

IN THE MATTER OF:)
RYAN DELLERBA)
)

Sean Moriarty, POST Executive Director

Ameshia Bucknor, POST Administrator

Charles Emory, POST Investigator

POST received a Notification of Employment Status Change form from the Dover Police Department (“DPD”), dated July 17, 2024, indicating that former officer Ryan Dellerba (“Dellerba”) resigned from DPD and that by his conduct may be subject to suspension or decertification by POST. This matter was then scheduled for a hearing before this Hearing Board on April 14, 2025.

SUMMARY OF EVIDENCE

Dellerba did not personally appear at the hearing. DPD submitted a binder of exhibits, marked “A” through “N” with no objection. The Hearing Board also heard testimony from Captain Kevin A. Streadwick,¹ Sgt. Nathaniel Warren, and M/Cpl. James Johnson.

FINDINGS OF FACT

During his night shift of June 26-27, 2024, Dellerba, while on duty and driving his patrol vehicle, sideswiped an unoccupied parked vehicle, later determined to be a 2005 Pontiac Vibe. Video footage showed Dellerba later inspecting the damage. He did not stop, nor did he report the accident, and later he denied being in an accident or knowing how his vehicle sustained damage. On top of that, Dellerba also appeared to make attempts to cover up the incident. He added a statement to the DPD “digital role call” asking that he be contacted if DPD received reports of damage the Pontiac Vibe that he hit. There was other concerning behavior, all of which is detailed further in a decision of the Criminal Justice Council (the “CJC”), dated December 6, 2024. DPD

¹ At all times relevant hereto, Captain Streadwick held the rank of Lieutenant and, accordingly, that rank will be used in this decision.

Ex. G. In that decision, the CJC substantiated no less than ten (10) charges, including at least one for dishonesty (a terminable offense under DPD rules and procedures).

Dellerba did not appear before this Board. And the Board took efforts to afford him an opportunity to appear virtually. Dellerba, however, was represented by counsel at the hearing. Counsel made it abundantly clear that the underlying facts surrounding Dellerba's termination—i.e., his hitting a parked vehicle and lying about it—were not contested. Dellerba's sole position taken before this Board was a technical one: POST could not act on Dellerba's certification because he resigned from DPD before having any knowledge that there would be an internal affairs ("IA") investigation.

Dellerba's argument is grounded in POST's statute. Section 8404(a)(4)(e), of Title 11, provides that POST shall suspend or revoke certification where an officer has: (1) received an administrative hearing under Chapter 92 of Title 11 (an "IA Hearing") or has knowingly and voluntarily waived that individual's right to such a hearing; and (2) has either (a) been terminated for a breach of internal discipline or (b) resigned prior to the entry of factual findings concerning an alleged breach of internal discipline for which the individual could have been terminated. The Delaware Supreme Court, in *Council on Police Training v. State*, 94 A.3d 728 (2014) ("*McGee*"), addressed the circumstances under which a waiver of an officer's IA Hearing will be considered "knowing and voluntarily." In *McGee*, the officer was first investigated criminally. When that investigation concluded, and before an IA investigation could begin, the officer resigned. The state argued that, under those circumstances, the officer, who knew or should have known that an IA investigation would naturally be forthcoming, at least *implicitly* waived his right to an IA Hearing by resigning. The Court rejected this argument, holding that, while the officer "retired under a cloud," he did so "without any interaction with the State Police that gave him notice that

he would be waiving an Officer's Hearing by retiring and that the Council could then proceed to decertify him without giving him such a hearing." *Id.* at 732. Dellerba's reliance on this case—though not expressly cited during the hearing before this Board—is misplaced for two reasons.

First, unlike in *McGee*, here, as now required by statute, DPD continued to complete its IA investigation following Dellerba's resignation.² Counsel did not address this point, raised by DPD during the hearing, and this Board finds that a hearing may be offered post resignation. DPD made argument and provided evidence of this hearing being offered to Dellerba. Dellerba, as with this Board, chose not to attend, but to instead appear by counsel. For this reason alone, the Board believes that it is not prevented from taking action under § 8404(a)(4)(e).

Second, there was also some evidence presented supporting a finding that Dellerba knew an IA was coming and retired anyway. Therefore, though close, the facts here are distinguishable from those present in *McGee*. For instance, the misconduct occurred during the nightshift of June 27-28, 2024, as stated above. On June 28th, Lt. Streadwick told Dellerba he was being placed on emergency suspension. Sgt. Warren was present who then walked Dellerba out of the office. He was also told at one point that he would be on "paid administrative leave" and that his point of contact would be the Captain of Professional Standards if he had any questions. An undated letter³

² Perhaps to prevent situations demonstrated by this case, Chapter 84 of Title 11 was amended, on August 7, 2023, to mandate that police departments complete investigations "regardless of the employment status of the law-enforcement officer under investigation." 11 *Del. C.* § 9200(13). Thus, a department must conclude an investigation even if an officer resigns or retires. That requirement would then likewise facilitate a department offering, as DPD did here, an IA hearing under § 9203, despite the fact that the officer had resigned.

