

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE
2400 BOARD OF EXAMINERS OF CONSTABLES
Statutory Authority: 10 Delaware Code, Chapter 27 (10 **Del.C.** Ch. 27)
24 **DE Admin. Code** 2400

PROPOSED

PUBLIC NOTICE

2400 Board of Examiners of Constables

Notice is hereby given that the Board of Examiners of Constables, in accordance with 10 **Del.C.** Ch. 27 proposes to amend/adopt Rule 2.0 Suspensions, Revocations, and Appeals – to explain the process an individual may go through when their commission has had action against them. If you wish to view this amendment/adoption, contact Ms. Peggy Anderson at 302-672-5304. Any persons wishing to present views may submit them in writing, by March 31, 2015, to Delaware State Police, Professional Licensing, P.O. Box 430, Dover, DE 19903. The Board will hold a special meeting on May 1, 2015, at 10:00 a.m., Room 112, Tatnall Building, 150 Martin L. King, Jr. Boulevard, South, Dover, DE.

2400 Board of Examiners of Constables

1.0 Experience

A constable must meet the minimum training standards as established by the Board.

Adopted 09/10/86

Amended 05/16/00

13 DE Reg. 677 (11/01/09)

2.0 Appeal

- 2.1 ~~Any applicant who is rejected for a commission as a constable may, within 30 days of such notice of rejection, submit a written notice of appeal.~~
- 2.2 ~~A hearing date, to be determined by the Board, will be convened to take relevant evidence on the appeal.~~
- 2.3 ~~Such proceedings shall be conducted in accordance with the administrative procedures act (Title 29).~~
- 2.4 ~~The Board decision, in writing, will be mailed to the applicant within ten working days after the hearing.~~

2.0 Suspensions, Revocations and Appeals

- 2.1 The Director of the Professional Licensing Section shall have the power to suspend or revoke the commission of any individual issued a commission under 10 **Del.C.** Ch. 27 who violates the Chapter or the promulgated Rules and Regulations.
- 2.2 The Director of the Professional Licensing Section may issue an emergency suspension of any individual issued a commission, under 10 **Del.C.** Ch. 27, who has been arrested where that arrest could result in the conviction of any misdemeanor or felony that violates the Chapter or the promulgated Rules and Regulations.
- 2.3 Any individual whose commission has been placed on emergency suspension, suspended, revoked, or denied may, within 30 days of such notice, submit a written request of the appeal to the Director of the Professional Licensing Section.
- 2.4 A hearing before the Board will be convened on a date determined by the Board to resolve the appeal.
- 2.5 The Board decision, in writing, will be mailed to the applicant within 10 working days after the hearing.

Adopted 09/10/86

3.0 Law Enforcement Exemption

- 3.1 Applicants, who were prior law enforcement officers in any jurisdiction and have been away from police work for not more than five (5) years, will be considered for commissions on a case-by-case basis.
- 3.2 Applicants, who have been law enforcement officers in the past but have been away from active law enforcement for more than five (5) years, will be required to take either the MMPI (Minnesota Multiphasic Personality Inventory) or the PAI (Personal Assessment Inventory), under the conditions noted in Rule 4.0, and a comprehensive, multiple-choice examination of the minimum standards established by the Board to

demonstrate their knowledge of the duties of a Constable. Once those shortcomings have been identified, the individual officer will be required to take the requisite training where the deficiency was noted.

Adopted 10/16/96

Amended 05/16/00

12 DE Reg. 977 (01/01/09)

13 DE Reg. 677 (11/01/09)

4.0 Employment

- 4.1 All applicants must submit written testimony from five (5) reputable citizens attesting to good character, integrity, and competency.
- 4.2 All applicants must submit to either the MMPI (Minnesota Multiphasic Personality Inventory) or the PAI (Personal Assessment Inventory) evaluation performed by a licensed psychologist who has knowledge of the requirements of the duties of the Constable position, that the applicant is psychologically fit to function as a competent Constable.
- 4.3 All applicants shall be required to submit an application and their fingerprints to the Director of Detective Licensing on the appropriate forms. The Director of the State Bureau of Identification shall set the processing fee.
- 4.4 No full-time police officer may apply for a commission as a constable.
- 4.5 All applicants seeking a new commission as a constable shall be required to submit a \$100.00 application fee.
- 4.6 A \$50.00 annual renewal fee shall be required to accompany the renewal application each year thereafter.
- 4.7 A constable shall not be a member or employee of any Delaware law enforcement organization, as defined by the council on Police Training, or a member or employee of a law enforcement organization of any other state or federal jurisdiction.

Adopted 05/16/00

12 DE Reg. 977 (01/01/09)

5.0 Firearm's Policy

- 5.1 No person licensed under 10 **Del.C.** §2703 shall carry a firearm unless that person has first passed an approved firearms course of instruction and an initial qualification administered by a Board approved certified firearms instructor. The course of instruction shall include a minimum 40 hours of training. The Professional Licensing Section may waive the 40 hour training requirement depending upon the applicant's professional credentials, training and/or work experience (i.e. prior law enforcement).
- 5.2 Individuals licensed to carry a firearm must shoot a minimum of three (3) qualifying shoots per constable year, scheduled on at least two (2) separate days, with a minimum 90 days between scheduled shoots. Of these three (3), there will be one (1) mandatory "low light" shoot. Simulation is permitted and it may be combined with a daylight shoot. The initial qualification shot may be used to fulfill one day and one low light requirement during the first year.
 - 5.2.1 A constable year shall be June 1st to May 31st.
 - 5.2.2 An individual not meeting the minimum qualifications set forth in 5.2. may have their firearms license suspended until such time that they meet the minimum three (3) qualifying shoots within the constable year.
- 5.3 Firearms - approved caliber of weapons
 - 5.3.1 9mm
 - 5.3.2 .357
 - 5.3.3 .38
 - 5.3.4 .40
- 5.4 All weapons must be either a revolver or semi-automatic and must be double-action or double-action only and must be maintained to factory specifications.
- 5.5 Under no circumstances will anyone be allowed to carry any type of shotgun or rifle or any type of weapon that is not described herein.
- 5.6 All individuals must qualify with the same make/model/caliber of weapon that he/she will carry.
- 5.7 All ammunition will be factory fresh (no re-loads).
- 5.8 The minimum passing score is 80%.
- 5.9 All licenses are valid for a period of one (1) constable year.
- 5.10 Firearms Instructors

- 5.10.1 Firearms instructors must be certified by the National Rifle Association, a law enforcement training and standards commission (i.e. C.O.P.T.), and/or another professional firearms training institution as a "certified firearms instructor".
- 5.10.2 Firearms instructors are restricted to teaching and qualifying individuals according to the type of firearm matching their certification. (For example, a certified shotgun instructor may only instruct and qualify individuals with the shotgun.)
- 5.10.3 All firearms instructors must be approved by the Board before they are authorized to instruct or qualify individuals licensed under 10 **Del.C.** Ch. 27.

Adopted 05/20/02

12 DE Reg. 977 (01/01/09)

13 DE Reg. 677 (11/01/09)

16 DE Reg. 996 (03/01/13)

18 DE Reg. 684 (03/01/15) (Prop.)