

## Delaware: Police Accountability, NOW!

*Under current laws, the public is not guaranteed transparency in any police-involved incident.*

ARTICLE BY: MITCHELL PATTERSON,  
COMMUNICATIONS INTERN

On April 20, 2021, a jury found Minnesota officer Derek Chauvin guilty in the murder of George Floyd; an extremely rare outcome in cases of police misconduct nationwide. So rare, in fact, that Delaware has never seen a similar conviction.

Delaware's police officers are afforded special layers of legal protection in incidents of police misconduct through policies and laws that allow harmful practices like excessive use of force and block public access to body-cam recordings and

investigations. This lack of transparency extends to the 31 instances of police killing Delawareans in our state since 2005.

In the wake of continued police brutality, we launched the Delaware: Police Accountability NOW (D:PAN) campaign because we want to see swift and meaningful legislative action to increase accountability and transparency in policing.

### Our Campaign Goals:

- Make police disciplinary records and use of force reports public record.

CONT. ON PAGE 3



## Our Partners on This Effort Include:

DELAWARE CAMPAIGN FOR SMART JUSTICE  
NAACP OF DELAWARE  
NETWORK DELAWARE'S CAMPAIGN FOR FAIR POLICING  
METROPOLITAN WILMINGTON URBAN LEAGUE'S BUILDING PEOPLE  
POWER CAMPAIGN  
NOT JUST ANOTHER PROTEST



## SUMMER 2021 // WHAT'S INSIDE:

4 Meet Our New Legal Director & Digital Communications Strategist  
5 Delaware Public Schools Litigation Comes to a Close  
6 Meet Our New Board Members  
**and more!**

## CONNECTION

## ACLU-DE Officers &amp; Staff

Kathleen Epler  
*President, ACLU-DE*

Desmond Baker  
*Vice President, ACLU-DE*

Jennifer Ying  
*Treasurer, ACLU-DE*

Tom O'Brien  
*Treasurer, ACLF-DE*

Adriana Leela Bohm  
*Equity and Inclusion Officer*

Peggy E. Strine  
*National Board Rep*

Mike Brickner  
*Executive Director*

Dwayne J. Bensing  
*Legal Staff*

Melissa Bryson  
*Development Director*

Susan Burke  
*Legal Director*

Shannon Griffin  
*Senior Policy Advocate*

Angela Harris  
*Operations & Administrative Coordinator*

Priya Hay-Chatterjee  
*Digital Communications Strategist*

Sucharita C. Iyengar, Esq.  
*Director of Legal Intake*

Morgan Keller  
*Communications Director*

Karen Lantz  
*Legal & Policy Director*

John Reynolds  
*Clean Slate Delaware Campaign Manager*

Javonne Rich  
*Policy & Advocacy Director*

Haneef Salaam  
*Campaign For Smart Justice Manager*



ARTICLE BY: MIKE BRICKNER,  
EXECUTIVE DIRECTOR

## Dear Friends and Supporters,

It is a busy time at the ACLU of Delaware, but we are making significant progress toward expanding and defending your civil liberties. We know that we are stronger together, and that working in coalition with other like-minded advocates helps us push the envelope for equity and justice.

This spring, we announced the formation of the Delaware Voting Rights Coalition, which includes nearly two dozen organizations across the state prioritizing the passage of no-excuse absentee voting, same day voter registration, and automatic voter



## Letter from the ED

registration. We are already making a difference — Senate Bill 5 that would enact automatic voter registration has passed the Senate. And hundreds of Delawareans have contacted their legislator to support HB 75, the constitutional amendment to allow no-excuse absentee voting.

Another major priority is reforming police practices in Delaware, and that starts with amending the Law Enforcement Officer's Bill of Rights (LEOBOR). ACLU of Delaware is leading Delaware Police Accountability Now, prioritizing changes to LEOBOR that would allow for public access to police misconduct records and for the creation of community-led oversight boards. Over a year since the death of George Floyd, we remain hopeful that state

leaders will take the first steps toward greater accountability and transparency for police officers.

But that's not all! Our staff are also leading coalition efforts to ensure the right to counsel for every Delawarean facing eviction, passage of permanent Opportunity Funds to address education equity, and driving community involvement in our Clean Slate Delaware campaign to pass laws allowing for automatic record clearing of past convictions.

With so much happening at the ACLU of Delaware, we don't want you to miss a moment. Join our action alert list, and work with us to enact these monumental reforms.

**For regular updates, events and more, visit our website: [www.aclu-de.org](http://www.aclu-de.org).**



DELAWARE: POLICE ACCOUNTABILITY NOW,  
CONT. FROM FRONT PAGE


- Allow civilian review boards to review, investigate, and discipline officers in misconduct cases in cities across Delaware.
- Revise the standards and practices for use of force so that officers can be held accountable when they engage in unconstitutional use of force.
- Implement body-worn cameras, require them to be turned on during all police and community interactions, and make that footage public.

