

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE
1300 BOARD OF EXAMINERS OF PRIVATE INVESTIGATORS & PRIVATE SECURITY AGENCIES
Statutory Authority: 24 Delaware Code, Section 1305 (24 Del.C. §1305)
24 DE Admin. Code 1300

PROPOSED

PUBLIC NOTICE

1300 Board of Examiners of Private Investigators & Private Security Agencies

Notice is hereby given that the Board of Examiners of Private Investigators and Private Security Agencies, in accordance with 24 **Del.C.** Ch. 13 proposes to amend the following adopted rules in 24 **DE Admin. Code** 1300 Board of Examiners of Private Investigators and Private Security Agencies: Rule 4.0 Training Requirements. If you wish to view the complete Rule, contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by October 2, 2018, to Delaware State Police, Professional Licensing Section, P. O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Thursday, October 11, 2018, 10:00am, at the Tatnall Building, 150 Martin Luther King, Jr. Boulevard South, Room 112, Dover, DE.

1300 Board of Examiners of Private Investigators & Private Security Agencies

1.0 Firearm's Policy

- 1.1 Section 1.0 shall apply only to individuals licensed under 24 **Del.C.** Ch. 13, while such individuals are acting in the performance of their duties as an armed security guard or armed armored car guard.
- 1.2 No individual licensed under 24 **Del.C.** Ch. 13 shall carry a firearm unless that individual has first passed an approved firearms course of instruction and an initial qualification administered by an approved 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). If waived, they must show proficiency and qualify a day and low light shoot with an approved firearms instructor. The initial qualification course shall be used to fulfill one day and one low light requirement during the first year; however an additional day shoot must be completed at least 90 days after the date of initial certification, within the calendar year.
- 1.3 In order to open carry a firearm while in the performance of their duties, individuals licensed to carry a firearm under 24 **Del.C.** Ch. 13 must shoot a minimum of three qualifying shoots per calendar year, scheduled on at least two separate days, with a minimum 90 days between scheduled day shoots. Of these three, there will be one mandatory "low light" shoot which may be combined with a day shoot. Two day shoots shall not be completed on the same date. These qualifying shoots will be administered by an approved firearms instructor.
 - 1.3.1 An individual not meeting the minimum qualifications set forth in subsection 1.3 may have their firearms license suspended until such time that they meet the minimum three qualifying shoots within the calendar year.
- 1.4 Only the handguns with the following calibers are permitted:
 - 1.4.1 9mm;
 - 1.4.2 .357;
 - 1.4.3 .38;
 - 1.4.4 .40;
 - 1.4.5 .45; or
 - 1.4.6 .357 SIG.
- 1.5 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.
- 1.6 Under no circumstances will anyone under this Section be allowed to carry any type of weapon that is not described herein.
- 1.7 All individuals must meet the minimum qualifications set forth in subsection 1.3 with the same make/model/caliber of weapon that he/she will carry.
- 1.8 All ammunition must be factory fresh (no re-loads).
- 1.9 The minimum passing score is 80%.

