

STATE OF DELAWARE



290

EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER FORTY-THREE

TO: Heads of All State Departments and Agencies  
RE: Delaware Agency to Reduce Crime

WHEREAS, by his Executive Order Number 37, of August 20, 1968, Governor Charles L. Terry created the Delaware Law Enforcement Planning Agency; and

WHEREAS, by his Executive Order Number 6, of May 22, 1969, Governor Russell W. Peterson expanded the functions, responsibilities, and membership of said agency and changed its name to The Delaware Agency to Reduce Crime; and

WHEREAS, by his Executive Order Number 25, of April 27, 1970, his Executive Order Number 49 of December 30, 1970, his Executive Order Number 55 of July 29, 1971, and his Executive Order Number 59 of March 8, 1972, Governor Russell W. Peterson did further modify responsibilities, ex-officio membership, public membership, and the method of appointment of public members of the Delaware Agency to Reduce Crime; and

WHEREAS, by his Executive Order Number 66, of December 28, 1972, Governor Russell W. Peterson established rules, regulations, and administrative procedures to be followed by DARC and local jurisdictions in the administration of funds budgeted for state aid to local law enforcement; and

WHEREAS, by his Executive Order Number 4, of February 12, 1973, Governor Sherman W. Tribbitt reaffirmed the role to be played by The Delaware Agency to Reduce Crime in the planning and coordinating of an effective crime prevention program in this State and in effective management and direction of the human and material resources available towards the goal of crime prevention; and

WHEREAS, it is desirable to further clarify the responsibilities, functions, and membership of the Delaware Agency to Reduce Crime as set forth in the numerous Executive Orders referred to herein by setting forth the future responsibilities, functions, and membership of the Agency in an Executive Order at this time.

NOW, THEREFORE, I, SHERMAN W. TRIBBITT, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

1. The name of the agency "Delaware Agency to Reduce Crime" shall continue to be the name of the Agency.

2. The Agency shall be composed of the following members who shall serve ex officio:

- (1) Attorney General
- (2) Chief Justice of the Delaware Supreme Court. The Chief Justice may designate
  - (a) An Associate Judge of the Superior Court as his representative on the Agency's Planning Advisory Committee
  - (b) An Associate Judge of the Superior Court as his representative on the Agency's Grants Advisory Committee
  - (c) An Associate Judge of the Superior Court as his representative on the Supervisory Board.
- (3) Administrative Director of State Courts
- (4) Secretary, Department of Public Safety
- (5) Public Defender
- (6) Superintendent of State Police
- (7) Public Safety Commissioner for the City of Wilmington
- (8) Director, New Castle County Police Department
- (9) President, Delaware League of Local Governments
- (10) Mayor of the City of Wilmington
- (11) New Castle County Executive
- (12) Mayor of the City of Newark
- (13) Representative, Kent County Levy Court
- (14) Representative, Sussex County Council
- (15) Director, Division of Juvenile Corrections
- (16) Director, Division of Adult Corrections
- (17) Deputy Administrator for the Justices of the Peace
- (18) Chairman of the Parole Board
- (19) State Planner
- (20) President, Fraternal Order of Police, State Lodge
- (21) U. S. Attorney

- (22) City Solicitor for the City of Wilmington
- (23) Chief Judge of the Family Court. The Chief Judge may designate
  - (a) A Judge of the Family Court as his representative on the Agency's Planning Advisory Committee
  - (b) A Judge of the Family Court as his representative on the Agency's Grants' Advisory Committee
  - (c) A Judge of the Family Court as his representative on the Supervisory Board.
- (24) Mayor of the City of Rehoboth Beach

In the event of a vacancy in any of the aforesaid offices, the acting officer, duly appointed and qualified as such, shall serve as a member of the agency until such time as the permanent office holder is qualified to serve.

3. In addition to the ex officio members of the Delaware Agency to Reduce Crime provided for in this Order, the Governor may appoint to serve at his pleasure such additional representatives of the public at large and such ex officio members as he sees fit without issuing additional Executive Orders. A letter of appointment signed by the Governor shall constitute sufficient authority for any appointee to serve on the Delaware Agency to Reduce Crime with full voting rights. All of those persons serving as representatives of the public at large as of the date of this Order shall continue to serve until such time as a list of Public Members appointed to the Agency is issued by the Governor at which time their appointments shall terminate unless they are reappointed.

4. All members shall have full voting rights on all questions brought before the Agency with the exception of the United States Attorney who shall abstain from voting on questions involving the final disposition of federal funds. The proxy vote of an absent ex officio member shall be counted if the substitute casting the vote is an associate or employee of the absent member. A substitute shall not cast more than one proxy vote.

5. Leadership in crime prevention is the personal responsibility of the Governor and the Governor shall serve as Chairman of the Delaware Agency to Reduce Crime.

