

**Police Accountability Committee Meeting
June 3, 2025
Meeting Minutes**

Members Present: Rosemary Hardiman, Erin Ternahan, Pastor Rick Plocinski, Diane Fogash, Dan Rosenblatt, Chief Patrick Foley

Staff Present: Will Wharton, IT Director and Raelene Menominee, Town Clerk

Others Present: Council Members Theresa Keil (Treasurer) and Rich McHugh

Mrs. Hardiman called the meeting to order at 10:01 am.

Approval of Agenda

Ms. Fogash made a motion to approve the agenda. Chief Foley seconded and the motion passed unanimously.

Approval of Minutes of Meeting held on June 3, 2025

Ms. Hardiman noted that the March meeting minutes referred to amending PAC's Scope of Work and also providing a means for someone to provide comments directly to PAC if, for some reason, they don't feel comfortable writing directly to the PD. All comments received by PAC would be sent to the PD. PAC originally said that such comments should be sent to admin@townofbethanybeach.com. However, the Town Manager subsequently suggested that they be addressed to a separate email, PAC@townofbethanybeach.com so they could be readily identified. Therefore, the email address was amended in the minutes.

Ms. Fogash then made a motion to approve the June minutes with the amended email address. Chief Foley seconded the motion and it was unanimously approved.

Reports

A. Report from Police Chief Patrick Foley

Chief Foley's report covered developments since the last meeting in June. On June 14, there was a "No Kings Rally" protest at the Town Park. Given short notice, the PD had to logistically plan for the event. Originally told to expect 100 to 125 protesters, they were later advised by the Delaware Information and Analysis Center that since it was a nationwide event, with three planned in Delaware, to expect a larger turnout. Ultimately, 1200 to 1400 protesters participated. The PD planned for the worst-case scenario, with a heavy BBPD presence, officers remotely located, if needed, and alerted the fire department, surrounding agencies and county medics. He said that he was happy to report no issues. One of the organizers sent the following to Chief Foley after the event:

I am writing to thank the police officers that provided oversight at the No Kings rally in Central Park on June 14, 2025. Their level of professionalism provided a serene and safe feeling for the hundreds of attendees. As an organizer of this event, the attendance far exceeded our expectations.

Deputy Chief Norman was an excellent on sight resource and continually communicated with our team to ensure a peaceful and civil gathering from start to finish. When I arrived at Central Park, a sweep of the area was being conducted which eliminated any potential for concealed issues. Strategic placement of the barricades facilitated public safety and managed the crowd's positioning from accidentally disrupting vehicular and pedestrian traffic. Additionally, organizer team members kept walking the perimeter to remind attendees of these safety protocols and people respectfully complied.

In my former career, I have had vast experience working with all levels of law enforcement. I believe the Bethany Beach police department exemplifies a well-trained team of dedicated professionals. I am most appreciative of these individuals that helped us achieve the goal for a peaceful gathering in our community without incident. Please convey my gratitude for a job well done.

Chief Foley explained that while this was something that was dropped in their laps as new administrators, it showed team effort of the BBPD from top to bottom and the sound policies that helped keep everyone safe, which was their number 1 priority.

Citizen Complaints. The Chief reported that there were three citizen complaints during the summer out of some 1200-1300 calls for service, including traffic tickets, arrests, and DUIs.

1. **June 26**, there was a citizen complaint re BBPD officer on a traffic stop summons that was issued. The complaint came through the CALEA portal, an independent third party and another avenue for any complaint about the BBPD. Chief reviewed the body cam and determined that there was absolutely no violation of policy. Two days later the complainant called back and apologized for the way he talked to the officer. He also sent another message through CALEA retracting his previous complaint.

2. **In July**, a woman called at 8:30 am to complain that she was being "held hostage" by a CISCO truck blocking her in at Town Center and wanted it removed immediately. A seasonal officer and a FT police officer responded. Since it would have taken longer for the driver to return and reload the truck, officers waited 5 or 6 minutes with the woman until the driver returned. While the problem was solved legally, the woman complained that she didn't like the BBPD's response, which was to wait.

