

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY**  
**POLICE OFFICER STANDARDS AND TRAINING COMMISSION**  
Statutory Authority: 11 Delaware Code, Section 8404(a)(14) (11 **Del.C.** §8404(a)(14))  
1 **DE Admin. Code** 803

**FINAL**

**ORDER**

**803 COPT Firearms Instructors Standards and Requirements**

**NATURE OF THE PROCEEDINGS**

At 26 **DE Reg.** 1037 (06/01/23), the Council on Police Training (COPT), pursuant to 11 **Del. C.** §8404 (a)(14), published notice of intent to amend 803 COPT Firearms Instructors Standards and Requirements to modify regulations concerning firearms and master firearms instructor qualifications. The proposed amendments were voted on during a public meeting of the COPT on April 11, 2023. The proposed amendments were published in the Register Regulations and provided for a public comment period through July 3, 2023. At the same time, the COPT submitted a Regulatory Flexibility Analysis and Impact Statement for this proposed addition to Regulation 803, as required by 29 **Del.C.** Ch. 104.

**SUMMARY OF THE EVIDENCE**

On August 7, 2023, the Governor signed House Bill No. 206, as amended by House Amendment No. 3 (HB 206), into law. HB 206 amended Title 11, Chapter 84, Delaware Police Training Program, the organic statute for COPT. Among other things, HB 206 changed the titles of Chapter 84 and the COPT to the Police Officer Standards and Training Commission (POST). HB 206 also provided that, as of the effective date of the bill, "all powers and duties formerly vested in the [COPT], shall instead be vested in the [POST]." 11 **Del.C.** § 8409. Under HB 206, the membership of the POST is the same as the membership of the COPT with two exceptions. HB 206 increased the public membership from two to three seats and prohibited the public members from being current or former members of law enforcement or affiliated with law enforcement. HB 206 did not affect the quorum of the public body.

No public comments were received during the public comment period.

The POST considered the proposed amendments to Regulation 803 at its publicly scheduled quarterly meeting on January 9, 2024, and voted to require that they be published as final in the *Register of Regulations*.

**FINDINGS OF FACT**

The public was given the required notice of the COPT's intention to adopt the proposed amendments and was given the opportunity to submit comments. The required Regulatory Flexibility Analysis and Impact Statement for the Mandatory Standards was submitted. The POST finds that it has the authority under Chapter 84 of Title 11, as amended by HB 206, to issue a final order proposing the regulation changes as final.

**EFFECTIVE DATE OF THE ORDER**

The actions hereinabove referred to were taken by the COPT, now the POST, pursuant to 11 **Del. C.** § 8404(a)(14). The effective date of this Order shall be ten (10) days from the date of this Order is published in the *Register of Regulations*.

**ORDER**

NOW THEREFORE, under the statutory authority and for the reasons sent forth above, the Police Officer Standards and Training Commission does hereby ORDER this 9<sup>th</sup> day of January, 2024, that the regulations be, and that they hereby are, adopted to be enacted as set forth below.

**IT IS SO ORDERED**, this 9th Day of January 2024,

## Police Officer Standards and Training Commission

/s/ Nathaniel McQueen, Jr.  
Chair, Police Officer Standards and Training  
Commission

/s/ Lt. Andrew Rubin  
Newark Police Department/Proxy

/s/ Robert Irwin  
Attorney General/Proxy

/s/ Major Jason Sapp  
Superintendent of State Police/Proxy

/s/ Mayor Nick Smith  
Delaware League of Governments

/s/ Chief Thomas Johnson  
Dover Police Department

(absent)  
Chief of Police, Wilmington  
Police Department/Proxy

/s/ Mayor Robin Christiansen,  
Dover

/s/ Major Benjamin Feldman  
Chief of the New Castle County/Proxy

/s/ Patrick Ogden  
Chair of Police Chiefs' Council/Proxy

/s/ Mark Holodick  
Secretary, Department of Education

(absent)  
Representative Franklin Cooke, Jr.  
Chair of the Public Safety Committee  
of the House of Representatives

(absent)  
Public Appointee

(absent)  
Senator Marie Pinkney  
Corrections and Public Safety Committee

(not yet appointed)  
Public Appointee

(not yet appointed)  
Public Appointee

**\*Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

## 803 COPT Firearms Instructors Standards and Requirements

### 1.0 Intent and Purpose

To establish basic requirements for COPT firearms instructors that include standards for both sworn and civilian sponsored instructors.

