



City of Wilmington

Loretta Walsh
City Council Member At-Large

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Public Safety Committee

Loretta Walsh, Vice Chair
Christofer C. Johnson, Vice Chair
Ciro Adams
Charles M. "Bud" Freel
Michelle Harlee
Yolanda McCoy
Dr. Hanifa Shabazz, Ex-Officio Member

NOTICE

Virtual Public Safety Committee Meeting June 8, 2020 @ 5:00 p.m.

Agenda

Wilmington Police Department

- Overview of Saturday May 30, 2020
- A Resolution to Approve a Collective Bargaining Agreement between the City of Wilmington and the Fraternal Order of Police Lodge #1 (Rank and File) for the Term of July 1, 2020 through June 30, 2021
- A Resolution for the Wilmington Police Department (and the City Administration) to Provide the Wilmington Police Department's White Book On-line for View by the Public in a Format that is Not Substantially Redacted Similar to Other Cities
- A Resolution to Declare Racism as a Public Health Crisis and to Enact Equity in all Policies of the City of Wilmington and State of Delaware

Wilmington Fire Department

- Summary of Agreement between the City of Wilmington and Wilmington Fire Union Local 1590 for a New Four-Year Labor Contract Ordered Through Binding interest Arbitration
- A Resolution to Approve a Collective Bargaining Agreement between the City of Wilmington and the Wilmington Fire Union Local 1590 that was Authorized in Binding Interest Arbitration

CONTINUED ON NEXT PAGE (ZOOM INFORMATION)

If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment

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The public can access the meeting by clicking the following link:

<https://zoom.us/j/95682828938>

Webinar ID: 956 8282 8938

Or by Telephone by dialing: (929) 205-6099 or (301) 715-8592

You will be asked for the Webinar ID. Please enter **956 8282 8938** and then #. You can press # again when prompted to immediately enter the meeting.

Posted (06/01/2020)

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Wilmington, Delaware
June 18, 2020

#xxxx

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**Council
Member
Johnson**

Co-Sponsor:

**Council
President
Shabazz**

WHEREAS, it is Standard Police Policy for Law Enforcement Agencies or Departments to have and periodically update their Policies and Procedures Manuals; and

WHEREAS, the Policy and Procedures Manuals of U.S. City Police Departments have been developed and updated to provide to Police Officers and Personnel the Ethics, Mission, Goals, and Objectives of their City Police Departments; and

WHEREAS, the Policy and Procedures Manuals of U.S. City Police Departments identify the functions of Police Officers and Police Personnel in all of the duties and operations of Police Officers in both their department responsibilities and functions and interactions with the public they are sworn to serve; and

WHEREAS, the Policy and Procedures Manuals of U.S. City Police Departments are effective tools that augment and update Police Academy Training and provide police policies with ongoing functional requirements for the safety and professionalism of police officers and their organizations; and

WHEREAS, the Policy and Procedures Manuals of U.S. City Police Departments reflect the department's mission, the principles behind what the organization does, procedures and instructions for carrying out particular law enforcement and peace keeping tasks, and understanding the moral and legal obligations of policing; and

WHEREAS, U.S. City Police Departments often include information, policies and procedures for their Police Officers relevant to following specific U.S. Constitutional Amendments and in their Training Academies to ensure proper understanding and compliance of their Police Officers conduct relevant to the Constitutional Rights of U.S. Citizens in their interactions with members of the public they are to serve; and

WHEREAS, the Policy and Procedures Manuals of U.S. City Police Departments often may incorporate 3 main Constitutional Rules specifically, the 4th Amendment, 5th Amendment and 6th Amendment of the U.S. Constitution; and

WHEREAS, the 4th Amendment of the U.S. Constitution basically guarantees that U.S. citizens shall be free from "unreasonable search and seizure" of property, in places that have a "reasonable expectation of privacy", generally including places such as property that one owns or lives at, or places where they are an overnight guest; and

WHEREAS, the 5th Amendment of the U.S. Constitution reads “no persons shall be compelled to be a witness against himself in any criminal case” and has been interpreted to mean 1) the privilege against self-incrimination is a personal privilege which only applies to human beings. The privilege does not exist for corporations; 2) the privilege against self-incrimination only applies to criminal cases; this a party cannot “plead the Fifth” to stay silent in a civil case, unless the answer will tend to incriminate; 3) the prosecution and judge may not infer that refusal to testify means an individual is guilty; and 4) certain relationships are granted immunity from testifying against each other, such spousal relationships, layer-client relationships, and doctor-patient relationships; and

