



POLICE ACCOUNTABILITY COMMITTEE
Tuesday, April 28, 2026, 10:00 AM
Lewes City Hall, 114 E. Third Street
AGENDA

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A. CALL TO ORDER & ROLL CALL:	
B. ANNOUNCEMENTS:	
C. APPROVAL OF AGENDA	
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1. Police Accountability Committee Minutes - Jan 27, 2026	3 - 6
E. OLD BUSINESS:	
1. Continued discussion and possible action regarding new PAC member application.	
2. Continued discussion regarding PAC Training - Required training hours, upcoming opportunities, training experiences.	
3. Update and continued discussion on current status of ICE activity in respective jurisdictions.	7 - 9
Shared Principales of Agreement	
F. NEW BUSINESS:	
1. Discussion on departments policies and procedures on the handling of juveniles.	11 - 43
Temporary Custody of Juveniles	
PAC Juvenile Information	
Policy 901 - Temporary Custody of Juveniles	
Juvenile Curfew	
2. Presentation by Chairperson Dan Zachem on recent fatal shootings in Minneapolis.	45 - 67
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G. AGENCY REPORTS	
<i>Open discussion from Rehoboth Beach, Lewes, & Delaware River & Bay Police Departments related to their individual jurisdictions.</i>	
H. PUBLIC COMMENT:	
I. ADJOURNMENT:	
Join from PC, Mac, iPad, or Android:	
https://us02web.zoom.us/j/82855548884?pwd=Sp7PZmRLa9aganGEIWZGiaYlPLBX0X.1	
Join via audio:	
+1 301 715 8592 US (Washington DC)	
Webinar ID: 828 5554 8884	
Passcode: 060462	
International numbers available: https://us02web.zoom.us/j/kcYQdOAW51	

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REHO -

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*Members of the public, **not in attendance in person** at the Rehoboth Beach & City of Lewes Police Accountability Committee Meeting, who wish to speak will be required to pre-register with Ann Womack, City Secretary, at awomack@rehobothbeachde.gov at least twenty-four (24) hours in advance of the meeting. Citizen comments will be administered by a moderator to ensure everyone has an opportunity to comment. You will not be able to speak until called upon by the moderator.*

Registered members of the public joining the meeting on the phone or by computer will be provided an opportunity to make comments. Citizen comments will be heard during each agenda item after discussion by the Rehoboth Beach & City of Lewes Police Accountability Committee or at the discretion of the Chair and prior to any vote being taken. Speakers shall state their name and address. Comments are limited to three (3) minutes or at the discretion of the Chair. Comments on non-agenda items will be heard under "Public Comment".

Public presentations are not allowed without the prior approval of both Chiefs of Police of City of Rehoboth Beach and City of Lewes. The City will stream this meeting that can be viewed on the City portal at [/Portal/](#) or YouTube. This stream will broadcast the meeting, the public will not be able to comment or speak using this broadcast. This stream will experience a 30-second delay.

The Rehoboth Beach & City of Lewes Police Accountability Committee meeting materials, including the "packet", are electronically accessible on the City's portal at [/Portal/](#).

If any member of the public would like to submit comments, please feel free to send them to Ann Womack, City Secretary, at awomack@rehobothbeachde.gov. All comments shall be submitted at least two (2) full business days prior to the meeting date to allow for proper distribution.

Posted: 04/20/2026 Posted By: ASA



**CITY OF REHOBOTH BEACH, CITY OF LEWES POLICE DEPARTMENTS, AND
DELAWARE RIVER & BAY AUTHORITY
POLICE ACCOUNTABILITY COMMITTEE
Regular Meeting
January 27, 2026**

The Police Accountability Committee (“PAC”) of the City of Rehoboth Beach, the City of Lewes, and the Delaware River & Bay Authority was called to order at 10:00 a.m. by Chair Dan Zachem on Tuesday, January 27, 2026. The meeting was held in the Commissioners Room on the second floor of City Hall, 229 Rehoboth Avenue, Rehoboth Beach, Delaware, and was also conducted virtually via Teams.

A moment of silence was observed in honor of Corporal Matthew "Ty" Snook of the Delaware State Police, in recognition of his life and service following his passing in the line of duty.

The following members of the PAC were present:

Mr. Dan Zachem	Chair
Ms. Mary Good	Vice-Chair (via Teams)
Mr. Dan DeSimone	Committee Member
Rev. Eddie Jusino	Committee Member
Dr. Kimberly Leisey	Committee Member
Mr. Chris White	Committee Member
Chief Keith Banks	City of Rehoboth Beach
Lieutenant Mark Sweet	City of Rehoboth Beach
Chief Thomas Spell	City of Lewes
Lieutenant James Locklear	City of Lewes
Lieutenant Colonel Chris Field	Delaware River and Bay Authority
Lieutenant Jason LaMora	Delaware River and Bay Authority

ANNOUNCEMENTS

There were no announcements.

APPROVAL OF AGENDA

Chair Zachem made a motion, seconded by Mr. White, to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF MINUTES

Chair Zachem clarified that the PAC would not be required to expand its membership in connection with the Delaware River and Bay Authority, as previously discussed, and noted that this was confirmed with the Police Officer Standards and Training Commission.

Chair Zachem made a motion, seconded by Rev. Jusino, to approve the minutes of the December 04, 2025, Meeting, including an amendment to capitalize “CAMP” under Reports of Committees. The motion carried unanimously.

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Chief Banks noted that the PAC would need at least two representatives for the Delaware River and Bay Authority. Chair Zachem confirmed that this had already been resolved, with Mr. White and Mr. DeSimone designated to serve as representatives for the Delaware River and Bay Authority.

OLD BUSINESS

Discussion and possible action regarding new PAC member

Chair Zachem noted that an application for membership had been received. The applicant was unable to attend and will appear at the April Meeting, at which time the application will be considered.

NEW BUSINESS

Presentation/training by DRBA to include overview on personnel, protocols, duties, and responsibilities at all DRBA facilities with a specific focus on Sussex County and the Lewes Ferry Terminal.

Lieutenant Colonel Field and Lieutenant LaMora provided an overview of Delaware River and Bay Authority (DRBA) police operations, presenting an annual enforcement activity summary for 2025 reflecting department-wide activity across all troops. A focused overview of Troop 3 in Sussex County and the Lewes Ferry Terminal highlighted a shift from traditional traffic enforcement to security and homeland security functions. Core duties included MARSEC security checks, facility and vessel security, foot passenger screening using weapons detection systems, and K-9 operations for explosives detection and interagency support. Coordination with vessel crews and adherence to Coast Guard requirements were emphasized to ensure passenger safety and operational readiness.

Personnel structure was outlined, noting approximately 52 sworn officers across all operations, with a smaller contingent assigned to Troop 3. Staffing levels were structured to maintain patrol coverage and supervision, supported by non-sworn personnel including security and administrative staff. Protocols at ferry facilities emphasized a security-first approach balanced with customer service. Screening procedures required compliance, with officer discretion applied in handling refusals or suspicious circumstances. De-escalation was emphasized, and non-compliant individuals could be denied boarding, with coordination between police and customer service staff to manage outcomes.

Committee members inquired about concealed carry procedures, security screening protocols, and the role of K-9 units. Firearms are generally required to be secured prior to boarding depending on jurisdiction, and K-9 units are primarily trained for explosives detection and utilized for routine screening and interagency assistance. Committee members also asked about staffing levels, deployment, and coordination across facilities, as well as how non-compliant individuals are handled, including refusal to comply with screening procedures, with responses emphasizing officer discretion, de-escalation, and the ability to deny boarding when necessary. Additional questions addressed potential escalation to arrests, which was noted as rare, as well as homeland security coordination, with no direct involvement in immigration enforcement. Committee members further inquired about professional standards processes, including complaint classifications and internal investigations, with responses outlining categories of sustained, not sustained, exonerated, and unfounded, and noting the role of body-worn cameras in supporting accountability.

