

Ameshia Bucknor, POST Administrator

Raymond Seigfried, Senator

The Council on Police Training (“COPT” n/k/a the Police Officer Standards and Training Commission or “POST”) received a Notification of Employment Status Change (the “Notice”), dated February 25, 2020, from Chief Whitney of the Camden Police Department in Delaware (“CPD”) notifying COPT that Michael Petyo (“Petyo”) was separated from employment CPD. The Notice provided further that Petyo may be subject to COPT action, that he was convicted of a disqualifying crime, and that he resigned or retired prior to entry of findings of fact for an internal violation for which he could have been terminated. The crime to which the notice alluded pertained to Petyo’s involvement in the hiring of Thomas Webster (“Webster”) by the Greensboro Maryland Police Department (“GPD”). As was widely publicized years ago, Webster was a Dover police officer who was indicted on an assault charge for kicking a suspect but who was later found not guilty of assault. Although the details of the incident were not explored before this Board, Webster, while working for GPD years later, was involved in a force incident resulting in litigation against Greensboro.

Following receipt of the above notice, COPT learned that Petyo was seeking to withdraw his Maryland guilty plea. Discussions culminated in a Consent Agreement whereby Petyo agreed to a temporary suspension while he pursued further actions in his Maryland criminal case. The recitals in that Consent Agreement provided: (1) Petyo was a former Chief of Police for a Maryland police department; (2) while Chief, Petyo was charged with, and later pled guilty to, misconduct in office; (3) Petyo was also a part-time officer for CPD; (4) Petyo resigned from CPD after being charged by that department with breach of internal discipline; (5) in connection with his

resignation, Petyo waived his right under 11 *Del. C.* Chapter 92 to a hearing (“LEOBOR Hearing”) and that, as a result, he could be subject to decertification in Delaware; and (6) Petyo was currently seeking to withdraw his guilty plea in Maryland.

The Consent Agreement provided that Petyo’s Delaware certification would be temporarily suspended pending the outcome of the criminal case in Maryland. It provided that Petyo was to update COPT regarding his efforts in the criminal case, including notifying COPT of any disposition of a request to withdraw his guilty plea.

Years later and having received no written update from Petyo on the status of his conviction and upon a routine file review, POST staff examined Petyo’s file, noted the Consent Decree, and therefore scheduled this Board hearing to determine Petyo’s status and whether Petyo’s Delaware certification should be suspended further or revoked. The Notice cited 11 *Del. C.* 8404(a)(c)(4) (authorizing discipline for convictions of felonies and crimes pertaining to the public trust) as a basis for possible further discipline in Delaware.

The hearing was scheduled, and this Board met on November 19, 2025, to consider the evidence and address the above issues.

SUMMARY OF EVIDENCE

Petyo appeared *pro se* and testified on his behalf. Petyo also called Chief Whitney and Deputy Chief Kane from the CPD as witnesses on his own behalf. POST staff testified¹ and

¹ Customary in these proceedings, the police department from which the officer was separated typically presents the case before POST as to whether an officer should have their certification suspended or revoked. This case presented unusual circumstances, including: (1) the officer had not been employed by the last employing Delaware department for a significant period of time (indeed, Petyo had not been employed by CPD for nearly five years); and (2) the last-employing Delaware department appeared before the Board and actively advocated for the retention of the officer’s certification. Given these circumstances, the Board was grateful to have POST Inspector Charles Emory fill the role typically filled by the department and present a case for possible

submitted six exhibits that were admitted without objection. Petyo also submitted eight exhibits, numbered D5-D12.

FINDINGS OF FACT

Chief Whitney testified first. He explained that Petyo was hired as a lieutenant by CPD in January 2019. Chief Whitney was aware that, at that time, Petyo was under investigation by Maryland for issues pertaining to the hiring of Webster. When he was criminally charged in Maryland, CPD retained Petyo, but suspended him with pay. He was charged with “conformance to law,” and Chief Whitney testified that, if he was substantiated on this charge, there was a range of possible penalties. Chief Whitney said that he would not have terminated Petyo without a conviction that would have prevented him from possessing a firearm. Petyo resigned and waived his LEOBOR Hearing.

