

Police Accountability Committee
March 4, 2025
Meeting Minutes

Members Present: Rosemary Hardiman, Erin Ternahan, Diane Fogash, Pastor Rick Plocinski and Dan Rosenblatt.

Police Department Representatives: Chief Patrick Foley and Deputy Chief Justin Norman

Others Present: Council Members Jerry Morris, Theresa Keil, and Rich McHugh; Raelene Menominee, Town Clerk

Mrs. Hardiman called the meeting to order at 11:00am.

Mrs. Hardiman said this is the first 2025 quarterly meeting of the Police Accountability Committee (PAC). Established by the State of Delaware, PAC serves as an advisory committee. As such, it can't establish or interfere with PD policies or procedures or interfere with discipline. The Committee has started with a minimum of 5 members and also must complete 20 hours of training. To date, the committee members have completed 8 hours.

Ms. Hardiman asked each member to introduce themselves and provide some background.

Diane Fogash has been a property owner since 1991 and a resident since 2023. She serves on the Town's Planning and Zoning Commission and the Bicycle and Pedestrian Safety Committee. She is also a member of the BBLA board. Erin Ternahan is a third-generation business owner in Bethany, Dan Rosenblatt has a house here for almost 30 years, and for 25 years served as the executive director of the International Association of Police Chiefs.

Chief Patrick Foley has been 20 years full time with the BBPD. He started as foot patrol and worked all the way up to the top. He was CALEA accreditation manager since 2020. Pastor Rick Plocinski (Bethany Beach Christian Church (Disciples of Christ)). In his sixth year in BB, he is a retired public school teacher from Milton PA. Rosemary Hardiman was on Council from 2014-2024 and mayor from 2020-2024. She currently also serves on the Planning and Zoning Commission and Fourth of July Parade Committee.

Ms. Hardiman provided background regarding the selection of Chief Foley and Deputy Chief Norman for the positions after the former chief and former captain were fired. In order to ensure that the selection process was objective and fair, Town Manager Cliff Gravier established a selection committee consisting of police chiefs and others with law enforcement credentials who were not related to the BBPD. Based on written submissions and in-person interviews, the Committee recommended them to Mr. Gravier who, in turn, recommended their selection to Town Council.

Approval of the Agenda

Mr. Rosenblatt moved, Ms. Fogash seconded and the motion unanimously passed

Approval of the Minutes of Orientation held on December 3, 2024

Ms. Fogash moved, Mr. Rosenblatt seconded and the motion unanimously passed.

Report from the Police Chief (Foley)

Chief Foley provided a chart and explained the organizational structure of the BBPD. They are governed by CALEA (Commission on Accreditation of Law Enforcement Agencies) CALEA wants to see that there is a structure and a chain of command. There are 12 full-time officers and each person is responsible for someone else.

The PD hosted PAC last week for the Department's in-service training on a multitude of topics. PAC is mandated to have 20 hours in the first year. They have had 8 hours so far including the orientation and in-service training.

Law Enforcement Bill of Rights- Deputy Chief Norman gave a brief overview of Section 9200. It is a protective measure for police officers if they are under investigation. He highlighted the difference between a formal investigation and an informal inquiry. Signed into law on August 7, 2023, Police Departments are required within 30 days to report to the Criminal Justice Council if an investigation falls within certain criteria. If it does not fall within those criteria, then the PD is not required to submit it to the Criminal Justice Council. At the end of every year the PD must report to the Criminal Justice Council how many citizen complaints were received and their disposition. This ensures transparency and accountability for every Delaware Police Department.

Chief Foley reported CALEA is the single reason that the PD transition went as smoothly as it did over the course of the last year. Chief Foley said that after they fired the Chief and Captain last year while Chief was also fighting a DUI suspension, they did not look good in the eyes of the CALEA. CALEA did not want to perform their on-site inspection scheduled for February. Chief Foley fought them and suggested they inspect all 193 policies. They usually only inspect 25% of the policies. They passed with flying colors after all 193 policies were inspected.

10 out of the 12 BBPD officers were originally seasonal police officers. DC Norman explained that body cameras are reviewed every morning. If they pick up something that an officer does or fails to do that is a violation of policy, the officer will be provided counseling or training. Counseling does not arise to a "formal investigation" on the officer. CALEA keeps track of how the PD polices itself and how it responds to public complaints.