The presentation concluded with an overview of the distinct responsibilities across troops, including highway safety, ferry and homeland security, and airport operations, with continued emphasis on safety, coordination, and regulatory compliance.

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Discussion and possible action to amend and adopt the Police Accountability Committee updated (PAC) Bylaws.

The Committee reviewed proposed amendments to the Police Accountability Committee (PAC) bylaws, with revisions presented in tracked format identifying additions and deletions. Updates included reducing the minimum number of representatives per jurisdiction from three to two to, incorporating the Delaware River and Bay Authority as a represented entity, and revising language in Article 4, Section 2 to reflect representation by jurisdiction rather than residency. Additional changes to Article 7, Section 1 provided for equal support staff contributions among the participating agencies. The Committee discussed the proposed revisions, confirmed no further additions, and noted no objections to the changes as presented, with direction to finalize the amendments and update the bylaws accordingly.

A motion was made by Chair Zachem, seconded by Dr. Leisey, that the proposed additions, deletions, and changes to the bylaws, incorporating the Committee's discussion, be approved. The motion carried unanimously.

REPORTS OF COMMITTEES

Open discussion from Rehoboth Beach Police, Lewes Police, & Delaware River Bay Authority related to issues in their jurisdictions

Chief Banks and Lt. Mark Sweet reported that Rehoboth Beach Police Department operations were proceeding smoothly, with a primary focus on preparing for the upcoming summer season, including recruitment of seasonal officers and ongoing training initiatives. Conditional offers had been extended, with applications continuing to be received, though housing remained a recurring challenge for out-of-state candidates. Continued success in hiring full-time officers from the seasonal program was noted, and the department reported being fully staffed. Accreditation efforts were also highlighted, with a recent on-site review completed and formal accreditation anticipated. Training opportunities, including taser certification and scenario-based exercises, were discussed, with invitations extended for Committee participation.

Chief Spell and Lt. Locklear reported that Lewes Police Department staffing was at 17 of 18 authorized positions, with ongoing efforts to fill the remaining vacancy while maintaining selective hiring standards. Recent large-scale community events, including a holiday parade, were conducted without incident. Upcoming events requiring police presence included a rescheduled State of the City address anticipated to draw significant attendance, as well as a community-oriented charity basketball event.

Both Rehoboth Beach and Lewes departments addressed questions regarding immigration-related enforcement, noting no active coordination with federal immigration authorities, no participation in related agreements, and no recent requests for assistance, while affirming a continued focus on public safety and adherence to established policies. Additional discussion confirmed the use of body-worn cameras by both departments and clarified that immigration status is not a factor in routine patrol operations, except in limited circumstances such as post-arrest processing through standard systems.

Lieutenant Colonel Field and Lieutenant LaMora provided an update on Delaware River and Bay Authority emergency preparedness efforts, including participation in coordinated training exercises. A recent full-scale active threat exercise had been conducted on the Cape May side, with a similar tabletop exercise planned for the Lewes Ferry Terminal. The Committee was advised that additional information would be provided as details are finalized, with potential opportunities for observation or participation.

PUBLIC COMMENT

There was no public comment.

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ADJOURNMENT

Chair Zachem made a motion, seconded by Rev. Jusino, to adjourn the meeting.
The motion carried unanimously and the meeting adjourned at 10:49 a.m.

Respectfully submitted,

Marco O. Avila
Compliance & Grants Administrator
City of Rehoboth Beach

Shared Principles of Agreement — Public Safety Leadership Convening

Introduction

On March 4, 2026, leaders from federal, state, and local law enforcement; national law enforcement labor organizations; prosecutors' offices; and state and local governments convened for a facilitated, solutions-focused discussion about the future of intergovernmental public safety cooperation.

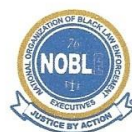
Participants recognized that immigration enforcement is a legitimate federal responsibility and an important component of the nation's public-safety framework. At the same time, they noted that the manner in which enforcement activities are conducted, particularly with respect to deconfliction, operational tactics, communication with partners, and awareness of community

impacts, can affect officer safety, public trust, and the effectiveness of joint operations.

The purpose of the convening was not to question federal authority or oppose enforcement activities. Rather, participants sought to identify practical and principled ways to improve cooperation in a rapidly evolving environment; ensure constitutional, predictable, and safe operations across all levels of government; and reduce avoidable operational conflict. Although participants represented a wide range of jurisdictions, missions, and perspectives, the discussion revealed substantial common ground. Participants expressed a shared commitment to strengthening relationships, clarifying expectations, and working together to enhance community safety.

A central theme emerging from the discussion was the importance of renewing and reinforcing working relationships and expectations among federal, state, and local partners. Participants observed that communication and coordination have faced challenges in recent years and that several recent high-profile immigration operations have highlighted opportunities to improve how agencies coordinate and support one another.

The principles outlined below reflect areas of broad agreement identified during the convening and are intended to serve as a constructive foundation for continued dialogue, collaboration, and shared problem-solving.



Foundational Principle: Refocus Relationships and Expectations

Participants agreed that it is vital that all enforcement tactics align with constitutional policing and community trust. They further agreed that strengthening and maintaining intergovernmental cooperation requires a renewed focus on relationships and shared expectations across policing, public safety, and criminal justice sectors. This should also include engaging in conversations with elected officials, community partners, and the public. This is not a one-time adjustment but an ongoing commitment to restore reliable operational communication; clarify and respect roles, authorities, and limitations; and ensure that enforcement tactics align with constitutional policing and community trust.

This refocusing acknowledges that while some partnerships remain strong, others require immediate attention to rebuild the predictability, mutual understanding, and confidence necessary for effective joint operations.

PRINCIPLE 1: COMMUNICATION, COORDINATION, AND COLLABORATION

Consistent, transparent communication is the single most important factor in restoring effective intergovernmental cooperation. In order to achieve this desired flow of communication, all parties must understand and agree that communication must flow in both directions equally. Participants described the current environment as one in which the absence of early notification, clear expectations, and consistent federal engagement has led to operational confusion, strained relationships, and unnecessary risk. Local agencies frequently learn about federal operations in their community only after they begin or when they are asked to provide protection or logistical support with limited briefing.

In many jurisdictions, particularly small and rural ones, local agencies lack personnel dedicated to federal liaison roles and the staffing capacity to absorb sudden federal operations,

leaving them unprepared to answer media inquiries or community questions. Early notification and predictable operational planning are therefore essential to avoid overwhelming already-thin staffing models.

Additionally, sudden or unexplained enforcement actions can erode community trust, discouraging victims and witnesses from reporting crimes or accessing services, which could contribute to violent offenders remaining at large. The group agreed that there is an urgent need to reframe communication practices, including routine planning, deconfliction, and shared operational understanding.

Federal, state, and local partners are interdependent; each brings tools, expertise, authorities, and perspectives that are unique to their specific roles. When these components operate in silos, confusion and duplication follow. While recognizing that not all situations allow for advance notice or coordination in exigent circumstances, when transparent and frequent communication occurs on the ground, prior to and throughout critical incidents, collaboration strengthens, outcomes improve, and officers and communities are safer.

