

**BJA Body Worn Camera Training & Technical Assistance
Wilmington Attorney General's Office**

Chip Coldren: Hello, I'm Chip Coldren. I serve as the managing director for justice programs at CNA in the safety and security division, and as project director for the Bureau of Justice Assistance's body Worn Camera Training and Technical Assistance Program. Today, I'm speaking with Deputy Attorney General Matthew Frawley of the criminal division of the Delaware Department of Justice. He is helping coordinate the body-worn camera initiative in Delaware. The criminal division of the Department of Justice is responsible for the prosecution of criminal cases throughout the state from misdemeanors to murders.

Its mission is to represent the state in criminal cases, and in doing so, safeguard the human race of victims and their families, and the constitutional rights of defendants. This responsibility includes the preparation and presentation of criminal cases before the Superior Court, the Court of Common Pleas, and in some matters, before the Justice of the Peace Courts.

Matthew Frawley is a deputy attorney general in the Delaware Department of Justice criminal division. In his capacity as New Castle County felony trial unit had Matt supervise his 14 prosecutors, and another 12 support staff members in a unit that handles over 2,000 felony cases per year. During his ten years with the Department of Justice, Matt has prosecuted over 70 Superior Court jury trials.

In January, 2015, Matt was selected by the Delaware State Prosecutor to chair the Department of Justice body-worn camera working group. Since then, Matt has study body-worn camera policies and best practices around the country. With the working group, Matt directed the Delaware Department of Justice body-worn camera best practices and guidelines. Matt continues to work closely with the various law enforcement agencies within the state of Delaware to effectively implement body-worn camera technology. We know that the Attorney General's Office has been planning for and coordinating

activities for state-wide implementation of body-worn cameras for some time now.

Let's start with asking what that effort entails and how has it been going, Matt?

Matthew Frawley: Well, we have been working closely with the Delaware Police Chiefs Council on a state-wide uniform body-worn camera policy. And I think we've made some significant headway in doing that, working closely with the Police Chief's Council. So, we're very happy about the product that we've created. And obviously we've addressed a lot of the challenges that are involved in trying to create a one-size-fits-all type of policy because as you can imagine, law enforcement is very different throughout the state of Delaware. It's very different from one jurisdiction to the next, one county to the next.

So, trying to tailor a body-worn camera policy that fits all of the agencies within the state of Delaware was to say the least a challenge, but something we think we've done a very good job addressing.

Chip Coldren: So, I'd like to ask, is there local choice for the police agencies regarding which camera vendors they work with?

Matthew Frawley: Well, I think if they're being prudent, local law enforcement is going to do pilot programs. And they're going to test out various vendors and various products. I know Wilmington Police Department has run a pilot using different body-worn camera vendors. New Castle County Police Department has done the same thing. I believe Delaware State Police have.

One of the emerging body-worn camera vendors is TASER Axon because not only do they offer some pretty good hardware for police, but they offer a internet-based iCloud prosecutor assist function through Evidence.com that allows state prosecutors and the law enforcement agencies to share via the Cloud all of the body-worn camera footage that is captured on a daily basis for relevant criminal investigations.

Chip Coldren: So, some of the sites will have choice on which vendor they use, correct?

Matthew Frawley: Yes. And I think one of the things that we've stressed as the Delaware Department of Justice, because we have about 41 police agencies state-wide. One of the things we've stressed and I think the legislature in Delaware has stressed through resolution, is that we want to try to get uniformity throughout the state of Delaware. We would love to be able to have a unified system where one vendor is used.

And that vendor assists law enforcement through their hardware and their software to communicate in a very efficient manner, all of the evidence that's obtained because there's hundreds and hundreds of thousands of hours of body-worn camera video that needs to be provided for relevant criminal cases to the Department of Justice so that we can receive, review, redact, and turn over relevant discovery in evidence to defense council. With that body of evidence, we should be moving towards a unified system where preferably every police agency in the state of Delaware is using the same hardware and software.

Chip Coldren: Yes, yes. OK. Who is bearing the cost of burden state-wide? Is that strictly a local responsibility, or is there some other funding assistance from the state for these cameras?

Matthew Frawley: The short answer is that is a local responsibility. For instance Middletown Police Department has been a pioneer in the body-worn camera industry. They are – their patrol division I believe is almost entirely outfitted with body-worn cameras as they have been for close to two or three years now. And they have – and kudos to them – have found a way internally to fund the body-worn camera effort within their own agency. That can't be said with a lot of the smaller agencies throughout the state of Delaware who can't afford to purchase the equipment.

