



Representative Franklin D. Cooke
411 Legislative Ave.
Dover, DE 19901

January 12, 2021

Dear Chairman Cooke and Members of the Law Enforcement Accountability Task Force (LEATF)

Our coalition of organizations urge you to include **three key police transparency recommendations** for the Delaware General Assembly to enact in the 2021 legislative session: 1) public access to police misconduct records, 2) mandatory recording of interrogations, 3) civilian review boards with meaningful authority.

We commend the time and effort that members of LEATF have dedicated over the past several months to examine ways to combat racial injustice and police brutality. While the LEATF Interim Report released on January 5th, 2021 did not include these three measures, we encourage the task force to include them in its final recommendations.

Our diverse alliance believes that transparency is a necessary precursor for a fair, accountable criminal justice system. Shining a light on police practices and disciplinary procedures will build trust within law enforcement, and between police and the communities they serve.

Transparent policing is more than a talking point, it is a matter of life and death. In 2018, 19-year-old Anton Black was killed by Officer Thomas Webster in Greensboro, Maryland. Previously, Webster served as a police officer in Dover and was indicted for kicking a Black man in the face and breaking his jaw in 2013. It was revealed that Webster had 29 use-of-force reports filed against him during his tenure in Dover. Had that information been accessible, Webster might not have been hired in Maryland and Anton Black might be alive today.

We urge LEATF to issue the following recommendations, which should be adopted by the Delaware General Assembly in the 2021 legislative session:

- 1. Public access to police misconduct records.** Delaware is one of the few states where police disciplinary records are completely off limits to the public and only accessible to internal affairs units. Communities are kept in the dark about complaints filed against officers and how departments handle them. Even in the courtroom, judges and juries will likely never hear if an officer who built a case has a history of lying, coercing witnesses or other misconduct.

There should be public access to all complaints filed against officers and outcomes of internal affairs investigations. Opening these records is critical for preventing misconduct and wrongful convictions. It is also important for building trust within police agencies that discipline is fair and consistent. In addition, there should be a statewide database for agencies to access police misconduct records before hiring an officer.

- 2. Mandatory recording of suspect interrogations.** Under Delaware's Law Enforcement Bill of Rights, any questioning of officers during internal affairs investigations must be recorded. The same protection should be afforded to ordinary citizens.

Nationally, 26 states and the federal government require police to record interrogations of suspects in their entirety. The Delaware Department of Justice has a policy that encourages, but does not require the practice. That allows agencies and officers to choose when to record, if at all. Having a complete, indisputable record of what occurred during closed door questioning protects officers and innocent people. A law requiring recording for at least the most serious offenses would ensure a consistent, statewide practice.

- 3. Establish civilian complaint review boards (CCRBs) with meaningful authority.** Oversight boards with civilian members provide external accountability for law enforcement policies and conduct. CCRBs should be authorized to investigate claims of police misconduct, subpoena witnesses, and access internal police disciplinary records. In addition, CCRBs should be able to consult with independent counsel and be sufficiently funded. *Public access to internal affairs' officer disciplinary records is a necessary precursor to establishing effective CCRBs.*

Each of these recommendations have been successfully implemented in other states. Together, the proposals allow for effective oversight of police practices and disciplinary procedures.

We urge you to include these important measures in your final report.

Sincerely,

ACLU of Delaware
Delaware Center for Justice
Innocence Delaware
Project New Start
Safe Communities Coalition of Delaware
Delaware United



Network Delaware

The Coalition to Dismantle the New Jim Crow

Delaware Coalition for Open Government

Campaign for Smart Justice

Community Legal Aid Society, Inc. (CLASI)

Innocence Project (national)