CHIEF EUGENE PETTY POLICE ACCOUNTABILITY COMMITTEE

Committee
By-Laws

By-Laws of the
Chief Eugene Petty Police Accountability Committee
City of New Castle, Delaware

ARTICLE I –ESTABLISHMENT

Section 1. The registered office of the **Chief Eugene Petty Police Accountability Committee** (hereafter referred to as the "PAC"), for the City of New Castle, in the State of Delaware, shall be at the City of New Castle Police Department, 1 Municipal Boulevard New Castle, Delaware 19720. This shall be the primary meeting location of the PAC, in most instances, the Kevin P. Mc Derby Community Room.

Section 2. The PAC may also have meetings, at such other places as the members may, from time to time direct, or the business of the PAC may require. In all cases, meetings will be properly advertised, conducted and documented in compliance with the adopted standards of the City of New Castle and as directed by any applicable law of the State of Delaware.

ARTICLE II – GOVERNANCE

Section 1. The activities of the PAC will be governed first by the applicable laws of the State of Delaware; second, by the applicable regulations of the Police Officer Standards and Training (POST) Commission; third, by the Charter and applicable Ordinances of the City of New Castle; fourth, by the appropriately adopted By-Laws of the PAC; and lastly, by *Roberts Rules* of parliamentary procedure in the event no other guidance is available for governance.

ARTICLE III – MEMBERS

Section 1. The membership shall be in accordance with the legal authority governing the Chief of Police. The business of this PAC shall be managed by its members, the number of which shall be determined by the PAC and approved by the Chief of Police. The number shall not be less than five (5), nor more than nine (9), at any given time.

Section 2. Members need not be residents of the City of New Castle, but must be residents of the State of Delaware. Members that do not reside in the City must have a full time interest in the success of the City. They shall be approved by the Chief of Police upon the completion of a standard vetting process. Individuals holding an elected office in Municipal, County, State or Federal government are not eligible to be members. Individuals holding an elected office on a public Board or Commission can serve as a member.

Section 3. Each member shall serve for a term of Two (02) years or until their earlier resignation or removal. Members have the option to extend additional terms with the approval of the Chief of Police. The PAC will accept applications for service on the PAC at all times. Members shall be replaced as soon as practical from the file of pending applications.

Section 4. Ex-Officio members: The Chief of the New Castle City Police Department is a permanent consulting member of the Board and will designate an alternate, Executive Staff Officer, to be available as a proxy, on command-level concerns, in the event of an unavoidable absence.

The Chief may assign a frontline supervisor, and designated alternate, as a second consulting member of the PAC to represent the perspective of operational Police Officers.

There is no mandatory attendance requirement for consulting members, but the New Castle City Police Department shall make every effort to ensure that a Staff Officer is in attendance at each meeting.

Section 5. Removal: A member may be removed by the Chief of Police upon participation in activity unworthy of or detrimental to the best interest of the New Castle City Police Department and/or the PAC.

ARTICLE IV – OFFICERS

Section 1. A Chairperson has been selected for the inaugural PAC by the Chief of Police. Herein after, the members of the PAC shall choose a Chairperson and Vice-Chairperson.

Section 2. Salaries: No member shall receive any salary for their services. However, they may be reimbursed by the City for authorized expenses.

Section 3. Chairperson: The Chairperson (Chair) shall preside at all meetings. The Chair shall have general management responsibilities and serve as the point of contact for the PAC. The Chair will see that all decisions of the PAC are carried into effect, subject, however, to the right of the Chair to delegate any specific powers to the Vice Chairperson or other member in good standing. The Chair shall be an Ex-Officio member of all sub-committees, and shall have the general power and duties of supervision and management usually vested in the Chairperson of a private entity.

Section 4. Vice-Chairperson: The Vice-Chairperson shall assist the Chair as requested and shall perform the functions of Chair when the Chairperson is absent or on leave.

ARTICLE V – FUNCTIONS

Section 1. Policy: The PAC will engage concerns related to Police Department policy and procedure when necessary. Discussions and recommendations may arise from items brought to the PAC by any stakeholder or from the Office of the Chief of Police of any participating agency. The PAC serves in an advisory capacity.

Section 2. Training: The PAC will engage concerns related to the Police Department training programs when necessary. Discussions and recommendations may arise from items brought to the PAC by any stakeholder or from the Office of the Chief of Police of any participating agency. The PAC serves in an advisory capacity.