WHEREAS, the 6th Amendment of the U.S. Constitution includes the right to a speedy trial, the right to an impartial jury, the right to assistance of counsel, the right to confront witnesses, (cross-examine them at trial), the right to be informed of the charges being brought and the punishments, and the right to compel witnesses to appear in court; and

WHEREAS, the Police cannot use such evidence in a criminal case if they violate these Constitutional rights and a defense lawyer can argue that Police violated constitutional provisions and prevent evidence from being used in court by petitioning the court to suppress the evidence; and

WHEREAS, approximately 35 U. S. Police Departments have provided the public they serve access to their Policies and Procedures Manuals online starting in 2007: and,

WHEREAS, City Police Policies and Procedures Manuals from U..S. Cities in Seattle, Washington, Craig, Colorado, Fairlawn, New Jersey, Beaverton, Oregon, Garden Grove, California, Bremerton, Washington, Brunswick, Georgia, Newark, New Jersey and Lower Marion Township, Pennsylvania, to name a few, only redacted information that would threaten ongoing investigations, endanger officers or others, or invade someone’s personal privacy; and,

WHEREAS, the Newark, New Jersey Police Department began to provide the public with access to their Policies and Procedures Manual in the early 2000s through both online access and printed copies provided to Public Libraries throughout the City of Newark; and

WHEREAS, on June 1, 2010, Mayor Cory A. Booker and Police Director Gary F. McCarthy held a press conference announcing the release of a revised Rules and Regulations Manual for the Police Department of the City of Newark, New Jersey; and

WHEREAS, the entirety of the revised 190 pages of the Newark Police Department Rules & Regulations Manual is available online and accessible by the public; and

WHEREAS, according to ACLU New Jersey, the new practices entail monthly reports by the Newark Police Department on all stops, including how many people were stopped, where they were stopped, and whether the stops led to an arrest or not, as well as, the race and ages of the individuals; and

WHEREAS, on reflection of the revision of these practices seven years later, Booker stated that such transparency serves a necessary function to provoke meaningful changes in policing practices that improve public safety and fight crime while building trust between communities and police departments, ensuring fair enforcement of laws, and protecting civil rights; and

WHEREAS, obtaining information from local U.S. Police Departments on Police Shootings, particularly on repeat shooters that can be identified simply by a code number to protect the privacy of the officers while learning how many shootings have taken place and by how many officers over a specific period of time and what appropriate remedial action was taken; and

WHEREAS, obtaining information from local U.S. Police Departments on Police Use of Physical Force to learn if officers are required to fill out reports after any use of physical force, and if not, to recommend they do so in order to have records of such use of physical force and under what circumstances; and

WHEREAS, obtaining information from local U.S. Police Departments on minority employment is important in order to learn if various racial and ethnic groups in the City served by the Police Department reflects the percentage of those racial and ethnic groups in the police force; and

WHEREAS, the City of Wilmington is committed to a transparent and well-represented Wilmington that sees the importance of sustaining meaningful changes in

policing practices that will always strive to improve public safety of all Wilmingtonians, fight crime in coordination with the public, and consistently build trust between all communities throughout Wilmington and their Police Department, and demonstrate consistently the protection of civil rights based on the U.S. and Delaware Constitutions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington City Council strongly recommends/calls upon/encourages the Wilmington Police Department and the City Administration to provide the Wilmington Public with access to the Wilmington Police Department’s Policies and Procedures Manual, referred to as “The White Book”, on-line through the City of Wilmington’s official website for the knowledge of its Citizenry in a Format that is Not substantially redacted similar to what other Cities Smaller and Larger than Wilmington have done in the Last Decade or More promoting knowledge and support of police procedures, building trust and transparency between the Wilmington Police Department, its officers, personnel and the public they serve in our Great City of Wilmington. Delaware.