Delaware's current laws do not guarantee the public any transparency in police-involved incidents. In fact, Delaware's Law Enforcement Officer's Bill of Rights (LEOBOR) makes public access to police investigations nearly impossible. As a result, the public has no insight on why an incident occurred, what could have been done to prevent it, or what disciplinary actions, if any, happened as

a result of the investigations. Delaware's LEOBOR statute is the worst in the nation for transparency, making the state a leader in police secrecy.

LEOBOR also prevents community-led groups, such as community oversight boards, from effectively reviewing, investigating, and disciplining officers in misconduct cases. No other Delaware public employees enjoy equivalent protections when it comes to disciplinary matters.

Laws allowing excessive use of force and preventing public access to body camera footage actively deepen the divide of trust between communities in Delaware and the officers sworn to protect and serve them.

Derek Chauvin was convicted of murder only after the entire world became aware of George Floyd, only after a year of sustained public advocacy, and only after a bystander took a video of the murder for the benefit of the public. We need more reliable measures in places to ensure officers are regularly held responsible for misconduct and brutality. 

## Police Accountability: Legislation

### *SB 149: Reforming LEOBOR*

SPONSORED BY SENATOR ELIZABETH "TIZZY" LOCKMAN, SB 149 REMOVES THE CONFIDENTIALITY CLAUSE FROM THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS (LEOBOR) AND MAKES POLICE DISCIPLINARY RECORDS PUBLIC. SB 149 ALSO ENABLES THE CREATION OF COMMUNITY OVERSIGHT BOARDS AT A STATE, COUNTY, OR MUNICIPAL LEVEL WITH THE POWER TO HEAR AND DECIDE POLICE DISCIPLINARY MATTERS, GATHER DATA ABOUT MISCONDUCT, PROVIDE REPORTS OF TRENDS IN DISCIPLINE, MAKE RECOMMENDATIONS REGARDING POLICY/ TRAINING, AND ISSUE SUBPOENAS.

### *SB 147 and 148: Use of Force Bills*

SPONSORED BY SENATOR MARIE PINKNEY, SB 147 AND 148 CREATES A REQUIREMENT FOR THE USE OF FORCE, BOTH NON-LETHAL AND LETHAL, THAT STATES AN OFFICER MUST "REASONABLY BELIEVE" THAT THEY ARE IN DANGER IN ORDER TO JUSTIFY USE OF FORCE. THE CURRENT LAW USES THE TERM "BELIEVES," WHICH LEAVES UNLIMITED ROOM FOR AN OFFICER TO JUSTIFY THE USE OF FORCE, WHETHER IT WAS WARRANTED OR NOT. THE BILLS ALSO EXPAND THE ATTORNEY GENERAL'S AUTHORITY TO INVESTIGATE NON-LETHAL USES OF FORCE AND REQUIRE RACE DATA BE TRACKED IN THESE INCIDENTS.

### *HB 195: Body Cams*

SPONSORED BY REP. SHERRY DORSEY WALKER, HOUSE BILL 195 REQUIRES CERTAIN POLICE OFFICERS AND OTHER EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS TO USE BODY-WORN CAMERAS TO RECORD INTERACTIONS WITH MEMBERS OF THE PUBLIC. THIS BILL WOULD ALSO REQUIRE THE COUNCIL ON POLICE TRAINING TO CREATE REGULATIONS FOR BODY-WORN CAMERA USE TO ENSURE CONSISTENT USE IN 2022.

## TAKE ACTION

For updates on events, action items, and more, **Follow the Campaign for Smart Justice on Facebook and Twitter (@SmartJusticeDE), keep an eye out for emails, and check for updates on our campaign hub page at [ACLU-DE.org/d-pan](https://aclu-de.org/d-pan)** to find out what's happening and how you can get involved in making sure police accountability moves forward without delay.



## Meet Our New Legal Director:

**S**usan Burke, legal director, joined the ACLU of Delaware team as legal director at the start of this month.


With 34 years of experience, primarily in federal class and complex litigation, Susan's work in American federal courts has had a global impact. As lead counsel for Iraqi victims, Susan achieved an historic win — and a legal first — by negotiating multi-million dollar settlements with defense contractors involved in the Abu Ghraib torture, and with Blackwater, a private mercenary company responsible for the Nissor Square massacre. Prior to that victory, Susan successfully represented the Dominican Republic in a lawsuit seeking redress for an American corporation's

destruction of pristine beaches.

Susan also served as lead counsel in a series of lawsuits seeking to reform the military's deficiencies in prosecuting rape and sexual assault. Susan's work on this issue was profiled in an Academy-award nominated documentary called "The Invisible War."

