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** 801

FINAL

ORDER

801 Delaware Council on Police Training

NATURE OF THE PROCEEDINGS

At 29 **DE Reg.** 762 (03/01/26), the Police Officer Standards and Training Commission (POST), pursuant to 11 **Del.C.** §8404(a)(14), published notice of intent to propose amendments to 801 Regulations of the Delaware Council on Police Training. The proposed amendments, which were voted on during public meetings of POST on May 6, 2025 and November 18, 2025, sought comprehensive changes to the Regulations to, among other things, align the Regulations with amendments made to POST's enabling statute in 2023. The proposed amendments were published in the Register Regulations and provided for a public comment period through March 31, 2026. At the same time, POST submitted a Regulatory Flexibility Analysis and Impact Statement for the proposed amendments to Regulation 801, as required by 29 **Del.C.** Ch. 104. POST solicited written comments from the public for thirty (30) days as mandated by 29 **Del.C.** §10118(a).

SUMMARY OF THE EVIDENCE

POST received public comments from the Delaware State Police, the State Council for Persons with Disabilities, and Dr. Lewis Schlosser. Those comments were considered by POST at its public meeting held May 18, 2026. After discussing and considering the submitted comments, POST voted to finalize the regulations as proposed unless any minor changes would not result in a republication of the regulations as proposed and that the submitted comments would be considered further during the next review of the Regulations conducted by POST. The final regulatory amendments promulgated hereunder contain only non-substantive corrections to numbering discovered during the publication process, specifically in sections 8 and 12. A typographical error was also corrected section 10.1.1 to accurately reference that there are six types of instructors (as listed), and not five, as erroneously stated in the proposed amendments.

FINDINGS OF FACT

The public was given the required notice of POST's intention to amend the Regulations and was given the opportunity to submit comments. The required Regulatory Flexibility Analysis and Impact Statement for the Mandatory Standards was submitted. POST considered all comments submitted to POST and decided not to further amend the Regulations in any substantive manner at this time. Thus, POST finds that the proposed amendments as published previously should be accepted and adopted as originally published, along with the non-substantive changes noted above.

Further, an assessment of the impact of the proposed amendments to the Regulations on the achievement of the State's greenhouse gas emissions reduction target and the State's resiliency to climate change is not practical for this regulation.

EFFECTIVE DATE OF THE ORDER

The actions hereinabove referred to were taken by 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 22nd day of June, 2026, that the regulations be, and that they hereby are, adopted to be enacted as set forth below.

IT IS SO ORDERD, this 22nd day of June, 2026.
POLICE OFFICER STANDARDS AND TRAINING COMMISSION

/s/ Nathaniel McQueen Jr.
Nathaniel McQueen Jr.
Chair

/s/ Lt. Andrew Rubin
Chief of Police, Newark Police Department/Proxy

/s/ Bob Irwin
Attorney General/Proxy

/s/ Major Sean Moriarty
Superintendent of State Police/Proxy

/s/ Mr. Lew Killmer
Delaware League of Governments

/s/ Chief Thomas Johnson
Chief of Police, Dover Police Department

/s/ Insp. Charles Emory
Chief of Police, Wilmington Police Department/Proxy

/s/ Captain Daniel Roger
Captain Daniel Rogers
Chief of the New Castle County/Proxy

/s/ William West
Mayor, City of Georgetown

/s/ Franklin Cooke, Jr.
Representative Franklin Cooke, Jr.
Chair of the Public Safety Committee of the House of Representatives

(absent)
Senator Marie Pinkney
Corrections and Public Safety Committee

Robin Christiansen
Mayor, City of Dover

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

(absent)
Department of Education

/s/ Mr. William Collick
Public Appointee

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

801 Regulations of the ~~Delaware Council on Police Training~~Police Officer Standards and Training Commission

1.0 Objectives

1.1 The objectives of ~~the Council on Police Training are:~~

~~1.1.1 To~~POST is to encourage and increase the professional competency of police officers by:

~~1.1.1.1~~1.1.1 Establishing minimum pre-employment qualifications for police officer applicants and;

~~1.1.1.2~~1.1.2 Establishing minimum educational and training qualifications requisite to permanent appointment as a police officer, and;

~~1.1.1.3~~1.1.3 Prescribing standards for in-service or reoccurring, annual training of police officers~~, and~~; and

~~1.1.1.4~~1.1.4 Reviewing and examining potential misconduct of Delaware police officers by providing administrative hearings to consider possible suspensions or revocations of police certification.

22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following ~~meaning unless the context clearly indicates otherwise:~~meanings:

"~~**Administrator**~~" ~~means the Director of Training for the Delaware State Police as defined in Section 17.0.~~

"**Approved ~~Academy~~academy**" means a Police Basic Training School authorized by ~~the Council~~ POST to provide mandatory training and education for police officers as prescribed in this ~~chapter.~~regulation.

"**Combat ~~Reload~~reload**" means the rapid replenishment of ammunition in a weapon after the slide or bolt lock-back.

"**Conducted Electrical Weapon**" or "**CEW**" means an electrical device that fires 2 small, dart-like electrodes, which stay connected to the main unit by conductors, to deliver electric current to disrupt voluntary control of muscles causing "neuromuscular incapacitation".

~~"**Council**" or "**COPT**" means the Council on Police Training.~~

"**Department**" or "**Departments**" means all Delaware police departments or law enforcement agencies employing police officers as defined by Chapter 84, Title 11, of the Delaware Code.

"**Director**" means the director of an approved academy (or their designee).

"**Executive Director**" means the POST Executive Director appointed by the Secretary of the Department of Safety and Homeland Security to provide administrative oversight of the POST pursuant to 11 **Del.C.** §8404(b). The Executive Director's duties include:

Providing oversight of training programs and curriculum administered by the Approved Academies to ensure they meet minimum standards;

Facilitating police officer certification hearings pursuant to 11 **Del.C.** §8404(a)(4);

Hiring, supervising, managing, and training POST employees;

Coordinating and implementing requirements for POST meetings, including posting meeting notices and minutes;

Compiling any data and reports as may be necessary to assist the POST;

Serving as the point-of-contact for POST;

Establishing and maintaining a public website for POST;

Overseeing the day-to-day operations of POST, including any necessary tasks relating to budgetary needs of POST;

Taking all other necessary and proper action to facilitate the implementation of POST regulations and Chapters 84 and 84A of Title 11 of the Delaware Code;

Serving as a liaison with local, state, and federal law enforcement officers and agencies; and

Serving as Delaware's representative for the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

"**Firearms Training**" means weapons training conducted by a ~~COPT~~POST- certified firearms instructor.

"**Inactive status**" means status assumed by a certified police officer upon separation of employment with a law enforcement agency.

"**Low Light**" means when ambient lighting conditions require the addition of artificial illumination in order to effectively identify a target or suspect and properly evaluate a threat or lack thereof.

"**Part-Time**" means employment with a law enforcement agency that carries fewer hours per week than a full-time position. This employment must be actively documented through schedules and payroll records. At a minimum the annual hours must account for all mandatory ~~COPT~~POST training requirements, and the officers must be listed and accounted for in the ~~COPT~~POST Annual Survey.

