

**Police Accountability Committee Meeting
June 3, 2025
Meeting Minutes**

Members Present: Rosemary Hardiman, Erin Ternahan, Pastor Rick Plocinski, Diane Fogash, Dan Rosenblatt, Chief Patrick Foley, Deputy Chief Justin Norman

Others Present: Ron Calef, Theresa Keil, Will Wharton, IT Director and Raelene Menominee, Town Clerk

Mrs. Hardiman called the meeting to order at 10:00 am.

Approval of Agenda

Mr. Rosenblatt made a motion to approve the agenda. Chief Foley seconded and the motion passed unanimously.

Approval of Minutes of Meeting held on March 4, 2025

Mrs. Fogash made a motion to approve the minutes of the meeting held on March 4, 2025. Mr. Rosenblatt seconded and the motion passed unanimously.

Reports

Report from Police Chief Patrick Foley

Chief Foley reported that he and Deputy Chief Norman went to Anaheim, CA in March and had their CALEA hearing. They were the first agency to go in front of the Board of six people. There were approximately 100 people in attendance. He reported that all of the topics from the past year were discussed, and they were reaccredited for another four years.

Benjamin Tressler graduated from the Delaware State Police Academy at the end of February and has completed his field training just in time for Memorial Day weekend. The Seasonal Police Academy just finished the week prior, and each officer completed a total of 216 hours of training. They have phased into their 4-week FTO training where they will be required to be with a full-time officer. BBPD had 16 approved for hire but one was hired to the Seaford Police Department and another had quit after her first week of seasonal academy. There are now 14—8 new and 6 returning.

Chief Foley introduced the new BBPD intern from Penn State, Kali Avery, criminology/sociology major, and she is in the FBI Honors Application process, which is difficult to get. She'll be leaving at the end of June and has been an asset during her time with us.

Community Outreach

Aidan from Sussex Tech has just completed an internship with the BBPD at the end of June. This was the first year for interns for the department. The BBPD does a lot of work, a lot of outreach with

Sussex Tech HS for their criminal justice pathway. This leads to a criminal justice major in college. It's a no brainer for the BBPD because they can recruit local seasonals. Most of the seasonals are not from DE anymore. The PD recruits heavily from out of state. So this is a great opportunity to recruit locally from Sussex Tech.

Five BBPD officers assisted Sussex Tech with a criminal justice pathway assignment. It was a scenario-based test where officers were role players—judges and hiring employers.

Effective April 1st BBPD was back in good standing with the Office of Highway Safety and now has a specific grant for overtime patrol. A total of 200 hours in 4-hour shifts which is equal to 44 total patrols separate from the regular patrols. Of the 200 hours they are required to work, 100 hours are geared towards arrests and citations—DUI mobilization and patrols, speeding, cell phones, aggressive driving. 100 hours are geared towards education, including pedestrian and bicycle safety. Since the BBPD doesn't like to enforce rules for people who don't know the rules, Chief said that he's very happy about the strong component for education.

Next, BBPD has been doing outreach at South Coastal Library. PFC. Ryan read to 3–8-year-old children. They have been going to Sea Colony Summer Kids Camp interacting with kids from 5 years old to 13 years old. BBPD has held three seminars with the public at the library as well including an upcoming shoplifting prevention seminar with Sgt. Scharp. They have also had HOA interactions with the community including meet and greets and updates for residents that have been out of town. Lastly, they completed senior interviews at Sussex Tech. Rather than exams or final papers for seniors in the criminal justice pathway, the school has lawyers, judges, police officers and administrators interview seniors. Interviews are geared toward their involvement over the past four years.