- 1.10 All firearms licenses, armed security guard and armed armored car guard, are valid for a period of one year, subject to proof of compliance of Section 1.0 by submission of shoot certification or re-certification forms to the Professional Licensing Section, by January 15th of each year, for the previous calendar year.
- 1.11 If an individual requests to carry a different approved weapon, while in the performance of their duties as an armed security guard or armed armored car guard, other than the one on file with the Professional Licensing Section, he/she must have approval from the Director of Professional Licensing after submitting certification of a day and low light qualification with the new weapon. Upon approval, the individual can begin to carry the new weapon and the prior qualification of a different weapon will become void. Another day shoot with the new weapon must take place after 90 days, during the same calendar year. Individuals will only be authorized to carry the weapon they last qualified with and provided the shoot certifications to the Professional Licensing Section.
 - 1.11.1 An individual may not change weapons after September 30th, of the current calendar year, without prior approval of the Director of Professional Licensing, after submitting a request to the Professional Licensing Section. If approval is granted, the individual must be certified and submit certification of a day and low light qualification to the Professional Licensing Section prior to carrying the weapon.
- 1.12 Firearms Instructors providing instruction under Section 1.0;
 - 1.12.1 Firearms instructors must be certified by the National Rifle Association as a Law Enforcement Instructor or through a law enforcement training and standards commission (i.e. C.O.P.T.). Certification by another professional firearms training institution as a "certified law enforcement firearms Instructor" must be approved by the Board. Instructors approved by the Board through another professional firearms training institution will have reciprocity approval with any other Board under Department of Safety and Homeland Security, Division of State Police, Professional Licensing Section.
 - 1.12.2 Firearms instructors are restricted to teaching and qualifying individuals according to the type of firearm matching their certification. (For example, a certified handgun instructor may only instruct and qualify individuals with the handgun.)
 - 1.12.3 All firearms instructors must be approved by the Professional Licensing Section before they are authorized to instruct or qualify licensed individuals.

Adopted 11/04/94

3 DE Reg. 960 (01/01/00)

7 DE Reg. 1375 (03/01/04)

13 DE Reg. 502 (10/01/09)

14 DE Reg. 1395 (06/01/11)

15 DE Reg. 875 (12/01/11)

15 DE Reg. 1617 (05/01/12)

18 DE Reg. 154 (08/01/14)

19 DE Reg. 202 (09/01/15)

20 DE Reg. 470 (12/01/16)

2.0 Reserved.

10 DE Reg. 1445 (03/01/07)

15 DE Reg. 875 (12/01/11)

18 DE Reg. 154 (08/01/14)

20 DE Reg. 990 (06/01/17)

3.0 Baton, Inflammatory Agent Sprays, Chemical Sprays and Handcuffs

- 3.1 The Board only approves security guards and armored car guards registered in 24 **Del.C.** Ch. 13 to carry law enforcement style batons, inflammatory agent sprays, chemical sprays and handcuffs. The carrying of these weapons/items is only authorized after the security guard/armored car guard completes the appropriate training program with a certified instructor as required by the manufacture of the weapon/item. It shall be the security guard/armored car guard's responsibility to maintain certification and requalification with the weapon/item consistent with manufacturer standards.
 - 3.1.1 Under no circumstances would a person be permitted to carry any other type weapon/item, unless first approved by the Director.
 - 3.1.2 Any person registered in 24 **Del.C.** Ch. 13 who, upon inspection, fails to provide a valid certification for any of the above weapons, if carried in performance of their duties, will be subject to disciplinary actions consistent with the law.

- 3.2 It shall be the responsibility of all Class B, C & D agencies to record and maintain said records on an employee's qualifications with any approved weapon(s)/item(s) carried in performance of that employee's duties under 24 **Del.C.** Ch. 13.
- 3.2.1 These records are subject to review and audit by the Section as prescribed in 24 **Del.C.** Ch. 13.
- 3.2.2 Any agency licensed in 24 **Del.C.** Ch. 13 who, upon inspection, fails to provide a valid certification for any employee found to be carrying any of the above weapons/items in the performance of their duties, will be subject to disciplinary actions consistent with the law.
- 3.3 The Board shall have the right to deny any certification or re-certification from an instructor or training program that is deemed to be not within generally accepted practices for the weapon/item. Any denial may be appealed by submitting a request to the Professional Licensing Section and addressing the Board of Examiners.

