

Wilmington, Delaware
June 18, 2020

#4831

Sponsor:

**Council
Member
Johnson**

Co-Sponsors:

**Council
President
Shabazz**

**Council
Members
Harlee
Walsh**

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 our 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

SYNOPSIS: This Resolution call for the City Administration and the Wilmington Police Department to make the policies and procedures manual (referred to as the White Book) available to the community without substantial redactions except in areas that would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or could reasonably be expected to endanger the life or physical safety of any individual.