"**Pathology**" means the branch of medicine concerned with the study of the nature of disease and its causes, processes, development and consequences.

"**Performance Characteristics**" of ammunition means the felt recoil, accuracy and point of impact.

~~"**Permanent appointment**" means appointment by the authority of any municipality or government unit in or of this State or the University of Delaware Police Department, Delaware State University Police Department or the Delaware River and Bay Authority to permanent status as a police officer.~~

~~"**Permanent basis**" means continual employment with a law enforcement agency on a full-time or part-time basis.~~

~~"**Permanent separation**" means the resignation, retirement, or otherwise voluntarily or involuntarily departure from his or her employing law enforcement agency.~~

"**Police 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.

"**POST**" means the Police Officer Standards and Training Commission.

"**Provisional Certification**" means the temporary appointment of an officer by the ~~Administrator~~Executive Director who has successfully completed the Police Basic Training Course as prescribed in 11 **Del.C.** §8405.

~~"**Seasonal appointment**" means appointment for no more than 6 months per calendar Year. Any deviation from this standard based on special circumstances will require prior approval by the Council.~~

"**Seasonal police officer**" means a police officer employed for a time frame of no more than 6 months, from the date of completion of training, annually. A seasonal police officer may not serve as Chief of Police, Deputy Chief of Police, or Officer-in-Charge of a police department.

"**Tactical Reload**" means the rapid replenishment of ammunition in a weapon, prior to slide or bolt lock-back and while in a position of advantage, in an effort to maximize the quantity of ammunition in the weapon.

"**Target**" means approved qualification target to include: FBI QIT-99 or a dimensionally equivalent target approved by the ~~COPT~~POST Firearms Instructor Subcommittee, and approved simulated target APG B-27 or a dimensionally equivalent target approved by the ~~COPT~~POST Firearms Instructor Subcommittee.

~~"**University**" means the University of Delaware Police Department or Delaware State University Police Department.~~

"**Validated test**" means a test that has been shown by scientific means to be specific related to job performance and job tasks and does not have an adverse impact.

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

3.0 Minimum Standards for Initial Certification

3.1 ~~The applicant~~Applicants shall complete ~~an application, the format of which has been approved by the Council~~a POST-approved application.

3.2 ~~The applicant~~ Applicants shall be ~~a citizen of the~~ United States citizens.

3.3 ~~The applicant~~ Applicants shall ~~have reached his/her 18th birthday as a seasonal officer and his/her 21st birthday as a full-time officer.~~be at least 18 years old for seasonal officer positions and 21 years old for full time positions.

3.4 ~~A licensed physician shall examine the applicant, at the expense of the employing agency, to determine that he/she is physically fit for normal police duties. The following shall be met:~~Applicants shall be examined by a licensed physician to ensure that they are physically able to perform the functions of a police officer, including meeting the following minimal standards:

3.4.1 ~~The applicant~~Applicants shall be free from any major impediment of the senses.

3.4.2 ~~The applicant~~ Applicants shall be examined by a licensed ophthalmologist or optometrist and shall possess acuity of vision independently in each eye of not more than 20/200 ~~corrected~~correctable to 20/20. ~~The applicant~~ Applicants shall ~~have the ability~~be able to distinguish between the colors of red, green, and ~~amber; and shall have~~ amber; have no pathology of the ~~eyes. The applicant shall also~~ eyes; and possess acceptable depth perception.

3.4.3 The applicant shall possess hearing in ~~both ears, individually, that is classified~~ each ear to the degree considered to be within normal ~~limits/range~~limits or range.

~~3.4.4 The applicant shall have no communicable diseases.~~

~~3.4.5~~3.4.4 ~~The applicant~~ Applicants shall have no physical ~~deformities, which would be detrimental to proper performance of police duties.~~ limitations preventing them from performing the essential functions of a police officer with or without reasonable accommodations.

~~3.4.6~~3.4.5 ~~The applicant~~Applicants must pass a drug-screening test prior to appointment or attendance at an ~~approved police basic training Academy. The cost of the drug screening test will be absorbed by the employing agency. Urine tests will be conducted for the following drugs:~~ approved academy. At a minimum, drug tests will screen for the following:

~~3.4.6.1~~3.4.5.1 Amphetamines (speed, uppers, meth);

~~3.4.6.2~~3.4.5.2 ~~Barbiturate~~Barbituates (barbs, downers);

~~3.4.6.3~~3.4.5.3 Benzodiazepines (tranquilizers, Valium);

~~3.4.6.4~~3.4.5.4 Cannabidiol (THC, ~~pot~~ marijuana);

~~3.4.6.5~~3.4.5.5 Cocaine (crack~~, snow~~);

~~3.4.6.6~~3.4.5.6 Methaqualone (quaaludes, ludes);

~~3.4.6.7~~3.4.5.7 Opiates (heroin, smack, morphine, fentanyl);

~~3.4.6.8~~3.4.5.8 Phencyclidine (PCP); and

~~3.4.6.9~~3.4.5.9 Designer Drugs (ecstasy, MDMA, ketamine).

3.5 ~~The applicant~~ Applicants shall take and successfully complete a validated ~~psychiatric / psychological~~psychiatric or psychological test to ~~show his/her~~demonstrate competency to perform the ~~law enforcement~~ essential duties of a police officer. ~~The applicant shall also be required to be examined in person and receive endorsement by a licensed psychologist / psychiatrist to determine that his mental and emotional stability is suitable to perform law enforcement duties (i.e. race relations, use of force and authority, flexibility and maturity). The following circumstances will result in a mental exam rejection:~~ The comprehensive examination may be performed in person or virtually. Applicants shall not be cleared for police academy attendance or serve as a police officer if the examination identifies any history of psychoneurotic ~~reaction~~reactions resulting in hospitalization, prolonged care by physician or loss of time for repeated periods. Applicants must be recommended by a licensed psychiatrist or psychologist that applicants are psychologically and emotionally fit to attend the police academy and perform as a police officer.

3.6 ~~The applicant shall be a high school graduate as evidenced by a diploma issued by a state accredited high school. An equivalency diploma issued by an accredited high school is acceptable.~~Applicants shall have received a high school diploma or its equivalent.

3.7 ~~The applicant~~ Applicants shall possess a valid state driver's license.

3.8 ~~The applicant~~Applicants shall ~~be of~~possess good reputation and character. The employing department shall conduct a character and background investigation on each applicant in the form and manner as prescribed by ~~the Council (see form IV-14). The chief, or his designee, of the hiring department,~~ POST. All records of investigations shall be maintained for at least 2 years for applicants who are not hired, permanently for those hired, and all records shall be subject to inspection by POST. Departments shall interview ~~the applicant~~applicants in person ~~and all background investigation records shall be kept on file for a period of 2 years for those applicants not hired and permanently for those applicants hired for inspection by the Council on Police Training or its authorized representative.~~ to verify the information provided and assess their suitability for employment.

