

A Police Advisory Board meeting was held on the above date at the MPD Headquarters and via Zoom conference call, with the following members in attendance: In person: Salahudin Bin-Yusif, Joyce Kidd, Jerry Kissel, Linda LaRue, Billy Warrick; Via Zoom: Emy Diaz, Wanda Dean, Jason Hunt, Michael Harpe, Yvette Santiago and Debbie Harrington. Police Chief William Texter, Captain Ron Davis, FOP President Joseph Womer, Mayor Ken Branner and Councilman Jim Royston also attended in person. The meeting was called to order at 7:05 p.m. by Chairman Bin-Yusif.

**CHAIR'S REPORT:**

Bin-Yusif reminded everyone that last month's meeting was canceled due to the town-wide power outage caused by a traffic accident. He said the agenda is the same as proposed last month, only the date changed.

It was moved by Michael Harpe and seconded by Joyce Kidd to approve the minutes from the March meeting. Moved 10-0.

Bin-Yusif said he is still pushing to have a community meeting with major stakeholders in Middletown. He said after some survey results come back, perhaps that will be a good time to get together to discuss them with the community and leaders. It was discussed waiting until fall, since the summer months get busy with vacations and summer activities.

**COMMITTEE REPORTS**

***Community Connections*** – Jason Hunt reported the social media accounts for the MPAB have been getting more community activity and people are following them more closely. He said he was especially pleased he was able to put recent important reminders out there for information and reminders, such as the school board election last week.

**POLICE CHIEF REPORT**

Chief Texter gave the report from the month of April distributed at the May meeting of the Mayor & Council. Following the report, Texter added further comments about police business, such as the fact that Officer R. Michaud is now the dedicated traffic officer for the MPD and he is really pleased this important position is being handled once again.

Chief Texter also announced the continued increase in our area of theft of catalytic converters. He said this is a problem across the entire state and really prevalent in New Castle County. He said Mitsubishi vehicles are the most sought-after car because they can get under them and cut out the converter in minutes. He stressed the importance of calling 9-1-1 if residents see anything suspicious happening around and under vehicles.

Chief Texter reported the new hiring process, where potential applicants will be able to come into the MPD HQ and take the preliminary hiring test, is about to go "live." He said applicants will be able to come to the building and sit down to take the online test on Tuesdays from 10 to 2 and Thursday evenings starting at 6 p.m. He said there are five applicants already signed up to come in for testing.

He said based on this current testing, the plan is to put cadets in the Delaware State Police Academy starting in September. He said the MPD currently has two cadets in the academy and just hired four summer seasonal officers who will start working Memorial Day weekend.

Billy Warrick asked if the Seasonals could stay on and work for the Town in the winter months. Chief Texter said most of the Seasonals are college students and will be headed back to college in the fall, but it's definitely something he will look into. Perhaps, if they are local, they would be interested in working weekends or events, he said.

Joyce Kidd asked if the testing program would need volunteers to help administer the tests. Chief Texter said he thinks they have it covered in house, but he would look into that idea if they find they need help.

Michael Harpe asked if there are any volunteers for community within the police department, especially for older people like him, who want to help. Chief Texter said there are opportunities during the Citizens Police Academy and Youth Academy, National Night Out events, etc. He said now that we have the Advisory Board keeping up with the social media posts and helping to get the word out about events, when these events come up where volunteers are needed, he will be sure to remind everyone.

Jerry Kissel asked how the current staffing levels are. Chief Texter said the MPD is at its highest level ever. "We are expanding, we are definitely in growth mode at this point," he said.

#### **OLD BUSINESS:**

##### ***Mayor Ken Branner / Councilman Jim Royston address lawsuit***

At the April meeting of the Mayor & Council of Middletown, Chair Bin-Yusif asked the Town Council for an update on the discrimination lawsuit filed by Sr. Lt. Christine Brenner. A Feb. 17, 2023 article in the News Journal detailed the lawsuit and he said members of the Police Advisory Board are questioning the response from the Mayor & Council.

Mayor Branner said he wasn't able to comment on the lawsuit at that time, but he would attend the April meeting of the Police Advisory Board to tell them what he could. Due to the cancellation of the April MPAB meeting, he attended the May meeting to discuss the issue.

Mayor Branner said he has been advised by the attorney representing the Town of Middletown in the case to keep his comments limited to the history of the lawsuit and where we are right now.

