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## **IDENTITY AND INTEREST OF AMICUS CURIAE**

The Delaware State Troopers Association (“DSTA”) is the recognized bargaining unit for all 748 Delaware State Troopers holding the rank of Trooper to Major whose purpose and objective is to improve the terms and conditions of employment of its members and to provide for their protection and general welfare through democratic means.

This Brief is intended to respond to the argument set forth in the January 23, 2026 Brief of the Amicus Curiae particularly as to “The Wandering Officer” argument set forth on page 14 creating a need for identification of places of previous employment and any incidents of prior officer misconduct and is brought on behalf of the Delaware State Troopers Association (“DSTA”).

## **RULE 28(c)(4) DISCLOSURE**

No party's counsel has authored this brief in whole or in substantial part.

Further, no party's counsel has contributed money that was intended either to fund the preparation or submission of this brief. No person other than the amicus curiae, its members, or its counsel has contributed money that was intended to fund the preparation or submission of this brief.

## ARGUMENT

I. Statutory Provisions are already not only in place but working effectively to identify to the public 5 distinct categories of incidents involving law enforcement officer and the findings / result in connection therewith.

The Delaware State Troopers Association respectfully submits that the State of Delaware is already one of if not the most transparent State as to identifying Incident Details of an officer involved in: (1) Discharge of firearm at a person; (2) Use of force that results in serious physical injury; (3) Sustained finding that an officer engaged in sexual assault or sexual harassment; (4) Sustained finding that an officer engaged in dishonest conduct; or (5) Sustained finding of domestic violence by an officer.

Effective August 7, 2023, Title 11, Section 9210. Authorized Disclosures of the Delaware Code has provided:

(a)(1) Beginning on August 7, 2023, an investigating agency shall prepare, within 30 days following the completion of a formal investigation and the conclusion of any hearing required by this chapter, a detailed narrative of the investigation, not including any compelled statements of an officer, and forward the detailed narrative to the Criminal Justice Council (CJC), with regard to any of the following:

- a. Incidents where a law-enforcement officer has discharged a firearm at a person. (Empasis Added)

b. A law-enforcement officer's use of force that results in serious physical injury.

(Emphasis Added)

c. An investigation that results in a sustained finding that a law-enforcement officer engaged in a sexual assault or sexual harassment. For purposes of this paragraph, “sexual assault” means the commission or attempted initiation of a sexual act by means of force, threat, coercion, extortion, or offer or implication of leniency or official favor, under the color of authority. Propositioning sex or commission of a sexual act while an officer is on duty is deemed a “sexual assault.” (Emphasis Added)

d. An investigation that results in a sustained finding that a law-enforcement officer engaged in dishonest conduct. This includes, but is not limited to sustained findings of perjury, false statements, filing false reports, witness tampering, and destruction, falsification, or concealment of evidence. (Emphasis Added).

e. A sustained finding of domestic violence by a law-enforcement officer.  
(Emphasis Added)

(2) The detailed narratives required by this subsection may not reveal the name or any personal identifying information of a victim or witness. In a domestic violence case where revealing the name of the officer would also allow identification of the victim, the officer's name may be redacted.

**(3) The Criminal Justice Council shall post the narratives they receive under this paragraph on their website within 30 calendar days of receipt. (Emphasis Added)**

**(b) Departments shall provide information to a complainant or victim of officer misconduct regarding the resolution of that complaint, including the investigative findings, conclusions, and any recommendation for further action.**

**(c)(1) Notwithstanding anything in this chapter to the contrary, the Department of Justice must disclose in a criminal or delinquency matter, at the request of a defendant, all existing records, including those contained in a personnel or disciplinary file, relating to sustained findings of misconduct relating to perjury, witness tampering, intentional false statements or false reports, or destruction, falsification, or concealment of evidence by an officer who participated in the investigation or prosecution.**

**(2) The Department of Justice is responsible for gathering records from law enforcement agencies that are responsive to a request under paragraph (c)(1) of this section and shall facilitate the transfer of records, pursuant to a confidentiality order entered by the court that restricts use or dissemination of such information beyond proceedings in that case and requires secure handling of the records.**

**(3) The Department of Justice shall diligently advise all agencies involved in criminal and juvenile justice matters of the agencies' continuing duty to identify,**

preserve, and disclose to the prosecutor, information required to be disclosed under this subsection.