Passed by City Council,

Attest: _____
City Clerk

Wilmington, Delaware
June 18, 2020

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WHEREAS, the killing of Minnesota resident George Floyd on

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May 25, 2020 was not an isolated incidence, but highlighted a legacy of Black

**Council
Member
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death caused by racism in the United States of America; and

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WHEREAS, racism is defined as race-based prejudice, discrimination, antagonism, and the belief that all members of each race possess characteristics or abilities specific to that race, especially so as to distinguish one race as inferior or superior to another race or races; and

WHEREAS, White racism in the form of the belief that Black humans were inferior, unintelligent, and exclusively suited to manual labor resulted in the taking of Africans for the purpose of perpetuating enslaved labor in the Americas; and

WHEREAS, beginning in 1619, the Americas, and subsequently, the newly formed United States of America relied on Black slave labor to build the foundations of this country and earn capital for White Americans until the ratification of the 13th Amendment in 1865; and

WHEREAS, in the Reconstruction Era and well into the 20th century, Jim Crow Laws were established by state and local jurisdictions in order to enforce segregation in the Southern United States, disenfranchise Black

Americans after the 1870 ratification of the 15th Amendment, and prevent political and economic gains within Black communities; and

WHEREAS, in the 1930s, President Roosevelt's New Deal helped build a solid middle class through sweeping social programs, including Social Security and the minimum wage, yet because the majority of Black people were agricultural laborers or domestic workers, those occupations were ineligible for those benefits; and

WHEREAS, research by Trymaine Lee in 2019 found that: (1) White Americans have seven times the wealth of black Americans on average, (2) Black people make up nearly 13 percent of the United States population yet hold less than 3 percent of the nation's total wealth, (3) the median family wealth for White people is \$171,000, compared with just \$17,600 for Black people, and (4) according to the Economic Policy Institute, 19 percent of Black households have zero or negative net worth, while only 9 percent of White families are that poor; and

WHEREAS, discriminatory housing practices such as segregation, redlining, racial covenants, the discriminatory application of the G. I. Bill, the Federal Housing Administration guaranteeing bank loans only to developers who wouldn't sell to Black people, the building of inter-state highways through historic minority neighborhoods have caused Black families to often be displaced

from their homes even in their segregated neighborhoods, be continuously denied opportunities to own, invest in, and accumulate property, credit, and capital wealth; and

WHEREAS, housing has been accredited as a social determinant of health because where housing is located, the resources around it, the quality of the housing, the stability of that housing, including how much it costs, and the environmental quality of the air, water and soil of the neighborhood the housing is located, are all important in determining how housing affects health; and

WHEREAS, in 1985, the U.S. Department of Health and Human Services commissioned a report through Margaret Heckler on Black and Minority Health, which found disparate health outcomes for Black Americans, concluding that health disparities accounted for 60,000 excess deaths each year and that six causes of death accounted for more than 80 percent of mortality among Blacks and other minority populations; and

WHEREAS, research on discrimination and racial disparities in health reveals that: “pathogenic factors linked to race continue to affect health even when socioeconomic status (SES) criteria are in some cases nearly the same,” and that, “even after adjustment for income, education, gender and age, blacks had higher scores on blood pressure, inflammation, and total risk... blacks

maintained a higher risk profile even after adjusting for health behaviors (smoking, poor diet, physical activity and access to care)” (2008); and

WHEREAS, stunning research in the field of epigenetics, or the study of how “the external environment's effects upon genes can influence disease,” and how some of these effects are inherited in humans, reveals that the health experiences of slaves, such as nutrition - - findings suggest that diet can cause changes to genes that are passed down through generations by the males in a family, as well as, physical security, and mental anguish can impact Black Americans today; and

WHEREAS, during the current COVID-19 pandemic, on May 30, 2020, NPR broadcast a report by Maria Godoy, “What do Coronavirus Racial Disparities Look Like State By State?” based on an analysis of demographic data from the COVID Racial Tracker, a joint project of the Antiracist Research Policy Center and the COVID Tracing Project, comparing each racial or ethnic groups’ share of infestations or deaths where race and ethnicity is known with their share of the population from 49 States, plus Washington, DC, where at least some data with race or ethnicity was known for around half of all cases and 90 percent of deaths, even with gaps, Communities of color are being hit disproportionately hard by COVID-19; and

WHEREAS, NPR's analysis found that in 32 states plus Washington, D.C. blacks are dying at rates higher than their proportion of the population including in 4 states, where the rate is three or more times greater, race and ethnicity is known for around half of all cases, and 90 percent of deaths; and

