



November 17, 2020

VIA EMAIL

Dear Wilmington City Council Members,

The Wilmington City Council is considering a significant ordinance that would increase transparency and accountability of law enforcement —the Citizen Complaint Review Board (CCRB) ordinance. Many community members believe that police departments do a poor job of holding police officers accountable when misconduct occurs. With police institutions holding power to deprive people of their liberties and their life, we must hold police officers accountable for (1) unjustified use of deadly force against community members, and (2) other violations and grievances that go unresolved and result in distrust from community members.

The CCRB would provide an external check on police and to hold accountable those who have extraordinary powers to deprive people of their liberties, and sometimes their lives. Police officers and departments must be fair, transparent, and accountable. Otherwise, communities will not view police officers as a legitimate authority, making it less likely they will assist police agencies in solving violent crimes, which makes us all less safe. Without transparency and accountability, the public may remain suspicious of police officers. Similarly, a transparent process can also help to demonstrate when officers acted appropriately.

Building an effective civilian review board is not an easy task, but this proposal is a significant first step to hold police officers accountable. Recommended changes to strengthen this ordinance include:

1. No member of the Board, including the member from the Office of the Mayor, shall have been employed by the WPD. The Mayor's Office member will have special duties, meaning their impartiality is even more critical to foster public trust.
2. The language about the budget or funding mechanism should be more defined to ensure funding is adequate and secure (i.e., the budget is sufficient for X number of full-time staff members.)
3. CCRB investigations, hearings, findings, and reports err on the side of being public. While confidential information may be necessary in some cases to protect the safety of complainants, it should be the exception, and transparency should be the rule.
4. In addition to the data points listed in the proposal, the following data points should be published by the Board on a quarterly basis: (1) the number of stops made by police officers during the previous quarter (2) Whether a search was conducted during stop and justification for search (3) the number of arrests made by the police, and (4) data about any property and cash seized pursuant to any civil asset forfeiture. This data should be disaggregated by, but not limited to, date, time, location, demographics of the persons stopped, reason and disposition of the stop, the reason for the arrest, and offense charged.



5. In addition to disaggregating data by the demographics of the civilian, all data should also be disaggregated by the demographics of the officer.

With that said, there are also limitations to the CCRB that may actually increase community resentment if citizens seek police accountability from the Board but end up with no resolution.

The Law Enforcement Officer Bill of Rights (Title 11, Chapter 92) presents large obstacles to allowing the Citizen Complaint Review Board to operate in its full power and effectiveness, including who is authorized to investigate complaints and discipline. The proposal acknowledges some of those limitations when it states, *“in no case may any information, reports, findings, testimony or other evidence obtained by the CCRB be used in any disciplinary proceeding unless such is permitted by Title 11, Chapter 92 of the Delaware Code, as amended, by the collective bargaining agreement in place at the time and by the rules and regulations of the WPD.”*

Nonetheless, hope remains that there will be amendments to the code that will allow the CCRB to be more effective and enable citizens to have more oversight of their police departments, including investigative authority and the power to make discipline binding. Moreover, the city can show good faith by not signing police union contracts that prohibit the CCRB from operating at its full strength and providing accountability that citizens so desire.

The ACLU of Delaware welcomes partnership with the Wilmington City Council to address other recommendations that would better serve residents and restore faith in law enforcement. Thank you for your time and consideration of these issues.

Thank you,

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