3.9 ~~The applicant~~ Applicants shall not have been convicted of ~~a~~ any felony or any misdemeanor~~, which~~ that precludes ~~the individual~~ applicants from possessing a ~~weapon~~firearm. ~~The applicant~~ Applicants shall be fingerprinted and a search made of local, state and national fingerprint ~~files~~databases to disclose any criminal record~~;~~ and the ~~fingerprint cards and any~~ identification records shall be made available for inspection ~~to the Council on Police Training or its authorized representative.~~by POST. A search should also be made of the National Decertification Index maintained by ~~the International Association of Directors of Law Enforcement Standardized Training (IADLEST)~~IADLEST to determine if ~~the applicant has~~applicants have ever been decertified in another jurisdiction. ~~A~~ The Executive Director may reject applicants with a conviction ~~of any state or federal crime, as well as~~ for any crime referenced in 11 **Del.C.** § 8404(a)(4)(c), a demonstrated pattern of criminal conduct, or prior ~~decertification,~~decertification may be grounds for rejection of ~~the applicant by the Administrator.~~applicants.

3.10 ~~The applicant~~ Applicants shall successfully complete a written ~~job-related examination,~~examination in the form and manner as prescribed by ~~the Council on Police Training,~~POST, and the results shall be retained for a period of 2 years for inspection by ~~the Council or its authorized representative.~~POST. Form and manner being a validated test related to specific requirements needed to perform the duties of a police officer.

3.11 ~~A~~ Applicants shall be disqualified for a bad conduct or dishonorable discharge from military ~~service~~ service. ~~shall disqualify the applicant.~~ Any discharge, other than above, which is not honorable, may also be grounds for rejection~~, determination to be made by the hiring agency in conjunction with the Administrator~~.

3.12 ~~The weight of the applicant shall be in proportion to his/her height and build or body fat percentage as established by the Cooper Institute. www.healthchecksystems.com/heightweightchart.htm~~ Applicants may be denied if any of the grounds for police decertification exist (e.g., dishonest or danger to the public).

3.13 **Physical Ability Testing**: Each department sending recruits to ~~a COPT~~ an approved academy ~~within this state~~ will be responsible to see that ~~the applicant meets~~applicants meet the minimum physical ability standards as set by the ~~respective~~ academy. ~~Recruits found not to meet the minimum standard or standards are subject to dismissal from the respective training academy.~~

3.13.1 The COPT recommends a test battery for applicants as suggested by the Cooper Institute[1]. The Battery is as follows:

3.13.1.1 Vertical Jump;

3.13.1.2 One Minute Sit Up;

3.13.1.3 300 Meter Run;

3.13.1.4 Maximum Push-Up or Bench Press; and

3.13.1.5 1.5 Mile Run.

3.13.2 The procedure and order for testing is recommended as follows:

3.13.2.1 Warm up for 3 minutes, perform vertical jump test and rest for 2 minutes;

3.13.2.2 Perform 1-minute sit-up test and rest for 5-10 minutes;

3.13.2.3 Perform 300 Meter run and rest for 5-10 minutes;

3.13.2.4 Perform Maximum Push-up test and rest for 5 to 15 minutes; and

3.13.2.5 Perform Cardio-warm up for 2-3 minutes and then perform 1.5-mile run followed by cardio-cool down for 5 minutes.

3.13.3 As a minimum, applicants should be capable of satisfactorily completing 3 of the recommended tests. Satisfactorily is held to mean the achievement in the 20th percentile as cited in the Cooper Fitness Norms, Single Norms[2]. The inability of a recruit to perform physical ability tests to the 20th percentile shall be reported to the Director of Training of the academy to which the recruit is enrolled. The Director of Training may require additional testing, specialized training, or may at his/her discretion, deny enrollment of said recruit in the respective training academy.

3.13.4 Physical Fitness/Wellness testing and training is to encourage and teach law enforcement officers to maintain a healthy fitness level throughout their career. Law enforcement officers who remain physically fit prove more readily able to cope with the day-to-day stress of job demands, and are better prepared to handle critical incidents. For this purpose, the COPT has established a minimum Physical Ability level for law enforcement recruit applicants, and officers currently employed in law enforcement out of state, and seeking law enforcement employment in Delaware. It will be the responsibility of each agency to test and determine fitness for duty levels of their respective recruit candidates.

3.13.5 While the COPT has established minimum standards, each department may establish higher standards based on the physical demands placed on officers within their respective jurisdiction. Agency heads, when establishing physical fitness standards for their agency are encouraged to familiarize themselves with Federal Legislation contained in Title VII of the Civil Rights act of 1964, and by the Civil Rights Act of 1991. This legislation requires that all employers of more than 15 employees must refrain from policies and procedures, which either expressly or effectively discriminates against specified categories of individuals except under limited circumstances.

3.14 No requirement of this section is to be interpreted as precluding any agency from establishing higher standards. In no case, however, may the department head or agency employ persons with qualifications below the minimums set forth in these regulations for the position of police officer. Higher standards are recommended whenever the availability of qualified applicants is available.

3.15 During declared states of emergency~~, the Administrator may,~~ or other exigent circumstances, the Executive Director may, but is not required to, ~~"waive" or "modify"~~waive or modify certain minimum standards for initial certification as reasonably necessary to provide accommodations necessitated by the circumstance that caused the state of emergency to be declared. Any ~~such waiver~~waivers or ~~modification~~ modifications shall be reported to ~~the Council~~POST at the next regularly scheduled meeting. All candidates are required to fully comply with the minimum standards, if practicable, when the state of emergency is lifted.

13 DE Reg. 840 (12/01/09)
22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

4.0 Notification of Employment Status

4.1 ~~The Administrator will be notified by the Chief of Police, in writing, within 5 business days of the resignation, retirement or separation of any police officer under his/her command.~~Departments shall provide notice to POST of the hiring, retirement or separation of any police officer within 5 business days, using the POST Change of Employment Form.

~~4.2 Any law enforcement agency hiring a COPT Certified Officer must notify the Administrator within 5 business days of the employment offer.~~

~~4.3 Upon the permanent separation from any police officer position, any COPT certification or endorsement as a law enforcement instructor will expire.~~

4.2 Upon the retirement or resignation from a police department in good standing, approved POST instructors (all categories) may request that POST retain their certification and approval to continue to provide instruction to police and civilian law enforcement personnel. POST Certified and Approved Instructors must meet minimum instructor qualifications, requirements, and teaching standards established and maintained by POST.

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
24 DE Reg. 1012 (05/01/21)

5.0 Minimum Standards for Training

5.1 Police Basic Training Course

5.1.1 ~~In order for training to be accepted by COPT the training must be instructed by Certified Instructors.~~Training may only be provided by POST-certified, approved or specialized instructors.

5.1.1.1 ~~Each applicant for the position of police officer in the State of Delaware~~All applicants must satisfactorily complete the Police Basic Training ~~Course~~Curricula as prescribed in 11 **Del.C.** §8405(a) ~~(Amended 07/08/93)~~ prior to being ~~given or accepting an appointment as a police officer~~certified as a Delaware police officer.

