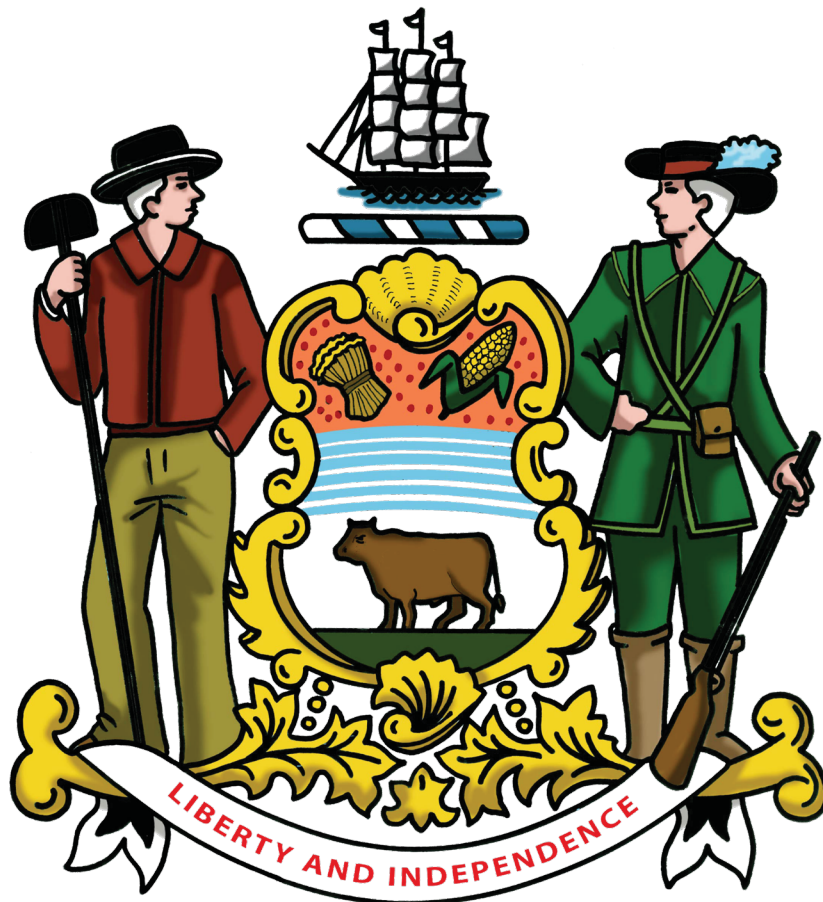


# *Interim Report*



*Law Enforcement Accountability  
Task Force*

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## Law Enforcement Accountability Task Force Membership

Appointed Co-Chairs: Representative Franklin Cooke & Darryl Parson, Esq.

### *Task Force Specification*

### *Appointee*

|  |  |
|--|--|
| One member appointed by the Speaker  | Chief R.L. Hughes, (Georgetown Police Dept.)             |
| Appointed by the President Pro Tempore                                       | Larry Johnson  |
| One member appointed by the House Minority Leader                            | Representative Ruth Briggs King                          |
| One member appointed by the Senate Minority Leader                           | Senator Brian Pettyjohn                                  |
| A member of the Criminal Justice Council or designee                         | Chair James Liguori                                      |
| The Director of the Statistical Analysis Center or designee                  | Director Spencer Price                                   |
| The Attorney General or designee   | Hon. Kathleen Jennings, Attorney General                 |
| The Colonel of Delaware State Police or designee                             | Superintendent Col. Melissa Zebley                       |
| The Chief Defender or designee   | Chief Defender Brendan O'Neill                           |
| Members of advocacy organizations appointed by the Speaker                   | Michelle Taylor (United Way)                             |
|  | Bernice Edwards (First State Community Action)           |
| Members of advocacy organizations appointed by the President Pro-Tempore     | Ron Handy (NAACP)  |
|  | Sherese Brewington-Carr, M.H.S.<br>(Department of Labor) |
| A member of the Delaware State Trooper Association appointed by the Governor | Lt. Thomas Brackin                                       |
| A member of the Fraternal Order of Police, appointed by the Governor         | Lt. Frederick Calhoun                                    |
| A member of the Delaware Police Chiefs' Council                              | Chief Patrick Ogden, University of Delaware              |

## Enabling Legislation and Background

In June 2020, the Delaware Legislative Black Caucus announced its Justice for All agenda including the creation of the Law Enforcement Accountability Task Force (“LEATF”). LEATF was officially formed by Section 38 of SB 260 (the FY 21 Grant-In-Aid Bill).