### 2.0 Definitions

As used in this chapter:

**"Ammunition"** means a projectile designed to be fired from a weapon such as a handgun or rifle.

**"Armorer"** means a person who has received specialized training related to conducting detailed inspections and repairs to specific weapons.

**"Certification"** means the official approval by the Council on Police Training for an officer to act in a specified capacity, due to the officer's credentials or level of achievement.

**"Chief of Police"** means any colonel, chief of police or any officer who is the highest-ranking officer of a legislatively authorized police department within this State.

**"Council on Police Training"** or **"COPT"** means the regulatory body established by 29 Del.C. §8205 to consider matters relating to police training and such other matters as may be referred to it by the Governor or the Secretary of the Department.

**"Firearms Instructor"** means a law enforcement officer that has received specialized training related to firearms including knowledge of the types of firearms used in law enforcement; appropriate shooting and tactical techniques; instruction methods; and the ability to perform inspection of weapons and range equipment for safety issues. A firearms instructor is not required to be an armorer.

**"Law Enforcement Agency"** or **"LEA"** means any police force or organization functioning within this State or any other state which has by statute or ordinance the responsibility of detecting crime and enforcing the criminal or penal laws of this State or any other state.

**“Law Enforcement Officer”** means a sworn member of a police force or other law-enforcement agency of this State or of any county or municipality who is responsible for the prevention and the detection of crime and the enforcement of laws of this State or other governmental units within the State as defined in 11 **Del.C.** §8401(5)(a)(b), irrespective of the number of the hours worked.

**“Master Firearms Instructor”** means any certified firearms instructor approved by the COPT to be a certifying instructor for a firearms instructor course.

**“Qualification”** means a level of skill or ability that an officer must achieve to be allowed to maintain certification to carry departmentally assigned or approved weapons, as specified in 1 **DE Admin. Code** 801 Section 12.0 for all weapon systems responsible for training.

**“Recertification”** means the renewal of the original certification based on additional training, testing, or a combination of both.

**“Sponsorship”** means any former COPT certified law enforcement officer, as defined in this section, who retired or separated in good standing from a Delaware law enforcement agency and has been contracted by a Delaware law enforcement agency to provide firearms instruction to Delaware law enforcement officers.

### **3.0 COPT Firearms Instructor Certification Requirements**

- 3.1 No firearms instructor shall be utilized by any law enforcement agency for purposes of certifying firearms instructors unless the certifying instructor has been approved by the Council on Police Training.
- 3.2 All sworn law enforcement officers seeking Firearms Instructor Certification must submit proof of ~~successful completion of the following requirements~~ to the COPT Administrator ~~prior to being brought before the COPT~~:
  - 3.2.1 ~~Proof of successful~~ Successful completion of a COPT Certified Instructor Course.
  - 3.2.2 Minimum of three years’ experience as a sworn law enforcement officer. This requirement may be waived for those who are deemed suited to instruct based upon special knowledge, education, or experience.
  - 3.2.3 ~~Those who, by their special knowledge and preparation, are suited to instruct certain courses requiring such special knowledge and education may have the three-year minimum experience waived.~~
  - 3.2.4 ~~3.2.3~~ Proof of successful Successful completion of an approved COPT Firearms Instructor Course, taught by a COPT Master Firearms Instructor, ~~at a firearms instructor course previously approved by the COPT~~, or other firearms instructor courses if recommended for approval by the COPT Firearms Instructor Subcommittee and subsequently approved by Council taken within 3 years of the date of application and successful completion of a Delaware firearms instructor refresher course.
  - 3.2.5 A signed letter of endorsement from the Chief of Police of their respective law enforcement agency.
- 3.3 A firearms instructor is not required to be an armorer and being an armorer does not qualify you to be a firearms instructor.

### **4.0 Sponsored Firearms Instructor Certification Requirements**

- 4.1 No firearms instructor shall be utilized by any police department for purposes of certifying firearms instructors unless the certifying instructor has been approved by the Council on Police Training.
- 4.2 All non-sworn individuals seeking Sponsored Firearms Instructor Certification must submit proof of successful completion of the following requirements to the Chief of Police of the sponsoring LEA for submission to the COPT Administrator prior to being brought before the COPT:
  - 4.2.1 Proof of Certification as a COPT firearms instructor.
  - 4.2.2 Proof of being an active COPT certified instructor at the time of retirement or separation.
  - 4.2.3 Proof of retirement or separation in good standing.
- 4.3 The Chief of Police sponsoring an individual must submit an endorsement letter of the individual to the COPT along with acknowledging compliance with these regulations as set forth.