Susan has received numerous awards for her work, including being named by the National Law Journal as one of the top female attorneys in the nation, receiving the Mary Philbrook Public Interest Award from Rutgers Law School, and receiving the Abby J. Leibman Pursuit of Justice Award from California Women's Law Center. Her legal work on behalf of

prisoners, rape survivors and others has been lauded by the legislatures of Kentucky and California.


Susan and her husband Jamie Koehler are delighted to be relocating to Wilmington. Their three adult children live in Wilmington and Philadelphia. 



## Meet Our New Digital Communications Strategist:

**P**riya Hay-Chatterjee, digital communications strategist, joined the ACLU of Delaware as a digital communications strategist in April. With a background in racial equity and reproductive justice, she is passionate about using digital and social media as tools for community support and advocacy.

Prior to graduating in 2020, Priya worked in multiracial student involvement at the University of Maryland, College Park, and has also developed digital and social media strategy for two state affiliates of NARAL Pro-Choice America.

"During my time in reproductive justice, I saw the ways that healthcare merged with other issue spheres — largely in race and class," Hay-Chatterjee said. "I hope to spread awareness and build community support around the multifaceted issues ACLU-DE is taking on." 

## Legislative Victories

### *SB 5: Automatic Voter Registration*

SB 5 will create an automatic voter registration system at the Delaware Division of Motor Vehicles, and potentially other state agencies. The bill currently awaits Governor Carney's signature.

### *Senate Bill 56: Public School Funding*

SB 56, which codifies additional funding for public schools to support the needs of low-income and English learner students as a result of our litigation, passed both chambers and is ready for Governor Carney's signature.

*To see more and stay up-to-date on legislation we're working on, visit [ACLU-DE.org/legislation](https://aclu-de.org/legislation).*



## Delaware Public Schools Litigation Comes to a Close

*To learn more about our public schools litigation, visit [www.aclu-de.org/en/cases](https://www.aclu-de.org/en/cases).*

ARTICLE BY: MITCHELL PATTERSON,  
COMMUNICATIONS INTERN


On April 13, our legal team reached the final resolution in the county track of our Delaware Public Schools litigation with Sussex County.

The Sussex County agreement is the last in a series of agreements that have been reached in this litigation effort, and it paves the way to a systemic shift in funding resources for some of Delaware's most vulnerable students. With the final agreement reached, all three of Delaware's counties have now committed to reassess taxable properties, updating assessments that are decades out-of-date.

The most recent property tax reassessment for Sussex County was completed in 1974. This agreement requires the county to update those outdated property values by promising to complete a reassessment on taxable real estate in time for the tax bills that will be sent out after July 1, 2024 (fiscal year 2025). Like the other two county agreements, this reassessment will also set the stage for regular, periodic assessments moving forward, and correct the disproportionate tax burden that owners of lower-valued properties have carried for too long.



The Delaware Public Schools litigation is now considered closed, and no further proceedings are expected to take place. The attorneys and plaintiffs in this case look forward to continuing to work with the State of Delaware and each county to ensure that the terms of each settlement are met, and that ultimately, Delaware's public school students get the support and resources that they deserve.

"This agreement brings our years-long litigation to a close, and we couldn't be happier about the end result," ACLU-DE Executive Director Mike Brickner said. "By 2025, Delaware's low-income and English language learner students, and students with disabilities, will have significantly improved resources to help provide them the education they deserve. This is an historic win for all of Delaware's public schools." 



## Introducing Our New Board Members!



***Akilah S.  
Alleyne, M.A.***

Akilah Alleyne is a Ph.D. candidate in the Department of Sociology & Criminology at the University of Delaware. By joining the ACLU of Delaware board, Akilah wants to work with colleagues to reveal hidden structural barriers that may result in stratified student experiences by race, class, income, or social identity.



***Rony  
Baltazar-Lopez***

Rony Balthazar-Lopez is currently pursuing his MPA degree from the University of Delaware. He has worked in both the nonprofit and public sectors, and serves on multiple public boards, including the Milford School Board as the Vice President. He says immigration, education equity, and LGBTQ+ rights are among the topics important to him.



***Kate  
Cowperthwait***

Kate (Sroog) Cowperthwait is the President of the Sterling Group – DE, a lobbying firm, and she has previously served as a member of the ACLU-DE's board. Her thirty year career in advertising and non-profit management has focused on principles of growth and fairness. Kate serves on the Mary Campbell Foundation and Brandywine YMCA boards.



***Carmen Twyman***

Carmen Twyman is a Director of Human Resources for BlackRock, a global investment manager and technology provider. She serves as the firm's EEO Officer as well as site lead of its Delaware HR operations. She has twenty years' experience as an employment and labor attorney and HR professional, advising organizations on creating fair and inclusive workplaces.