Members of the Law Enforcement Accountability Task Force, who can be found in the next section, are charged with studying Delaware law enforcement and making findings and recommendations to the 151<sup>st</sup> General Assembly, Governor, and law enforcement agencies. The Speaker of the House and President Pro-Tempore of the Senate selected State Representative Franklin Cooke and Darryl Parson, Esq. as the Co-Chairs of the Task Force.

Task Force recommendations are informed by the work of four subcommittees:

- Use of Force & Imminent Danger
- Workforce Development
- Community Policing & Engagement
- Transparency & Accountability

After the first Law Enforcement Accountability Task Force Meeting in August 2020, Co-Chairs Cooke and Parson selected subcommittee Chairs from the Task Force membership, then appointed Vice-Chairs to assist in leading the work of each subcommittee. A variety of stakeholders were selected: current and retired members of law enforcement, nonprofit leaders, community advocates, and public officials.

## Task Force Meetings and Public Listening Sessions

### *First Meeting (August 6<sup>th</sup>)*

The first Law Enforcement Accountability Task Force meeting focused on informing the public of the charge, goals, and leadership of the Task Force and its four subcommittees.

### *Listening Session No. 1: Use of Force & Transparency (September 30<sup>th</sup>)*

#### Moderator & Panelists

Alicia Clark, Founder, Alicia Clark & Associates LLC (Moderator)

Coby Owens, Wilmington community organizer

Jalyn Powell, CEO, Outloud LLC

Yvette Santiago, President, New Castle Couth Vo-Tech Board of Education

Yusef Salaam, member of the “Exonerated Five”

#### Key Takeaways

1. In its simplest form, de-escalation means to slow down. Officers should be encouraged to approach situations in the least intimidating way possible and use the least amount of force available to them first.

2. Multiple excessive force incidents have eroded the public trust in police, decreased police legitimacy, and given the impression that police see themselves above accountability.
3. Accountability needs a true examination: Transparency with the public is key; the Law Enforcement Bill of Rights needs to be examined; and qualified immunity should be changed at a federal level.
4. Enforcing current policies is crucial before the public can have any trust in new approaches.
5. There is a lack of public attention to women of color affected by unlawful police practices.

*Listening Session No. 2: Community Policing & Workforce Development (December 2<sup>nd</sup>)*

**Moderator & Panelists**

Alonna Berry, Bryan Allen Stevenson School of Excellence (Moderator)

Eugene Young, Metropolitan Wilmington Urban League, Network DE Creator

Lt. Dan Selekmán, Former Wilmington Police Department Officer

Lynda R. Williams, President, National Organization of Black Law Enforcement Executives (NOBLE)

**Key Takeaways**

1. The core of community policing is understanding that officers should be part of the community, not just watching over the community. Additionally, officers should be a conduit to structured social services.
2. Requiring officers to walk the streets they serve is an essential aspect of community policing.
3. Law enforcement reform is not the result of a few “bad apples,” but a few “bad orchards.” There must be accountability and reform to change the culture.
4. Law enforcement recruitment is more than showing up at a job fair; police must strategically work to show positive public experiences to intentionally recruit and increase representation. It goes hand in hand with understanding community culture.
5. The community should be a part of the hiring and training process from Day One.

*Next Meeting*

The second full Law Enforcement Accountability Task Force meeting will take place on **Tuesday, January 5<sup>th</sup> from 10am – 12pm.**

## Community Policing and Engagement

Chair: Michelle Taylor, Chief Executive Officer, United Way of Delaware

Vice-Chair: Sherri Tull, President of Delaware NOBLE & Retired Law Enforcement Officer

### *Membership*

Allison Abessinio, Unit Head, Community Engagement Unit, Delaware Dept. of Justice (DOJ)

DOJ Ron Handy, NAACP

Sierra Harris, Network Delaware and Metropolitan Wilmington Urban League

Lynn Kielhorn, Peace and Justice Work Group at Westminster Presbyterian

Elliot Margules, Esq., Office of Defense Services

Chief Patrick Ogden, University of Delaware Police Department & Police Chiefs' Council

Corie Priest, Community Engagement Unit at Delaware DOJ

Monica Shockley-Porter, Network Delaware and Metropolitan Wilmington Urban League

Reginald Daniel, Delaware State University

Bernice Edwards, Chief Executive Officer, First State Community Action Agency

Rev. Fred Hanna, Community Presbyterian Church

Rev. Rita Paige, New Beginnings AME Church

Captain Joshua Bushweller, Delaware State Police

Wilson Gualpa, Chair, Multicultural Judges and Lawyers Section, DE State Bar Assoc.