Chief Foley reported there was one formal citizen complaint that occurred on March 26, 2025. A local resident was pulled over for a registration violation on a license plate. He called in immediately after and reported he was not happy with the stop, and said it was based on false claims that there was nothing wrong with his registration. Chief Foley investigated within an hour of the call coming in, with the use of bodycams. The operator did not know the police officer had a body cam strapped to his chest. After the investigation was completed, Chief Foley called the citizen back and told him they had reviewed the body cam footage, which showed that the officer was extremely polite and courteous and told the individual how he could dismiss this in court once proper steps were taken. Once the resident was advised that the officer was wearing a bodycam, and that the resident was filing a false report he switched his story. He later emailed Deputy Chief Norman and wanted to thank the officer for helping him to get his violation dismissed. Chief Foley said they take complaints very seriously and they want to be open and transparent about them.

Mrs. Hardiman asked if there are CALEA policies regarding how to address complaints. Chief Foley responded affirmatively explaining that the Agency takes complaints very seriously and treats each one as something severe until it's shown not to be. In this case, if they didn't have the body camera, they would have had to wait until the officer came back to work to get his side of the story and then

interview the other person to get his side. With use of a body cam, it is done within an hour. Deputy Chief Norman added that it is documented and noted in their annual report.

Mrs. Hardiman then asked the Chief to address the use of body cams.

Chief Foley said that body cams are great. He explained that under CALEA policies and now those of Delaware's Police Officers Standards and Training Commission (POST), supervisors have to review them to ensure checks and balances. He and DC Norman review them routinely to ensure that officers are abiding by policies. He explained that they are not meant to be an administrative "gotcha" but rather a tool for supervisors to coach younger officers and also to pick up things that an officer could be doing better. Body cams also have shown that officers take pride in their work and the efforts, outreach and passion of our officers. The BBPD has had them since 2015, one of the first agencies in the State to have them.

March, April & May Statistics

March- 200 traffic arrests; 33 documented warnings; 7 criminal arrests; 3 DUIs; 216 calls for service.

April-168 traffic arrests; 71 documented warnings (increase after OHS Mobilization went into effect); 3 criminal arrests; 1 DUI; 158 calls for service

May-(Seasonal officers working so more staff on street) 179 traffic arrests; 63 documented warnings; 14 criminal arrests (shoplifting); 2 DUIs; 204 calls for service; 1 vehicle pursuit which led to 2 use of force reports. These were:

A taser was deployed and other officer on scene went hands on and effectuated an arrest. This occurred on Sunday night of Memorial Day weekend. The driver was pulled over for a seat belt violation. There were indications that the driver was impaired. He was instructed to take keys out of the ignition. Instead he took off on a dead end residential street in back of St. Ann's. He got out of the car and was charging the officers. They had hand guns drawn. Because his hands were up and they could see he didn't have a weapon, the officers transitioned to taser. The officers did everything they were supposed to do.

Mrs. Hardiman reported that someone from that neighborhood told her that a number of people were watching it unfold and commented on how well the officers handled that situation.

Chief Foley reported that this was a situation where the person resisted arrest and the officers put him in custody very quickly. These are the things he would like to share on the BBPD social media page and let the general public know about. However, the bad news here is that the courts are not holding up their end and being held accountable—something he and the PD stand by. So, after 12 hours of this subject being in custody, they let him walk out the door—no jail time whatsoever. Despite the fact that he fought two officers—was arrested for DUI, resisting arrest and a couple of other traffic related violations, the courts let him walk out the door at 6:50 the next morning. The Chief said that he did not want to do a press release for this because unfortunately once you post

something like that on social media, everybody is going to bash somebody—the officer, the operator or the courts. He didn't want to throw blame and public shame at the court system—that's not how they want to uphold the criminal justice system, so they elected not to post that incident because all of the comments on Facebook would have criticized the courts. DC Norman reported that he has a scheduled call with the Chief Magistrate's office about that incident, adding that they can't let that happen. It's discouraging for the PD, it's discouraging for the officer after all their hard work and they put their life on the line.

The officer that made this stop was supposed to get off at midnight. Officers know there are times when they're going to be held over. So the officer started his shift at 12 noon. He did not go home until 8 the next morning. It wasn't his fault. It wasn't as if he did the warrant wrong, the processing wrong—the courts had him in limbo for over 6 hours between his warrant being signed and it being processed. That's just unacceptable. He added that if he was a Bethany Beach resident, he would be upset because now that officer is tied up. What if this officer is on shift and they're tied up with the court system for 10 hours, they're not patrolling your neighborhood.

