

**New Castle City
Chief Eugene Petty
Police Accountability Commission (PAC)
September 19, 2024 – 6:30 p.m.
1 Municipal Drive, New Castle, DE**

Present: Consuella Petty, Chair
 Kim Jones
 Rodney Pratt
 Andre Jerry
 Tamara Stoner
 Angel Ramos

Absent: Pr. Jerome Lewis
 Thomas Lunt
 Wm. Penn High School Representative (TBD)

Also Present: Police Chief Richard McCabe
 City Administrator Antonina Tantillo
 Councilperson Brian Mattaway
 Representative Franklin D. Cooke

As this was the first meeting of the Commission, Chief Richard McCabe acted as Chair. He welcomed everyone and called the meeting to order at 6:30 p.m. Roll Call followed and a quorum to conduct business was declared.

Chief McCabe noted that each member received a copy of the Department Bylaws and asked that the Commissioners review the Bylaws and forward any input to him. Once all comments are received, the Bylaws will be sent to the City Solicitor for review.

Each of the members introduced themselves and shared their background and qualifications; and what led them to become part of the Commission.

Chief McCabe noted his background and history with the New Castle City Police Department (NCCPD), noting that when he was promoted to Chief, former Chief Petty had recommended that he form an Advisory Board.

Chief McCabe stated that at this initial meeting he wanted to familiarize the members with the Agency (structure, mission, vision, etc.) and recent Legislation that the Police have supported.

The Agency

- The NCCPD is one of the oldest police departments in the country, dating back to the 1600's.
- The Department has an 18 person staff consisting of:
 - Two Captains
 - Four Patrol Sergeants

- Eight Patrol Officers
- Two Detectives
- There is currently one open position.
- The Department created a website to open lines of communication to the community and foster transparency.
- Chief McCabe reviewed the monthly report published on the website, and explained data, statistics and community outreach. Chief McCabe reviewed the Internal Affairs Summary in detail. He added that he is aware of all formal complaints.
- Chief McCabe explained the Accreditation process, noting that the Department was recently re-accredited.

Why We Are Here

Chief McCabe noted that much of the negative messaging around policing right now is that the police are pushing back on transparency. He noted that Representative Cooke led the task force that spearheaded PAC.

Chief McCabe read from a letter that summarizes recent legislation and relayed real-life incidents that were directly related to issues detailed in the letter. He noted that the news outlets, TV and social media have tainted the image of the police to the point where the trust factor has dropped.

Legislation Supported by Law Enforcement

147th General Assembly – Amendment to Law Enforcement Officers’ Bill of Rights (LEOBR)

During that timeframe it was recognized that discipline related issues were not being addressed effectively by smaller agencies. Chief McCabe stated that Captain Dempsey is trained in Internal Affairs (IA) and the Department does its own internal investigations; noting that some smaller agencies do not have anyone trained in IA. This bill allowed smaller agencies to reach out to other agencies to conduct investigations. Chief McCabe added that Captain Dempsey has assisted in approximately 10 investigations for other agencies over the past 4-5 years.

Chief McCabe explained that LEOBR was designed to create due-process for police officers; however, it has been misrepresented through several platforms as a way for the police to remain secret and not be transparent. He added that internal documents are not “secret.”

149th General Assembly – Creation of Delaware Police Accreditation Commission (DPAC)

DPAC is an independent agency that reviews police departments to ensure that best practice standards are being followed. Chief McCabe noted that DPAC includes members of the General Assembly (GA); however, some of members of the GA are not attending the committee hearings. He added that the members of PAC will be holding the NCCPD accountable and hoped that they would hold members of the GA accountable as well.

SB169

Chief McCabe explained that SP169 enhanced penalties for Police NCO’s who sexually assault persons in their custody.

HB350 – Codification of the banning of chokeholds

The Response to Resistance Policy prohibits the use of chokeholds unless deadly force has been justified. This is also a Federal requirement.

SB4445

Chief McCabe explained that SB4445 created civil remedies for underage consumption of alcohol and marijuana. Chief McCabe is working with the President of the FOP and a Representative to review the Juvenile Citation Program.

HB195 – Mandating Body Worn Cameras

Chief McCabe stated that he supported the bill; however, the Department was already using Body Cams. He also stated that this technology has been very effective in cases of false accusations against officers. He added that RING Door Camera footage can be uploaded to the Department's repository.