Dr. Yasser Payne, University of Delaware

Laura Adarve, Latin American Community Center

Chief Harry Downes, Delaware State University Police Dept.

### *Meetings*

The Community Policing & Engagement Subcommittee met monthly since the finalization of the subcommittee roster in September:

- Monday, September 14<sup>th</sup>
- Tuesday, October 13<sup>th</sup>
- Monday, November 9<sup>h</sup>
- Monday, December 14<sup>th</sup>

For a link to all agendas and meeting materials, as well as the report referenced below, please review Appendix A.

### *Subcommittee Status*

The Community Policing & Engagement subcommittee initially reviewed and distilled “*Final Report of the President’s Task Force on 21<sup>st</sup> Century Community Policing*,” as required by Task Force’s authorizing language. After the initial review, research, a series of listening sessions, and conversations with law enforcement heads around the state, the subcommittee members have prioritized themes and recommendations from the 21<sup>st</sup> Century Policing report:

1. *Involve the community in identifying problems, developing & evaluating policy and oversight.*
  - In order to achieve external legitimacy, law enforcement agencies should involve the community in the process of developing and evaluating policies and procedures. (1.5.1)

- Law enforcement agencies should collaborate with community members to develop policies and strategies in communities and neighborhoods disproportionately affected by crime for deploying resources that aim to reduce crime by improving relationships, greater community engagement, and cooperation. (2.1)
  - A “Serious Incident Review Board,” comprised of law enforcement and community members, should review incidents that might erode community trust, and identify policy issues to be addressed. (2.2.6)
  - Law enforcement should engage and collaborate with the public when developing a policy for using new technology. (3.2.1)
  - Law enforcement agencies should establish formal community/citizen advisory committees to assist in developing crime prevention strategies and agency policies as well as provide input on policing issues. (4.5.3)
    - (The makeup of these committees should reflect the demographics of the community or neighborhood being served.)
2. Build and track community trust through reconciliation process, training and surveys.
- Law enforcement agencies should acknowledge the role of policing in past and present injustice and discrimination and how it is a hurdle to the promotion of community trust. (1.2)
  - Track public trust in policing (possibly through periodic surveys). (1.7)
  - Law enforcement should implement ongoing, top-down training in cultural diversity and related topics. Groups with traditionally adversarial relationships with police should assist in this process. (5.9.1)
3. Increase positive engagement with the community.
- Law enforcement agencies should build relationships based on trust with immigrant communities. This is central to overall public safety. (1.9)
  - Law enforcement agencies should evaluate officers on their efforts to engage members of the community and the partnerships they build. Making this part of the performance evaluation process places an increased value on developing partnerships. (4.2.1)
  - Law enforcement agencies should evaluate their patrol deployment practices to allow sufficient time for patrol officers to participate in problem solving and community engagement activities. (4.2.2)
  - Law enforcement agencies should adopt community policing strategies that support and work in concert with economic development efforts within communities. (4.5.4)
4. Deal with potential racial bias through mandatory data collection, transparency, and policy.
- Embrace transparency: departmental policies and demographically delineated data on stops, arrests, etc. should be publicly available. (1.3.1)
  - Law enforcement should collect, maintain, and analyze demographic data on all stops, frisks, searches, summons, and arrests. (2.6)
  - Prohibit profiling and discrimination based on race, ethnicity, origin, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language. (2.13)