Adopted 11/04/94

13 DE Reg. 502 (10/01/09)

15 DE Reg. 1181 (02/01/12)

18 DE Reg. 154 (08/01/14)

22 DE Reg. 69 (07/01/18)

4.0 Training Requirements

- 4.1 Each person licensed as a security guard under 24 **Del.C.** Ch. 13 shall successfully complete a training program approved by the Board, and any such additional training as the Board deems appropriate. Satisfactory completion of the training program shall be certified by mandatory testing with a passing grade of 75%. The test will be administered by a Board approved training/testing facility.
- 4.1.1 The required training shall include, but not be limited to, instruction in rules and regulations, legal requirements and limitations, use of force, ethics, emergency services, diversity, communication, asset protection, and terrorism. The Board, in its discretion, may require such additional topics as it finds necessary.
- 4.1.2 Individuals engaged in any violation of academic integrity which is validated by the testing facility will be required to repeat the testing process and incur any additional costs involved. If a subsequent violation of the academic standard is discovered and validated by the testing facility, the individual will be barred from taking any further tests and their license or application will be denied/suspended. No provision of this Section will exclude the individual from a due process hearing before the Board, if requested.
- 4.1.3 Individuals may complete the training with either a Board approved training facility or the agency that employs them. The employer must hold either a Class B or Class C agency license.
- 4.2 ~~The required training shall include, but not be limited to, instruction in legal requirements and limitations, use of force, ethics, emergency services, diversity, communication, asset protection, and terrorism. The Board, in its discretion, may require such additional topics as it finds necessary. Certified instructors must be employed by a Board approved training facility or a Class B or C agency providing the training. All instructors' certifications will be pursuant to subsection 4.2.1.~~
- 4.2.1 Instructors for the training program must be certified by a Board approved training facility by completing an Instructor Certification Course. This course will be developed by an approved training/testing facility with collaboration from the Professional Licensing Section, and approved by the Board. An instructors test shall be mandatory with a passing grade of 75%. If this test is failed, the instructor shall re-take the course and the test until receiving a passing grade before being certified. Instructors who were approved by rules set by previous versions of this Section would remain eligible to instruct as long as they do so pursuant to this Section.
- 4.2.2 Updates to the training curriculum, approved by the Board, will be sent out to the certified instructors and shall be implemented into the course of instructions. The Board approved training facility shall be responsible for notifications of the updates.
- 4.2.3 The approved training facility shall provide the Professional Licensing Section with the names and test scores of all instructors certified. This information will be forwarded to the Board.
- 4.2.4 An instructors approval may be suspended or revoked as deemed necessary by the Board.
- 4.3 The Professional Licensing Section shall have the authority to require regular reports on training from licensees and employers, and shall report to the Board on compliance with this ~~regulation~~ Section.
- 4.4 Training and test certifications shall be submitted with each new ~~application or re-application~~ renewal application, and the training shall be completed no more than one year prior to submission of the application.
- 4.5 ~~Instructors for the training program must take a Train the Trainer session through the Professional Licensing Section. Updates to the training curriculum will be sent out as approved by the Board, and shall be implemented into the course of instruction. An instructors test shall be mandatory with a passing grade of 75%.~~

If this test is failed, the instructor shall re-take the session and the test until receiving a passing grade before being approved.

4.5.1 ~~Instructors that have previously taken the class and the test must take the instructors test with a passing grade to maintain their instructor approval.~~

4.5.2 ~~The instructor certification approval may be suspended or revoked as deemed necessary by the Board.~~

11 DE Reg. 810 (12/01/07)

15 DE Reg. 875 (12/01/11)

17 DE Reg. 860 (02/01/14)

18 DE Reg. 468 (12/01/14)

20 DE Reg. 470 (12/01/16)

5.0 Use Of Animals

The use of animals is prohibited.

Adopted 04/23/98

3 DE Reg. 960 (01/01/00)

15 DE Reg. 1181 (02/01/12)

6.0 Criminal Offenses

6.1 In addition to those qualifications set forth in 24 **Del.C.** Ch. 13, no person required to be licensed under this chapter shall be issued a license, if that person has been convicted of Assault III within the last three (3) years.