3. **In July**, a gentleman who disregarded two stop signs on the east side of Town—Oakwood and Wellington, was pulled over in his driveway also on the east side. He complained that the officer was "overzealous" and was trying to embarrass him in front of his neighbors by leaving his emergency lights on. He met with DC Norman the next day and admitted to the violations. After being educated on traffic stop procedures that officers were required to keep their lights on for the duration of the traffic stop, he apologized for his complaint.

These were the only complaints brought during the summer. He was happy to report that there was no formal counseling needed for any of the officers, either seasonal or full time and no internal investigation to date in 2025.

There was a 3rd party complaint re: a shoplifting incident brought to the Chief's attention by a PAC member who learned of it from a citizen. The PAC member asked the Chief about it. The Chief, who hadn't heard about the incident, consulted his officers. He learned that the incident had

occurred two months prior and involved a juvenile who was detained on the boardwalk in connection with a shop lifting incident. The store's security employee, not the BBPD, detained the juvenile. The PD was called on the scene to defuse the situation.

Apparently, the new seasonal officer did not know that the store's security officer was illegally detaining a juvenile accused of shoplifting without any proof.

The Chief reported that the issue was dealt with administratively by officers who oversee seasonal programs. The seasonal officer was educated on the policies and statutes regarding dealing with juveniles accused of a crime and the requirement for parental notification for detainment.

The Chief said that this was an example of the transparency between PAC members and the Police and how random complaints can get generated by a citizen through PAC and relayed to the Chief. He added that this shows the reason for a PAC.

CALEA—Annual CSM Review. The Chief reported that the PD successfully passed its first CSM review in August, after the reaccreditation process this past winter. [Note: Compliance Service Members (CSM) is an annual remote web-based assessment which is conducted by CMS. The purpose of the assessment is to improve process consistency as well as agency compliance with applicable standards.] The PD had seven issues that needed minor word changes. They revised the wording to conform with the wording that CSM requested. Therefore, they successfully passed their year one accreditation.

PAC updated training hours. Through POST, non-officer PAC members are required to undergo 20 hours of initial training within a year of the first meeting, which was December 8, 2024. Chief Foley said that two members have completed 20 hours. He asked those who hadn't yet completed 20 hours to contact him to schedule ride-alongs, which he said open eyes to local and community policing.

Code Purple. Chief Foley then said that he noticed In Coastal Point that the Code Purple shelter is coming back from December through March at the Christian Church. He addressed Pastor Rich, saying that he noticed that donations were asked for and the PD would like to donate hats and gloves or anything else that they need. Pastor Rich said that he thought the list includes sleeping bags, blankets, hats, gloves.

Pastor Rich explained that their program will include 4 to 7 men and will be very targeted. They are going to follow the Love, Inc. program. The men will be transported 5 of 7 days to Rehoboth where they will be given a lunch and some training. Another day they will be at the Church for supervision by Love, Inc. On Sunday they will worship with the Congregation. Pastor Rich added that they are excited about this. By the end of the program, they hope to place all of the men with jobs. The Chief offered to have an officer come for a meet and greet with the men and give them a rundown re the Town. He added that Sgt. Sharp is the PD business liaison.

Office of Highway Safety Audit (OHS). The Town was suspended last summer from these funds which are awarded by the OHS for targeted traffic campaigns. At that time, the BBPD was considered a high-risk agency because of the actions of the previous administration. OHS funds are awarded for targeted campaigns: Clickit or ticket, DUI, speed, reckless driving, cell phones, and pedestrian education.

Following the successful completion of an OHS audit in early September, the BBPD was awarded all of their campaign funds. This is extremely important because it generates more safety for residents and visitors, separate from police officer patrol. For example, if there are three officers working 4 pm to 4 am, with these funds, one officer is being paid overtime to target these areas.

Community engagement over the summer.