5. Reduce harm through training and program implementation that prioritizes de-escalation, peer support counselors, citations, pre-arrest diversion programs and the like.
  - Training should emphasize de-escalation and alternatives to arrest, when appropriate. (2.2.1)
  - Law enforcement should adopt preferences for “least harm” resolutions (e.g. diversion programs or warnings for minor infractions). (4.1.1)
  - Peer support counselors should be part of multidisciplinary teams, when appropriate. (4.3.2)
6. Assess use of aggressive strategies/tactics.
  - Assess and consider ending implementation of Operation Safe Streets / Governor’s Task Force.
    - Law enforcement agencies should consider the potential damage to public trust when implementing crime fighting strategies. (1.6) “Crime reduction is not self-justifying. Overly aggressive law enforcement strategies can potentially harm communities and do lasting damage to public trust.”
    - Research conducted to evaluate the effectiveness of crime fighting strategies should specifically look at the potential for collateral damage of any given strategy on community trust and legitimacy. (1.6.1)
7. Limit civil asset forfeiture.
  - Delaware’s forfeiture laws allow for police to seize property unless an owner can prove that the evidence is not forfeitable. Thus, the burden of proof is on the property owners to demonstrate that their property being seized has nothing to do with illegal activity. Moreover, law enforcement is incentivized to seize property because it creates revenue for the Special Law Enforcement Assistance Fund, which they are not obligated to publicly account for.
  - Changes this practice are supported by 1.6 and 1.61 (see above).

### *Next Steps*

The Community Policing & Engagement subcommittee will continue to meet regularly to create and eventually approve a policy agenda that incorporates the themes listed in the previous subsection. The December meeting additionally identified certain data points that will need to be collected by all police jurisdictions within the state.

## Workforce Development

Chair: Sherese Brewington-Carr, M.H.S., Department of Labor

Vice-Chair: Pastor Frank Burton, Retired FBI

### *Membership*

Paige Chapman, Esq. Office of Defense Services

Chief RL Hughes, Georgetown Police Department

Keith Hunt, Chief Diversity & Inclusion Officer at Delaware Department of Human Resources

Rep. Ruth Briggs King

Jane Hovington, Richard Allen Coalition

Chief Torrie James, Smyrna Police Department

Corry Wright, Student Warriors Against Guns & Gangs

Major Sean Moriarty, Delaware State Police

Brian Moore, DE Department of Education & Retired Law Enforcement

Anne Farley, First State Community Action Agency

Abdallah Muhammad-Bey, Muslim Center of Wilmington, Inc.

Sandra Smithers, New Castle Prevention Coalition

Bobby Wilson, NAACP (Dover / Kent)

Kailyn Richards, Delaware Center for Justice

Alejandra Ramirez, Latin American Community Center

### *Meetings*

The Workforce Development Subcommittee met three times since the finalization of the subcommittee roster in September:

- Tuesday, September 22<sup>nd</sup>
- Tuesday, October 27<sup>th</sup>
- Tuesday, December 15<sup>th</sup>

For a link to all agendas and meeting materials, please review Appendix A.

### *Subcommittee Status*

The Workforce Development Subcommittee assigned research tasks during its October meeting for the following areas and inquiry scope:

#### *1. Professional Development, Recruitment, and Workforce Retention*

- Training / Curriculum: Topical areas, frequency, regulation (required vs. elective), sequence and progression, certifications or credential opportunity/attainment.
- Recruitment, Hiring and Retention: Turnover demographics including gender, age, race, and length of service.
- Promotion Policies and Procedures: Demographics of persons in management tiers including gender, age, race, and length of service.
- Workforce Complement: Number of personnel, gender, age range, race and length of service.
- Work Shift & Overtime Policy: Including but not limited to involuntary overtime practices and protocols.
- Incidences of Disciplinary Action: Causal factors, progressive discipline, demographics of terminations (including gender, race, age, length of service).

- Human Resources: Resources and support.
- Officer Wellness: Emotional wellbeing, as well as policies focused on supporting post-traumatic stress, substance abuse, fitness for duty, safety, and family support.
- Succession Planning & Retirement Pool.

## 2. *Police Incidents of Physical Engagement and Violence*

- Guidelines on use of force and de-escalation strategies.
- Discharge of Weapon: causal factors, frequency, and number.
- Injury to Civilian: causal factors, frequency, and number.
- Injury to Officer: causal factors, frequency, and number.
- Return to Duty: post-incident sequence and protocols.

## 3. *Funding and Capacity*

- Funding Trends: federal, state, and local funding of law enforcement within the past five to ten years.
- Funding Access.
- Applications: applications to funding sources, as well as agency capacity to make application.

## 4. *General Operating Policies, Procedures, and Code of Conduct Guidelines*

- Laws authorizing police entity structure and authority.
- Collective Bargaining Agreements: Terms, fiscal provisions, other areas of significance.
- Workplace Culture: Including physical and emotional environment.
- Personnel Complaints: Type, disposition, and demographics of complainants (including but not limited to gender, race, age, length of service).
- Code of Conduct handbooks.
- Anti-discrimination policies.