6.2 For the purposes of 24 **Del.C.** Ch. 13, the Director of the Professional Licensing Section may deny an application, suspend, or revoke a license if the applicant or licensee has been convicted of a misdemeanor crime involving moral turpitude. A misdemeanor crime involving moral turpitude includes, but is not limited to, the following crimes in the Delaware Code (or similar crimes under the laws of other jurisdictions):

6.2.1 Title 11 Crimes and Criminal Procedures Ch. 5 Specific Offenses:

6.2.1.1 §763 Sexual harassment;

6.2.1.2 §764 Indecent exposure in the second degree;

6.2.1.3 §765 Indecent exposure in the first degree;

6.2.1.4 §766 Incest;

6.2.1.5 §767 Unlawful sexual contact in the third degree;

6.2.1.6 §781 Unlawful imprisonment in the second degree;

6.2.1.7 §840 Shoplifting;

6.2.1.8 §861 Forgery;

6.2.1.9 §871 Falsifying Business Records

6.2.1.10 §881 Bribery

6.2.1.11 §907 Criminal Impersonation

6.2.1.12 §1101 Abandonment of a Child;

6.2.1.13 §1102 Endangering the Welfare of a Child;

6.2.1.14 §1105 Crime Against a Vulnerable Adult;

6.2.1.15 §1106 Unlawfully Dealing with a Child;

6.2.1.16 §1107 Endangering Children;

6.2.1.17 §1245 Falsely Reporting an Incident;

6.2.1.18 §1341 Lewdness;

6.2.1.19 §1342 Prostitution;

6.2.1.20 §1343 Patronizing a Prostitute; and

6.2.1.21 §1355 Permitting Prostitution

6.2.2 Title 16 Health and Safety Ch. 11 Nursing Facilities and Similar Facilities:

6.2.2.1 §1136 Violations.

6.2.3 Title 31 Welfare Ch. 39 Adult Protective Services:

6.2.3.1 §3913 Violations.

6.3 Anyone applying for licensure under 24 **Del.C.** Ch. 13 shall not be issued a license if they have any pending criminal charge(s) for any crimes listed in this Chapter.

6.4 The Director of the Professional Licensing Section may suspend anyone licensed under 24 **Del.C.** Ch. 13 who has been arrested and that arrest could result in the conviction of any misdemeanor or felony as described in this Chapter.

Adopted 11/04/94

13 DE Reg. 502 (10/01/09)

14 DE Reg. 1395 (06/01/11)

18 DE Reg. 468 (12/01/14)

19 DE Reg. 202 (09/01/15)

7.0 Employment Notification

7.1 Anyone applying for licensure/registration under this chapter may be rejected without refund, or have their license revoked, for knowingly omitting any criminal history, other material information or to make a false statement on their application.

7.2 Employers Responsibility

7.2.1 A licensed private security agency, after investigation, shall notify the Professional Licensing Section, in writing, of any terminated employees. This information is to be included in the next monthly roster report following the termination.

7.2.2 A licensed private security agency shall report to the Professional Licensing Section, in writing, the following:

7.2.2.1 The name of any employee arrested;

7.2.2.2 The name of any employee admitted to any mental hospital ward, mental institution or sanitarium; or

7.2.2.3 The name of any employee disabled from carrying, owning, or possession a gun by action of federal or state statute and/or court order, including bond orders and protection from abuse orders.

Adopted 11/04/94

4 DE Reg. 361 (08/01/00)

13 DE Reg. 502 (10/01/09)

14 DE Reg. 1395 (06/01/11)

15 DE Reg. 1181 (02/01/12)

21 DE Reg. 732 (03/01/18)

8.0 Private Investigators

8.1 The identification card will bear the employer's name. Upon termination of employment, the identification card is no longer valid. If seeking employment with another licensed agency, the Private Investigator must be re-registered with the new employer and a new identification card will be issued as in the previous procedure.

8.2 An approved Private Investigator may only be employed by one licensed private investigative agency at a time.

Adopted 11/04/94

13 DE Reg. 502 (10/01/09)

21 DE Reg. 732 (03/01/18)

9.0 License Holder

9.1 A qualified license holder must be an owner/partner/corporate officer of the agency requesting licensure.

9.2 Law enforcement qualification shall be at a minimum of three years' experience not to include the training academy attendance.