~~5.1.1.2 The Council has certified 6 agencies as approved police basic training academies. Those agencies are: The Delaware State Police; New Castle County Police; Wilmington Department of Police; Newark Police Department; Dover Police Department; and Delaware River and Bay Authority Police Department.~~

~~5.1.1.3~~5.1.1.2 ~~Each applicant~~Applicants must meet the ~~PT~~ medical, psychological and physical fitness standards of ~~the academy to which they will be attending~~an approved academy.

5.2 ~~Waiver of Equivalent Training – RECIPROCITY~~Reciprocity

5.2.1 ~~The Council~~POST may waive the requirement of attending an ~~approved Delaware Police Training~~approved ~~Academy for out-of-state~~academy for police officers ~~seeking Delaware certification if they have~~certified in other states where the officer:

5.2.1.1 ~~Completed~~ Has completed training equivalent to ~~that required~~the requirements for initial certification in Delaware; and

5.2.1.2 Met all training ~~considered~~ indigenous to Delaware, as determined by the ~~Administrator.~~Executive Director, including all training required by subsection 5.3.

5.2.2 ~~The Chief of Police of the municipality seeking waiver of training obtained in Delaware must submit to the Administrator an application for Exemption from Mandatory Training.~~Requests for reciprocal certification shall be submitted by the chief of police to the Executive Director utilizing the POST-prescribed form.

5.2.3 The application must be completed in its entirety and submitted to the ~~Administrator~~ Executive Director prior to appointment by the requesting agency. The officer must provide all records reasonably requested by ~~the Administrator~~POST, including all certificates of training and curriculum from the officer's police academy, as well as any other relevant training records that would support obtaining ~~COPT Certification~~Delaware certification. The records must include a copy of the curriculum from those training entities and records demonstrating proof that training was completed and a description of courses taught; hours assigned to each course; and, a brief synopsis of the material taught in each course. ~~The officer has the~~It is the applicant's burden to demonstrate, to the satisfaction of the ~~Administrator~~Executive Director, that the officer may receive reciprocal certification.

5.2.4 ~~The Administrator~~POST will examine the equivalent training records and make a comparison with the Delaware Mandatory Requirements. Any areas not meeting Delaware ~~Standards~~ standards will be ~~required,~~required for completion prior to submission of the waiver application to ~~Council~~POST for consideration.

5.2.5 ~~An applicant seeking a waiver of equivalent training under this section must attend an approved academy in its entirety as a result of the following:~~ Requests for reciprocal certification may be denied if an application is determined to be deficient in the areas of training required under this regulation. An application may be denied if an application is determined to be deficient in the areas of training required under this regulation or, if the applicant, upon review of the applicant's training, needs to take more than 40% of the minimum number of hours of training in the state of Delaware.

~~5.2.5.1 If an applicant has not worked full-time in law enforcement during the 5 years immediately prior to the date of application;~~

~~5.2.5.2 If an applicant's application submission was determined to be deficient in the areas of training as determined by the Administrator; and~~

~~5.2.5.3 If an applicant, upon review of their training, needs to take more than 40% of the minimum number of hours of training in the state of Delaware.~~

5.3 ~~Annual required~~ Required training to maintain certification

5.3.1 ~~Each~~ Delaware police ~~officer, certified by the Council, will~~ officers shall be required to complete a minimum of 16 hours of in-service career related training ~~annually~~on an annual basis.

5.3.2 In addition to the above 16 hours, the officer must also recertify in C.P.R., AED, ~~and First Responders.~~less lethal weapons, firearms (see below), and other mandated training (e.g., by law and as part of accreditation (CALEA/DPAC).

13 DE Reg. 840 (12/01/09)
22 DE Reg. 783 (03/01/19)
24 DE Reg. 1012 (05/01/21)
26 DE Reg. 223 (09/01/22)

6.0 ~~Extension of Time Limit for Course Completion~~(Reserved)

~~6.1 The Council of Police Training may provide a modification from the application, application of any provision of the Rules and Regulations promulgated hereunder for any police officer of a municipality if:~~

~~6.1.1 The police officer is employed on a full-time basis, and~~

~~6.1.2 The municipality makes application for such modification and establishes that it will suffer a hardship if the modification is not granted, and~~

~~6.1.3 Application is made in writing to the Administrator of the Council on Police Training.~~

~~6.2 The Administrator will present the hardship application to the Council at the next regularly scheduled quarterly meeting. The Council will consider the request, debate its merits, and approve or deny the application by a majority vote of its members.~~

23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

7.0 ~~Power and Duties~~ (Reserved)
22 DE Reg. 783 (03/01/19)

8.0 Re-activation Requirements of Police Officers

8.1 Inactive Status

8.1.1 Whenever a police officer ~~required to be certified by the Council on Police Training retires, resigns, or otherwise voluntarily or involuntarily leaves his or her employing law enforcement agency, the chief of the employing agency~~ is terminated, retires, resigns, or otherwise separated from a Department, the Department shall advise the ~~Administrator~~ Executive Director of the separation in writing within 5 business days of the separation and ~~identify~~describe the circumstances of the separation. This written notification is to be made utilizing the ~~COPT approved~~ POST-approved form.

8.1.2 Upon receiving notice of a police officer's separation from ~~law enforcement employment, the Administrator~~ a Department, the Executive Director shall place that individual on inactive status. Once placed on inactive status, ~~he or she~~ the police officer is not authorized to exercise the powers of a police officer until such time as ~~he or she~~the police officer meets the requirements for re-activation.

8.1.3 The ~~Administrator~~ Executive Director may re-activate ~~the individual's~~an officer's certification upon written application ~~from the individual that he or she has~~ when the officer has accepted ~~another~~ a full-time police position with ~~a law enforcement agency whose training is regulated by the COPT and provided that the individual~~ the same or another Delaware police department, the officer is not the subject of a decertification proceeding pursuant to ~~11~~ **Del.C.** §8404(4) ~~and the individual meets all other~~11 **Del.C.** §8404(a)(4) and the criteria for re-activation ~~which the Council has adopted in subsection 8.2 of this regulation~~.

8.2 Re-activation Requirements under subsection 8.2 of this regulation is met.

8.2.1 If not employed on a permanent basis for a period of less than 12 months, an individual must complete all in-service requirements mandated by the Council pursuant to 11 **Del.C.** §8404(a)(5) prior to recommencing employment.

8.2.2 If not employed on a permanent basis for a period of greater than 12 months but less than 36 months, an individual must undergo the following:

8.2.2.1 Medical background including:

8.2.2.1.1 Medical history / physical examination form;

8.2.2.1.2 Physicians affidavit;

8.2.2.1.3 Weight chart;

8.2.2.1.4 Substance abuse screen;

8.2.2.1.5 Eye exam; and

8.2.2.1.6 Hearing test.

8.2.2.2 The results of a validated psychiatric / psychological test and interview, indicating competency to perform law enforcement duties.