And more importantly deal with the storage capacity because storage is occurring through either a local server, which can be incredibly expensive, or through the Cloud, which can also be very expensive depending on how much data and how much video you're receiving on any given day.

Chip Coldren: Yes. So, that kind of leads to my next question which have there been objections or any sort of pushback from the local police agencies?

Matthew Frawley: Absolutely, and rightfully so. You have a lot of smaller jurisdictions, law enforcement agencies within the state of Delaware. And some of these smaller municipalities that simply can't handle the financial burden associated with buying equipment, signing a \$1 million contract with a body-worn camera company. They don't have the financial ability to do that. And unless there's legislation that allows them to go out and purchase equipment, they're not really able to take the very limited resources that they have and divert them in a direction to get body-worn cameras.

So, it's a significant problem I think in Delaware as it is across the nation. You have this strain between people wanting body-worn cameras in every police officer, and the police agency wanting them because they provide police officers with transparency, evidence gathering, and officer safety, and just not having the resources to be able to do that.

Chip Coldren: Yes. Is there a state mandate that all local agencies adopt cameras?

Matthew Frawley: Currently, no. My understanding is currently there is a resolution that was issued I believe last year from the General Assembly encouraging the Delaware Department of Justice to work with the Delaware Police Chiefs Council on encouraging all state law enforcement agencies within the state of Delaware to go to a uniform practice and policy. And obviously that would implicate that we would all attempt to go with a single body-worn camera agency. And of course, that has its benefits as well because some of the larger agencies that have the funding and the ability to purchase these body-worn cameras on a larger scale.

If there's a state-wide contract with a single body-worn camera agency, some of the smaller agencies could be subsumed within that contract. And while they wouldn't have the resources to pay for it on their own, and pay for the follow up technological assistance later on down the road, they'd be able to enjoy I think the benefits of that if we went with a state-wide uniform body-worn camera vendor.

Chip Coldren: So, you mentioned in your opening remarks that there's many challenges to getting this work done state-wide. We've touched on some of them. Can you talk about maybe some of the important experiences or lessons that you've learned from your work on body-worn cameras so far? What do other states and agencies need to know about this issue?

Matthew Frawley: Well, it's difficult to speak for other jurisdictions. The one thing that I think everybody agrees with is that Delaware is a very small jurisdiction. So, in a way, we're a microcosm of some of the larger police agencies and jurisdictions across the United States. But I think one of the things that we've learned in this process is to the extent possible, there should be some kind of state-wide uniformity. Some of the break down I think in the future with body-worn cameras will be that you have a lot of different hardware and software programs and not a lot of communication between the law enforcement agencies and the prosecuting agencies to determine how all of that's going to work in the end.

It's great to have people throughout your state saying, "Hey, we have body-worn cameras." But unless you have that coordination between the law enforcement agencies and the prosecuting agencies, there will be breakdowns at the back end when it comes time to sharing hundreds of thousands of hours of body-worn camera video with (these) prosecuting agencies that doesn't have the resources and the ability to obtain and receive all of that information, and do with it what it needs to do based on its legal obligations under the law.

Chip Coldren: Thank you. So, there – you're also in a unique position regarding how cases are prosecuted in Delaware because you have a – I think a single prosecuting authority in the Department of Justice, correct?

Matthew Frawley: Correct, yes. And that's very different from a lot of the jurisdictions that surround Delaware and that are in our country. So, I think that on another level, what you're getting at is important which is not only between law enforcement agency and the local prosecuting agency, but the state-wide prosecuting agency. And so, I think people need to understand that it's very important to get all of your stakeholders around the same table to discuss the issues and coordinate how you're going to implement a body-worn camera

campaign for your state so that you're not just saying, "Hey, we have body-worn cameras" and then can't prosecute any of the cases because you haven't discussed how the sharing of information is going to go.

Chip Coldren: Yes. So, how does the sharing of information between law enforcement and prosecutors work under your policy?

Matthew Frawley: Well, our proposal would be that the law enforcement agency using a body-worn camera hardware would be able to upload that body-worn camera footage into a Cloud that would be easily shared with your prosecuting agency over that same Cloud. Or from the law enforcement agency Cloud to a prosecutor's Cloud so that we're receiving these hundreds of thousands of hours, and thousands of videos on a yearly basis without having an officer having to download it onto a CD, drive from Middletown up to Wilmington to drop off the CD, or the multiple CDs because there are multiple body-worn cameras, and then have us copy those CDs and send them out to defense council.