Petyo testified on several matters. He acknowledged that he signed the Consent Agreement and that he was supposed to keep COPT updated on the outcome of the Maryland case. He conceded that he did not update COPT in writing, but he asserted that he kept a prior COPT director up to date on the status of his Maryland case.

Petyo also explained his background. He began his law enforcement career in New Jersey. He then graduated from the Delaware State Police Academy in 2008. He worked for the Wyoming Police Department in Delaware for a number of years. He was later offered the position of Chief of Police in the GPD in Maryland. He later wanted to come back to Delaware, and so he obtained a position with CPD after 2017. While working for CPD, Maryland commenced an investigation of Petyo for Misconduct in Office, specifically for “non-feasance,” one of the subsections under

discipline by POST so that the Board could have a complete understanding of the circumstances of the case and whether discipline was warranted.

the criminal charge for Misconduct in Office. Petyo said that he was told that what that meant was that he did not do anything affirmative, but rather it was, more or less, for a “failure to act.” The charge pertained to the background investigation of Webster when Webster was hired by GPD. Petyo pled guilty and received three years unsupervised probation.

Petyo provided additional detail regarding why he believed he was criminally charged with respect to the background investigation of Webster and his involvement in that process. He acknowledged the publicity surrounding Webster’s charge in Dover, but he thought he would nevertheless give Webster a fair shake. Despite the wide-spread publicity of the Webster matter in Dover, nothing came out of Webster’s actual background investigation. According to Petyo, Webster went through the required steps for a background investigation of any Maryland officer, including a psychological examination, the polygraph test and a drug screen. He ensured that other background steps were taken. He reviewed the file that Dover had on Webster. He did not find anything concerning or significant in his file with the Dover Police Department.

After Webster was certified in Maryland and was working for about a year, there was a use of force incident in Maryland involving Webster that caused Maryland to scrutinize Greensboro PD’s hiring of Webster. Petyo claimed that his criminal charge pertaining to his retention of Webster was politically motivated. Petyo adamantly denied hiding anything from the Maryland authorities when Webster was certified. He claimed that media was “mad” because Webster had 34 use of force reports in Dover, but Petyo explained that the reports were required by policy and that they were not use of force *complaints* or substantiated findings of excessive force.

Another issue that arose during the hearing was whether Petyo was decertified in Maryland. In August 2023, POST’s enabling statute was amended to, among other things, add decertification in another state as a basis for decertification in Delaware. *See* HB 206, as amended by House

Amendment No. 3 (84 Del. Laws Chapter 149, 152nd General Assembly). A National Decertification Index record submitted by POST staff suggests that Petyo was *denied* certification (not that his certification was revoked). Petyo testified that he did not think he was ever certified in Maryland, that a board member in a certification meeting or hearing said that he did not need to be certified in Maryland to serve as a chief of police.

Finally, Chief Whitney testified that he did not support any further action against Petyo's certification and that, notwithstanding the form he submitted to COPT in 2020, he *did not* believe that Petyo's misdemeanor charge in Maryland implicated moral turpitude (in the statute prior to August 7, 2023) or the public trust.

CONCLUSIONS OF LAW

POST's jurisdiction to consider possible suspension or revocation of police officer certification is defined by 11 *Del. C.* § 8404(a)(4). Pertinent here is Section 8404(a)(4)(c), which is the subsection set forth in the Notice provided to Petyo that commenced this proceeding. POST Ex. 2. That subsection says that an officer may be subject to POST action for felony convictions or misdemeanors implicating the public trust. The Board concludes that there was not substantial evidence that Petyo's misdemeanor conviction, for nonfeasance, as the unrebutted testimony established, supports further action on Petyo's Delaware certification. There was no evidence that Petyo was dishonest in connection with Webster's hiring. The unrebutted testimony was that, due to another incident in Maryland that garnered public attention, there was political pressure to press charges relating to Webster's background investigation. Petyo testified, without contradiction, that the criticism in the Maryland press stemmed from the fact that Webster authored 34 use of force reports while a Dover officer. The Board is aware that a report must document when force is used, and the fact that force is used does not equate to the force being inappropriate. And whether

