

CRIME

Police reform push in New Castle County: Too far, or not enough?

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Two ordinances introduced to the New Castle County Council on June 23 aim to start a reform process in the New Castle County Police Department by banning chokeholds and knee-holds and establishing a duty-to-intervene policy for officers.

However, the measures are facing disapproval on two sides: police officers who want an exception for deadly force and civil rights advocates who believe the measures do not go far enough to reform the Police Department.

Fred Calhoun, president of Delaware's Fraternal Order of Police and current New Castle County Police Department lieutenant, said these county ordinances will "do more harm than good."

"My fear in making these kinds of changes is that you're legitimizing the argument that police are bad and we do this all the time," Calhoun said.

Councilman Penrose Hollins, a co-sponsor of the ordinance, called the measures "low-hanging fruit" and said they don't go as far as he'd like.

New Castle County Councilman Jea Street echoed that, saying the two ordinances, if passed, are "not worth the paper [they're] printed on," even though he's also a sponsor.

Over his 15 years on the New Castle County Council, Street has fought for more funding and more resources for the Police Department. But he announced during a June 9 Public Safety meeting that he will no longer support any budget increases for the department until he sees substantial, meaningful change.

In particular, Street is calling for an end to parts of the Delaware Criminal Code that protect officers who use deadly force when they believe that "such force is immediately necessary for

the purpose of protecting the defendant against the use of unlawful force by the other person on the present occasion.” Because this is a state law, the New Castle County Council is not able to change it. Still, Street believes that meaningful reform is impossible while these laws stand.

'HIDDEN FROM VIEW': The ongoing battle for more police transparency in Delaware “If the [killing of George Floyd] had happened here, the cops would have walked away,” Street said, referencing the Delaware Criminal Code that protects police officers.

Nonetheless, Street is one of four sponsors for the two ordinances slated for discussion at the July 14 council meeting. He supports the ordinances because he believes in the “spirit and intention” of them, he said.

The main sponsor for the two ordinances is Dave Carter of District 12. He has collaborated closely with Col. Vaughn Bond of the New Castle County Police Department to draft this legislation.

“I will surely listen to all of our police officers and public players as well with the intent of coming up with the best legislation we can,” Carter said. “I’m open to particularly listen to [New Castle County police] because New Castle County does have a very progressive police force.”

Bond affirmed county police’s commitment to being a “progressive” force in a public letter released on June 10. In it, Bond condemned the killing of George Floyd and detailed the department’s use-of-force policies.

“The New Castle County Division of Police is a very progressive agency and is setting the standard for others to follow,” Bond wrote.

The policies Bond describes in the letter are in line with the recommendations of police reform campaign #8cantwait. Notably, the policies state chokeholds and knee-holds are already “not authorized” by the department, and that officers are already bound by a duty-to-intervene policy.

Still, Street claims these policies do not go far enough. He cites several cases of excessive force by the New Castle County Police Department, in particular an incident captured on video with then-16-year-old Roger Brown, who was pinned down and punched in the face multiple times by two New Castle County police officers in February 2019. In the video,

a third officer present does not intervene but approaches the person filming and tells them to return to their house.

"I can assure you that a thorough and comprehensive investigation took place that included additional video footage," Bond wrote in an email to Delaware Online/The News Journal about the incident.

Street said over his years attempting to work with the Police Department, it has not been receptive to changing its conduct. In particular, he said he has advocated for having a minimum of two officers present while working in high crime areas in order to reduce the likelihood of the use of excessive force.

"That has never been considered," Street said at a June 9 Public Safety Committee meeting.

Bond wrote in an email that while there is a mandatory two-car response in some cases, "there are moments when all Patrol Officers are out of service handling other calls for service."

Clashes over police reforms

The ordinances are facing resistance from some members of the New Castle County Police Department, too.

Jonathan Yard, president of Lodge 5 of the Fraternal Order of the Police and current New Castle County officer, said the ordinances could cause confusion and problems for officers.

In particular, he said the ordinance banning chokeholds needs to have an exception for when officers are in a "life or death situation." He voiced concerns about sweeping bans of not just chokeholds, but "arm holds" and "sleeper holds." He said arm bar holds are an authorized and legitimate way for officers to make an arrest.

"If you're trying to handcuff a defender or a suspect and they start to resist, the arm bar is one of the ways to take an individual down to the ground," Yard said. "Now you're putting in there that it's prohibited."

Carter, though he is working with Bond, says he will not necessarily modify the ordinances to suit the Fraternal Order of Police. In particular, he is reluctant to include an exception for when deadly force is deemed necessary by the police officer.

"I have expressed a little bit of hesitancy unless we can find a more objective way to define

The chokehold ordinance on the July 14 New Castle County Council agenda does not include the exception for deadly force that Yard said is necessary. This is in contrast to a similar chokehold ban passed by the Delaware Legislature in late June that does make an exception for when officers feel it is necessary for self-protection.

POLICE REFORM: Delaware General Assembly bans police from using chokeholds, knee-holds unless necessary

"To the extent that we can we wanna try to work as best as we can with everybody," Carter said. "That doesn't mean that we're gonna modify it precisely the way [the county Police Department] wants it or the way the FOP wants it."

Hollins, who represents District 4, said he agrees with Street that the measures are not enough to meaningfully combat police violence in the Police Department, but argues they are a step in the right direction.

"To codify [chokehold bans and duty-to-intervene] is what most jurisdictions are doing," Hollins said. "In my opinion, it's not really a big deal, but it's something worth doing.

"But it's not moving the needle anywhere near where we need to be moving it to."

Where the needle needs to end up, Hollins said, is with changing state code to better allow for prosecution of police officers who use excessive force. Carter, too, hopes to see the issue addressed at the state level.

"The real issue from here is, someone at the state level still needs to look at (the code)," he said.

Building trust

The county Police Department wants to be known as an exception to the rule of corrupt police departments.

"We are not that agency that's out there in Minneapolis," Bond said during a June 9 public safety committee meeting. "We set the standard."

He cited various examples of the department's community policing and outreach programs as evidence. Still, some believe New Castle County police suffer from the same lack of community trust as other police departments nationwide — and that the reforms necessary within the department go beyond just county ordinances.

Jaywan Saunders is president of the Simonds Gardens Civic Association, a neighborhood outside of New Castle. He said mistrust of police is taught at an early age to young Black children, and the lack of positive police presence in the community contributes.

A MONTH AFTER FLOYD'S DEATH: Delaware protesters affect some change, work 'far from over'

He has met with Bond to discuss his concerns with New Castle County police. He said police must foster positive relationships with neighborhood figures to do their jobs effectively.

"I bet you half these cops don't even know who their civic leaders are in the community that they could contact if something in that neighborhood is going wrong," Saunders said. "They don't get to know the people that they should know in the neighborhood."

He said Bond is receptive to his concerns. He hopes Bond will continue to attend meetings he hosts with neighborhood youth at the Rose Hill Community Center.

"There's a stigma that people don't wanna help the police," Saunders said. "That's not the case. If (police) do the dialogue with the right people in the community, they'll help them."

"We want the same protections as anyone else, whether they're in Red Lion or Hockessin or in the projects."

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