

Wilmington, Delaware
April 7, 2022

#0157

Sponsor:

**Council
Member
Johnson**

WHEREAS, on November 19, 2020, City Council adopted Substitute No. 1 (as amended) to Ordinance No. 20-034, which created a Citizen Complaint Review Board (“CCRB”) authorized to investigate complaints against law enforcement officers employed by the Wilmington Police Department, make reports of those investigations, and recommend practice changes to the extent consistent with applicable law; and

WHEREAS, it was City Council’s intention that the CCRB address the resolution of these complaints to the greatest extent permitted by the Delaware Law Enforcement Bill of Rights (“LEBOR”), codified in Title 11, Chapter 92 of the Delaware Code; and

WHEREAS, LEBOR governs how police can be investigated internally and as currently codified, LEBOR prohibits public access from police disciplinary records and provides police departments with exclusive investigatory and disciplinary authority; and

WHEREAS, on May 25, 2021, Senate Bill No. 149 (“SB149”) was introduced to the Delaware General Assembly and assigned to the Senate Judiciary Committee; and

WHEREAS, SB149 proposes several reforms to LEBOR that are designed to increase accountability and transparency of the police; and

WHEREAS, SB149, as introduced, authorizes any state agency, county, or municipality to establish a community review board, which would be empowered to hear and decide law-enforcement disciplinary matters, and issue subpoenas for witnesses or other sources of evidence in connection with any proceeding; and

WHEREAS, SB149, as introduced, would provide the CCRB the requisite investigatory and disciplinary powers for it to effectively fulfill its statutory duties; and

WHEREAS, on June 16, 2021, SB149 was reported out of the Senate Judiciary Committee and is ready for consideration by the General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON BE IT FURTHER RESOLVED that the Wilmington City Council urges the Delaware General Assembly to pass SB149, in the form that it was introduced, so that the CCRB would have the necessary investigatory and disciplinary powers for it to effectively fulfill its statutory duties.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution urges the Delaware General Assembly to pass Senate Bill No. 149 (“SB149”) in the form that it was introduced to the Delaware General Assembly. SB149, as introduced, enables any state agency, county or municipality to establish a community review board, and empowers such boards to hear and decide law-enforcement disciplinary matters, and issue subpoenas in connection with such proceedings.