PRINCIPLE 2: OFFICER AND COMMUNITY SAFETY

Officer safety and community safety are inseparable. When operations occur without coordination or deconfliction, there is a risk of inadvertent and potentially dangerous conflict between law enforcement officials from differing agencies, especially in complex, multi-agency environments. Federal and local agencies bring different training backgrounds, particularly in areas such as de-escalation, crowd management, and community engagement. Without aligned expectations and shared protocols, inconsistent tactics can escalate tensions and create an unsafe environment for both officers and residents. Policies that broadly prohibit interagency

communication or collaboration across levels of government further undermine these efforts, sacrificing both community and officer safety by preventing the very coordination required to avoid harm. Participants also stressed that officers must always be able to respond when fellow officers are in danger and that no governing body should impose restrictions that prevent agencies from providing immediate assistance in those critical moments. Officers also face heightened stress when public backlash to controversial actions by federal or local agencies falls on those men and women working on the street. Community trust is a protective factor. When people feel safe engaging with the police, officers gain allies, reporting improves, and crime becomes easier to prevent and solve. Sustaining this trust requires joint planning, accountable and constitutional tactics, and a shared commitment to safeguarding human dignity.

PRINCIPLE 3: TARGETING THOSE WHO COMMIT VIOLENT AND OTHER SERIOUS OFFENSES

All organizations were strongly aligned around the need to focus enforcement efforts on violent criminals, repeat offenders, and identifiable threats to public safety. While immigration enforcement is a legitimate federal responsibility, broad statistic-driven operations are counterproductive and divert resources, undermine trust, and can result in the apprehension of individuals who pose no threat to public safety. Agencies should concentrate on detaining individuals who unlawfully re-entered the country after being previously removed, individuals who have committed serious crimes, and people presenting clear threats to national security and public safety. Participants agreed that coordinating enforcement through jails can reduce the need for street-level operations that increase risk to officers, community members, and bystanders. Integrated intelligence, case coordination, and appropriate charging processes help ensure serious

offenders face consistent consequences. Participants also underscored that district attorneys and prosecutors play a critical role in this process and that law enforcement cannot be the only entity working to address violent crime; consistent charging decisions and follow-through by prosecutors are essential to ensuring that violent and other serious offenders face meaningful consequences. Centering enforcement on violent criminals, rather than collateral populations, offers a path to safer communities, more efficient resource use, and improved legitimacy across all levels of government.

PRINCIPLE 4: TONING DOWN THE RHETORIC

Harmful and overly political rhetoric has become a destabilizing force that fuels mistrust, heightens polarization, and complicates collaboration. Responsible, measured communication is a core public safety function. When rhetoric mischaracterizes officers or inflames fears within immigrant communities, cooperation declines and misinformation spreads; officers also face increased hostility and emotional strain. Conversely, rhetoric that dismisses concerns about unethical tactics

or community impact erodes legitimacy and reinforces perceptions that policing lacks transparency and accountability. Associations, community leaders, and all government partners should model factual, apolitical communication that centers constitutional principles, community well-being, and a shared responsibility for creating public safety. Coordinated, accurate messaging helps correct misinformation, reduce community anxiety, and create space for pragmatic solutions.

Shared Principles of Agreement

Participants expressed strong alignment around the following practices:

- Recognizing the public safety benefit, value, and legitimacy of properly coordinated federal immigration enforcement operations.
- Refocusing operational relationships and expectations, where needed.
- Preventing the risk of inadvertent and potentially dangerous conflict between law enforcement officials from differing agencies and enhancing community safety through clear incident leadership and interoperable communications.
- Prioritizing the apprehension of violent and other serious offenders and national security threats while minimizing collateral impacts.
- Treating community trust and human rights as operational requirements.
- Committing to cross-training, supervision, and transparent processes for investigating allegations of misconduct and/or law enforcement-involved critical incidents.
- Communicating consistently to reduce polarization and confusion.
- Promoting responsible, fact-based communication grounded in accurate, verified information to support officer and public safety, strengthen credibility, counter misinformation, and build trust between law enforcement and the communities they serve.

Temporary Custody of Juveniles

901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Lewes Police Department (34 USC § 11133).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. This also includes any juvenile 11 years old or younger (10 Del. C. § 1002).

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (10 Del. C. § 901). It also includes handgun offenses under 11 Del. C. § 1448 and purchasing, owning, possessing, or controlling a deadly weapon or ammunition for a firearm that meets the requirements of 11 Del. C. § 1448 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

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- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

901.2 POLICY

The Lewes Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release. A juvenile shall be processed and cared for following the safety and security measures in the same manner as an adult (see Temporary Custody of Adults Policy), unless otherwise stated in this policy.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Lewes Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Emergency Detentions Policy).
 - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

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Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Lewes Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Department without authorization of the arresting officer's supervisor or the Shift Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133).

901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Lewes Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by a summons or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

A truant 15 years of age or younger should not be held for more than two hours at the department while attempting reunification with a parent or guardian (14 Del. C. § 2723).

901.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Lewes Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

An officer may take a juvenile offender into custody upon probable cause to believe the juvenile has committed an act that, if committed by an adult, would constitute a crime or based upon a warrant (10 Del. C. § 901; 10 Del. C. § 1004).

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Officers shall either release a juvenile offender who was taken into custody without a warrant to a parent or guardian or file a complaint. Juvenile offenders in custody for a warrant should be taken to the appropriate juvenile authority (Family Court Rules of Criminal Procedure, Rule 5).

Juveniles 11 years old or younger may be taken into custody for violent felonies as described in 10 Del. C. § 1002, but should be treated as a juvenile non-offender while in department custody.

Officers who have taken a juvenile offender into custody should file a complaint with appropriate juvenile authorities when there is reason to suspect any of the following apply (10 Del. C. § 1007):

- (a) The juvenile is a fugitive, an escapee, or a runaway from placement.
- (b) The juvenile has committed an offense, that, if committed by an adult, would constitute any felony or a class A misdemeanor involving violence, a sexual offense, unlawful imprisonment, or a weapons offense.
- (c) The juvenile has failed to appear in court in the past or there are other facts suggesting a substantial probability that the juvenile will fail to appear in court.
- (d) The juvenile has intimidated a witness or interfered with the administration of justice.
- (e) The juvenile committed the offense after being placed in a non-secure detention facility, out-of-home residential or foster care setting, and the parent, guardian, custodian, or facility refuses to take custody of the child.
- (f) The juvenile breached a condition of release or committed the current offense after already being released on a charge that could have warranted detention.

901.4.4 QUALIFIED OFFENDERS OF CERTAIN OFFENSES

An officer who has reason to believe that a qualified juvenile offender has committed or is attempting to commit a qualifying act of delinquency may issue the juvenile a civil citation as provided in the Juvenile Offender Civil Citation Program (10 Del. C. § 1004A).

An officer should advise the juvenile that the juvenile may refuse the civil citation and instead be subject to being taken into custody. To initiate a civil citation, an officer shall enter required information into the Law Enforcement Investigative Support System (LEISS). The officer shall submit the civil citation through LEISS to the Civil Citation Coordinator.

If an officer is later notified by the Civil Citation Coordinator that the juvenile has been unsuccessfully discharged from the program, the officer may arrest the juvenile and initiate delinquency proceedings. An arrest should not be made when use of marijuana or liquor offenses led to the citation or for juveniles 11 years of age or younger referred to the program under 10 Del. C. § 1002 (10 Del. C. § 1004A).

A juvenile offender is qualified to participate in the program if the juvenile has no prior adjudication of delinquency and no prior referral into the Juvenile Offender Civil Citation Program or any other diversion program. A juvenile who has a prior referral may still be qualified for the program if more than 12 months have passed since the prior referral. Juveniles 11 years old or younger may be eligible for a citation under the Juvenile Offender Civil Citation Program (10 Del. C. § 1004A).

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901.5 ADVISEMENTS

An officer who has taken a juvenile offender into custody shall as soon as practicable notify the person who is charged by law with or who has assumed responsibility for the juvenile's care of the reason for the custody (10 Del. C. § 901; 10 Del. C. § 1004; Family Court Rules of Criminal Procedure, Rule 5).