Craft Shows. The Chief reported that the BBPD provided logistics, safety and crowd control for the heavily attended June Craft show and for the recent Chamber Craft Show.

J-1 Students. They held a J-1 foreign student safety seminar in June where they integrated traffic, pedestrian and bicycle safety in welcoming the J-1 students. They also participated in the J-1 student picnic at St. Martha's where they engaged with over 100 students—serving food and playing corn hole.

Bicycle & Pedestrian Safety. They held a workshop at South Coastal Library in connection with the Town's Bicycle and Pedestrian Safety Program (B&PSP). They also conducted two bike safety checkpoints, in conjunction with OHS as well as the B&PS Committee. There were over 280 bike lights installed. These came from the PD's budget.

100 % of staff participated in Special Olympics Torch Run, with 80% including senior officers, actually part of the run.

BBPD officers assisted regional and municipal PDs with promotional boards.

Visited Sea Colony's (out of the Town's jurisdiction) summer kids camp (3-to-12 year-old children) six times. Officers talk about policing, show them police cars and give them plastic hats and badges. The purpose is to give them a good image of police at a young age. The BBPD has been doing this for about 16-17 years.

Assisted Rehoboth Beach Police Department with July 4th Fireworks on July 5.

That completed the Chief's report.

Ms. Hardiman then asked what is the policy regarding the detention of a juvenile?

Chief Foley responded that the policy is that when a juvenile is detained or arrested the officers must contact the parents/guardian immediately. He provided some examples and added that even if they are issued a citation in the police car, before they are cut lose the parents are notified immediately—that's the policy.

Parents have to give permission for the juvenile to be released to someone else. There are times when the parent wants to come and get the juvenile themselves, rather than release them to someone else. In that case the PD has to hold them in custody until the parent arrives.

Ms. Hardiman then asked a question about the "No Kings" assembly in the Town Park in June, explaining that there have been recent news stories about another town adopting an ordinance addressing First Amendment assemblies and how spontaneous assemblies would be handled. She asked how BBPD would handle something like that.

Chief Foley explained that the right to assemble and the right to protest are protected constitutional rights. In the case of the June 14 protest, he thanked the organizers for notifying the BBPD because it was a political protest. If someone doesn't agree with the political stand, they may counter-protest. So, the police are the line that safely protect rights of all. The organizers of the protest didn't have to give the PD a heads up, but they did. Because of that notification, the PD had enough officers in place to protect them and to guide them about where to stand if they wanted to get their message out. They provided barricades for their safety so they didn't step out into the road and get struck; they provided a heavy police presence in case someone wanted to counter protest. He added that PD was very grateful for that and it showed a lot of transparency from the community. They didn't have to tell us but because they did, we provided them safety and support and police presence to protect them.

In response to a question regarding the need for a permit to assemble, he responded that no, they do not need a permit. He acknowledged that a spontaneous protest would be more difficult to manage. If there's an unplanned protest and they show up and unlawfully block the road, sidewalks, or business access, then the PD would enforce the law and make arrests. However, because they provided notice, the PD could provide safety.

B. Report and Lessons Learned from Ride-Alongs

Pastor Rich that when the first thing he did in the ride-along was to put on a bullet proof vest, it made his heart race a little bit. He reported that he went with Corporal Andrew Rogers and was amazed at how much technology there is in a police car now.

He said that they drove around the entire area that is patrolled by the BBPD and was surprised at how small the community is. They made one arrest. He said that Corporal Rogers' professionalism and mannerisms were outstanding. He was a wonderful person to be with. He rode along for three hours and it was eye-opener, especially how much they do and how much technology they have. He said he enjoyed it a lot and thanked Chief for the opportunity to do that.

Mr. Rosenblatt reported that he had three ride alongs, adding that they were remarkable experiences and incredibly eye opening. He said that he has spent most of my life working in law enforcement agencies and always thought he had a pretty good handle on what happens in a PD, but these officers showed him that he was dead wrong.

