responsibility of the government to remain transparent with the people. She stated that it is essential for body worn cameras to be utilized by law enforcement and DOC officers in order to earn public trust, and added that the bill is just one of a series of reforms that are needed to improve policing in Delaware.

Ann Bookout, on behalf of Delaware United, stated that Rep. Dorsey Walker ensured the creation of a stronger bill with the inclusion of the COPT expansion. She asked the legislators to ensure that the cameras remain on throughout the officer's entire interaction with the public and encouraged the public to ensure that the policies created by COPT reflect the original intent of the bill.

Rep. Smyk requested that any motion made to release HB 195 come with the condition that labor unions must be consulted before the bill makes its way to the House floor.

Representative Osienski made a motion to release HB 195 from committee, and Representative Lynn seconded the motion; motion carried. Yes= 10 (Reps. Cooke, Osienski, Brady, Chukwuocha, Bush, Lynn, Morris, Smyk, Vanderwende, and Briggs King). The bill was released from committee with a F=3, M=4, U=0 vote.

Chair Cooke adjourned the meeting at 2 p.m.

Respectfully submitted.

List of Speakers

Robert Overmiller

Cindy Romer

Lorenzo Hopkins

Maren Bertelsen

Jon Offredo, Office of Defense Services

Zuneera Johnwell, Delaware United

Ann Bookout, Delaware United