901.6 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Lewes Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Department.
- (c) Shift Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed, including:
 1. Behavior, involving state of consciousness and mental status.
 2. Medications taken.
 3. Body deformities, trauma markings, bruises, or other marks.
- (h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.
- (i) Property inventory and disposition.

The Shift Supervisor should initial the log to approve the temporary custody, including any secure custody, and should initial the log when the juvenile is released.

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Lewes Police Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

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901.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Lewes Police Department shall ensure:

- (a) The Shift Supervisor is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Department more than six hours.
- (b) Safety checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) There is smoke detection, a fire extinguisher and a detailed written plan for emergency procedures and evacuation.
 - 1. The agency shall perform a weekly documented visual inspection and a semi-annual documented testing of fire equipment.
 - 2. The agency shall perform an annual inspection of smoke detection and fire extinguishers per Delaware State Fire Prevention Regulations.
 - 3. The agency shall post the emergency evacuation plan.

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- (o) There is a designated emergency exit directing the evacuation of persons to a hazard free area.
- (p) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).
- (q) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

901.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

901.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Lewes Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.11 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

901.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Shift Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a

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stationary object. Video monitoring of the restrained juvenile is permitted for a period not to exceed 10 minutes, at which time a safety check of the detainee shall be performed. Safety checks of the restrained juvenile shall follow the guidelines set forth below in 901.12.1 (e) Locked Enclosures.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

901.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when the juvenile is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile shall have constant auditory access to department members.
- (d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.
- (e) Unscheduled safety checks by department members shall occur no less than every 15 minutes, or every 10 minutes if the juvenile is restrained to a fixed object.
 1. All safety checks shall be logged.
 2. The safety check should involve questioning the juvenile as to their well-being.
 3. Juveniles who are sleeping or apparently sleeping should be awakened.
 4. Requests or concerns of the juvenile should be logged.
- (f) Males and females shall not be placed in the same locked room.
- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.
- (i) Items provided to an individual must be accounted for, collected and discarded where appropriate.

901.13 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Operations Lieutenant will ensure procedures are in place to address any suicide attempt, death or serious injury of any juvenile held at the Lewes Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate

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- (b) Immediate notification of the Shift Supervisor, Chief of Police and Administrative Lieutenant
- (c) Notification of the parent, guardian or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Medical Examiner
- (g) Notification of the juvenile court
- (h) Evidence preservation

901.14 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

901.14.1 RECORDING OF INTERVIEWING OR INTERROGATING

Interrogations or interviews of juvenile suspects shall be recorded with a body-worn camera. See the Investigation and Prosecution Policy for specific recording requirements.

901.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Only juvenile offenders who have committed acts which, if committed by an adult, would constitute a felony or a class A misdemeanor should be fingerprinted.

901.16 TRAINING

Department members should be trained on and familiar with this policy.



**CITY OF REHOBOTH BEACH
CITY OF LEWES POLICE DEPARTMENT
DELAWARE RIVER & BAY AUTHORITY
Police Accountability Committee**

In July of 2025, the Criminal Justice Council requested a brief synopsis of what our juvenile arrest procedures looked like. While arrest procedures are generally the same for juveniles and adults, there are several mitigations and diversion options for officers when handling juveniles involved in criminal activity. The following response was given to the CJC.

Juvenile Arrest Procedures

In most instances, the arrest of a juvenile does not differ significantly from that of an adult. However, there are specific considerations and discretionary practices that guide juvenile arrests, reflecting the priority to minimize custodial involvement when appropriate.

Non-Custodial Alternatives

Whenever feasible, officers are encouraged to avoid placing juveniles in full custody. Instead, alternative measures such as criminal summonses, participation in a juvenile civil citation program, local civil citations, or other diversionary initiatives are utilized. In these cases, transporting the juvenile to the police station is generally avoided. The preferred course of action is to release the juvenile to a parent or legal guardian, either at the scene or by transporting them to their residence. Notification of the parent or guardian is attempted as promptly as possible in all circumstances.

Custodial Arrest Procedures

In cases where a full custody arrest is necessary, juveniles are typically treated in a manner similar to adults, including being handcuffed, searched incident to arrest, and transported to the station for processing. Exceptions to the use of handcuffs may be made for non-violent offenses (e.g., shoplifting) or status offenses (e.g., underage alcohol consumption), provided the juvenile is cooperative.

Due to the layout of the facility and its proximity to roadways and parking areas, all building entries and exits are conducted through the sally port. For minor, non-violent offenses, juveniles brought to the station are typically monitored in the interview room adjacent to the main lobby, with an officer present at all times.

Detention and Monitoring

If a juvenile is brought into the detention area, they are placed on a bench under continuous

supervision. Juveniles may be housed in a holding cell for incarcerable offenses, though this is uncommon. If placed in a cell, they are subject to the same monitoring requirements as adults. The current detention log, maintained in the Memex system, also serves as the juvenile detention log; officers must indicate juvenile status within the system. The log documents all time and movements within the facility. Juveniles are kept separate from adult detainees and are also segregated by sex. Efforts are made to minimize both visual and auditory contact between juveniles and adults.

Processing and Release

Following arrest, officers complete the necessary charging documentation (e.g., warrant, criminal summons) and adhere to fingerprinting and photographing procedures consistent with adult protocols. In nearly all cases, juveniles are released to a parent or legal guardian. Commitment to a juvenile detention facility such as Stevenson House is rare. As a seasonal resort area, we occasionally encounter juveniles visiting with non-parental guardians (e.g., friends' families). In such cases, the juvenile's legal guardian is contacted to authorize release to the supervising adult.

Transport and Court Proceedings

When a juvenile is committed to a detention facility, transport procedures mirror those used for adults. The juvenile is handcuffed and transported by an officer of the same sex. If a same-sex officer is not available, two officers will accompany the juvenile during transport.

Officers are generally not present for court proceedings except in cases involving trial testimony. If a juvenile must appear before a judge immediately following arrest, it is typically for identification and custody verification purposes. The court will then schedule a formal hearing.

Limitations on Law Enforcement Role

Law enforcement does not participate in adjudication, confinement, release decisions, or probation supervision. Violations of Probation (VOP) are treated similarly to active capiases or warrants and result in full custody arrest procedures.

Juvenile Civil Citation Program

The Juvenile Civil Citation Program is a diversion program for juveniles who have committed certain offenses. Qualifying offenses are typically non-serious, first time offenses such as, Shoplifting, Trespassing, and Possessions of Drug Paraphernalia. Successful completion of the program means that no criminal entry will be made into any Criminal Justice System. Below are the necessary steps to complete the Civil Citation Program.

Juvenile Civil Citation is a program which requires:**

1. Community Service

- ***5 hours of Community service***

2. Intervention Services

- ***Must have an initial intake meeting with the community provider***
- ***Must have a PACT (Positive Achievement Change Tool) Pre-Screen assessment completed & a Trauma Screen***
- ***Must complete any initial evaluations recommended by the PACT Pre-Screen assessment***

3. Other Sanctions or Services

Additional sanctions or services include:

- ***Restitution (If any assessed, and relevant to Shoplifting referrals)***
- ****RECEIVE NO NEW CRIMINAL CHARGES WHILE PARTICIPATING IN THE PROGRAM***

*****The program should be completed expeditiously.*****



Custody Compliance

Custody of juveniles requires reporting to the state that shows the Department is in compliance with juvenile specific mandates. Some mandates are regulated by state law, while others are required through the state’s accreditation process. Below is a compliance checklist that lets the Criminal Justice Council know what type of facility we are and what requirements we are meeting.