He said Brenner filed the original complaint to the Delaware Department of Labor and the U.S. Equal Employment Opportunity Commission. After investigation by those parties, and the Town responded to the complaints cited in the documents, the case was found to be a "no cause determination and dismissal" but with the right to sue. The next step in the due process was for her to file suit in the U.S. District Court, which she did, and that filing is what the News Journal got hold of and printed the one-sided article.

He said they did ask for comment, but the Town of Middletown was not even served the lawsuit documents until 3 to 4 weeks after the article appeared in the newspaper. Branner said the case will be a jury trial and will be heard as soon as the court schedules the event.

Debbie Harrington asked about the lawyer representing the Town of Middletown. Branner said the lawyer is Scott Wilcox, who was appointed by the Town's insurance company. He said the first step in a process like this one is to contact the insurance company and they handle things from there.

Harrington asked if this lawsuit has "sent up some antennas and caused them to do research on how to make sure it doesn't happen again."

Mayor Branner said the first thing the attorney did was an intensive investigation in the department and spoke to all of the employees to see if any of these issues asserted in the claim had validity with any of them, from the staff to officers, the Union, everyone. He added this claim wasn't taken "lightly" and he made sure it was well looked into. "We don't want anything like that going on, discrimination against females, discrimination against lower-ranking officers, none of that," he said.

Jim Royston added that the department trains officers every year on discrimination issues and perceived bias and ethics training.

Bin-Yusif said sometimes men can have "blindness on" when it comes to women's perception on discrimination. He asked, from a recruitment standpoint, if there are thoughts to have women involved in doing some trainings from their point of view.

Chief Texter said yes, in fact, the MPD's internal affairs officer is a woman and she has the ability to address any type of issue directly to him without following the chain of command.

And, at Lt. Brenner's request, he sponsored a Women in Leadership conference last fall with female officers from all over the tri-state area, at Middletown Town Hall. He said this was the first conference of its kind in the area in years, and he was highly supportive of it because it is important for the officers to discuss these matters with their peers.

And, he added if anyone has any other suggestions for trainings done by other agencies, he would be on board to consider anything that makes the workplace a more comfortable atmosphere for everyone.

Billy Warrick asked if the Union was going to pay for Lt. Brenner's attorney. He said he knows that at his FOP Lodge in Wilmington, they offer benefits like lawyer's fees.

FOP President Joe Womer said the Middletown FOP Lodge also offers a limited coverage for attorneys' fees and there is a process for taking part in that as well; but he couldn't speak to how they may or may not be used in this case.

Chief Texter said one more thing he wanted to point out is that the MPD and the Mayor & Council offer a "checks and balances" procedure for the police officers and staff because the Mayor and

Council's doors are always open and officers can skip over the Chief and talk to the Mayor or any Councilmember if they want. "I have no problem if the officers want to go talk to the Mayor, that's their right," Texter said.

## **NEW BUSINESS**

*Take home vehicles for officers* – Bin-Yusif said the idea of take-home vehicles keeps coming up and he would like to make a recommendation to the Mayor & Council.

- Jerry Kissel said the MPAB needs to get their research together regarding the benefits for officers and for the community and calculate the additional costs.
- Billy Warrick said it doesn't matter where they live, as long as they don't live out of state. He said the cars are still a great benefit to the officers, to recruit them, and it saves on wear and tear on the vehicle so it's not running 24-hours-a-day. He said years ago, the cars were considered equivalent to giving them a \$10,000 annual bonus.
- Chief Texter said all of this is moot right now because take-home cars are part of the Collective Bargaining Agreement between the Town and the FOP, so it will have to be addressed through that agreement with changes.
- Bin-Yusif said OK, let's do the research and talk to other agencies and get prepared to come back to Mayor & Council with more than just the idea.

*Law Enforcement Week support* – Jerry Kissel said he began planning for next year's Law Enforcement Week of May 15, and hopefully will be able to move forward on the "Back the Blue" blue light initiative, where Middletown residents would be given blue lights for their front porch light to light up during that week to support the MPD. He said he also made contact with Michael's for ribbons and other items.

*No August meeting:* The Board discussed taking a break for the meeting in August. The consensus was to skip the August 21 meeting.

*Board Replacements:* Wanda Dean asked where things are with the board replacements. Bin-Yusif said he will call the Mayor and see if everyone is on the same timeline, to have the names submitted and reviewed and then voted on in October, when the 2023 terms are slated to end. He asked the group to bring their nominees or suggestions of nominees, to the June meeting.

Moved by Jerry Kissel and seconded by Jason Hunt to adjourn. Motion carried unanimously.

**NEXT MEETING:** June 26, 2023