

DELAWARE CRIMINAL JUSTICE COUNCIL

DECLARATION OF LEADING PRACTICES TO PROTECT CIVIL RIGHTS AND PROMOTE RACIAL AND ETHNIC FAIRNESS IN THE CRIMINAL JUSTICE SYSTEM

Adopted: April 19, 2010*

The Delaware Criminal Justice Council is an independent body committed to leading the criminal justice system through a collaborative approach that calls upon the experience and creativity of the Council, all components of the system, and the community. The Council shall continually strive for an effective system that is fair, efficient, and accountable. In keeping with this, the Criminal Justice Council issues the following Declaration to protect civil rights and to promote racial and ethnic fairness in the criminal justice system in Delaware:

- I. Leaders of agencies and courts must demonstrate a fundamental and complete commitment to racial and ethnic fairness in the criminal justice system.
- II. Early Intervention Strategies
 - A. All agencies and courts, regardless of size, should strive to incorporate the core concepts of early intervention into their personnel management practices to protect civil rights and to promote racial and ethnic fairness.
 - B. Agencies and courts seeking to develop early intervention should look to their peers for ideas, but must recognize that they will have to tailor their own system to the needs of their agency or court.
 - C. Agencies and courts should strive to include as many stakeholders as possible in the planning of early intervention systems.

* Adopted upon the recommendation of the Delaware Criminal Justice Council's Racial and Ethnic Fairness Committee, Co-chaired by Justice Henry duPont Ridgely and Chief Judge Alex J. Smalls. Adapted in part from *Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement* (Prepared by the International Association of Chiefs of Police, September 2006)

- D. Agencies and courts should ensure that supervisors have the appropriate experiences, skills, and training to perform their early intervention responsibilities.
- E. Agencies and courts should ensure that the early intervention system remains distinct from the disciplinary system.
- F. Agencies and courts should develop a discrete policy directive addressing the purpose and functional elements of the early intervention system.

III. The Civilian and Internal Complaint Process

- A. Agencies and courts should have a clear policy and well-defined practices for handling outside and internally generated complaints against personnel or the organization as a whole.
- B. Agencies and courts should establish an accessible complaint-filing process that allows for the receipt of complaints about misconduct from a wide range of sources.
- C. Agencies and courts should establish complaint investigation processes that are comprehensive and fair to all parties.
- D. Agencies and courts should specifically select and train personnel responsible for investigating complaints.

IV. Managing Use of Force by Law Enforcement, including Probation and Parole Officers, Court Security Officers, Bailiffs, and Constables.

- A. All law enforcement departments should have a clear use-of-force policy that specifically addresses both deadly and nondeadly use of force and is consistent with all legal and professional standards.
- B. A law enforcement department's use-of-force policy must address all available use-of-force options, clearly place these options on a use-of-force continuum, and associate these options with corresponding levels of subject resistance.

- C. A law enforcement department's policies and training should specifically address alternatives to use of force and encourage their use in appropriate circumstances.
 - D. Every law enforcement department should have a clear policy and set of standards for determining what level of force requires formal written documentation by involved officers.
 - E. Every law enforcement department should have a clear policy and set of standards for determining what level of force requires formal review by the chain of command or a specialized review unit (e.g., critical incident review team).
- V. Bias-free Decision Making.
- A. All agencies and courts should have a clear and unequivocal policy prohibiting racial profiling and promoting bias-free decision making.
 - B. Agencies and courts must embed the ideals of bias-free decision making in their mission statements, training, accountability mechanisms, and community outreach.
- VI. Personnel Management.
- A. Agencies and courts should recruit, hire, and promote personnel in a manner that best ensures that personnel reflect the communities that they serve.
 - B. Agencies and courts should start the recruitment process early to promote a representative workforce.
 - C. Agencies and courts should require employees to attend educational, professional and cultural awareness programs on racial and ethnic fairness for all personnel on a continuing basis.
- VII. Data Management.
- A. Agencies and courts should collect data as appropriate to measure compliance with leading practices identified in this Declaration to protect civil rights and promote racial and ethnic fairness.

VII. Community Outreach

- A. Agencies and courts should engage in community outreach to increase awareness about the operations of their agency or court and its commitment to racial and ethnic fairness in the criminal justice system.

IX. Preference for Grants

- A. Effective January 1, 2011, any applicant that certifies compliance with this Declaration shall be given preference in the award of grants administered by the Criminal Justice Council over any applicant that does not so certify.