

SB 7

Chairperson Gay, Vice-Chairperson Townsend, and members of the committee,

My name is Javonne Rich, and I am the policy and advocacy director at the American Civil Liberties Union of Delaware. The ACLU is the nation's oldest defender of civil liberties.

The ACLU of Delaware opposes SB 7, which increases the use of secured cash bail by making bail mandatory for a large number of offenses.

SB 7 is entirely unnecessary. Judges already have the option to set cash bail, so there is no need to make cash bail mandatory for certain offenses. In making cash bail mandatory for certain offenses, the system presumes detention rather than release. By requiring mandatory cash bail for certain offenses, without considering whether the accused is a public safety risk, people will be held pretrial unnecessarily.

Furthermore, the bill raises serious due process concerns. For example, the bill fails to proscribe the timing of the automatic bail review hearing, which would ideally be 24 hours after arrest. Nor does it stipulate that the person would have counsel made available at the bail hearing, which is essential to give an accused person a fair chance to overcome the presumption of detention.

Overall, SB 7 will increase the number of people jailed pretrial without any showing of public safety or flight risk. Given the staggering racial disparities in pretrial detention in a state where 60% of the total incarcerated population is Black, we should not be increasing the pretrial detention population from its already high 20% of the total incarcerated population. We ask that the members of this committee vote no on SB 7.

SB 147

Chairperson Gay, Vice-Chairperson Townsend, and members of the committee,

My name is Javonne Rich, and I am the policy and advocacy director at the American Civil Liberties Union of Delaware. The ACLU is the nation's oldest defender of civil liberties.

The ACLU of Delaware supports Senate Bill 147, which creates a requirement that when using force, both non-lethal and lethal, an officer must "reasonably believe" that they are in danger to justify the use of force.

People in all communities should live their lives without fear of violence at the hands of the police. Since 2005, [Delaware police have shot at least 56 people, with officers killing over](#)

[30 of them](#). Nearly half of those shot were Black people. Since 2005, no officer has been charged with a crime in those 56 instances, even when their use of deadly force was questioned by state prosecutors or members of the public. Police officers who use force are rarely held accountable.

Currently, Delaware's use of force law is written so broadly that an officer could, theoretically, use force in almost any situation as long as they believe they might be in danger — whether or not they are. Unfortunately, this has resulted in police officers relying on force, even when other, less harmful approaches are readily available. We need systemic change to officers' behavior so that they respond to situations in a way that protects human life and deescalates interactions, and SB 147 is a good first step.

SB 148

Chairperson Gay, Vice-Chairperson Townsend, and members of the committee,

My name is Javonne Rich, and I am the policy and advocacy director at the American Civil Liberties Union of Delaware. The ACLU is the nation's oldest defender of civil liberties.

The ACLU of Delaware supports Senate Bill 148, which expands the Attorney General's ability to investigate non-lethal use of force incidents and requires that race data is tracked and reported in the use of force incidents.

Every Delawarean wants safe communities, and we can achieve that by adopting better use of force policies, requiring data collection, and creating accountability mechanisms for unlawful police violence. The Attorney General's office is one mechanism that can provide this oversight.

People of all communities and all backgrounds should be able to live their lives without having to fear violence at the hands of the police. However, people of color, especially Black men and people with disabilities, are at greater risk of non-lethal force when interacting with police. Both lethal and non-lethal force attribute to ongoing trauma that is concentrated in communities of color.

Currently, there is a lack of systematic and uniform reporting and collection of data about incidents involving the use of force, including non-lethal force. Better data will help us to understand issues such as how often officers are utilizing force, if force is being deployed more frequently against certain community members, and whether officers are effectively employing deescalation techniques. This data will provide the roadmap to provide training and accountability to help minimize the use of unnecessary force, which protects our community and increases public safety. SB 148 can move us forward in that direction.