He continued, saying that patrol cars are mini-police stations—the way the information flows and the time it saves. What impressed him the most was the conduct of the officers: the way they explained what they were doing; the way they approached people; the time limits they put on themselves sometimes for the stops; he said that he must have seen about 20 stops in that time.

They pursued two teens who were trying to avoid arrest in the ATV. One was caught and the Chief's description of what happens with parental notification occurred right there.

He recounted that many years ago he had the pleasure of working with a former Police Chief of Nashville, TN, which had a large metropolitan PD. He asked him how do you know a good PD when you see one. As they walked around the community, Chief Casey pointed out some things. One of the things he said was to look at the officers. How do they conduct themselves? How are they attired? How do they deal with the community? That ran through his mind during all of his

ride alongs. He concluded that he was very impressed with every officer and added that the praise that he gives to the officers actually starts at the top.

All of these officers consistently follow policies and practices that to the best of his knowledge are top of the line in policing. But what he saw, and this he felt was remarkable, was a balance between enforcement and education. That's the policy, that's the leadership that the Chief has provided. And that's just what these officers do. It's remarkable to do a ride along and see how the training, the policies and practices and leadership are reflected back on the PD and the Chief.

He said that there is a value from what he experienced and he heard that from Pastor Rich, and that is in being able to show the community what the officers do. There are a lot of ways in which the Town can engage the public like the experiences they had and maybe there's a way of creating a citizen's academy.

Maybe there's a way of opening the doors a couple of nights over several months so people can register for the program. But the idea of seeing how these police officers act, how they perform, the explanations they give when they stop people, he thought people need to know more about that and they need to see it. He added that everyone can't be put in a patrol car. There aren't enough. However, if there's a way these experiences can be shared, not just in videos but maybe in a classroom and ask the officers to speak.

He added that this goes to #2 of PAC's mission statement—creating transparency, and he thinks that this fits into that mandate. He'd like to look into that more. In conclusion he said that he is grateful for the experience. He thanked the Chief and the officers in the PD for the opportunity to do this.

Ms. Hardiman responded that these were great suggestions which can help people understand more about what our officers do. To his point, she reported that she rode along with Officer Tressler. One of things she came away with is that if she hadn't known that he was on his own for only three months, she would have thought he was a seasoned officer. She added that she attributes a lot of that to the BBPD leadership.

They had two stops—The first was at the old Walgreens store. A J-1 student who was riding a scooter at 9-10 at night through the parking lot, reportedly at 25 mph, collided with a van and went flying into the windshield. Luckily, she wore a helmet.

She said that it brought up a question for her. In that incident, there were not only officers from Bethany Beach, but also South Bethany and other agencies. Since it was in State Police jurisdiction, she asked how dispatch works? Who has authority to show up?

Chief Foley explained that since Delaware is a small state, it has a unified dispatch that comes through the State Police (SUSCOM) which works out of Georgetown. If someone calls 911 it automatically pings to Georgetown and if they don't know the callers' location, the location of the caller's cell phone pings off a tower and it automatically dispatches to the closest municipality. They are all on the same channel as DSP. They all hear the same calls.

The second part of that is that the technology in the vehicles has an automated CAD: computer automated dispatch. It shows pending calls and officers' locations on a map on their screens. They can actually see the location while they're typing the complaint before it gets dispatched.

They can see and respond to it. For liability reasons, BBPD policy is to not respond to a call if they are not dispatched to it.

In that situation, they acknowledge that they are available and SUSCOM dispatch acknowledges that they can respond because they are close, especially when in DSP jurisdiction, because DSP may be in Selbyville or Millsboro. Therefore, they are usually on the scene first. The Walgreen's call was a perfect example. It was a very serious accident with head trauma. Bethany, South Bethany, maybe Ocean View responded before a State trooper arrived. That's the way it goes down here in a coastal town. So, to have mutual aid policies where all agencies may be called to respond to those calls ensures everyone's safety. It's used for officer safety as well as emergency situations like that.