### **5.0 Firearms Instructor Course Requirements**

- 5.1 Firearms instructor courses must be taught by a COPT Master Firearms Instructor and provide the candidate the necessary education and training in the safe and proper use of firearms, knowledge and skills necessary to teach others to shoot, and additional skills and techniques needed to organize and instruct.
- 5.2 Firearms instructor courses must be a minimum of 40 hours of education and training to be considered eligible for approval by the COPT.
- 5.3 Firearms instructor courses must meet the following minimum curricula requirements to be considered by the COPT Firearms Instructor Subcommittee for approval:

- 5.3.1 Basic Marksmanship Instruction
- 5.3.2 Target Analysis
- 5.3.3 Instructional Techniques & Training Aids
- 5.3.4 Range Organization & Administration
- 5.3.5 Weapons Nomenclature & Function
- 5.3.6 Fundamentals of Close Quarters Combat
- 5.3.7 Introduction to Ammunition & Ballistics
- 5.3.8 Judgment & Decision-Making Training
- 5.3.9 Shooting Position, Movement, and Target Engagement
- 5.3.10 Range & Weapon Safety
- 5.3.11 Use-Of- Force & Legal Issues
- 5.3.12 Coaching skills development

## 6.0 Firearms Instructors Training Requirements

- 6.1 An eight-hour firearms recertification course will be held annually and will include: legal updates, use of force, and review of Council on Police Training standards.
- 6.2 Instructors must attend a minimum of one ~~recertification~~ refresher course every three years and complete sixteen hours of additional training in firearms usage or complete sixteen hours of academy level instruction, or a combination of training and instruction in the same three-year period.
- 6.3 All firearms instructors must also annually meet the standards established in 1 **DE Admin. Code** 801 Section 12.0 for all weapon systems responsible for training.

## 7.0 COPT Master Firearms Instructor Requirements

- 7.1 A COPT Certified Firearms Instructor seeking Master Firearms Instructor certification shall provide the following to the COPT Firearms Instructor Subcommittee:
  - 7.1.1 Current Curriculum Vitae (CV) or Resume indicating all relevant work history, training, certifications, experience and education.
  - 7.1.2 A signed letter of endorsement from the Chief of Police of their respective law enforcement ~~agency,~~ agency;
  - 7.1.3 ~~Proof of successful completion of a COPT approved Firearms Instructor Course and proof of successful completion of a COPT Master Instructor Course, Course;~~ or
  - 7.1.4 ~~Proof of successful completion of a COPT approved~~ Current certification as a COPT Certified Firearms Instructor Course and:
    - 7.1.4.1 ~~Seven Three~~ Three years or more as a an active COPT Certified Firearms Instructor ~~or a minimum of 2000 hours of combined firearms instruction and training,~~ Instructor;
    - 7.1.4.2 Proof of Firearms related administrative and teaching responsibilities such as lesson planning, record keeping, ~~etc.,~~ and academy level instruction; and
    - 7.1.4.3 Proof of successful completion of an Advanced or “Master” Firearms Instructor courses, totaling at least 40 hours in length combined, from approved vendors as agreed upon by the COPT Firearms Instructor Subcommittee and successful completion of a Delaware COPT Firearms Instructor Refresher course both completed within the last 3 years.
- 7.2 The COPT Firearms Instructor Subcommittee will review each request and required documentation. After a full review, the COPT Firearms Instructor Subcommittee shall either endorse or not endorse the request at the next regularly scheduled COPT Board meeting.
- 7.3 The COPT will be responsible for voting on all certifications for Master Firearms Instructors.

## 8.0 Training, Qualification and Records

- 8.1 Complete records should reflect all firearms training, qualification, and re-evaluation activities, as well as the performance and proficiency of the law enforcement officer during such activities.
- 8.2 Copies of all training course schedules, curricula, and lesson plans must be maintained along with the records of individual trainees.

## 9.0 Training Site or Facility Requirements

The training site or facility should provide the environment necessary to conduct all aspects of the training and

qualification as approved by the COPT, including appropriate simulation exercises.

**23 DE Reg. 941 (05/01/20)**

**27 DE Reg. 617 (02/01/24) (Final)**