8.2.3 If an officer has not been employed by a police department, on a full-time basis, for a period not exceeding 3 years, the officer must fulfill the below requirements:

8.2.3.1 Applicants shall be examined by a licensed physician to ensure that they are physically able to perform the functions of a police officer, including meeting the following minimal standards:

[~~8.2.3.2~~8.2.3.1.1] Applicants shall be free from any major impediment of the senses.

[~~8.2.3.3~~8.2.3.1.2] Applicants shall be examined by a licensed ophthalmologist or optometrist and shall possess acuity of vision independently in each eye of not more than 20/200. correctable to 20/20. Applicants shall have the ability to distinguish between the colors of red, green, and amber; and shall have no pathology of the eyes. Applicants shall also possess normal depth perception.

[~~8.2.3.4~~8.2.3.1.3] Applicants shall possess hearing in each ear to the degree considered to be within normal limits or range.

[~~8.2.3.5~~8.2.3.2] Applicants shall have no physical limitations preventing them from performing the essential functions of a police officer with or without reasonable accommodations.

[~~8.2.3.6~~8.2.3.3] Applicants must pass a drug-screening test prior to appointment. At a minimum, drug tests will screen for the following:

[~~8.2.3.6.1~~8.2.3.3.1] Amphetamines (speed, uppers, meth);

[~~8.2.3.6.2~~8.2.3.3.2] Barbiturates (barbs, downers);

[~~8.2.3.6.3~~8.2.3.3.3] Benzodiazepines (tranquilizers, Valium);

[~~8.2.3.6.4~~8.2.3.3.4] Cannabidiol (THC, marijuana);

[~~8.2.3.6.5~~8.2.3.3.5] Cocaine (crack);

[~~8.2.3.6.6~~8.2.3.3.6] Methaqualone (quaaludes, ludes);

[~~8.2.3.6.7~~8.2.3.3.7] Opiates (heroin, morphine, fentanyl);

[~~8.2.3.6.8~~8.2.3.3.8] Phencyclidine (PCP); and

[~~8.2.3.6.9~~8.2.3.3.9] Designer Drugs (ecstasy, MDMA, ketamine).

[~~8.2.3.7~~8.2.3.4] Applicants shall take and successfully complete a validated psychiatric/psychological test to demonstrate competency to perform the essential duties of a police officer. The comprehensive psychological examination may be performed in person or virtually. Applicants shall not be cleared for police academy attendance or service as a police officer if the examination identifies any history of psychoneurotic reactions resulting in hospitalization, prolonged care by physician or loss of time for repeated periods. All applicants must be recommended by a licensed psychiatrist or psychologist that they are psychologically and emotionally fit to attend the police academy and perform as a police officer.

[~~8.2.3.8~~8.2.3.5] A criminal and employment background investigation, including complaint and disciplinary files, to determine suitability to perform the functions of a police officer.

~~8.2.2.3 Current criminal history record check, including fingerprints obtained from the State Bureau of Investigations.~~

~~8.2.2.4 Background investigation. Standardized form (IV-14) which consists of a minimum checklist.~~

~~8.2.2.5~~**[~~8.2.3.9~~8.2.3.6]** All training requirements prescribed by ~~the Council~~POST, including~~, but not limited to First Responder and Firearms recertification~~.first responder, less lethal weapons, defensive tactics, active shooter, firearms recertification, and respective policies.

~~8.2.2.6 Firearms training.~~

~~8.2.3~~8.2.4 ~~If not employed on a permanent basis for a period of greater than 36 months but less than 60 months, an individual must undergo the following:~~ If an officer has not been employed by a police department, on a full-time basis, for a period between 3 and 5 years, the officer must fulfill the requirements set forth in subsection 8.2.1 and must also:

~~8.2.3.1 Medical background including:~~

~~8.2.3.1.1 Medical history / physical examination form;~~

~~8.2.3.1.2 Physicians affidavit;~~

~~8.2.3.1.3 Weight chart;~~

~~8.2.3.1.4 Substance abuse screen;~~

~~8.2.3.1.5 Eye exam; and~~

~~8.2.3.1.6 Hearing test.~~

~~8.2.3.2 The results of a validated psychiatric / psychological test and interview, indicating competency to perform law enforcement duties.~~

~~8.2.3.3 Current criminal history record check, including fingerprints obtained from the State Bureau of Investigation.~~

~~8.2.3.4 Background investigation. Standardized form (IV-14) which consists of a minimum checklist.~~

~~8.2.3.5 First Responder recertification.~~

~~8.2.3.6~~8.2.4.1 Complete a Firearms basic certification course.

~~8.2.3.7~~8.2.4.2 Complete an academy basic criminal procedures, criminal law and traffic law course.

~~8.2.3.8~~8.2.4.3 Complete any other academic requirement imposed by the ~~Administrator~~Executive Director.

8.2.48.2.5 If not employed on a permanent basis for a period of greater than 60 months, an individual must satisfy all requirements imposed by the Administrator following a review of the individual's training history and after approval by the Council.If the period of unemployment on a permanent basis by a Department exceeds 5 years, the officer must fulfill the above requirements in subection 8.2.3 and also attend and complete a full approved academy.

11 DE Reg. 180 (08/01/07)
13 DE Reg. 840 (12/01/09)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

9.0 Seasonal Police Officers

9.1 Minimum Training Requirements

9.1.19.1 Due to their status, officers in this classification will receive a course of instruction that once completed will meet minimum standards established by the Council on Police Training.Seasonal police officers must receive a course of training, pursuant to 11 **Del.C.** §8404(a)(16), approved by the Executive Director. Those officers will be granted permission by POST to perform seasonal police officer duties.

9.1.29.2 Due to the unique position of the Seasonal Police Officer, it will be stipulated that in lieu of training prior to active duty, he/she will instead be granted permission by the Council on Police Training to comply with Section 8404(a)(16) within 15 days of his/her initial employment date. The course needs prior approval by the Administrator.POST shall establish and maintain minimum training curriculum for training for seasonal police officers. POST may update its training curriculum from time to time and will ensure that the current curriculum is available on its public website.

9.1.3 The minimum hours required for each enumerated category below will not preclude any department from expanding on or providing more than the minimum training for seasonal officers.

9.1.4 Seasonal police officers will be required to follow the same schedule as non-seasonal officers for all categories of training enumerated below that require recertification or refresher training in subsequent years.

9.2 Basic Curriculum – Seasonal 64 Hours

9.2.1 Communications - 1 Hour. Acquaints the officer with the features and use of communications equipment used in police operations, including telephone, teletype, and radio. Instruction also includes rules and regulations of the Federal Communications Commission with regard to radio transmissions.

9.2.2 Courtroom Procedure and Demeanor - 2 Hours. The fundamentals of how to be most effective as a witness in court. Includes preparation of the case prior to courtroom presentation. Also included are appearance, manner, and attitude in court and while waiting to testify.

9.2.3 Criminal Code - (Minor Offenses) 4 Hours. This course should familiarize the officer with at least Title 11 and Title 16 and provide them the ability to reference those titles for violations.