Ms. Hardiman then asked: So, an agency just can't show up. They have to have permission to be there. Chief Foley responded affirmatively: you cannot just show up—it's a violation of policy. If it's an officer safety issue, you can say hey I'm available, I can respond if needed. If they say, no you're not needed, and an officer responds on the scene it's a violation of policy.

Ms. Hardiman said that Officer Tressler talked to witnesses at the scene, took names and contact info and gave them to the State Police officer when he arrived. He then reported to Sgt. Fulton what he had done. There was seamless interaction between them.

She said that the second call involved a juvenile accused of shoplifting at a store on the boardwalk. The juvenile was very distraught and claimed that she had forgotten that she had picked the item up as she walked through the store. There were three officers on the scene—Sgt. Fulton, Officer Tressler and Seasonal Officer Guimond. Officer Tressler took charge of the scene. He interviewed the store personnel, the young woman, called the parents of the girl as well as the parents of the girl she was staying with. Sgt. Fulton stayed at the police car overseeing the report that Officer Guimond was filling out. Officer Tressler would report to him at intervals regarding progress. Based on his findings, he recommended to Sgt. Fulton, and he concurred, that they proceed with this case under the Juvenile Offender Civil Citation Program.

They worked together so well that I thought one of the reasons that Officer Tressler seemed like a more experienced police officer is the way the OIC treat them. They don't tell them what to do. They let them do the investigative work and make a recommendation to the OIC.

Ms. Hardiman asked Chief Foley to explain the Juvenile Offender Civil Citation Program, how it works, the pros and cons and if in his opinion it works. Chief Foley said that he's not a big fan of it. He said there are two ways to make an arrest. One is a criminal summons. That is physically taking a juvenile into custody and back to the PD, finger printing them and turning them over to a parent or guardian. A study the PD did last year, which they turned over to the Chamber of Commerce—showed that white females in Bethany Beach, specifically between ages 11-15, from 4 p.m. to 7:30 p.m. constitute the primary group suspected of shoplifting. There were some 60 shoplifting incidents in Bethany Beach. That was in 2023, the last year that was recorded. It's typically the \$5.99 bracelet, but that \$5.99 bracelet is earned money for the business owner so they look at it as a black and white situation—if the store wants prosecution, this is how they do it.

In years past they would take all those criminal summons to court. The courts were getting bombarded, especially in June, July and August, because the other coastal towns like Rehoboth Beach were also submitting the summons along with alcohol related violations. Then they all have

to come back to court in 3 or 4 months. So, Delaware State Criminal Justice System came up with this Juvenile Offender Civil Citation. It is a documented arrest, but they do everything by phone. They have to check in by phone with a court liaison officer, write an apology letter to the victim, do some form of community service to justify the monetary value. The BBPD only does that for the first offense. If the juvenile commits another, they go back to the criminal summons.

Through the statewide chiefs' meetings, he's learned that Bethany Beach is the only municipality that does JCC's. Because they do it so often, it's easier to do it in the patrol car and keep the officer available and on the road for supervisory issues as well as emergencies. At the end of the day even considering the value of the item, the court does the same thing with it whether or not it is a physical arrest or a JCC.

Mrs. Hardiman then asked Ms. Ternahan if she had anything to add regarding shoplifting. Ms. Ternahan said that as a business owner she relies on 15-to-17-year-olds to run the business. She used to take shoplifting very personally. But now it has come to the point where she doesn't rely on the 15-to-17-year-old employees to watch shoplifters. She picks and chooses her battles. As a result, this year she didn't call the officers for any shoplifters, although she has had many. She added that she is grateful that most of the shoplifting happens over three months and not 12 months of the year.

She explained that she has to decide where to put her time and energy and said that sometimes it's just not worthwhile to pursue it. She said that she was surprised that the young woman who was caught stealing the bracelet was distraught. She added that while she used to see people upset that they were caught and offer to pay even three times the amount for it, she doesn't see that anymore. She said that there is a drastic difference in the reaction, adding that when they're caught most don't care. She thinks that it is because they know that nothing will happen to them. She said that's why it's hard as a business owner. When you see it happen you have to make a decision and it's hard to turn and look the other way but sometimes, she has learned, that she just has to.