Subcommittee members were asked to select one of the four aspects, research their selection during November, and present their findings to the subcommittee during the December meeting. The December meeting focused on *Professional Development, Recruitment and Workforce Retention* and *Police Incidents of Physical Engagement and Violence*. *Funding and Capacity* was referenced during both categories, but data is not complete in this area.

### *Committee Approach*

The committee's research approach is to investigate and report individual findings, look at comparative data and analyze where possible, and present current and emerging industry best practices and recommendations to inform the final Law Enforcement Accountability Task Force report.

The subcommittee's aim is to use data, community listening sessions, literature review and key stakeholder information to inform a factual report about law enforcement issues, work culture, operational practices, capacity, resources, and expenditures in Delaware. Comprehensive suggestions will be afforded for consideration, recognize best practices, identify and address opportunities for improvement where needed. The subcommittee's data feed is applicable to all existing law enforcement agencies statewide.

### *First Impressions*

- There are core structural inequity and capacity issues that affect law enforcement officer

recruitment, professional development, training and retention in the state of Delaware entities across the state. Key outliers include funding, staffing agency composition size, budget, and staffing relief.

- There is no universal training entity or requirement in the state for law enforcement personnel.
- Professional certification is not required and dependent upon funding availability and other issues.
- There is direct correlation between training and performance to realize non-violent community and police engagement. (Considering type, culturally competent applications, emotional intelligence assimilation and trauma-informed considerations.)
- Law enforcement agencies experience timing issues for recruitment, onboarding and safe deployment of personnel. Additionally, agencies have a limited ability to undergo succession and retirement planning.
- Salary inequity among police agencies is a large contributor to staffing competition within other states.
- Funding data is needed to determine the current fiscal environment and forecasts for law enforcement agencies to support Delaware's public safety and craft recommendations.
- Diversity is poor among the senior levels of law enforcement, especially among Black women and Latinx populations.
- National public sentiment and dialogue does not align with the Delaware story about law enforcement - The final Task Force report will assist with informing this dialogue for the community.

### *Next Steps*

The Workforce Development Subcommittee will continue to focus on data and further information collection in the time before its January meeting on Task Areas 2, 3, and 4. Chair Brewington-Carr and Vice-Chair Burton will focus a portion of the meeting on finishing the discussion on *General Operating Policies, Procedures, and Code of Conduct Guidelines* remaining from December. After hearing from subcommittee members that more active participation and dialogue from the community during public listening sessions is needed, Chair Brewington-Carr and Vice Chair Burton are working with the Task Force Chairs to conduct a community listening session on Workforce Development directly after the January meeting.

The subcommittee is planning to issue surveys and facilitate focus groups with law enforcement front line personnel as a key stakeholder group to inform their work. Members will continue to meet regularly to conduct further fact finding and craft recommendations for the 151<sup>st</sup> General Assembly.

## Transparency & Accountability

Chair: James Liguori, Esq.

Vice-Chair: Raymond Armstrong, Esq., Office of Defense Services

### *Membership*

Lt. Fred Calhoun, Fraternal Order of Police  
Col. Melissa Zebley, Delaware State Police  
Misty Seemans, Office of Defense Services  
Sen. Brian Pettyjohn  
Rebecca Cotto, YWCA  
Robert Coupe, Office of the Attorney General  
Earl McCloskey, DELJIS  
Dr. Doris Griffin, Coalition of 100 Black Women  
Gerald Rocha, United Way  
Spencer Price, Delaware Statistical Analysis Center  
Muhammad Salaam, Muslim Center of Wilmington, Inc.  
Crystal Womack, Network DE  
Charly “Evol” Bass, Game Changers  
Haneef Salaam, Wilmington Hope Commission  
Keith Steck, Delaware Coalition for Open Government  
Maria Matos, Latin American Community Center  
Peter Schott, Southern Delaware Alliance for Racial Justice

### *Meetings*

The Transparency & Accountability Subcommittee met three times since the finalization of the subcommittee roster in September:

- Wednesday, September 9<sup>th</sup>
- Monday, October 26<sup>th</sup>
- Tuesday, November 17<sup>th</sup>

Please note that a meeting scheduled for Monday, December 21<sup>st</sup> was cancelled and will be rescheduled for later in January 2021.

For a link to all agendas and meeting materials, please review Appendix A.