Adopted 11/04/94

8 DE Reg. 325 (08/01/04)

15 DE Reg. 1617 (05/01/12)

18 DE Reg. 154 (08/01/14)

19 DE Reg. 202 (09/01/15)

21 DE Reg. 732 (03/01/18)

10.0 Uniforms, Patches, Badges, Seals, Vehicular Markings

10.1 No person licensed under 24 **Del.C.** Ch. 13 shall wear or display any uniform, patch, badge, seal, vehicle and the markings, letterhead, business card, advertisement, or other form of publication unless first approved by the Board of Examiners.

- 10.2 The use of “patrol” and/or “officer” shall first be preceded by the word “security”. Under no circumstances shall any item contain the seal or crest of the State of Delaware, any state of the United States, the seal or crest of any county or local subdivision, or any facsimile of the aforementioned seals or crests.
- 10.3 No such items will be approved by the Board if the item will mislead the public by confusing the licensee and/or his/her employees with official law enforcement agencies and/or personnel.
- 10.4 All uniforms displaying a patch must contain an approved patch that is not generic in nature. The patch must have the name of the agency printed on it.
- 10.5 Vehicle Identification
 - 10.5.1 No vehicle utilized for purposes covered by 24 **Del.C.** Ch. 13 shall have an appearance that creates a reasonable likelihood of confusion with a police vehicle used by the Delaware State Police or a law enforcement agency of any state or governmental subdivision. The Board of Examiners shall have discretion to review the appearance of vehicles, and to make comparisons with known law enforcement vehicles, in order to enforce this Rule.
 - 10.5.2 In the event that a vehicle is not approved by the Board of Examiners pursuant to this Rule, the Board may indicate what changes to the vehicle appearance would be sufficient to satisfy the standard and criteria set forth above.
 - 10.5.3 Auxiliary lights on vehicles, used for patrol, shall be amber and/or clear only. Use of sirens is prohibited.

Adopted 11/04/94

3 DE Reg. 960 (01/01/00)

8 DE Reg. 325 (08/01/04)

15 DE Reg. 1617 (05/01/12)

18 DE Reg. 154 (08/01/14)

18 DE Reg. 468 (12/01/14)

11.0 Personnel Rosters and Job Assignments

- 11.1 Anyone licensed as a private security agency (Class B or C) under 24 **Del.C.** Ch. 13 shall submit an alphabetical personnel roster and a job site list to the Professional Licensing Section by the tenth of every month. Anyone licensed as a private investigative agency (Class A) or armored car agency (Class D), under 24 **Del.C.** Ch. 13, shall submit an alphabetical personnel roster to the Professional Licensing Section by the tenth of January, April, July and October. Class A rosters only need to use the position code for the License Holder and Compliance Agent. Class D rosters must specify an individual that only has a yellow card, the License Holder and Compliance Agent.
 - 11.1.1 Alphabetical, by last name, personnel rosters shall include the full name, DOB, race, sex, expiration date, and position code of each individual in your employ. For example:

Henry, John F.	05/23/43	B	M	05/23/00	PI
Montgomery, Frank G.	07/24/55	B	M	06/30/99	LH
Smith, Mark A.	01/25/60	W	M	01/25/99	SG
White, Helen E.	03/17/71	B	F	03/17/00	FA
Workman, Henry K.	08/15/60	W	M	08/15/99	CA

SG	Security Guard
FA	Firearms Guard
PI	Private Investigator
LH	License Holder
CA	Compliance Agent

- 11.2 Job site lists shall include the name, address, location, and hours of coverage. Employees shall not be listed on the job sites. For example:
 - The DuPont Industry
 - Barley Mill Road
 - 2200 - 0600 Hours, Monday, Wednesday, and Friday
- 11.3 Rosters shall be submitted as required in subsection 11.1 regardless of the number of employees working in the State of Delaware.