9.2.4 Cultural Diversity - 4 Hours. This course is intended to bring about increased understanding and respect on the part of the police officer in their interactions and communications with all minority groups.

9.2.5 DELJIS (Delaware Criminal Justice Information System) - 8 Hours. Each recruit will be instructed on the DELJIS System. Recruits will be able to navigate DELJIS and develop electronic warrants.

9.2.6 Emergency Care - (Basic "ABC" CPR/AED) - 6 Hours. This training develops first aid techniques that enable an officer to meet the basic demands in most cases.

9.2.7 Laws of Arrest and Search Procedures - 6 Hours. The course covers the legal foundation of laws governing and limiting the police officer's authority in the areas of arrests. This treatment shall be afforded with respect to the laws of arrest with or without warrants, arrest for misdemeanors and arrest for felonies, the elements of probable cause, and the disposition of persons after lawfully arrested.

9.2.8 Patrol Procedures (Basic Tactics) - 3 Hours. This course is designed to acquaint new officers with the basic street survival techniques as accrued from actual encounters on the street. Practical application of avoidance, deterrence and de-escalation techniques through the handling of actual scenarios will familiarize officers with what to do when confronted by an unarmed/armed combatant.

9.2.9 Police Discipline and Courtesy - 1 Hour. The course covers the basic why, when, and where of discipline and courtesy of police officers.

9.2.10 Report Writing - 2 Hours. This class instructs the officers in the essential mechanics of recording their investigations in report form suitable to serve both as an aid to further investigation and to the preparation and development of prosecution.

9.2.11 Traffic Code - 2 Hours. This course should familiarize the officer with Title 21 and provide them the ability to reference this title for violations.

9.2.12 Traffic Control - 1 Hour. This class is designed to teach the officer the fundamentals and mechanics of traffic control and control devices; and to familiarize the officer with the proper signals and gestures used in point traffic control.

9.2.13 Handcuffs/Searching – 8 Hours. The purpose of this course is to educate the officer on the proper/legal employment of handcuffs and will include discussion regarding the appropriate search techniques to be

~~employed on handcuffed individuals. This course will also include a written proficiency examination and practical performance as part of the certification process.~~

~~9.2.14 Police Communication & Crisis Intervention – 8 Hours. The purpose of this course it to provide the officer with the knowledge, skills and ability to interact with people on a daily basis. Types of instruction include, but are not limited to verbal judo, active listening skills, suicide prevention and de-escalation techniques. Role-play scenarios are a valuable part of this training.~~

~~9.2.15 Defensive Tactics – 8 Hours. Through the use of lecture, demonstration and individual participation this training will provide each officer with sufficient skills to defend himself/herself from attack. For seasonal officers, this course of instruction will focus on hand-to-hand defense techniques to include grappling and suspect control.~~

~~9.3 Advanced Curriculum-Seasonal~~

~~9.3.1 Seasonal police officers who carry firearms shall be trained as required under Section 11.0.~~

~~9.3.2 Seasonal police officers who operate police vehicles on patrol shall be trained in EVOC as described in subsection 15.13 of this regulation. Seasonal police officers who operate police vehicles in non-patrol functions shall complete a 4 hour Basic Vehicle Operation course.~~

~~9.3.3 Seasonal police officers who carry non-flammable O.C. (oleoresin capsicum) sprays or blends shall complete a 6 hour course. The purpose of this course is to educate the officer on the proper/legal employment of O.C. spray. This course will also include a written proficiency examination and exposure as part of the certification process required to carry this use of force option.~~

~~9.3.4 Seasonal officers who carry Impact Weapons shall complete an 8 hour course. The purpose of this course is to educate the officer on the proper/legal employment of impact weapons This course will also include a written proficiency examination and practical performance as part of the certification process required to carry this use of force option.~~

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

10.0 Minimum Qualifications for Police Instructors

10.1 Proposed instructors shall forward a resume including information relative to their education, experience in law enforcement, experience and suitability in instruction, ability at oral and written communication, and physical and personal appearance to the ~~Administrator~~Executive Director.

10.1.1 The instructors shall be of ~~5~~the **[5~~6~~]** following types:

10.1.1.1 Certified ~~Instructors: Those used~~instructors: those trained in general police instruction and who have been in law enforcement in a sworn position for a minimum of ~~5~~ 3 years. These instructors shall complete ~~police instructor school as approved by the Council and a~~ the POST Certified Instructor Course, instructed by a Master Instructor.

10.1.1.2 ~~Limited Instructor: Those who, by their special knowledge and preparation, are suited to instruct certain courses requiring such special knowledge and education shall have the 5-year minimum experience waived. These instructors may be given a certification limited in subject matter.~~Specialized Instructor: individuals who, by their special knowledge and preparation, are suited to instruct certain courses requiring special knowledge and education. These instructors may be given a certification limited in subject matter.

10.1.1.3 Master Instructor: ~~A police officer certified by the Council to teach a police instructor school.~~individuals trained in general and specialized instruction who have worked in law enforcement in a sworn position and who have been a certified instructor for a minimum of 3 years. These instructors shall complete the POST Certified Master Instructor Course, instructed by a Master Instructor. Master Instructors will teach the certified instructors' courses, approve new instructors, review and develop curriculum, and assist and evaluate current instructors and police academy directors with training.

10.1.1.4 Firearms Instructor: Defined in 1 **DE Admin. Code** 803.

10.1.1.5 ~~.~~ Master Firearms Instructor: Defined in 1 **DE Admin. Code** 803.

10.1.1.6 Approved Instructor: individuals trained in general police instruction and who have worked in the criminal justice system in a non-sworn position. These instructors shall complete the POST Approved Instructor Course, instructed by a Master Instructor.

10.1.2 Instructors shall maintain their certification as an instructor by meeting the following criteria:

10.1.2.1 ~~Certified, Limited and Firearms~~ All Instructors must conduct a minimum of 8 hours of instruction or ~~presentation~~ presentations in a 2-year period to remain active instructors. An instructor who fails to instruct or present a minimum of 8 hours during a 2-year period shall become inactive and is not permitted to act as an instructor. An inactive instructor may re-activate their instructor status by teaching for 8 hours under the supervision of another instructor. Should an instructor fail to teach or present within a 5-year period, ~~they~~ the instructor shall be subject to the provisions in subsection 10.1.5.

10.1.2.2 A Master Instructor must participate in ~~a police instructor school~~the POST Certified and Approved Instructor Courses as an instructor or facilitator once every 2 years. If a Master Instructor fails to meet these requirements ~~during a 2-year period~~, ~~they~~the Master Instructor shall be subject to the provisions in subsection 10.1.5.

10.1.3 Evaluations

10.1.3.1 Certified instructors shall be monitored by the ~~Director (or his/her designee) of the respective academy in which they are instructing.~~approved academy Director in which the instructor in instructing.

10.1.3.2 Evaluation reports shall be forwarded to the ~~Director (or his/her designee) of the training academy from which the instructor originates.~~Executive Director.