Section 3. Administration: The PAC will engage certain concerns related to the administrative decisions of the participating Police Departments when appropriate. Allegations of criminal conduct will be referred to the Delaware Department of Justice – Office of Civil Rights and Public Trust for investigation. Items related to disciplinary decisions will be referred to the Police Department's Internal Affairs Officer. Discussions and recommendations may arise from items brought to the PAC by a stakeholder or from the Office of the Chief of Police of any participating agency. The PAC serves in an advisory capacity.

Section 4. Research: The PAC may, at its own discretion, participate in research activity in furtherance of its recommendations to the Chief of Police so that evidence-based decisions can be made on policy or training issues.

Section 5. Resource: The PAC may, at its own discretion, individually, or as a group, but always with the consent of the majority, or the Chair, serve as a community resource for independent information related to the activities of the police department. This role would be limited to areas where the member or members have direct knowledge of the topic at hand.

Section 6. Sub-Committees: The PAC has the authority to establish sub-committees as might be deemed necessary to study specific matters and report to the full forum.

Section 7. Community Initiatives: The PAC and the New Castle City Police Department will collaborate in the planning and execution of community-oriented events.

ARTICLE VI -MEETINGS

Section 1. Regular Meetings: Regular meetings of the members shall meet as often as necessary but at least quarterly per calendar year. A schedule of regular meetings for each calendar year shall be adopted prior to the commencement of the calendar year.

Section 2. Special Meetings: Special meetings may be scheduled by a majority vote of the members or called by the Chairperson and shall be called by the Chairperson upon the written request of a majority of the members of the PAC.

Section 3. Notice: Written or electronic notice of all meetings shall be provided to each member at least seven (7) calendar days prior to the date set for such meeting. These meetings dates, times and locations shall also be accessible for public notice at least seven (7) calendar days prior to the date set for such meeting.

Section 4. Public Comment: Any regular or special meeting must provide an opportunity for public comment. These comments shall begin each meeting for the first thirty (30) minutes and each public comment shall not exceed three (3) minutes. Public comment is such that it cannot be afforded active conversation between members of the PAC. If public comment exceeds the (3) minutes, the commenter shall be given the option to submit their comment in writing to an email address determined by members of the PAC.

Section 5. Recessed Meetings: Any regular or special meeting may be recessed upon a majority vote of the members and may be reconvened without additional notice provided that the date, time, and place at which the meeting shall be reconvened is determined and announced in open session at the time of the recess.

Section 6. Agenda: The Chairperson shall ensure an agenda is prepared for each regular and special meeting and the agenda shall, in general, be as follows:

1. Call to Order
2. Roll call to determine the presence of a quorum
3. Public comment
4. Presentation of minutes from the previous meeting
5. Presentation of Officers' and Committee Reports
6. Discussion of Old Business
7. Discussion of New Business
8. Adjournment

Section 7. Quorum and Voting: Except as otherwise provided by law or direction of the Chief of Police, a majority of the members established in accordance with the legal authority governing the PAC shall constitute a quorum for the transaction of business at any meeting. All decisions shall be made by majority vote of the members present at any meeting where a quorum is present.

ARTICLE VII – AMENDMENTS

Section 1. These By-Laws may be amended, or repealed, in whole or in part, by a majority vote of the members. Any alteration shall be considered and passed in two consecutive meetings before it is considered valid. One of the two consecutive meetings may be a special session, but at least one meeting will be a regularly scheduled one.

Section 2. Should any section of the By-Laws be recognized as unlawful, that section alone will become invalid upon the recognition of the deficiency and an update to the By-Laws will be prepared as soon as practical. A simple majority vote of members present will be enough to adopt a temporary resolution at the time the defect is recognized. Once a temporary resolution is adopted, the Chair will ensure that a draft of a permanent solution is prepared for consideration at the next regularly scheduled meeting. The process outlined in Section 1 of this Article will then be followed.

ARTICLE VIII – TRAINING AND ORIENTATION

Section 1. Members shall be required within 1 year of appointment, to complete twenty (20) hours of community training with the department overseen by this committee, which may be but not limited to include a ride along(s) or a citizens' police academy. Additional mandates for membership or structure may be included.

ADOPTED by the **Chief Eugene Petty Police Accountability Committee** this 7th day of November, 2024, to be effective upon approval by the committee.

ATTEST:

RP McCabe

Richard P. McCabe
Chief of Police

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Chairperson