They have two use of force reports from that incident—a taser deployment and physical restraint of the offender who got out of the car and tried fighting both officers. They both did a fantastic job. He explained that they can't show the body cam footage because it's an open and active investigation. He added that he was very proud of how the two officers conducted themselves.

Deputy Chief Norman reported **Guidepost** is a vulnerability and threat assessment company that the Town has contracted with. He said the Town is looking to check every box to make sure that the soft target of Bethany Beach is as hard as possible target. They came in last Thursday to view the Friday and Saturday night bandstand events. They saw the cameras where the officers sit to view bandstand events. They were impressed with the seasonals, the EOD on-site, the pre-event sweep, and the pulling of trash cans by Public Works. Deputy Chief Norman said they expect to get not only critiques but recommendations for improvements once the report is available.

Chief Foley then provided an **update on PAC training**. He said POST mandates 20 hours within the first year of initiation and the committee has until December 2025 to get 20 hours of training. All members are well on their way to completing the mandated training hours. Mrs. Hardiman said the training has been instructive and educational.

In talking about the "use of force" weapons, the Chief explained that whenever you carry one, you have to be trained in that and get the direct correlation of its effect if used in an arrest. So because every seasonal will carry C-spray, every seasonal has to be sprayed to understand the effect. Those who will carry tasers have to be tased so you see how badly it hurts to understand when you can use it justifiably. The same with the OC spray. There are reasons and policies for it.

Mr. Rosenblatt then made two observations. First, he emphasized that the reaccreditation process that the Chief and Deputy Chief have led has been outstanding. He praised their commitment saying that it's not just the accreditation but the reaccreditation that is probably the most demanding and

the fact that we do it over and over again despite the odds, with a small agency and its demands is really remarkable.

The second thing is that the restoration of funding from the OHS is remarkable—just the turnaround and the accountability. These things are difficult to do. It has a lot to do with the quality of leadership and he added that his hat is off to both of them and to all the officers in the PD.

Update on Chapter 282 Title X Juvenile Curfew (Chief Foley)

Mrs. Hardiman reported that back in the summer of 2021 the Town was having an issue with juveniles and the way they were acting in the public common areas. Mr. Gravier had asked the Council to lower the curfew from 1:00 am to 11:00 pm for juveniles under the age of 18. She asked Chief Foley to provide an update on how this curfew is working.

Chief Foley said that in July 2021 the Town enacted the Juvenile Curfew Section 282 of the Town Code. He said from 11pm-5am if you are under the age of 18 there are certain restrictions with minors being in public and on the beach. The seasonal officer's primary responsibility after 10pm is to enforce this curfew and having a strong command presence to herd them off the beach because there are not 10, 12 or 15 kids on the beach. There are groups of 250-300. They congregate on the beach with backpacks that may contain alcohol and/or drugs and even weapons.

In July 2023, Chief Foley reported there was an incident where he and PFC. Ryan were called after seasonal officers were jumped while trying to dismantle the crowd. Once they herded the juveniles onto the bandstand area to keep them under surveillance by the cameras, they started shooting fireworks at the officers. One nearly struck a Public Works employee who was cleaning trash cans. One of the juveniles then set off a firework that struck a 17-year-old girl. Since then, seasonal officers go out ahead of time beginning at 10 pm and break it up to get ahead of it. Because of the cameras in Town they were able to arrest the subject who set off the fireworks.