### *Subcommittee Status*

Members of the Transparency & Accountability were provided with an ambitious timeline to produce an initial set of recommendations. Chair Liguori requested that proposals be submitted to the Co-Chairs and House staffers by the end of September, and discussions on forming the recommendations started during the October meeting. The objective of November’s meeting was to further distill initial recommendations to a series of policies to be voted on by the subcommittee in the December meeting, including but not limited to:

1. Further study and discuss the feasibility of implementing civilian review boards in an effective manner.
2. Expand membership and authority of the Council on Police Training (COPT) to include individual citizens and allow them to conduct investigations into an officer's decertification, regardless of whether they are requested by the law enforcement agency's Internal Affairs unit.
3. Amend LEOBOR's confidentiality clause, disciplinary clause, and remove language relating to the precedence and authority of a law enforcement collective bargaining unit.
4. Create a state database focused on law enforcement officers' disciplinary actions and create a database on officers decertified by COPT (information can be found in minutes published by the COPT).

### Next Steps

The Transparency & Accountability Subcommittee will meet before the end of January to further define and vote on the subcommittee's initial set of recommendations to the Law Enforcement Accountability Task Force. The subcommittee will continue to meet regularly to explore topics related to law enforcement transparency and accountability.

## Use of Force & Imminent Danger

Chair: Hon. Kathleen Jennings, Attorney General of Delaware

Vice-Chair: Carl Bond, Colonial School District School Resource Officer, Retired DE State Trooper

### *Membership*

Larry Johnson, Retired Navy Military Police

Mariann Kenville-Moore, Delaware Coalition Against Domestic Violence

Chief Robert Kracyla, Middletown Police Dept.

AJ Roop, State Prosecutor, DE Dept. of Justice

James Turner, Esq., Office of Defense Services

Lt. Thomas Brackin, Delaware State Trooper Assoc.

State Representative Sean Lynn

Brendan O'Neill, Chief Defender, Office of Defense Services

William Resto, Nuestra Raices Delaware

Iman Umar Khalif Hassan El, Muslim Center of Wilmington, Inc.

Yesenia Tavares

Dalissy Washington, Safe Communities

James Wright, Retired Wilmington Police

Steve Villanueva, Latin American Community Center

### *Meetings*

The Use of Force Subcommittee met monthly since the finalization of the subcommittee roster in September:

- Wednesday, September 16<sup>th</sup>
- Thursday, October 15<sup>th</sup>
- Friday, November 13<sup>th</sup>
- Friday, December 18<sup>th</sup>

For a link to all agendas and meeting materials, please review Appendix A.

## *Initial Recommendations*

The Use of Force Subcommittee voted during the December 18<sup>th</sup> meeting to recommend that the full Task Force adopt the following recommendations:

Amend Delaware's Use of Force Statute to Establish a Reasonable Objective Standard At present, 11 Del. C. § 467 applies a subjective standard in assessing an accused law enforcement officer's claim of justification against a criminal charge of excessive force. The reasonable objective standard would be modeled similarly to the standard in the Supreme Court case *Graham v. Conner*.

### Establish a Statewide Standard Use of Force Policy

The policy would include provisions specific to de-escalation, duty intervene in, and report, any law enforcement use of force violations.

Continue to Review Department Use of Force Policies to Ensure Uniformity and Best Practices  
Review of data collection, reporting, and public access provisions would also be included.

### Require the Mandatory and Universal Use of Body Camera Devices for All Law Enforcement

The following components and actions should be considered:

- Establish a statewide policy on using body worn cameras with input from the public, police departments, and law enforcement community partners.
- Establish a statewide program to assist in financing and providing body worn cameras to all Delaware police officers.
- As law enforcement agencies expand the use of Body Worn Cameras, efforts should be made to ensure there is policy and procedure uniformity, that the community has opportunity to provide input into policies, and that storage and retention of footage is accessible to involved parties including people lacking legal representation and financial resources.

### Expand the Division of Civil Rights and Public Trust's Statutory Authority of Review

This recommendation would provide the Division with authority to review police use-of-force cases in cases of serious physical injury in addition to their existing role in deadly force cases.

### Standardize Use of Force Reporting and Establish Data to Include Race

Establish a Public Database for Substantiated Use of Force Cases

Expand and Invest in Mental Health Supports

### Continue to Examine State Response to Individuals in Crisis

The correlation of police use of force and this type of call for assistance is strong and requires further review. This should also include supporting the mental health of police officers given the stressful nature of their work and expanding mental health crisis response in collaboration with law enforcement to better address emergency response to people in crisis.