Compliance Document Submission Checklist

Department

Rehoboth Beach Police Department

Name:

Please submit the following to the CJC:

- Identification Survey (see below)
- Logs for October 1, 2024 – September 30, 2025
 - Please highlight any potential violations. This will assist us in completing the process in a timely manner.
 - Jail Removal: any juvenile held securely over 6 hours
 - Deinstitutionalization of Status Offenders: any juvenile securely detained for a status offense
 - Sight & Sound Separation: any juvenile who has sustained sight and sound contact with an adult offender
 - **If there are any potential violations, please complete the Potential Violation Worksheet.**
- Blueprints/Fire Safety Map
- Agency Policy on Handling Juveniles



Monitoring Universe Identification Survey

Please complete the following information to assist us in determining the classification of your facility. Select all that apply.

- Administering agency name:
- Sector/Operation (please select if your agency is one of the following):
 - Public
 - Private
 - Sovereign
- Jurisdiction (please select your agency's jurisdiction)
 - City
 - County
 - State
 - Tribal
- Population Type (please select the population your agency serves):
 - Juveniles
 - Adults
- Residential/Residential Capacity (please select if your agency residential or has residential capacity. It is considered residential/residential capacity if your agency has a bed/cot for non-staff)
 - Residential/Residential Capacity
 - Non-residential
- Construction Features (Does your agency has any of the following construction features? This DOES NOT INCLUDE: locks to prevent entry – ex. tamperproof lock in soft interview room- the person inside can walk out whenever; stationary cuffing only means if they are affixed to something)
 - Cells
 - Lockable interview rooms
 - Stationary cuffing apparatuses
 - Secured perimeters ex. booking areas
 - Other

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901.1 ADDITIONAL REFERENCES

- Policy 313 - Child Abuse
- Policy 410 - Emergency Detention
- Policy 900 - Temporary Custody of Adults
- Procedure 302 - Handcuffing & Restraint Procedures

901.2 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Rehoboth Beach Police Department (34 USC § 11133).

901.2.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. This also includes any juvenile 11 years old or younger (10 Del. C. § 1002).

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (10 Del. C. § 901). It also includes handgun offenses under 11 Del. C. § 1448 and purchasing, owning, possessing, or controlling a deadly weapon or ammunition for a firearm that meets the requirements of 11 Del. C. § 1448 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

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- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

901.3 POLICY

The Rehoboth Beach Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

901.4 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Rehoboth Beach Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Emergency Detentions Policy).
 - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

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- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.5 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Rehoboth Beach Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Department without authorization of the arresting officer's supervisor or the Shift Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the temporary detention facility or other secure area. (34 USC § 11133). The time does not start under any of the following conditions:

- (a) Upon apprehension on the street.
- (b) Placement into the locked backseat of a police car.
- (c) Placement on a bench in an office or interview room provided the door is unlocked and the juvenile is not secured to a stationary object.
- (d) Placement in a secure area for processing purposes only while under continuous in-person supervision.
- (e) Upon entry into a non-secure area of the Department.

901.5.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Rehoboth Beach Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

901.5.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by a summons or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or

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to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

A truant 15 years of age or younger should not be held for more than two hours at the department while attempting reunification with a parent or guardian (14 Del. C. § 2723).

901.5.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Rehoboth Beach Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

An officer may take a juvenile offender into custody upon probable cause to believe the juvenile has committed an act that, if committed by an adult, would constitute a crime or based upon a warrant (10 Del. C. § 901; 10 Del. C. § 1004).

Officers shall either release a juvenile offender who was taken into custody without a warrant to a parent or guardian or file a complaint. Juvenile offenders in custody for a warrant should be taken to the appropriate juvenile authority (Family Court Rules of Criminal Procedure, Rule 5).

Juveniles 11 years old or younger may be taken into custody for violent felonies as described in 10 Del. C. § 1002, but should be treated as a juvenile non-offender while in department custody.

Officers who have taken a juvenile offender into custody should file a complaint with appropriate juvenile authorities when there is reason to suspect any of the following apply (10 Del. C. § 1007):

- (a) The juvenile is a fugitive, an escapee, or a runaway from placement.
- (b) The juvenile has committed an offense, that, if committed by an adult, would constitute any felony or a class A misdemeanor involving violence, a sexual offense, unlawful imprisonment, or a weapons offense.
- (c) The juvenile has failed to appear in court in the past or there are other facts suggesting a substantial probability that the juvenile will fail to appear in court.
- (d) The juvenile has intimidated a witness or interfered with the administration of justice.
- (e) The juvenile committed the offense after being placed in a non-secure detention facility, out-of-home residential or foster care setting, and the parent, guardian, custodian, or facility refuses to take custody of the child.
- (f) The juvenile breached a condition of release or committed the current offense after already being released on a charge that could have warranted detention.

901.5.4 QUALIFIED OFFENDERS OF CERTAIN OFFENSES

An officer who has reason to believe that a qualified juvenile offender has committed or is attempting to commit a qualifying act of delinquency may issue the juvenile a civil citation as provided in the Juvenile Offender Civil Citation Program (10 Del. C. § 1004A).

An officer should advise the juvenile that the juvenile may refuse the civil citation and instead be subject to being taken into custody. To initiate a civil citation, an officer shall enter required

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information into the Law Enforcement Investigative Support System (LEISS). The officer shall submit the civil citation through LEISS to the Civil Citation Coordinator.

If an officer is later notified by the Civil Citation Coordinator that the juvenile has been unsuccessfully discharged from the program, the officer may arrest the juvenile and initiate delinquency proceedings. An arrest should not be made when use of marijuana or liquor offenses led to the citation or for juveniles 11 years of age or younger referred to the program under 10 Del. C. § 1002 (10 Del. C. § 1004A).

A juvenile offender is qualified to participate in the program if the juvenile has no prior adjudication of delinquency and no prior referral into the Juvenile Offender Civil Citation Program or any other diversion program. A juvenile who has a prior referral may still be qualified for the program if more than 12 months have passed since the prior referral. Juveniles 11 years old or younger may be eligible for a citation under the Juvenile Offender Civil Citation Program (10 Del. C. § 1004A).

901.5.5 JUVENILE SUPERVISION AND ACCOUNTABILITY

A juvenile shall be processed and cared for following safety and security measures in the same manner as used for an adult (see the Temporary Custody of Adults Policy), unless otherwise stated in this policy.

901.6 ADVISEMENTS

An officer who has taken a juvenile offender into custody shall as soon as practicable notify the person who is charged by law with or who has assumed responsibility for the juvenile's care of the reason for the custody (10 Del. C. § 901; 10 Del. C. § 1004; Family Court Rules of Criminal Procedure, Rule 5).

901.7 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Rehoboth Beach Police Department, the custody shall be promptly and properly documented in the Memex detention log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Department.
- (c) Shift Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed, including:
 1. Behavior, involving state of consciousness and mental status.
 2. Medications taken.
 3. Body deformities, trauma markings, bruises, or other marks.

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- (h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.
- (i) Property inventory and disposition.

The Shift Commander should initial the log to approve the temporary custody, including any secure custody, and should initial the detention log when the juvenile is released.

901.8 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Rehoboth Beach Police Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

901.9 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Rehoboth Beach Police Department shall ensure:

- (a) The Shift Commander is notified if it is anticipated that a juvenile may need to remain at the Department more than **four hours**. This will enable the Shift Commander to ensure no juvenile is held at the Department more than **six hours**.
- (b) Safety checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past **four hours** or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

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- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

901.10 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

901.11 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Rehoboth Beach Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.11.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.12 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

901.13 SECURE CUSTODY

Only juvenile offenders **14 years of age or older** may be placed in secure custody. Shift Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

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Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object. Juvenile offenders secured to a fixed object must be constantly monitored.

Generally, juveniles should not be secured to a stationary object for more than **60 minutes**. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval shall be documented in the Memex detention log, as well as, in the associated incident report.