(4) Prior to the transfer of records under this subsection, the Department of Justice shall redact all of the following:

a. The home address, home telephone number, work or school address, work telephone number, e-mail address, and Social Security number of a law-enforcement officer or officer's family member, a complainant or complainant's family member, or a witness or witness' family member. (Emphasis Added)

b. The medical history and detailed medical information of a law-enforcement officer or a complainant. This paragraph (c)(4)b may not be construed to permit redactions to any descriptions of injuries or conditions that are the subject of the complaint or caused by or resulting from a law-enforcement officer's alleged conduct.

(d) A law-enforcement agency must disclose to the Department of Justice unsubstantiated allegations of misconduct in which the following 3 criteria are satisfied:

(1) A formal investigation is ongoing.

(2) The allegations relate to perjury, witness tampering, intentional false statements or false reports, or destruction, falsification, or concealment of evidence by an

officer who participated in the investigation or prosecution of a pending criminal matter.

(3) The misconduct at issue is alleged to have occurred in the course of the officer's participation in the investigation or prosecution of that same pending criminal matter.

(e) In addition to any existing obligation under federal or Delaware state law, the Department of Justice has the following disclosure obligations to the defense in a criminal or delinquency matter:

(1) The Department shall immediately disclose an unsubstantiated allegation of misconduct meeting the criteria in subsection (d) of this section where the evidence or information is exculpatory.

(2) The Department shall disclose an unsubstantiated allegation of misconduct meeting the criteria in subsection (d) of this section where the evidence or information is admissible for impeachment of a witness.

(3) The Department shall submit to the Court for in camera review all unsubstantiated allegations of misconduct meeting the criteria in subsection (d) of this section that are not otherwise disclosed to the defendant. Upon review, the Court shall order disclosure of an unsubstantiated allegation of misconduct if it is determined to be exculpatory or admissible for impeachment of witness. Where the Court orders disclosure, the disclosure shall be made under a protective order.

(f) If an allegation disclosed under subsections (d) and (e) of this section is determined at the conclusion of the formal investigation to be unsubstantiated, information relating to that allegation may not be used in any criminal or delinquency proceeding.

(g) A law-enforcement agency must require every new hire to sign an agreement allowing that officer's personnel file, and any disciplinary or investigative records relating to misconduct to be shared with any future law-enforcement agency, in this State or another jurisdiction, that hires or has made a conditional offer of hire to that officer. The sharing of these records with another law-enforcement agency that hires or makes a conditional offer of hire to an officer is not a violation of this chapter. (Emphasis Added).

From incidents commencing after October 19, 2023 received by the Delaware Criminal Justice Council from February 15, 2024 through January 14, 2026 (<https://cjc.delaware.gov/required-law-enforcement-disclosures/>) eleven Delaware law enforcement agencies submitted the following 16 reports involving officers:

- **Delaware Division of Alcohol and Tobacco Enforcement incident, received 2-15-2024 (AC1-AC3)**
- **Delaware River and Bay Authority Police Department incident, received 6-3-2024 (AC4-AC6)**
- **Dover Police Department incident, received 8-19-2024 (AC7-AC9)**

- **Bethany Beach Police Department incident, received 9-11-2024 (AC10-C11)**
- **New Castle County Police incident, received 10-8-2024 (AC12-AC14)**
- **New Castle County Police incident, received 10-8-2024 (AC15-AC17)**
- **Task Force: Delaware State Police & Probation and Parole incident, received 12-28-2024 (AC18-AC20)**
- **Delaware State Police incident, received 1-4-2025 (AC21-AC24)**
- **Delaware State Police incident, received 1-23-2025 (AC25-AC28)**
- **Delaware State Police incident, received 2-18-2025 (AC29-AC31)**
- **Wilmington Police Department incident, received 2-20-2025 (AC-32-AC35)**
- **Delaware Natural Resources Police Department incident, received 2-24-2025 (AC36-AC38)**
- **University of Delaware Police Department incident, received 5-19-2025 (AC39-AC41)**
- **Delaware State Police, received 11-25-2025 (AC42-AC44)**
- **Millsboro Police incident, received 12-29-2025 (AC45-AC47)**
- **Newark Police, received 1-14-2026 (AC48-AC50)**

It appears to the DSTA that seven of the sixteen resulted in a finding that the named officer had engaged in dishonest conduct resulting in two officers being terminated, four officers resigning or retiring and one officer being demoted.

In summary, statutory provisions not only in place but working effectively

to identify to the public 5 distinct categories of incidents involving law enforcement officers and the findings / results in connection therewith.

## CONCLUSION

The Delaware State Troopers Association respectfully requests that this Court affirm the December 23, 2024 Merits Opinion of the Superior Court.

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