

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

**EXECUTIVE ORDER
NUMBER FORTY-ONE**

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES
RE: POLICING STRATEGIES

WHEREAS, the United States Constitution, the Delaware Constitution and other federal and state laws guarantee citizens equal protection of the law and the right to be secure in their persons; and

WHEREAS, trust between law enforcement agencies and the people they serve is essential to a successful democracy, essential to the stability of our communities and preserves the integrity of our criminal justice system; and

WHEREAS, law enforcement agencies provide important protection to Delawareans and engage in community relationship building to create an effective partnership to reduce crime and increase trust; and

WHEREAS, the State of Delaware is committed to ensuring that all people in the state can live in vibrant, safe neighborhoods and be free from the unjustified use of force from those who serve to protect them; and

WHEREAS, it is essential to identify and use best practices on policing strategies, including the Delaware State Police (DSP) Response to Resistance Policy which does not authorize the use of chokeholds, to promote effective crime reduction while building public trust; and

WHEREAS, reporting use of force incidents and decertified police officers by the DSP, on behalf of all police agencies, builds a culture of transparency and accountability to enhance the public's trust and reinforce legitimacy both within the agencies and with the public; and

WHEREAS, this Executive Order is limited to law enforcement within the Executive Branch, but I encourage all law enforcement agencies throughout the state to use this Executive Order as a guide to foster community collaboration between all law enforcement agencies and the citizens they serve.

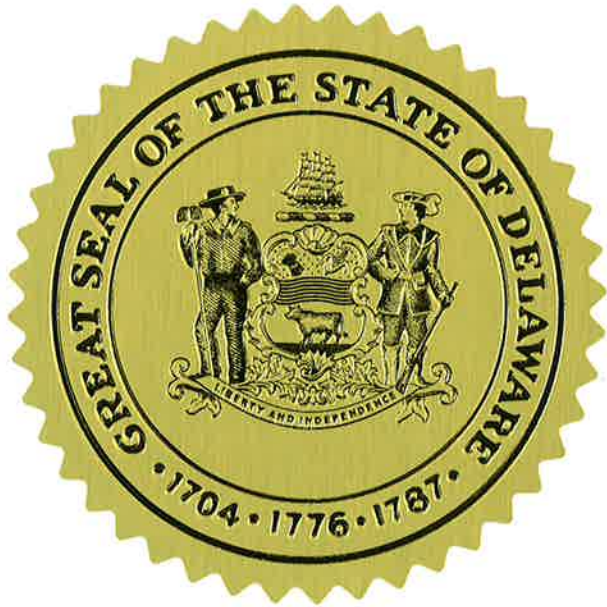
NOW, THEREFORE, I, JOHN C. CARNEY, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby **DECLARE** and **ORDER** that:

1. Use of Chokeholds. No law enforcement officer in the Executive Branch shall knowingly or intentionally use a chokehold, kneehold or other similar acts of applying force or

pressure against the trachea, windpipe, carotid artery, side of the neck, or jugular vein of another person unless that officer reasonably believes that the use of such force is necessary to protect the life of a civilian or a law enforcement officer and other applicable control methods have been exhausted.

2. Availability of policies and protocols. Any use of force policies and protocols for law enforcement officers shall be posted on the agency's website, subject to redactions necessary for the limited purpose of avoiding disclosure of tactical information that may jeopardize officer or public safety.
3. Publication of Photos. A photo or mugshot of a child 17 years of age or younger arrested or suspected of committing a crime shall not be released or published by law enforcement on a publicly maintained social media page or website unless that child is charged with a violent felony, as that term is defined in Title 11 of the Delaware Code, and release of the photo or mugshot is necessary to protect the public's safety. Law enforcement may release the photo of a child 17 years of age or younger if required to do so by applicable state law.
4. Community Engagement. At the direction of the Secretary of the Department of Safety and Homeland Security for the State of Delaware (DSHS), DSP shall increase its community outreach unit by designating and training troopers as community outreach liaisons so that each Troop throughout the state will have a community outreach officer assigned to it. The community outreach troopers shall receive training on building relationships with residents and community-based organizations and meet with residents and organizations regularly to discuss how to better serve their communities and make it easier for those residents and organizations to communicate with law enforcement.
5. Participation and Utilization of National Databases. DSHS law enforcement officers shall continue to participate in the National Use of Force Data Collection effort in order to assist law enforcement and the community to identify and understand the totality of, and trends associated with, use-of-force incidents. In addition, DSHS law enforcement officers, working with the Council on Police Training, shall participate in the Police Officer Decertification Database to aid law enforcement agencies in making informed hiring decisions to prevent officers who have been terminated for cause from being hired in Delaware.
6. Training Requirements. The following trainings shall be conducted for law enforcement officers on at least an annual basis:
 - a. Implicit bias training, including scenario based training and other methods of evidence-based experiential training, engaging community members with special expertise, to address implicit bias and its role in the criminal justice system; and
 - b. De-escalation training, including a use-of-force continuum or matrix, to demonstrate the use of less or more force in an arrest situation, and reinforce exhausting all other reasonable alternatives before resorting to deadly force.

7. Increased crisis intervention services. In collaboration with the Behavioral Health Consortium of Delaware, all law enforcement officers shall have access to crisis intervention training and services to improve appropriate response to individuals suffering from a behavioral health crisis.

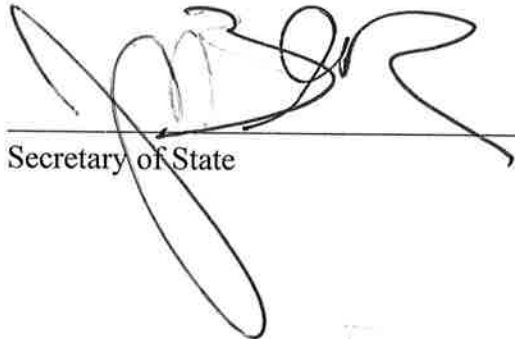


APPROVED this 25th day of June 2020.



John C. Carney
Governor

ATTEST:



Secretary of State