901.13.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented in the associated incident report.

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile shall have constant auditory access to department members.
- (d) The juvenile's initial placement into and removal from a locked enclosure shall be logged in the Patriarch detention log.
- (e) Unscheduled safety checks by department members shall occur no less than every 30 minutes.
 - 1. All safety checks shall be logged in the Patriarch detention log.
 - 2. The safety check should involve questioning the juvenile as to his/her well-being.
 - 3. Juveniles who are sleeping or apparently sleeping should be awakened.
 - 4. Requests or concerns of the juvenile should be logged in the Patriarch detention log.
- (f) Males and females shall not be placed in the same locked room.
- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

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Temporary Custody of Juveniles

901.14 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any juvenile held at the Rehoboth Beach Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Shift Commander, Chief of Police and Criminal Investigations Division Commander
- (c) Notification of the parent, guardian or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the Attorney General
- (f) Notification of the Medical Examiner
- (g) Notification of the juvenile court
- (h) Evidence preservation

901.15 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation. Officers are not required to obtain the consent of a parent or guardian prior to conducting an interview or interrogation. Juvenile interviews and interrogations shall be conducted in the same manner as adults. Factors that must be considered when conducting an interview or interrogation to determine if a juvenile understands their rights and the waiving of those rights are:

- (a) Age of the accused
- (b) Education of the accused
- (c) Knowledge of the substance of the charge
- (d) Knowledge of the right to consult with an attorney and remain silent
- (e) Whether permission to consult with relatives or other concerned adults was granted
- (f) Method of interrogation
- (g) Length of interrogation
- (h) Whether the accused refused to voluntarily give a statement on prior occasions
- (i) Whether the juvenile has ever disavowed an out of court statement at a later date

When conducting an interview or interrogation a juvenile shall be afforded all the rights of adult. Under no circumstances shall any juvenile, be compelled to answer any questions by physical force or psychological pressure or deception. When feasible, the interview should be conducted by one officer so as not to intimidate the juvenile. The interview or interrogation time should not exceed two hours without a break and shall not exceed six hours in total.

- [Form 600C - Juvenile Miranda Rights Waiver](#)

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Temporary Custody of Juveniles

901.15.1 RECORDING OF INTERVIEWING OR INTERROGATING

Interrogations or interviews of juvenile suspects shall be recorded when conducted at any Rehoboth Beach Police Department facility or vehicle or at a school (11 Del. C. § 2003).

901.16 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Only juvenile offenders who have committed acts which, if committed by an adult, would constitute a felony or a class A misdemeanor should be fingerprinted.

901.17 TRAINING

Department members shall be trained on and familiar with this policy and any supplemental procedures.

901.17.1 ADDITIONAL TRAINING REQUIREMENTS

Officers shall receive training on the operation of the temporary holding area, to include the use of fire suppression, emergency equipment, and emergency evacuation procedures.

All newly sworn officers shall receive this training during the field training program. In-service training shall be conducted every three years.

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Attachments

Attachment

Rehoboth Beach PD Policy Manual

600C Juvenile Miranda Rights Waiver.pdf



**City of
Rehoboth Beach
Police
Department**

**Juvenile Miranda Rights Waiver
Form 600C**

I, _____ (full name), am _____ (age) old. I was born
_____ (date of birth).

Officer _____ (full name) is advising me of my constitutional rights. I
understand that:

- I have the right to remain silent.
- If I choose to speak, anything I say may be used against me in court.
- I have the right to consult with a lawyer before answering any questions, and I may have him or her with me during questioning.
- If I cannot afford a lawyer and want one, a lawyer will be provided at no cost to me.
- I may answer questions now and waive (that means, give up) my right to counsel and my right to remain silent.
- If I decide to talk to the police, I still have the right to stop talking at any time and for any reason.

_____ (name of adult), who is my
_____ (relationship to you), is present and will help me

decide whether to waive my rights and speak with the police.

Please check one:

I am willing to speak with the police officer now.

I am NOT willing to speak with the police officer now.

Signature of Juvenile

Date

Time

My signature indicates that I also understand these rights completely:

Signature of Parent/Adult Guardian

Date

Time

Signature of Advising Officer

Date

Time

§ 198-45. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CARETAKER — An adult at least 18 years of age who is authorized by the juvenile's parent to be temporarily responsible for the parental care, custody, authority, safety, and any other parental responsibilities required to supervise the juvenile, such as but not limited to babysitters.

CURFEW HOURS — The hours between 11:00 p.m. and 5:00 a.m.

ESTABLISHMENT — Any privately owned place of business within the City operated for a profit, to which the public is invited, including, but not limited to, any place of amusement or entertainment. With respect to such establishment, the term "operator" shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) conducting or managing that establishment.

JUVENILE or MINOR — Any person under 18 years of age who has not been emancipated in compliance with all State of Delaware regulations and procedures.

PARENT — Any person having legal custody of a juvenile as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis or as a person to whom legal custody has been given by court order.

PUBLIC PLACE — Any place to which the public or a substantial group of the public has access, including, but not limited to, streets, highways, roads, sidewalks, alleys, avenues, parks, and/or the common areas of schools, medical facilities, apartment houses, office buildings, transportation facilities and retail establishments. This definition does not include a lot containing and used with a residential dwelling if the minor is there with the consent of his or her parent and the owner or tenant who occupies the residential premises.

REMAIN —

- A. To linger or stay at or upon a place;
- B. To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator or other person in control of that place; or
- C. To cause or commit any of the conditions enumerated in § 198-24A.

UNACCOMPANIED JUVENILE — A juvenile, under the age of 18, unaccompanied by the juvenile's parent, guardian or caretaker.

§ 198-46. Minors unaccompanied by adult prohibited from public places during certain hours.

- A. It shall be unlawful for any minor under the age of 18 years to be on any public street or in a public place between the hours of 11:00 p.m. and 5:00 a.m. unless accompanied by the juvenile's parent or guardian or unless engaged in, or traveling to or from, a business or occupation which the laws of this state authorize a juvenile to perform.
- B. It shall be unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place between the hours of 11:00 p.m. and 5:00 a.m.

City of Rehoboth Beach, DE

§ 198-46

§ 198-47

- C. It shall be unlawful for juveniles during the curfew hours to remain in or upon any public place within the City of Rehoboth Beach, Delaware, to remain in any motor vehicle operating or parked therein or thereon, and/or to remain in or upon the premises of any establishment within the City unless accompanied by the juvenile's parent or guardian or unless engaged in, or traveling to or from, a business or occupation which the laws of this state authorize a juvenile to perform.
- D. A parent, or caretaker, of a juvenile commits an offense if they knowingly permit, allow, or encourage, or by insufficient control of the juvenile allow, the juvenile to remain in or upon any public place within the City of Rehoboth Beach, Delaware, to remain in any motor vehicle operating or parked therein or thereon, and/or to remain in or upon the premises of any establishment within the City during curfew hours.
- E. It shall be unlawful for a person who is the owner or driver of any motor vehicle to knowingly permit, allow or encourage a violation of this section.
- F. It shall be unlawful for the operator of any establishment, or for any person who is an employee thereof, to knowingly permit, allow, or encourage a juvenile to remain upon the premises of the establishment during curfew hours. It is the duty of the establishment owner to use all reasonable means to ascertain whether any person who enters or remains on the premises is in fact 18 years of age or older.
- G. It shall be unlawful for any person, including any juvenile, to give a false name, address, or telephone number to any officer investigating a possible violation of this section.

§ 198-47. Exceptions.