She asked Chief Foley what his reaction is to her approach. Chief Foley responded that it's an example of risk/reward on her part as a business owner. He explained that they have some stores that don't pick up shoplifting until the end of the season when they do inventory and by then it's too late. Then they have other stores that call the PD regularly. If they just put an officer at the front door to watch what's going on inside, that may deter what happens inside but they don't have the personnel. He opined that as Erin described, society has kind of lost its way—there's zero accountability.

He said that he almost brought body cam footage of Sunday night of Labor Day weekend, adding that it was chaos on the beach and the language was absurd. To Erin's point, no one is scared anymore or intimidated by the criminal justice system. There doesn't think there is any accountability at home. Those days are gone. We see it in police work and Erin sees it as a business owner.

Regarding shoplifting, the Chief said that it is a risk/reward for most business owners and as he described, their approaches vary. It's hard to control it. They try to curb and deter it as much as they can, but they can't put a police officer in every store.

Mr. Rosenblatt asked Ms. Ternahan if there were other things that she or other business owners could do to put people on notice that they're being watched? Ms. Ternahan responded that they do. They have 24 cameras in the store. They have security sensors on 95% of the items in her store. She said that people come in with magnets, scissors and other tools to detach the sensors.

She said that this leads to questions about why she doesn't have more employees. The cost of employees vs. what you can potentially lose are nowhere close to even. So, she's better off doing what she can, using cameras and signs all over the store letting people know that they are being recorded—smile, you're on camera. She said that she has them everywhere. Little kids love it—they smile and dance so they know they're being watched. I have the teenagers who see it and say "O crap." But I also have the teenagers who see it and regard it as a challenge.

So, she said that she does what she can. She makes her presence known. Luckily in Bethany she gets a lot of permanent customers. They know that she's the owner, that she's in there 75% of the time. Even with that, there are people who regard shoplifting as a challenge. So, aside from the security guard at the front door, she thinks she's tried just about everything and she doesn't think it has deterred a lot. If this is what has been stolen with these precautions, imagine what would have been stolen without it. It's just a mind shift.

Chief Foley recounted that earlier he relayed the incident of the overzealousness of a store's security officer who illegally detained a juvenile without probable cause. So, security officers aren't necessarily the best thing to have.

Ms. Hardiman asked Ms. Ternahan if she does any special training for her employees about what to do or not to do when they see someone shoplifting? Ms. Ternahan responded: Special, no. She explained that she touches on the subject in their training. She lets them know that there are shoplifters, it happens so they will not be naïve to it. She also lets them know that if they see something, they should not approach them but should find and tell her. If they leave the store, it's okay. That's why they have the cameras. If it's someone she needs to look for, she will go back and watch the camera. It's just too much of a liability with her employees. Some, even though they are young, have more experience in the store. She has a college student who has worked for her for nine years. She's a little more attuned to what to watch for and how to handle the situation. But even with her, she does not let her approach anyone. If there's a chance her brother or she are not in the store she tells them to look at the clock. See what time it is so that the next day they can look at the cameras and take it from there. Ms. Hardiman observed: "So you have trained them." Ms. Ternahan responded: "yes."

Pastor Rich explained to Chief Foley that he's gone to 5 or 6 concerts downtown and he asked if he could do a walk-along to see how the PD prepares for a concert? The Chief responded in the affirmative and said that the PD does this for every event that is going to have people attending, including concerts, 5Ks and other events.

Since there was no further business, Mrs. Hardiman thanked everyone. She said the next meeting would be Tuesday, December 2 at 10 am. Mr. Rosenblatt made a motion to adjourn; Pastor Rich seconded it and it was unanimously approved.

Respectfully submitted,

Rosemary Hardiman, Chair