10.1.4 Complaint Process

10.1.4.1 Students in ~~a police academy having complaints relative to training shall direct such complaints to the Director of the academy they are~~ an approved academy may submit a complaint regarding the training to POST and to the Director of the approved academy the student is attending.

~~10.1.4.1.1 If remedial action is not forthcoming, the student;~~

~~10.1.4.1.1.1~~10.1.4.2 In the case of students attending their own academy, students shall follow the authorized chain of command of that ~~agency.~~Department.

~~10.1.4.1.1.2~~10.1.4.3 In the case of students attending an academy other than their own, students shall notify their training officer or chief of police.

~~10.1.4.1.1.3~~10.1.4.4 The training officer or chief of police making complaints relative to an instructor or the training shall make a written request to the ~~Administrator~~ Executive Director for an evaluation of the training or the instructor. The ~~Administrator, or the Administrator's designee,~~Executive Director shall provide an evaluation for every request. The ~~Administrator's designee shall be a~~Executive Director may designate a director of an approved academy ~~or the director's designee. The Administrator or the Administrator's designee shall~~ to evaluate the complaint and may consult with a Master Instructor in that evaluation process.

~~10.1.4.2 Students not in a police academy, or anyone else who has a complaint relative to training from an instructor defined in subsection 10.1.1, shall follow the complaint process in subsection 10.1.4.1.1.3.~~

10.1.5 Instructor Decertification

10.1.5.1 Instructors who ~~become certified, but through the evaluation process~~ are found to be unacceptable for training purposes may be suspended or decertified by ~~the Council~~POST upon recommendation by the employing officer's chief of police, the ~~Training~~ Director of the agency's ~~Academy, and the Administrator.~~ approved academy or the Executive Director. The complaint ~~shall~~must be investigated ~~have been investigated~~ prior to any punitive action ~~by the Council~~is taken by POST.

10.1.5.2 Falsification of information which led to certification shall be just cause for instructor decertification.

10.1.5.3 ~~Certified~~ Instructors who fail to complete the minimum required teaching may be decertified after notice and an opportunity to be heard in front of a panel of 3 Master Instructors chosen by the ~~Administrator~~Executive Director. The ~~Certified Instructor~~ instructor may present argument in writing or request a hearing by sending the argument or request for a hearing to the ~~Administrator.~~Executive Director. If the panel determines that the instructor demonstrated by substantial evidence that the instructor was unable to complete the required ~~teaching~~ training due to circumstances beyond their control, the instructor shall be given 1 ~~additional~~ year to ~~meet the minimum teaching standard.~~come into compliance. If the instructor fails to ~~complete the minimum teaching standard within 1 year~~come into compliance within 1 year, ~~they~~the instructor shall be decertified as an instructor ~~by the Council~~with no further notice or opportunity to be heard. Failure to respond to a notice sent by Certified Mail to an instructor shall be grounds for decertification as a ~~Certified Instructor~~POST instructor.

10.1.5.4 Master Instructors who fail to complete the minimum required teaching including facilitation or instruction of the certified instructors' course may be decertified after notice and an opportunity to be heard in front of a panel of 3 members of ~~the Council.~~POST. The Master Instructor may present argument in writing or request a hearing by sending the argument or request for a hearing to the ~~Administrator.~~Executive Director. If the panel determines that the Master Instructor demonstrated by substantial evidence that the Master Instructor was unable to complete the required teaching due to circumstances beyond their control, the Master Instructor shall be given 1 additional year to ~~meet the minimum teaching standard.~~come into complaince. If the Master Instructor fails to ~~complete the minimum teaching standard within 1 year~~come into compliance within 1 year, ~~they~~ the Master Instructor shall be decertified as a Master ~~Instructor, but shall~~Instructor (but may retain their certification as an ~~status as a Certified Instructor~~certification as an instructor). Failure to respond to a notice sent by Certified Mail to a Master Instructor shall be grounds for decertification as a Master Instructor.

10.1.6 Appellate Process: ~~There~~ there are no appeals of the decisions of ~~the Council on Police Training~~POST concerning instructor decertification ~~unless a claim of lack of due process can be substantiated~~.

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
24 DE Reg. 1012 (05/01/21)
27 DE Reg. 615 (02/01/24)

11.0 Firearms Training

11.1 Duration and curriculum: The academy level curriculum will include classroom lectures on ~~use of force~~response to resistance, safety, nomenclature, care of weapons, police combat tactics and marksmanship. Range instruction emphasizes the practical application of police weapons related to actual combat conditions. The range officer of the involved training facility will attest to the qualifications of the respective officer. Officers must qualify with their departmental issued weapon or weapons. On each qualification date the officer must attain an average of 80% (90% for all Instructors) of the possible score while demonstrating safe weapons handling techniques.

11.2 ~~Depending on the number of persons being trained, and considering the amount of experience, or lack of experience the training population has with firearms, the academy level training period will vary in time, but will consist of a minimum of 40 hours.~~The minimum academy level training will consist of 40 hours.

11.3 Non-Qualification: ~~Should an officer initially fail to qualify, that person would~~ if an initial attempt to qualify is unsuccessful, the officer may be permitted up to 5 additional attempts; provided, however, that an officer not qualifying on the first attempt must be provided ~~and a maximum of 40 hours~~ additional training of up to 40 hours to attain certification. Scheduling for the additional ~~attempt~~attempts will be ~~conducted~~ at the convenience of the firearms officer. Under no circumstances, will an officer be permitted to carry a firearm on duty, be certified as a police officer, or graduate from an academy, unless ~~certified as per the requirements of Section 8404 of the Council on Police Training.~~the officer successfully completes the minimum training requirements.

11.4 ~~As authorized by 8404(a)(5): In order to retain certification, all police~~Police officers ~~in the State of Delaware, including firearms instructors,~~and firearms instructors must receive recertification in firearms proficiency annually. The recertification must be conducted by a ~~Council on Police Training~~ POST certified firearms instructor. Firearms instructors are not permitted to recertify themselves.

11.5 ~~A~~ Officers must have a minimum of 3 re-qualification shoots per calendar year, scheduled on at least 2 separate days, with at least 60 days between scheduled shoots ~~are required~~. ~~Of these 3, there will be 1~~At least 1 shoot is a mandatory “low light” shoot. The "low light" shoot may be conducted on the same day as 1 daylight shoot.

11.6 Each training session shall consist of 1 minimum standards re-qualification course for each duty weapon, consistent with Section 12.0 of this regulation. An additional 50 rounds shall be fired for proficiency training from the handgun and the patrol rifle. This is a total of 100 rounds per shoot with the handgun and 100 rounds per shoot with the patrol rifle, totaling 300 rounds per calendar year as a minimum for each weapon. Departments using shotguns will fire a minimum of 30 rounds of ammunition for proficiency training per year.

11.7 ~~The Chief of Police shall forward to the Administrator, documentation of annual firearms recertification for each officer under his/her command by March 31st of each calendar year with the completion of the Annual COPT Survey.~~By February 1 of every year, Departments shall provide POST with documentation of annual firearms requalification for its officers for the preceding calendar year along with a completed POST Survey.