Essentially what the PD does regarding the Juvenile Curfew policy is that seasonals go out there; full time officers who are on patrol are available to assist them. The seasonals go out and round up the juveniles. Generally, during Memorial Day weekend there are a few. In July and early August there are hundreds. This past July 4, the entire BBPD had to deal with it after the Town cleared out following the fireworks. Numerous agencies that were helping us with the fireworks stayed and assisted us in clearing out the kids. We police it well, but it's a massive officer safety issue. We separate them and a lot of kids wander northbound when they get to Atlantic Avenue. A lot wander southbound toward Sea Colony. They try to get back on the beach at Cedarwood or 5th Street. And they hide in the dark. This is a parent issue. If the parents were here at 10:45 to pick them up, there would be a line of cars up and down the street. These days parents do whatever they want and expect the child to use an Uber. I've walked around and talked to some of the kids. A lot are from Berlin, Snow Hill, West Ocean City, Ocean Pines, Laurel, Seaford, Lewes and a lot of vacationers.

Because parents are aware that the Ocean City boardwalk has become a dangerous place at night, the kids come up to Bethany Beach. A lot of them are using Ubers. Seasonal police officers follow them to be sure they go back home. A number of them cross Rt. 1 and congregate at Wawa creating issues there so we go out and police them again at Wawa.

Chief Foley said this is a never-ending issue that we have to deal with from Memorial Day to Labor Day with the peak in July and early August. He then showed a short video from a body cam of a group of several hundred juveniles congregating on the beach at night.

Old Business

NONE.

New Business

Potential adjustments / enhancements to PAC web page

Mr. Rosenblatt said when Director Moriarty gave his orientation presentation, he included a section on the purpose of PACs. The language he shared described key roles played, advice on policy and training and the benefits PACs can provide for transparency and community engagement. The law does not expressly empower the PACs to issue or overturn department issued discipline or to promulgate any policy or departmental procedure. Mr. Rosenblatt said it was his thought that they should address and clarify the role that the PAC members play in the conduct of the committee. He gave an overview of his proposed language and recommended adding to the Bylaws: "The Bethany Beach Police Accountability Committee welcomes recommendations on ways to enhance the operations of our police department. The Committee is not, however, where complaints related to police actions should be sent. These concerns should be sent directly to Bethany's Police Chief Patrick Foley."

He said that the concern that he has is that information is the life-blood of policing. Anything we do that interferes with the flow of information back to the department could make their job more difficult to do. Therefore, we should ensure that nothing interferes with the flow of information back to the police department. The other thing that we should also consider is that PACs role is to encourage people to bring up their concerns.

Mrs. Hardiman said she spoke with Chief Foley and Town Manager Cliff Gravier about Mr. Rosenblatt's suggestion. She thought that it was more appropriate to add language based on Mr. Rosenblatt's suggestion to PAC's Purpose and Scope of Work on the Town website, rather than to the Bylaws. She suggested adding two bullet points under the PAC Committee page. The first incorporates Mr. Rosenblatt's language clarifying PAC's role. The second directs any suggestions and recommendations to the Town Administration rather than to the PD. She explained that in discussions with the Town Manager, he pointed out that people generally send complaints to the PD, as Chief Foley also explained. However, there may be people who do not feel comfortable doing that. This provides them with an option. In going to the Town Manager, it also provides a system of checks and balances. In any event, any PD related complaint received is forwarded to the Chief. Chief Foley said that through CALEA the PD also accepts and handles anonymous complaints which are

investigated the same way. He added that the Town Manager already forwards any complaints he receives related to the PD immediately to the Chief. The proposed wording to be considered for addition to PAC's Purpose and Scope of Work are:

- The PAC serves in an advisory capacity only. The PAC is not empowered to impose or overturn any BBPD-issued discipline or to promulgate or amend any BBPD policy or procedure.
- Suggestions/recommendations regarding ways to enhance the operations of our police department are welcome and should be sent to PAC at admin@townofbethanybeach.com.

Mr. Rosenblatt made a motion to approve the language that Mrs. Hardiman proposed. Pastor Plocinski seconded and the motion passed unanimously.

Public Comment

NONE.

The next meeting scheduled is September 9, 2025 at 10 am.

Adjourn

Mr. Rosenblatt made a motion to adjourn at 11:02 am. Mrs. Fogash seconded and the motion passed unanimously.