It is not a violation of § 198-46 unless the officer first affords the person an opportunity to explain his or her conduct, and no person shall be convicted of a violation of this chapter if it is determined at trial that the explanation so given was true and disclosed a lawful purpose. More specifically, the following shall be considered affirmative defenses to prosecution under this article:

- A. The juvenile is accompanied by a parent, legal guardian, or caretaker;
- B. The juvenile may remain out past curfew on a sidewalk and/or another property directly abutting or adjacent to a place where the juvenile resides with a parent, legal guardian, or caretaker until the property owner or a member of the general public complains of the juvenile's presence during curfew hours to the local law enforcement department;
- C. The juvenile is attending any recreational activities supervised by adults and sponsored by, held, or located at schools, religious organizations, any recreational activity sponsored by the City of Rehoboth Beach, Delaware, or attending any other organizational function so long as the organizational function assumes responsibility for the juvenile's care, safety, and well-being through providing adult supervision of the juvenile. The juvenile may travel unsupervised to and from these specified activities without detour during curfew hours;
- D. The juvenile is involved in interstate travel in any means of transportation through, either beginning, throughout, or terminating, in the City of Rehoboth Beach, Delaware;
- E. The juvenile is engaged in an employment activity or is going to or returning to their place

City of Rehoboth Beach, DE

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§ 198-48

of stay from such employment activity, without detour or stop;

- F. All travel necessary for the juvenile to attend employment and then to return to their place of stay without detour;
- G. The juvenile is involved in an emergency;
- H. The juvenile is married or had been married or had disabilities of minority removed in accordance with state law;
- I. It is a affirmative defense to prosecution under this article that the owner, operator, or employee of an establishment or driver of a motor vehicle promptly notified the City of Rehoboth Beach, Delaware, Police Department that a juvenile was present on the premises of the establishment or in the motor vehicle during curfew hours and the juvenile refused to leave. Additionally, it shall be an affirmative defense that the minor who has violated this section presented to the establishment owner identification, with a photograph of such individual affixed thereon, which identification sets forth information which would lead a reasonable person to believe such individual was not a minor; or
- J. The juvenile is exercising First Amendment rights protected by the United States Constitution, such as but not limited to the free exercise of religion, freedom of speech, and the right of assembly in which the juvenile or the juvenile's parent, legal guardian, or caretaker must notify the City of Rehoboth Beach, Delaware, Police Department at least 24 hours in advance in order for the City of Rehoboth Beach, Delaware, to comply with all State of Delaware regulations, such as but not limited to directives, executive orders, and enacted legislative acts.

§ 198-48. Enforcement. [Amended 11-21-2025 by Ord. No. 1125-02]

- A. Procedures. Any police officer who finds a minor violating any provisions of this article shall obtain such information from such minor as to his or her name and address, age and the name of his parent(s) or guardian. The officer shall make every reasonable effort to contact the minor's parent(s) or guardian if the minor is to be detained or arrested. The minor shall thereupon be instructed to proceed to his or her home forthwith. A police officer may thereafter, in accordance with the provisions of this article, charge the minor with a curfew violation, and may charge the minor's parent(s), as the case may be, with violation(s) of the provisions of this article. For each violation, an appearance by the minor child and their parent(s) or guardian before the Alderman is required before a penalty can be imposed. The City of Rehoboth Beach Alderman shall have jurisdiction in all proceedings concerning alleged violations of this article and shall be responsible for the imposition of penalties.
- B. Penalties. Any minor child or parent(s) of the minor child who violate any provision of this article may incur a civil fine established in the City Schedule of Fees and Penalties,¹ plus court costs for the first offense and may incur a civil fine established in the City Schedule of Fees and Penalties and costs for each subsequent violation. Any violation of any provision of this article shall constitute a separate offense.

1. Editor's Note: The City Schedule of Fees and Penalties is on file in the City offices.



*In re Renee
Good and
In re Alex
Pretti*

What is Being Investigated?

- A thorough, objective investigation of the totality of the circumstances surrounding the shootings.
- These are **not** arrest generated cases. They are grand jury originals.
- In a reasonable world, there should be no predetermined targets, suspects or conclusions.
- Thus, the investigations should not be captioned with the subject's name –

i.e., **neither** as

United States v. Jonathan Ross

nor

Minnesota v. Jonathan Ross

Who should be leading the investigation?

Criminal Section of the Civil Rights Division of the United States Department of Justice

- “The Criminal Section investigates and prosecutes cases throughout the United States involving the interference with liberties and deprivation of rights defined in the Constitution or federal law. Criminal Section prosecutors handle cases involving law enforcement misconduct including but not limited to [alleged] instances of excessive force...”
- “...often partnering with federal and local investigators” the “ultimate goal” of the Section “is to ensure that allegations are thoroughly and fairly investigated.”

Justice.gov/Civil Rights Division/Criminal Section (2026)

Has DOJ Already Pre-Judged The Outcome?

Re: Good: “Look, what happened that day has been reviewed by millions and millions of Americans because it was recorded on phones. The Department of Justice, our civil rights unit, we don’t just go out and investigate every time an officer is forced to defend himself against somebody putting his life in danger. We never do.”

”So no, we are not investigating.”

Re: Pretti: “I don’t want the takeaway to be that there’s some massive civil rights investigation that’s happening. This is what I would describe as a standard investigation by the FBI . . . and . . . to the extent it needs to involve lawyers at the Civil Rights Division, it will[.]”

-- United States Department of Justice Deputy Attorney General Todd Blanche, January 18, 2026, and January 29, 2026, respectively.

Concurrent Jurisdiction

Both the state and federal government have jurisdiction and authority to investigate potential violations of crimes.

State → state murder, Minn. Stat. § 609.19 Murder in the Second Degree

Federal → federal deprivation of civil rights statute, 18 U.S.C. § 241

State and federal law enforcement agencies work collaboratively to collect evidence.

Then each can independently determine whether charges are appropriate.

Can the State of Minnesota Undertake its Own Investigation?

Yes.

Hurdles?

Many.

For example, the Federal government possesses, among many things:

The Car

The Gun

Radio Communications

Access to federal law enforcement witnesses

Access to federal law enforcement documents, records, and other evidence

Almost impossible for state prosecutors to properly observe their Brady obligations

If investigatory hurdles can be overcome, can Minnesota *prosecute* for violations of state law?

- Yes.
- Hurdles?
- Many.
- “It is ‘well settled’ that a state cannot prosecute a federal officer for a violation of state law if (1) the officer ‘was performing an act which he was authorized to do by the law of the United States’ and (2) ‘in performing that authorized act, [the officer] did no more than what was necessary and proper for him to do.’”
- *Michigan v. Keely*, 2025 WL 1513194 (W.D. Mich., May 28, 2025), quoting *Kentucky v. Long*, 837 F.2d 727, 744 (6th Cir. 1988).

What is the Procedural Posture in Which the Supremacy Clause Issue is Most Commonly Raised?

- State initiates prosecution in state court, typically by the filing of an indictment or information.
- Federal officer/state defendant files motion to remove case to federal court.
- Once in federal court, defendant files motion to dismiss case upon the grounds of the qualified immunity conferred upon him by the Supremacy Clause.
- Defendant may also seek a writ of *habeas corpus* to secure his release.
- The State bears the burden of demonstrating (before the court; not a jury) a
- ***genuine factual issue whether the federal officer/defendant was acting pursuant to the laws of the United States and was doing no more than what was necessary and proper for him to do in the performance of those authorized duties.***

Was the Federal Officer Performing An Act Which he Was Then Authorized to Do by the Laws of the United States?

How Do We Define “the Act?”

- The shooting of Ms. Good or Mr. Pretti
- Was that act in furtherance of the officer’s duties? Was it necessary and proper? How will the courts define those questions?
- Enforcing Federal Immigration Law **versus** Every frolic & detour undertaken that day was authorized
- You shot a person who posed no threat **versus** Officer was responding to a perceived threat & must examine all the circumstances preceding the shooting.
- This will overlap with the constitutional inquiry: was the shooting reasonable under the Fourth Amendment or was it an unreasonable seizure in violation of the Constitution?

