



State of Delaware
Department of Safety and Homeland Security
POLICE OFFICER STANDARDS and TRAINING COMMISSION (P.O.S.T.)
Thomas Collins Building, 3rd Floor, Suite 1-A
540 S. Dupont Hwy
Dover, Delaware 19903

February 14, 2024

To: Delaware Local League of Governments
Delaware Police Chiefs

From: Delaware Police Officer Standards and Training Commission

Re: Police Accountability Committees (PACs)

As you are likely aware, on August 7, 2023, the Governor signed House Bill 206 into law, converting the former Council on Police Training into the Delaware Police Officer Standards and Training Commission (POST) and adding several new sections to Title 11, Chapter 84. *See 11 Del. C. § 8404(a)(20)*. Among other things, HB 206 provides that POST shall require that all Delaware police departments establish, either individually or in combination with other departments, police accountability committees or boards (PACs). POST is currently considering promulgating regulations to meet this statutory obligation; however, because that process may take some time, this memorandum serves as POST's statutory directive to all Delaware police departments that they must establish PACs. To that end, we respectfully request that you disseminate this memorandum to your respective agencies and departments. This memorandum also sets forth preliminary guidance regarding the establishment of PACs.

Purpose of PACs. HB 206 provides that the purpose of PACs is to "provide advice to departments on policy, training, and other issues relating to or affecting the department and the communities served by the department." POST anticipates that PACs will result in greater transparency, information gathering and sharing, education, and community engagement. However, HB 206 does not expressly empower PACs to issue or overturn department-issued discipline or to promulgate any policy or departmental procedure.

PAC Composition and Minimum Meetings. HB 206 does not set a minimum number of committee members. However, POST believes that the minimum number of members needed for an effective PAC is five, with perhaps as many as 9-13 members for large departments. As with any voting board or committee, departments should use an odd number to minimize reaching tie votes.

HB 206 requires the inclusion of a "religious leader from the community and members of the community who have been impacted directly or are immediate family members or caregivers of those impacted by the juvenile or adult criminal justice system." In addition to these required members,

POST encourages departments to include a diverse membership, representing multiple facets of the community, considering race, gender, age, education, demographics, experience, business owners, student leadership, criminal justice background, and at-risk populations.

POST intends to require that PACs meet quarterly or more frequently as may be needed.

Member Training. “Non-officer members” are required, within one year of appointment, to complete 20 hours of community training with their respective police departments. The training may include ride-a-longs or a citizen’s police academy, as well as any demonstrations or other worthwhile courses of instruction. POST believes that the required training and instruction will provide those not affiliated with law enforcement or with law enforcement experience greater insight and understanding of police operations and administration to in turn provide appropriate context for anticipated advice and guidance to police leadership. Training will also enhance greater sharing of knowledge and information with the public.

Joint PACs. HB 206 provides that departments may establish a PAC either individually or in combination with other police departments (e.g., regional police accountability committee). POST encourages departments serving smaller communities to reach out to neighboring jurisdictions to consider forming joint or regional PACs to provide advice to multiple departments.

FOIA. HB 206 provides that PACs are subject to the requirements of the Freedom of Information Act, Chapter 100 of Title 29 (FOIA). Departments should obtain legal advice to make sure that their PACs are compliant with FOIA. Also, POST may request that agencies provide POST with copies of agendas, minutes, and other PAC documentation to ensure that POST is meeting its statutory mandate requiring that departments establish their PACs.

Confirmation with POST. Once departments establish their PACs, please provide confirmation to POST and the individuals selected for the PACs.

Closing. It is the expectation of POST that agencies will work diligently to establish PACs as soon as possible. We hope that the above guidance assists with the development of PACs by Delaware departments. If you or any department have any questions or concerns, please contact POST at (302) 244-3670.