6. The Governor may appoint to serve at his pleasure a Vice-Chairman of the Delaware Agency to Reduce Crime.

7. The designation of this Agency as the "State Planning Agency" within the meaning of the Omnibus Safe Streets and Crime Control Act of 1968 is reaffirmed and adopted and the Agency shall also carry out such state planning functions as may be required under the provisions of the Juvenile Delinquency Prevention and Control Act of 1968.

8. At the direction of the Governor, and in addition to any duties and responsibilities invested in the Agency heretofore, the Agency shall perform such other duties with respect to, and shall administrate, coordinate and implement, any federal or state program in the area of law enforcement planning and crime prevention as the Governor shall assign to it. Such powers and duties to act at the direction of the Governor in the area of law enforcement planning and crime prevention shall include authority to receive and administer federal and/or state funds, including

both monies for direct grants and monies provided for matching purposes.

The Agency shall be responsible for assisting the Governor in stimulating and coordinating the many functions of federal, state, local and private agencies and groups toward a goal of the maximum possible reduction of violent crimes in Delaware in line with the recommendations formulated by a Commission on Criminal Justice System Standards and Goals to be created by the Governor. The Agency shall also establish the means of measuring the rate of the violent crimes and report it semi-monthly to the Governor. Such coordination shall involve a two-pronged attack on crime: (1) improving the effectiveness of our police, courts and correctional agencies in dealing with offenders and (2) reducing the basic causes of crime and delinquency. In connection with this coordination, the Agency is empowered and directed to retain such professional help as is necessary for the attainment of these goals. The Agency shall endeavor to make provision for the application of systems analysis to reduce crime in this State.

9. At the direction of the Governor, all the State funds provided to the Agency for the purpose of aiding local law enforcement agencies shall be administered and distributed according to the following guidelines and directions:

(a) At the direction of the Governor, the agency is authorized to make grants of such funds to political subdivisions of this State, and law enforcement agencies thereof, which make application for the same, after it shall be satisfied that such grant and the local matching funds hereinafter described shall be used for any one of the following purposes, which shall be additional to the law enforcement program or functions of the local entity at the time of such grant:

(i) Public protection, including the development, evaluation, implementation and purchase of methods, devices, facilities and equipment designed to improve or strengthen law enforcement and reduce crime in public and private places.

(ii) The recruiting and hiring of law enforcement personnel and the training of personnel in law enforcement.

(iii) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding and cooperation with law enforcement agencies.

(iv) Purchase, lease, renovation or construction of buildings or other physical facilities designed to facilitate, improve and strengthen law enforcement, including, but not limited to, police stations, substations or precinct police facilities, located in decentralized areas of a political subdivision where particular need exists, crime prevention, limitation of potential civil disorders and the enhancement of police-community relations.

(v) The organization, education and training of regular law enforcement officers, special law enforcement units and law enforcement reserve units for the prevention, detection and control of riots and other civil disorders, including acquisition of riot control equipment.

(vi) The augmentation or supplementation of salaries and other compensation of law enforcement personnel.

(b) Grants of state funds hereunder may also be made for the planning and preliminary staffing and administrative expenses associated with projects and programs in the categories set forth in subsection (a) of this Section. Such funds may be used by the local entities as part of the local matching share required by Federal Act if the federal-local project or program is within the categories set forth in subsection (a) of this Section.

(c) All applications made by political subdivision shall be made on behalf of and signed by Chief Executive Officer of such subdivision. The Agency by rule and regulation shall prescribe the form and manner of applications and the method of accounting to the Agency for funds received hereunder and the results of all projects and programs.

(d) All grants made by the Agency shall be upon the condition that the political subdivision involved shall provide additional locally-raised funds for accomplishing the purposes of the grant amount to at least one-half of the grant made by the Agency.

(e) All grants shall be made with a view to the comprehensive plan developed by the Agency pursuant to the Omnibus Safe Streets and Crime Control Act of 1968 and to the extent deemed advisable by the Agency, with the approval of the Governor, such grants shall be in accordance with the priorities established by such plan.

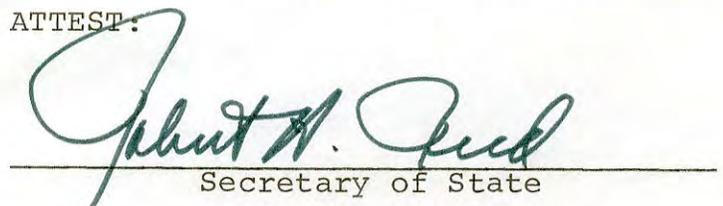
10. The rules, regulations and administrative procedures to be followed by the DARC in local jurisdictions in the administration of funds budgeted for state aid to local law enforcement set forth in Executive Order Number 66 issued by Governor Russell W. Peterson under date of December 28, 1972 are hereby adopted and affirmed and shall remain in effect until further order.

11. All previous Executive Orders relating to the Delaware Agency to Reduce Crime or its predecessor organizations are continued in full force except insofar as they conflict with this Executive Order, in which case they are superseded.

APPROVED this 10th day of April, 1974.

  
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Governor

ATTEST:

  
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Secretary of State