Let's Split the Baby and Begin Our Analysis with the Approach to the Car

- *First, A Few Basic Principles*
- Under the Fourth Amendment, cars are less protected spaces against governmental intrusion than homes.
- ICE officers can conduct investigative stops or initiate a car stop if the officer has a particularized suspicion of a federal crime or an immigration violation. See, e.g., *Terry v. Ohio*, 392 U.S. 1, 22 (1968); *Navarette v. California*, 572 U.S. 393, 396-97 (2014); *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975); 8 C.F.R. Section 287.8(b).
- ICE officers may make warrantless arrests only for violations of immigration law and federal criminal law. 8 U.S.C. Section 1357 (a)(2)(5).

Was There a RAS That Ms. Good Was Engaged Either in an Immigration Violation or a Federal Felony?

- Hard to articulate facts that support RAS for an Immigration Offense?
- 18 U.S.C. 111(a)(1)?
- "Whoever-**forcibly** assaults, resists, opposes impedes, intimidates or interferes with [certain persons including ICE agents] while engaged in or on account of the performance of official duties..." Force is an essential element of the crime. *Long v. United States*, 199 F.2d 717 (4th Cir. 1952).
- 18 U.S.C. 1501? (LIO of Section 111-no force requirement)
- "Whoever knowingly and willfully obstructs, resists or opposes any officer of the United States...in serving...any legal or judicial writ or process of any court of the United States..."
- ICE serving a judicially authorized arrest warrant that day?
- Civil or Administrative immigration warrant qualify?
- The force requirement in Section 111 helps to clarify the very blurry line between truly obstructive behavior and legitimate exercise of First Amendment Rights. See, e.g., *Fields v. City of Philadelphia*, 862 F.3d 353, 355-56 (3d Cir. 2017)(every court of appeals that has considered the issue has concluded that there is a First Amendment right to record the police in public places).

What About the Obvious Traffic Offense?

- ICE does not have the authority to enforce local traffic ordinances. *Cf. Brignoni-Ponce*, 422 U.S. at 883, *n.* 8 (border patrol agents have no enforcement authority with regard to local traffic laws).
- States may delegate such authority and Minnesota has a statute that says as much
- However, none of the conditions set forth in the statute, *e.g.*, request by the state and federal law enforcement being subject to the supervision of local authorities, are present in this case. *See Minnesota Statutes, Section 626.77.*

Ma'am, Please Move Your Car

- ***GET OUT OF THE F*CKING CAR!!!***
- “ICE employees must be professional, polite, respectful and patient in all official activities that involve contact with...members of the public, even in the face of considerable provocation.”
- *United States Immigration and Customs Enforcement, Employee Code of Conduct, Section 5.4 (2012).*
- In attempting to seize Ms. Good, the involved officers implicated the Fourth Amendment. Were they, at that point in time, performing an act that they were authorized to do by the laws of the United States?
- ***Lament***
- If only our state, local and federal governments were working together.

Do No More Than What Is Necessary and Proper

- “Necessary and Proper”
- Contains both subjective and objective components.
- (1) The officer must have an honest belief that his actions were justified.
- (2) That belief must be reasonable.
- Importantly, the inquiry is *not* whether retrospectively the actions were in fact necessary or justifiable.
- Rather, the only question is whether the officer reasonably believed at the time that his actions were necessary and proper.

An Interlude for a Few General & Intersecting Legal Principles

- The federal right implicated by the shooting of Ms. Good by a federal law enforcement officer is the Fourth Amendment right to be free from unreasonable seizures. *Graham v. Connor*, 490 U.S. 385, 394 (1989).
- The touchstone of the Fourth Amendment is reasonableness.
- “Police officers are often forced to make split-second judgments-in circumstances that are tense, uncertain and rapidly evolving...” *Id.* At 397.

More Legal Principles

In Minnesota, the elements of self defense are:

(1) The absence of aggression or provocation on the part of the defendant;

(2) The defendant's actual and honest belief that he was in imminent danger of death or great bodily harm;

(3) That belief was reasonable;

(4) The right to use deadly force begins only when the threat of death or great bodily harm is imminent and ends immediately upon the cessation of the threat;

(5) The degree of force used in self defense must not exceed that which appears reasonably necessary. *State v. Basting*, 572 N.W. 2d 281, 295 (Minn. 1997).

Retreat? Imperfect self defense? Defense of others?

Still More...Is This Law School?

- ***Homeland Security Department Policy on Use of Force (February 6, 2023).***
- *Section III (A):* "...respect for human life...shall continue to guide [agents] in the performance of their duties."
- *Section III (c)(1):* "[agents] should seek to employ tactics and techniques that effectively bring an incident under control while promoting the safety of [agents] and the public."
- "[agents] should also avoid intentionally and unreasonably placing themselves in positions in which they have no alternative to using deadly force."
- *Section VI Deadly Force*
- (A)(1)(a) "[agents] may use deadly force only when necessary, that is when [the agent] has a reasonable belief that the subject of such force poses an imminent threat of death or serious bodily injury..."

Enough Already with the Law

- ***Homeland Security Department Policy (con't)***
- *Section VI (b)*: "Deadly force shall not be used solely to prevent the escape of a fleeing suspect."
- *Section VI (B)(2)(a)*: "[agents] are prohibited from discharging firearms at the operator of a moving vehicle [unless acting reasonably in self defense]."
- ***Importantly, internal regulations and guidelines do not provide a basis for a cause of action.***
- They are, however, relevant to assessing the *mens rea* of the defendant including whether he had an honest belief that his actions were "necessary and proper" and whether that belief was reasonable – OR, under the federal statute, whether they were willful.

Did The Federal Agent Honestly & Sincerely Believe that His Actions Were Necessary and Proper?

- Circumnavigating car while using cellphone to record Ms. Good? Why?
- Simultaneously, colleagues acting both aggressively and provocatively?
- Did he intentionally and unreasonably place himself in a vulnerable position from which he may need to use deadly force?
- Shots # 2 and # 3 fired from a position of safety next to driver's side door.

Left the Scene without rendering aid to Ms. Good.

“F*cking B*tch.”

Is this the behavior of a reasonable officer who **sincerely believed** that he **had no choice** but to use deadly force **as a last resort** to avoid death or serious bodily injury?

What would this look like as a federal civil rights investigation?

FBI and Civil Rights Division would work together to investigate whether the shooting of Mr. Pretti violated 18 U.S.C. § 242.

1. Did the shooter violate Mr. Pretti's Fourth Amendment right to be free of an unreasonable seizure by a law enforcement officer?

2. Were the shooter's actions willful? I.e., did he know what he was doing was wrong/unlawful at the time, and choose to do it anyway?

Were the federal agents' actions reasonable?

- Investigation will look at the uses of force from the perspective of a reasonable officer on scene
 - Force used: shove, pepper spray, takedown, strikes to the head, fatal shooting
- Did Pretti pose a threat to the officers?
- Was he resisting? If so, did the officers have control of the situation?
- What was the objective of the officers in using force? Were their actions reasonable attempts to achieve that objective?

Did the federal agents act willfully?

Willfully = knew the conduct was wrong and chose to do it anyway



To understand what might have been in the officers' minds must look to:

Officers' statements	Proportionality of force	Evidence of anger, retaliation, mistaken belief?	Polices and training
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What Do You Think?

If honestly held, were the officer's beliefs reasonable in shooting Ms. Good?

Were the officers' actions reasonable in using force against Mr. Pretti?

Were the officers acting willfully?