HB243

Chief McCabe stated that HB243 restricts the use and publication of juvenile mug shots unless the crime in question is violent or the offender is a threat to society.

Joint Resolution 4

Chief McCabe explained that Joint Resolution 4 requires that integrity reports be available for public review, and it created a list of all decertified officers in the State of Delaware that is to be submitted to the National Database.

SB147

SB 147 created an objective use-of-force standard for police officers in Delaware. Chief McCabe explained that force has to be objectively reasonable to be lawful.

SB148

The Division Civil Rights and Public Trust investigates complaints against officers leading to a criminal investigation and any use of force leading to serious physical injury or death.

HB205

Chief McCabe explained that Legislation was put forward to repeal LEOBR and create an oversight that had the ability to overturn decisions, have input into discipline, and hiring and firing of officers. The Police Agencies were not supportive of this legislation.

Chief McCabe stated that the Agency always wanted a line of communication and transparency; and it agreed to change the language to be able to state why an internal investigation was either sustained or not sustained. Now information can be imparted regarding these types of investigations within the parameters of the Code of Conduct.

The name of LEOBR was changed to Police Officers Due Process Accountability and Transparency. One of the first things that was agreed upon was to identify five areas that, as an industry, should be public-facing:

1. Any incident involving the discharge of an officer's weapon.
2. Force leading to serious physical injury or death.
3. Sexual assault as defined by the law against any person while the officer is on duty.
4. A sustained finding of domestic violence by an enforcement officer.
5. Professional dishonesty.

ODS wants access to every complaint ever made against an officer, regardless of whether it was sustained or not, to show a pattern of conduct. Chief McCabe stated the goal there is to get as much information as they can so they can bring it up during cross examination during a trial to discredit the officer / win the case.

HB206

The Police Officers Standards and Training Commission (POST) replaced the Council of Police Training. The makeup of POST is more non-sworn than sworn.

Summary

Chief McCabe stated that the makeup of PAC is very specific and has no sworn officers. Chief McCabe recognized the sponsoring legislators with whom he worked. He added that Delaware is the only state in the nation that requires accreditation.

In response to a question from members, Chief McCabe stated that:

- The Department has a very active Facebook page. They also have a Twitter account, but it is not being used right now.
- Chief McCabe was not aware of any legislation that addresses bullying; however, the Department is working with CCD on programs within schools under different platforms to discuss various issues, i.e., substance abuse, etc. There is also a Citizen Award program in the schools.
- The Department has policies and training on Implicit Bias that all officers are required to take. It also has Crisis Intervention Training that includes social and cultural factors.

Chief McCabe stated that the PAC members are required by law to have 20 hours of training in the next 12 months. He suggested that how to proceed with that training be added to the next meeting Agenda. He noted that training can be done as a group or individually.

Chief McCabe asked that all input on the Bylaws be sent to him directly without copying all Commissioners to avoid any FOIA issues.

Councilperson Mattaway thanked the Commission members and others who were integral in the creation of the PAC. He added that the City worked in collaboration with the Police to create a free Substance Abuse Resistance Program for middle school children.

In response to a question from Mr. Ramos, Councilperson Mattaway stated that all Commissions and Boards are required to make an annual report to City Council; however, if there is anything that needs to be discussed, it can be added to the Council Agenda for presentation at any monthly meeting.

Ms. Tantillo stated that the City is looking into having a separate email account for the PAC. Chief McCabe stated that contact information for the members will not be shared.

Ms. Jones noted that the CCD works in collaboration with the Police Department on its Community Outreach Response and Engagement (CORE) program. CORE provides assistance for those who may be experiencing issues related to substance abuse and can be contacted to have a Peer Specialist visit to help with services and/or referrals.

Next Steps

- The Commission is required to meet quarterly, but Chief McCabe suggested monthly meetings at first.
- Ms. Tantillo will send out an email to poll the members to schedule meeting dates.
- The next meeting was scheduled for Thursday, October 17th at 6:30 p.m.

A Motion to adjourn the meeting was made by Ms. Petty and seconded by Ms. Jones. The motion was carried unanimously and the meeting adjourned at 8:20 p.m.

(Stenographer's Note: Representative Cooke addressed the Commission after the meeting adjourned.)

Respectfully submitted,

Kathleen R. Weirich
City Stenographer