WHEREAS, NPR's analysis found that in 42 states plus Washington, D.C. Hispanics/Latinos make up a greater share of confirmed cases than their share of the population. In 8 states, the rate is more than four times greater. The rates are 2 times higher in 30 states, and over 4 times higher in 8 states; and

WHEREAS, on Thursday, June 4, 2020, the Trump administration, under pressure from Congress, announced new requirements for states to collect data on race, ethnicity, age and gender of COVID-19 test results, hospitalizations, and deaths by local government public health departments to the Centers for Disease Control and Prevention for that data to be collected and published; and

WHEREAS, According to the National Women's Law Center data in 2017, despite making up less than half (47 percent) of all workers women are nearly six in ten (58 percent) of the more than 26 million workers in low-wage occupations that typically pay less than \$11 per hour/ and, Black women and

Latinas are overrepresented in the low-wage workforce with Latinas making up 15 percent of women in the overall workforce but 24 percent of women in the low-wage workforce and, 20 percent of women in the lowest-wage jobs are Black women making up 13 percent of women in the overall workforce but 18 percent of women in the low-wage workforce and 16 percent of women in the lowest wage jobs, the majority of which have been identified as essential during the COVID-19 pandemic; and

WHEREAS, aggregated health conditions and systemic poverty have resulted in the disproportionate focus on Black Americans as perpetrators of crime in the United States, whereby 1 in 10 Black men in their thirties are incarcerated at any given time, 57% of people in state prisons for drug offenses are people of color even though whites comprise over two-thirds of drug users, and judges are more likely to give longer sentences to people of color (The Sentencing Project, 2015); and

WHEREAS, nearly 60 percent of all hate crimes in the United States are caused by racism; and

WHEREAS, racism has inhibited Black Americans from performing simple, daily tasks such as shopping, walking, jogging, or driving without the awareness that, at any moment, law enforcement may be called by a white person to prevent their exercising of daily freedoms; and

WHEREAS, data from the Prison Policy Initiative indicates that Delaware has an incarceration rate of 756 per 100,000, meaning it has a higher rate of incarceration than the United States as a whole and any other country in the world, and in 2015 Black Americans comprised 60% of the incarcerated population in the State; and

WHEREAS, according to the research group, Mapping Police Violence, police killed more than 1,000 people in 2019, almost a quarter of them of African-American descent who are 3 times more likely to be killed by police than their white counterparts and twice as likely to be unarmed when shot by police; and

WHEREAS, the City of Wilmington, Delaware is 57.2% Black, and the Council of the City of Wilmington is committed to addressing injustices, inequality, and discrimination in the form of racism impacting more than half of the population of its citizens.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Council declares racism to be a public health crisis in the City of Wilmington and is committed to enacting equity in all policies in the City. Following the foundations laid by the Ohio Legislative Black Caucus in Council Bill 0095X-2020, the Council of the City of Wilmington is committed to the standards identified and sponsored by Priscilla Tyson, Elizabeth

Brown, Mitchell Brown, Rob Dorans, Shayla Favor, Emmanuel V. Remy, and Shannon G. Hardin of:

1. Reviewing all City policy with a focus on its effects on minority communities including disadvantaged business enterprises.
2. Conducting all human resources, vendor selections, and grant management activities in the City of Wilmington government with special attention to policies and practices such as hiring, promotions, leadership appointments, contracts assigned, and funding awarded to private small, DBEs and large businesses and mainstream and community-based Non-Profit Organizations engaged in housing development and services, workforce development and employment, youth development, the arts, cultural programming, and health access and education.
3. Encouraging community partners and leaders in education, employment, housing, criminal justice and safety arenas, health care and the environment to recognize racism as a public health crisis.
4. Securing adequate resources to successfully accomplish the activities described in this resolution.

Passed by City Council,

Attest: _____

City Clerk

SYNOPSIS: Racism has been prevalent in this country since before its founding as the United States of America and has continually and detrimentally negatively impacted the health and well-being of Black and Brown citizens in the country, state, and city. This Council declares racism to be a public health crisis for these reasons and is committed to pursuing equity and justice in the review of existing Codes and practices, the development and execution of all City policies and procedures going forward.