A lot of what we've been working with Evidence.com through TASER Axon is to revolutionize that process and eliminate all of that extra work that's being done to receive this evidence in an electronic format that is easily (redactable), easy to review, easy to copy, and easy to send out in an electronic format to defense council in a timely and efficient manner. If you think about it, if you're able to cut down on the police officer who has to copy a CD and drive 1,000 of them up every year from Middletown or even Troop 2 in Bear. That's an amount of time that that officer can be on the road investigating additional crimes.

And so we're trying to take this process, which is an incredibly time-consuming process, and figure out ways to make it as efficient as possible so that we're not over burdening law enforcement and prosecuting agencies, which are already over burdened based on the amount of crime and cases that we're dealing with on a daily basis.

Chip Coldren: Yes, yes, yes, big challenge. So, one last question Matt. Given your experience so far in the work that you've been involved in, what does the

future look like for body-worn cameras in Delaware? Well, where do you think this is all going?

Matthew Frawley: Our hope is that one day not too far in the future that all law enforcement agents on our streets will be wearing body-worn cameras. That is hopeful. But it really depends on the political will. This is not a program that our state can look at and demand that officers wear body-worn cameras and not fund. It's something that I think our General Assembly's going to have to take a serious look at in terms of funding and appropriations to make sure that our state stays kind of on the edge of technology for all the reasons and all the positive reasons that our country's moving in the direction of body-worn cameras.

I think we're in a good place in the state of Delaware. We're moving in the right direction. And I think that one day all of our police officers could be wearing them. And I think it's something that our General Assembly, when they take a serious look at will determine that it is important enough to appropriate the correct amount of resources not only to law enforcement agencies, but to the Delaware Department of Justice so that we have the necessary resources within the prosecuting agency of this state to receive all of this information and do with it what we need to do to effectively prosecute cases.

Chip Coldren: That's great, Matt. Now I've thought of one more question, if you don't mind, before we wrap up. And I'm gathering from your comments that for the most part the law enforcement agencies are accepting of the possible good that can come from body-worn cameras for both citizens and officers alike regarding transparency and building trust in law enforcement, and those kinds of things. And most of their objections have to do with the cost of the technology. Is that fair to say?

Matthew Frawley: Yes, that's a fair statement. If you're a Delaware city police department, and you have less than five officers within your entire police department, it would be a great benefit for you to be able to outfit those five or six police officers with body-worn cameras. It's a good idea from an investigative – best practices from a law enforcement agency perspective. But, if it's cost

prohibitive, you have a very tight budget that doesn't contemplate and has never contemplated the addition of a \$100,000 contract with a body-worn camera company. And there's really no way to garner that revenue to be able to pay for something like that.

So, you're not going to be a law enforcement agency that jumps into the body-worn camera game only to find out in six to eight months from now the state has elected to go with a body-worn camera vendor that isn't the one that you're with, and is now not going to cover or going to subsume your costs into what they're doing state-wide. So, I think there's a lot of smaller agencies out there, and rightfully so that are hesitant to jump into the body-worn camera game until they get some kind of guidance state-wide about how and when we're going to move to this uniform body-worn camera practice.

Chip Coldren: Good, good. Thank you very much, Matthew. We're grateful that you could speak with us today and share your knowledge and experience on this clearly very important topic in the justice system.

(Multiple Speaker)

Matthew Frawley: My pleasure and thanks for having me.

Chip Coldren: Yes. We encourage law enforcement justice and public safety leaders whose agencies are interested in learning more about the implementation of body-worn camera programs to visit the body-worn camera tool kit at www.BJA.gov/BWC. This tool kit offers a variety of resources that agencies can use to help with adoption and use for community engagement, policy development, data collections, officer training, and educational purposes. We also encourage listeners to share and promote these resources with your colleagues and staff. Lastly, all of these resources, and especially the body-worn camera tool kit, have been designed as a national resource. They're your resource. Please (submit) your ideas for new content through the BWC support link at the bottom of the homepage.

This is Chip Coldren of the Bureau Justice Assistance body-worn camera team signing off. Thank you again, Matt. And thanks to our listeners today for joining us.

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