the issuance of 34 uses of force reports suggests anything concerning is highly contextual; the evidence submitted to the Board did not raise such a concern. As Petyo testified, it was not the case that there were 34 (or any for that matter) use of force *complaints* against Webster that Petyo ignored when he sponsored Webster's retention. One step further, there was no evidence that Petyo ignored *substantiated* findings of excessive force while Webster was a Dover officer. At bottom, there was not substantial evidence that Webster's misdemeanor conviction implicated the public trust, the necessary predicate for a suspension or decertification.

Moreover, to the extent Petyo could be subject to decertification under § 8404(a)(4)(e) (allowing for discipline where an officer resigns in the face of charges for which an officer could have been terminated), the Board notes that POST reserves suspensions and decertifications for cases where an officer's misconduct implicates honesty and integrity or where an officer's conduct places the public or fellow officers at risk of harm. Here, the record did not contain substantial evidence supporting the conclusion that Petyo engaged in dishonest conduct or that his conduct placed others in harm's way. The un rebutted testimony addressing the details of why Petyo was charged in Maryland was that he failed to disclose the fact that Webster *had authored* 34 use of force reports. Again, the Board notes that authoring force reports is not indicative of the use of excessive or inappropriate force. At bottom, the evidence adduced at the hearing did not allow for a finding of conduct falling within the purview of § 8404(a)(4)(e).

Finally, regarding the issue of possible decertification in Maryland supporting a basis for Delaware decertification, the Notice did not include this as a basis for possible Delaware decertification. Moreover, while POST *may* decertify officers when they are decertified in other states, there was conflicting evidence before this Board as to whether Petyo was actually decertified in Maryland. The NDI record and Petyo's testimony indeed support a conclusion that

he was *denied* (initial) certification. This does not fit cleanly into § 8404(a)(4)(f), which requires suspension or decertification where an officer “has been decertified in another jurisdiction.” Furthermore, Section 80404(a)(4)(f) was added to Chapter 84 in 2023, years after Petyo’s certification issue in Maryland raising possible legal concerns about whether the statute could be applied to Petyo retroactively. Finally, the Board observes that Petyo has been inactive in Delaware, due to his voluntary suspension, for nearly five years. Petyo would have to attend a full Delaware police academy prior to being returned to active status as a Delaware officer. Thus, deciding whether further discipline above and beyond the already imposed, albeit consensual, five year suspension is somewhat of an academic exercise given that Petyo cannot be a police officer in Delaware without attending a full academy and going through the process of being re-activating his Delaware certification.

In making its recommendation, the Board also notes that the last employing agency actively supported the officer in this case. Although not determinative, CPD’s support for Petyo is informative in this Board’s evaluation of all the evidence presented in this matter.

RECOMMENDATION

Considering all the evidence submitted and the circumstances surrounding Petyo's separation from employment and his criminal matter in Maryland, the Board unanimously recommends to the full POST that Michael Petyo not be decertified as a Delaware police officer and that POST terminate the Consent Agreement.²

/s/ Robin Christiansen

Mayor Robin Christiansen
Presiding Member

/s/ Benjamin Feldmann

Benjamin Feldmann, New Castle County Police
Department, Major,
Member

/s/ Rosalie Morales

Education Advisor Rosalie Morales
Member

Date: December 17, 2025

² Terminating the Consent Agreement will end Petyo's voluntary suspension of his Delaware certification. However, since Petyo will have been inactive in Delaware for at least five years, Petyo will have to undergo a full Delaware academy prior to being reactivated as a Delaware officer. *See 1 Del.Admin.C. § 804:8.2.4.*