

A Police Advisory Board meeting was held on the above date via Zoom conference call, with the following members in attendance: Salahudin Bin-Yusif, Michael Harpe, Yvette Santiago, Debbie Harrington, Jacqueline Burditt, John Carwell, Wanda Dean, Felicita “Emy” Diaz, Justin Faulkner, Jason Hunt, Joyce Kidd, and Charles “Billy” Warrick. Middletown Police Capt. William Texter, Mayor Ken Branner and Town Solicitor Scott Chambers were also in attendance.

The meeting was called to order at 7:04 p.m. by Chairman Bin-Yusif.

**MINUTES APPROVAL:** It was moved by Justin Faulkner and seconded by John Carwell to approve the minutes from the Dec. 22, 2020 meeting. Approved 10-0.

**OLD BUSINESS:**

Mayor Branner was in attendance to discuss the upcoming process for a new Town of Middletown Police Chief. However, he asked to first defer his time to the Town Solicitor, Scott Chambers, who was in attendance to discuss the questions raised at previous meetings of the PAB regarding the proposed bylaws, specifically which documents can be released to the PAB when and if an officer in the department is accused or charged with complaints or crimes.

At the 12-21-20 meeting of the PAB, it was motioned and approved by a 13-1 vote to have the solicitor review #4 of the bylaws for a legal opinion.

Chair Bin-Yusif said he and a couple of board members met over the phone to work on the wording of the bylaw #4 and it was now drafted as follows:

4. Receive and assess statistical data from the MPD as required to determine community and police departmental trends in keeping with the guiding principles outlined in the PAB By-Laws and in accordance with CALEA for the following categories:
  - a. Crimes/Incidents
  - b. Complaints
  - c. Police Misconduct
  - d. Violations of the MPD Directives
  - e. Hiring and Promotion Practices
  - f. Diversity Practices
  - g. Middletown Police Department Monthly Report

Chambers said he was asked to weigh in regarding the officers’ bill of rights. He said the provisions in this title are statutory in nature.

“I know there were questions about the PAB reaching out for information about specific acts of misconduct. 11 Del Code, Section 9200, under C12, also referred to as the Policeman’s Bill of Rights, basically says/determines rules about disciplinary records and

it says “ALL records compiled as a result of an investigation or contractual disciplinary grievance procedure shall be and remain confidential and shall not be released to the public. So that's the one that probably would be problematic. If you were to request information like that from the Middletown Police Department because this provision in the statute says that “ALL” records compiled in conjunction with an investigation are, and SHALL remain confidential and are not subject to public view.”

Wanda Dean asked if this would include data or numbers? “If we are not asking for personal information? If an officer has been involved in misconduct, can they tell us that one officer was involved in misconduct?” she asked.

Chambers said the department is too small to release when one officer has been involved, but perhaps a request for a time period – such as the number of complaints by citizens in a year would be possible with numbers only, no details on the complaint regarding description of the officer/s.

Yvette Santiago said the PAB is here to make recommendations and would like to see a report for the year.

Chambers said he knows the Mayor and Capt. Texter have discussed being as transparent as possible, but he wanted to clarify the officers’ bill of rights.

Santiago said the PAB has been aware that they wouldn’t be able to have details of these complaints and are just looking for a summary of information.

Mayor Branner said he has already asked acting Police Chief Texter to have his staff work on breaking down the information for the previous year including incidents and complaints with numbers only, so there would be a way to track the events and which quadrants of the Town are experiencing these incidents and events.

He said the goal is to have statistics for 2020 by the PAB’s next meeting, and then continue to provide this data on a quarterly basis.

Debbie Harrington asked for the report to include which officers are working in each quadrant. Mayor Branner said that is all part of the plan to put together a diagram once the restructuring of the department is completed.

Mayor Branner also announced that the police department will continue to be a part of CALEA – the Commission on Accreditation for Law Enforcement Agencies, Inc. This means our police department will be one of less than 5 percent of all police departments in the United States that are accredited. He added that information given to CALEA for review would most likely also be available share with the PAB. Dean asked if the reports to CALEA are public. Mayor Branner said he would look into it for the PAB and report back to the group.

#### **BYLAWS VOTE:**

Santiago asked for the Item #4 to include “active investigations” into the list of requested data – just the number of active investigations added to the information provided quarterly by police.

It was moved by Harrington to accept the bylaws as presented tonight. Seconded by Wanda Dean. It was approved unanimously. Bin-Yusif reminded the PAB that this is a living

document and that changes can be made to it periodically as issues arise. (Bylaws attached to these minutes).

### **NEW POLICE CHIEF:**

Mayor Branner reported that he and Town Council have decided to wait until after the Town Election in March to begin the process for new Police Chief. This way, if there are new members of Mayor & Council elected, they will be a part of the search from the beginning.

He said Capt. Texter will remain as acting Chief until after the Council is set at the beginning of March.

He said the position will be advertised within the department, so it opens up positions for officers to advance. They will also open the position to the outside to see how many qualified applicants we would get from the police community.

Mayor Branner said he wanted to hear what the PAB would like to see in a Chief, on the personal side and specific qualifications.

Harrington asked if at least one of the members of the PAB could participate on the panel to select the police chief.

Mayor Branner wholeheartedly agreed and said it would be a tremendous plus – he said two would be even better. He asked the board to decide by its next meeting on the two members who will be part of the panel.

Santiago asked if there would be a residency requirement for the new Chief. Branner said he is hoping to add some type of requirement, such as “nearby area or M.O.T. area” for the Chief so they would be required to live at least “nearby” Middletown. And if they don’t live in the area, they would be asked to relocate. He said he would like to add the legal verbiage to the job description when it is advertised.

Dean asked about the education requirements for the Chief. Mayor Branner said the panel will be looking for a combination of education and job experience.

Mayor Branner said he would be looking for the PAB members list for the panel by the next meeting.

John Carwell asked if the Mayor & Council would be interested in having a public hearing with the Chief candidates. Mayor Branner said that is not usually part of the process and that it has to remain confidential for the potential candidates and their current employers.

### **POLICE REPORT:**

Capt. Texter provided the monthly police report for December 2020. Members asked specific questions about the types of complaints and reports listed on the document.

He said the robbery and burglary listed on the report are still unsolved due to the suspects wearing masks – it’s really difficult for people to help identify folks from video due to mask-wearing.

Burditt asked that photos and video be posted on the police department Facebook page to give people more opportunity to leave tips.

Texter said the department is working to update the police website to list all press releases so people can go back and research and get all of the information.

Dean asked why car accidents and fatal accidents are not listed on the report.

Texter said the majority of fatal accidents have happened just outside the town limits of Middletown and have been handled by New Castle County and Delaware State Police.

Burditt said she would be interested in being on the Police Chief hiring panel. Dean, Hunt, Faulkner and Harrington also submitted their names for consideration. Bin-Yusif said this discussion will continue at the next meeting.

It was moved by Kidd and seconded by Harrington to adjourn. The meeting was adjourned at 8:35 p.m.

The next meeting will be held on Monday, Feb. 22. (Holiday reschedule)

1-29-21 kk