**Did you miss our 2021 Annual Meeting?  
Catch the replay!**

**Facebook: [Facebook.com/ACLUDelaware](https://www.facebook.com/ACLUDelaware)  
YouTube: [YouTube.com/ACLUDelaware](https://www.youtube.com/ACLUDelaware)**

## The Amicus Society has a Fresh Face!

*To join the Amicus Society and claim your benefits today, contact Melissa Bryson, development director at [mbryson@aclu-de.org](mailto:mbryson@aclu-de.org).*

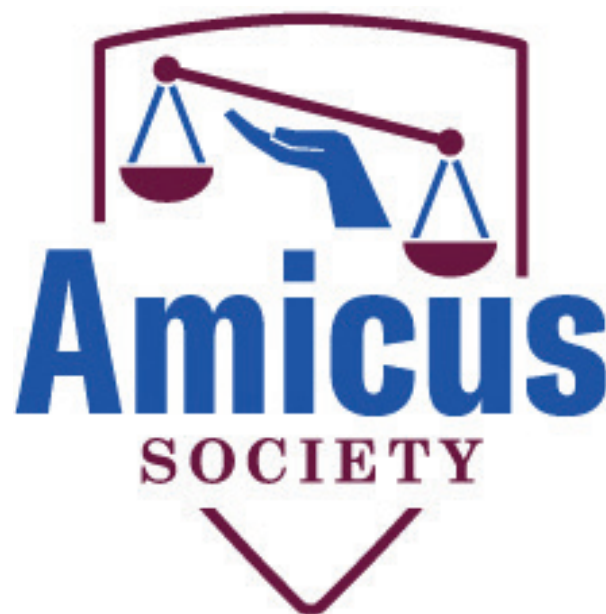
ARTICLE BY: MELISSA BRYSON,  
DEVELOPMENT DIRECTOR

**A**re you an attorney who hasn't joined the Amicus Society yet? Now is the best time to join us as we reinvigorate our exclusive society with new events, new benefits and new branding.

Amicus members still have direct access to information on the most critical local and national civil liberties issues of the day, but now they will also get exclusive access to

at least one free speaker event every year, early notice of exciting ACLU-DE developments, and will serve as our front line for important pro bono litigation opportunities that will create essential change for our community.

Do you have a speaker series topic idea? Email [mbryson@aclu-de.org](mailto:mbryson@aclu-de.org) with your ideas, and maybe your speaker will be invited to address our society next! 📧



## Save the Date for this year's Kandler Awards Celebration: Wednesday, October 20, 2021!

*On October 20, we will honor two extraordinary individuals for their lifelong contributions to protecting civil liberties for all Delawareans: Carrie Casey, manager of New Castle County's Community Development and Housing Department, and Yasser Payne, associate professor at the University of Delaware.*

**Carrie Casey** has played an essential role in the success of the New Castle County Hope Center that serves homeless Delawareans to receive compassionate housing and connect to life-changing community resources. With our recently announced Right to Council initiative, Carrie's work at the Hope Center exemplifies the ACLU value that all people, regardless of their circumstances or background, should have safe and stable housing — it's a fundamental human right.

**Yasser Payne's** long career in education and research has focused on a wide variety of activist topics. For example, he has previously worked as a researcher on Rikers Island Prison working to reduce recidivism and drug use. Today, he teaches courses in street ethnography at the University of Delaware, facilitating the dismantlement of harmful stereotypes of Black and Brown people involved in the criminal justice system.

This year's Kandler Awards Celebration will honor these Delawareans and their work, and raise funds for the ACLU of Delaware to help us continue our own work to protect and expand civil liberties. Stay tuned for more information in our next newsletter!





Delaware

100 West 10th Street, Suite 706  
Wilmington, DE 19801  
[www.aclu-de.org](http://www.aclu-de.org)

Nonprofit Organization  
US Postage Paid  
**Wilmington, DE**  
Permit No. 106



ACLU-DE.org



@ACLUDelaware



@ACLUDelaware



ACLU Delaware



ACLU\_DE



ACLUDelaware

We invite you to exercise  
your free speech rights by  
sending suggestions, letters,  
questions, or comments.

[aclu@aclu-de.org](mailto:aclu@aclu-de.org)  
100 West 10th St., Ste. 706  
Wilmington, DE 19801



## DELAWARE JUSTICE TEAM

A Podcast & Commentary Series By: **ACLU** Delaware **DELAWARE CALL** community, solidarity, justice **Highlands Bunker Podcast**

In April, we launched a new media series in partnership with Delaware Call and the Highlands Bunker. This series is focused on podcast and written media centered around some of our core work: Smart Justice, Clean Slate, education equity, voting rights, and more.

**See part 1 and 2 at [ACLU-DE.org/delaware-justice-team](http://ACLU-DE.org/delaware-justice-team).**  
*New parts will be added as they're published each month.*