Adopted 11/04/94

3 DE Reg. 960 (01/01/00)

- 15 DE Reg. 1617 (05/01/12)**
- 18 DE Reg. 154 (08/01/14)**
- 19 DE Reg. 202 (09/01/15)**
- 21 DE Reg. 901 (05/01/18)**

12.0 Record Book; Right of Inspection

- 12.1 All agencies licensed under 24 **Del.C.** Ch.13 shall keep and maintain at their place of business, at all times, a book that shall contain the names and positions of all employees along with the location that each employee is assigned to work. This book shall contain all current personnel information and at all times shall be current and up-to-date to include a copy of the current identification card, if applicable the following: list of weapons/items each employee is qualified to carry, the certification/expiration dates, scores, and a current copy of the mandatory security guard training and test certification.
- 12.2 The Professional Licensing Section has the right to inspect any security guard at any time they are on their respective post. The office of any private investigative agency, private security agency, or armored car agency may be inspected during normal working hours without notice.

Adopted 11/04/94

- 3 DE Reg. 960 (01/01/00)**
- 15 DE Reg. 1181 (02/01/12)**
- 15 DE Reg. 1617 (05/01/12)**
- 18 DE Reg. 154 (08/01/14)**
- 21 DE Reg. 732 (03/01/18)**

13.0 Licensing Fees

- 13.1 Class A License - Private Investigative Agency
 - 13.1.1 In-State - \$300
 - 13.1.2 Out-of-State - \$500
 - 13.1.3 \$10,000 Surety Bond - Minimum one year
 - 13.1.4 Sole Proprietorship - \$250
 - 13.1.4.1 \$5,000 Surety Bond - Minimum one year
 - 13.1.5 \$1,000,000 Liability Insurance per occurrence
- 13.2 Class B License - Private Security Agency
 - 13.2.1 In-State - \$300
 - 13.2.2 Out-of-State - \$500
 - 13.2.3 \$10,000 Surety Bond - Minimum one year
 - 13.2.4 \$1,000,000 Liability Insurance per occurrence
- 13.3 Class C License - Private Investigative & Private Security Agency
 - 13.3.1 In-State - \$500
 - 13.3.2 Out-of-State - \$800
 - 13.3.3 \$15,000 Surety Bond - Minimum one year
 - 13.3.4 \$1,000,000 Liability Insurance per occurrence
- 13.4 Class D License - Armored Car Agency License
 - 13.4.1 In-State - \$300
 - 13.4.2 Out-of-State - \$500
 - 13.4.3 \$10,000 Surety Bond - Minimum one year
 - 13.4.4 \$1,000,000 Liability Insurance per occurrence
- 13.5 All licenses will expire 2 years from the last day of the month they are approved for licensure.
- 13.6 All new agency licensures must be approved by the Board. Standard renewals, with no changes, may be approved by the Professional Licensing Section, with notification to the Board. Any agency having a change in License Holder must be approved by the Board.

Adopted 11/04/94

Adopted 04/23/98

- 3 DE Reg. 960 (01/01/00)**
- 4 DE Reg. 361 (08/01/00)**

15 DE Reg. 1617 (05/01/12)

17 DE Reg. 860 (02/01/14)

- 18 DE Reg. 154 (08/01/14)**
- 18 DE Reg. 468 (12/01/14)**

6 DE Reg. 637 (11/01/02)
7 DE Reg. 1375 (03/01/04)
8 DE Reg. 325 (08/01/04)
10 DE Reg. 1445 (03/01/07)
11 DE Reg. 810 (12/01/07)
13 DE Reg. 502 (10/01/09)
14 DE Reg. 1395 (06/01/11)
15 DE Reg. 875 (12/01/11)
15 DE Reg. 1181 (02/01/12)

18 DE Reg. 648 (02/01/15)
19 DE Reg. 202 (09/01/15)
20 DE Reg. 470 (12/01/16)
20 DE Reg. 990 (06/01/17)
21 DE Reg. 732 (03/01/18)
21 DE Reg. 901 (05/01/18)
22 DE Reg. 69 (07/01/18)
22 DE Reg. 212 (09/01/18) (Prop.)