³ Lt. Streadwick testified that he sent the letter on July 24, 2024. He sent it to the address DPD had on file.

indicates that Dellerba was informed, on this date, that Dellerba was placed on administrative suspension and was “advised that an IA investigation was being opened at that time.” *See* Ex. D.⁴

Sgt. Warren also provided compelling testimony on this issue. He stated that, following the June 28th meeting with Lt. Streadwick, Dellerba pulled Warren aside and asked him if he could ask Sgt. Warrant a question. Sgt. Warrant testified that he told Dellerba that “[t]his is going to be an IA, and I’d rather not get involved.”⁵

CONCLUSIONS OF LAW

Again, 11 *Del. C.* § 8404(a)(4)(e) provides that POST shall suspend or revoke certification where an officer has: (1) received an administrative hearing under Chapter 92 of Title 11 or has knowingly and voluntarily waived that individual's right to such a hearing; and (2) has either (a) been terminated for a breach of internal discipline or (b) resigned prior to the entry of factual findings concerning an alleged breach of internal discipline for which the individual could have been terminated. POST has jurisdiction over this certification matter for two reasons. First, Dellerba was offered an IA Hearing as required by Chapter 92 of Title 11. Second, to the extent subsection (1) requires a hearing or waiver *prior to* a resignation, a legal position not supported by the plain language of the statute, the record here supports a finding that Dellerba knowingly and voluntarily waived his right to an IA Hearing under the circumstances indicated above. Dellerba,

⁴ The letter requests that Dellerba appear for an interview. He never did. He was also provided with notice of a CJC hearing. But he chose not to attend. This Board also notes that formal, written notice of an IA investigation is not required until an officer is being questioned by IA. *See* 11 *Del. C.* § 9200(c)(3)-(4).

⁵ On cross examination, Sgt. Warren acknowledged that he was not an IA officer and was not told there would be an IA investigation; he just assumed it. Dellerba also called M/Cpl. Johnson in his case and was asked about his involvement with the meeting on June 27, 2024. M/Cpl. Johnson testified that Dellerba was being sent home that night, that he escorted him to his patrol vehicle to retrieve personal items. When asked if he heard anything that day regarding Dellerba being suspended “for an IA investigation,” Johnson responded, equivocally, not “verbatim.”

after lying earlier that day, was placed on emergency suspension. He was told to report to the head of IA as his point of contact. And his Sergeant told him following the meeting that this is “going to be an IA.” POST is not prevented from suspending or decertifying Dellerba on this record.

As DPD argued during the Hearing, since being amended in 2023, the statute now requires action, either in the form of a suspension or revocation, once POST’s jurisdiction is triggered under Section 8404(a)(4). On top of the underlying facts of his resignation—lying to his supervisor about what should have been a simple and minor accident, as set forth more fully in the CJC Decision—Dellerba has since chosen tactics that have been candidly characterized to this Board as being “cute” and claims that Dellerba maybe was “one step ahead” of DPD in resigning in the way he did. This Board cannot countenance such behavior and gamesmanship. Dellerba, through counsel, did not challenge any factual conclusion of the CJC, but rather defended this matter only through an attempt to manipulate the operation of the statute. Dellerba’s cute attempt to resign in the fact of what he knew or should have known was going to be an IA investigation (and therefore a right to a pre-termination IA Hearing) and then skip both the post-resignation IA Hearing and the hearing before this Board demonstrates further concerning conduct and a complete disregard for the certification process. Such conduct and behavior are unsuited for a Delaware police officer.

Finally, a bit of irony. At the conclusion of this hearing, it was asserted that, despite eschewing both the IA Hearing offered by the CJC and appearing before this Board, Dellerba “is entitled to his day in court and entitled to have you guys find out chronologically if the City of Dover did what they were required to do.” He had that chance, twice.

RECOMMENDATION

Considering all the evidence submitted and the circumstances surrounding both the DPD internal process, and the process offered afforded Dellerba in this proceeding, the Board unanimously recommends to the full POST that Ryan Dellerba be decertified as a Delaware police officer.

/s/ Andrew Rubin

Andrew Rubin, Lieutenant, Newark Police
Department,
Presiding Officer

/s/ William D. Crotty

William D. Crotty, Colonel, Delaware State Police,
Member

/s/ Richard P. McCabe

Richard P. McCabe, Chief, New Castle City Police
Department,
Member

Date: May 15, 2025