### Expand De-escalation Training for Law Enforcement Officers.

Create legislation that mandates statewide training and policy in use of force that incorporates oversight and accountability to ensure compliance.

## *Next Steps*

The Use of Force Subcommittee also voted during the December 18<sup>th</sup> meeting to recommend that additional topics be considered further by the subcommittee and the Task Force:

### *Add a Racial Impact Statement to All Policy Surrounding Body Worn Cameras*

The data would be made public and assessed (non-police agency) annually. This statement is an opportunity for a police department to find any policy or procedural disparities and the best way to approach reform if necessary. This will also create a level of transparency, resulting in better relationships with the community.

### *Legislative Revision of Delaware’s Statutory Defense of Justification for Use of Force*

The Subcommittee supports a legislative revision of Delaware’s statutory defense of justification for use-of-force by a law enforcement officer regarding an objective standard. Consideration for additional changes to the use-of-force statute should include:

- At a minimum, the revisions to 11 Del. C. § 467 should require that for an accused law enforcement officer to benefit from the defense of justification:
  - His/her belief that the use of force was immediately necessary must be reasonable, and his/her actions based on that belief were reasonable.
  - The reasonableness test is based on what a reasonable police officer would do under the totality of the circumstances.
- Expands the concept of reasonableness to include not only an officer’s beliefs but their actions when assessing “the totality of the circumstances” including:
  - Use of de-escalation measures, including attempts to calm the subject, taking cover, waiting for additional officer, and requesting mental health assistance.
  - Any conduct by the officer which increased the risk of confrontation.
  - The time available to the officer before deciding to use deadly force.
  - Whether the subject possessed or appeared to possess a deadly weapon and refused to surrender the weapon.
- Revise standard to permit the use of deadly force only when objectively “necessary” based on the totality of the circumstances.
- Repeal officer ability to use deadly force in certain situations like:
  - Directed at a vehicle to disable it to affect an arrest.
  - Prevent the escape from jail, prison, or other institution, of a person charged with or convicted of a crime.
  - To suppress a riot or mutiny.
  - To release a hostage.
  - To prevent harm if the person threatens to cause to themselves or property.

### *Further Considerations for Body Worn Cameras*

- Statewide policy of use, storage, and maintenance to improve compliance, eliminate human error and implicit bias.
- Community access to data and recordings; particularly avoiding disproportionate access (i.e. victims having to pay fees to access).
- Community involvement in decision making including privacy protections.

- Clearly defined camera policies and clearly articulated policies around evidence storage.
- Officers should advise citizens that they are being recorded.
- Consider options for automatic activation of camera (i.e., automated vehicle sensors; automatic during foot pursuit; officer down alert; smart holster sensors with gunshot detection).

#### Require Online Publication of Complete Use of Force Policies and Procedures

The Subcommittee recommends that further consideration should focus on requiring online publication for all jurisdictions.

#### Other Policies for Further Consideration

- Adopt a duty to identify and warn when feasible.
- Ban chokehold/airway restriction tactics.
- Ban no knock warrants/raids.
- Require de-escalation, warning before shooting, and use of force continuum.
- Require initial and ongoing training on de-escalation and use of force.
- Require comprehensive reporting whenever force is used or threatened.
- Treat use of force reports as public records.
- Expand pre-arrest diversion programs.
- Team of mental health crisis responders versus armed police officers
- Require de-escalation and conflict avoidance
- Require ongoing training related to de-escalation, conflict avoidance, and crisis management with individuals presenting with mental illness, cognitive deficits, and/or disabilities mental health
- Require policies be put into law versus left to the discretion of internal department policies

## Appendix A. Links to Task Force and Subcommittee Materials

*Law Enforcement Accountability Task Force*

<https://legis.delaware.gov/TaskForceDetail?taskForceId=426>

*Community Policing & Engagement Subcommittee*

<https://legis.delaware.gov/TaskForceDetail?taskForceId=430>

*Workforce Development Subcommittee*

<https://legis.delaware.gov/TaskForceDetail?taskForceId=429>

*Transparency & Accountability Subcommittee*

<https://legis.delaware.gov/TaskForceDetail?taskForceId=431>

*Use of Force & Imminent Danger Subcommittee*

<https://legis.delaware.gov/TaskForceDetail?taskForceId=428>