Chief Foley and DC Norman are going to California for the CALEA meeting in late March at which they will be provided with formal approval of their latest CALEA review.

Statistics relating to the complaint, counseling, and internal affairs logs are due to CALEA at the end of the calendar year. So, they can go through them with PAC at the March meeting. January 26, 2024 was the date that the former Chief and Captain were fired from the Town of Bethany Beach. January 29th was Chief Foley's first day as OIC.

A Monthly Activity Report is provided to Town Administration. These reports show that in 2024, we had 1876 calls for service, i.e., traffic incident, property check, domestic incident. Traffic arrests- 2160; Warnings- 288; DUI arrests- 12; Criminal arrests-222;

There are 10 road officers and 2 administrative officers. We do a lot of recruiting for the seasonal police officers. There are 8 returning this year and we're looking to hire 8 or 9 new. Every officer is required to have 24 annual hours of additional training, in addition to the 8 hours of in-service training for recertification.

CALEA requires data, measuring, analyzing to see what we can do better. The Active Threat Policy for the boardwalk is reviewed each year. We have to keep analyzing that policy and letting CALEA know how we are staying ahead of that active threat.

We maintain a log and lengthy summary of what works and what doesn't, major complaints and how they have investigated and how we used discipline to better the officer and the situation. Sgt. Riddle is in charge of use of force training, i.e., baton training, and is the fire arms instructor. Sgt. Elliott is in charge of recruiting, HR standards and also is taking over CALEA from Chief Foley. Everyone has an extra duty, responsibility, in addition to their day-to-day duties.

Pursuits of motor vehicles get most agencies in trouble. The Department calls them off as long as certain information is acquired. Use of Force is also analyzed; how many times someone is tazed; how many times a gun is drawn, how many times the police use their hands with someone; etc.

Diane Fogash said that she was impressed the presentations made by the officers at the in-service training. Chief Foley said everyone is looking forward to the continual training with PAC, i.e. ride-alongs, seasonal training, etc.

Unity of Command: there's always someone to supervise; to get the okay from. All officers are very intelligent but it is always nice to get another voice from a sergeant. Regarding the process of selecting someone to fill the vacancy for sergeant, Chief Foley explained: Two officers are eligible for the Sergeant position due to time served. Andrew Rogers and Joshua Fulton will be able to compete- there will be a systematic process for the promotion. They will be given 4 or 5 textbooks to study for a written exam; oral board interview in front of officers of that rank or above from another agency; education, experience, etc. will also be taken into account. The Chief will review all of this and make a selection.

Most agencies hire a CALEA Accreditation Manager that works M-F as a full-time job. The BBPD is a very small department so they do not have the budget to hire someone in that capacity. BBPD keep it so everyone is in the loop. Says a lot to the credibility of the officers.

OLD BUSINESS

NONE.

NEW BUSINESS

Discussion, Consideration and Possible Vote on Draft Police Accountability Committee Bylaws

Mrs. Hardiman suggested three-year terms for the PAC Committee, since the legislation did not specify a term. The suggestion is based on the fact that the Town is required to invest 20 hours of initial training for members. In addition, three years is consistent with other Town statutory committees: the Planning & Zoning Commission and the Board of Adjustment.

Mr. Rosenblatt said he did not recall anything in the by-laws that described the relationship of PAC to the department and to the public. He asked if someone from the public approached a member of the PAC with a policy concern or complaint how would we handle it. Mrs. Hardiman suggested perhaps putting that under the Purpose. Chief said the PAC should pass it along right away to the Police Administration. They would put this on the June agenda for consideration.

Mr. Rosenblatt moved approval of the bylaws. It was seconded by Pastor Rich and unanimously approved.

Election of PAC Vice Chairperson

Mr. Rosenblatt made a motion to nominate Erin Ternahan to the Vice Chairperson role. Mrs. Fogash seconded and the motion passed unanimously.

Discussion, Consideration and Possible Vote on Additional Quarterly Meeting Dates in 2025

Tuesday June 3rd

Tuesday September 9th (Downstairs meeting room)

Tuesday December 2nd

Meetings would be at 10:00 am.

Ms. Fogash moved approval, Mr. Rosenblatt seconded and it passed unanimously.

Adjournment

Mr. Rosenblatt moved adjournment, Ms. Fogash seconded and it was unanimously approved.

Ms. Hardiman adjourned the meeting at 12:05 pm