11.8 All training ammunition shall be comparable to issued service ammunition in performance characteristics. Service ammunition shall be collected annually and replaced with new ammunition. The collected ammunition may be used for training. ~~All shooting is to be completed with authorized/issued~~Officers shall be qualified on authorized and issued weapons and equipment.

11.9 Upon any changes or updates to department issued firearms, holsters, or sights (iron, red dot, etc), the department will ensure that a POST Master Firearms or Certified Firearms instructor provides transition training to every officer prior to issuing that equipment.

13 DE Reg. 840 (12/01/09)
22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

12.0 Minimum Standards Firearms Qualification Course of Fire

~~12.1 Handgun~~

~~12.1.1 A minimum of 3 qualification shoots per calendar year, scheduled on at least 2 separate days, with 60 days between qualification dates are required.~~

~~12.1.2 Of the 3 shoots, there will be 1 mandatory “low light” qualification. The low light shoot may be conducted on the same day as 1 day shoot.~~

~~12.1.3 All training ammunition shall be comparable to issued service ammunition in performance characteristics.~~

~~12.1.4 Issued service ammunition will be collected annually and replaced with new service ammunition. The collected ammunition may be used for training and qualification.~~

~~12.1.5 A minimum of 150 rounds of ammunition will be fired annually for proficiency training for both the handgun and patrol rifle. This ammunition will NOT include the ammunition required for qualification courses.~~

~~12.1.6 An average score of 80% (90% for Firearms Instructors and Master Firearms Instructors) must be obtained to be qualified with the approved handgun. The method of scoring and target selection will be determined by the instructor.~~

~~12.1.7 All qualifications are to be completed with authorized weapons and equipment. (Holsters, magazines, magazine pouches, etc.)~~

~~12.1.8 Should an officer initially fail to qualify, that officer would be permitted up to 5 attempts and a maximum of 40 hours additional training to attain certification. Scheduling for the additional attempts will be conducted at the convenience of the firearms instructor. Under no circumstances, will an officer be permitted to carry a firearm on duty unless certified as per the requirements of Section 8404 of the Council on Police Training.~~

Daytime

Yard Line	Course of Fire	Total Rounds (50)
25 or greater	Behind cover from 2 positions	4
15 or greater	Behind cover from 2 positions	6
10 to 7	Draw from the holster 3x2	6
7	Move off the X	6
3-10	Support Hand Reload Drill	3
5-7	Strong Hand Support Hand Transition Drill	6
3-5	~~Two~~ 2 rounds from the holster (4 seconds) x2	4
3-5	3 round Combat Reload Drill (9 seconds) x2	6
3	Get Back Drill	6
3 or greater	Any Course of Fire Listed Above	3

Low Light

Yard Line	Course of Fire	Total Rounds (50)
15	Behind cover from 2 positions	5
7	Move off the X	6
10 to 7	Draw from the holster 3x3	9
3-10	Strong Hand Reload Drill	3
5-7	Strong Hand Support Hand Transition Drill	6
3-5	2 rounds from the holster (5 seconds) x3	6
3-5	3 round Combat reload Drill (10 seconds) x2	6
3	Get Back Drill	6
3 or greater	Any Course of Fire Listed Above	3

~~12.1.9~~12.1 Handgun

12.1.1 The instructor will determine at what distance, in what manner, and how many rounds will be fired on each command.

~~12.1.10~~12.1.2 All courses of fire will consist of a **Minimum** of 50 rounds.

~~12.1.11~~12.1.3 Time standards are ~~COPT~~ POST-mandated **Maximum** standards that can be reduced at the discretion of an individual agency.

~~12.1.12~~12.1.4 During both courses of fire, a minimum of 2 combat reloads must be conducted.

~~12.1.13~~12.1.5 Tactical reloads are encouraged as appropriate and allowed by agency policy and training.

12.2 Handgun Concealed Carry Standards and H.R. 218

12.2.1 This regulation sets forth the minimum qualification standards for concealed weapon handguns for active duty police officers and for retired law enforcement officers who qualify under the Law Enforcement Officers Safety Act of 2004 (H.R. 218).

12.2.2 These are minimum standards and shall not prevent any police department from establishing stricter or additional rules or regulations to qualify to conceal carry a firearm on or off duty.

YARD LINE	COURSE OF FIRE	TOTAL ROUNDS
15 to 7	Advance Towards Target	9
7	Centered Behind Barricade Covered	16
5/Less	Lateral Movement	12
5/Less	Move Back	6
5/Less	~~One~~1 Hand Reload, Strong/Weak Hand Only	7
	TOTAL OF FIFTY ROUNDS	

~~12.2.3~~**[~~12.2~~12.3]** The instructor will determine at what distance, in what manner, and how many rounds are fired on each command.

~~12.2.4~~**[~~12.3~~12.4]** Retired law enforcement officers must qualify a minimum of once annually and obtain a minimum score of 80%.

~~12.2.5~~**[~~12.4~~12.5]** If the weapon system or holster is different from active duty use, the officer must qualify a minimum of once annually and obtain a minimum of 80%.

~~12.2.6~~**[~~12.5~~12.6]** Under no circumstances, will an officer be permitted to carry a firearm on duty unless the officer has met the qualification standards with that weapon.

~~12.3~~**[~~12.6~~12.7]** Shotgun Minimum Standards: the following course of fire will be used for all shotguns for both day and "low light" qualifications. The instructor will determine at what distance, in what manner, method of scoring, type of target, and how many rounds are fired on each command depending on the weapon and the capability of the ammunition.

~~12.3.1 Departments using shotguns will be required to qualify 3 times a year, 2 day courses and 1 "low light" course. A minimum of 60 days is required between the 2 day courses. The "low light" course may be conducted on the same day as 1 day qualification course.~~

~~12.3.2 Service ammunition will be collected annually and replaced with new ammunition. The collected ammunition may be used for training and qualification.~~

~~12.3.3 All training ammunition shall be comparable to issued ammunition in performance characteristics.~~

~~12.3.4 Departments using shotguns will fire a minimum of 30 rounds of ammunition for proficiency training per year. This ammunition will not include the ammunition required for qualification courses.~~

~~12.3.5 An average score of 80% must be obtained to be qualified with the approved shotgun. The method of scoring and type of target will be determined by the instructor.~~

~~12.3.6 All qualifications are to be completed with authorized weapons and ammunition.~~

~~12.3.7 Departments are required to complete a qualification course with each type of ammunition that is issued.~~

YARD LINE	COURSE OF FIRE	TOTAL ROUNDS
3/25	~~Two~~ 2 Different Positions, ~~Three~~3 Different Yardages	5
	TOTAL OF ~~FIVE~~ 5 ROUNDS	

~~12.3.8 The instructor will determine at what distance, in what manner, and how many rounds are fired on each command depending on the weapon and the capability of the ammunition.~~

~~12.4~~**[~~12.7~~12.8]** Patrol Rifle Minimum **[~~Standards~~Standards.]**

~~12.4.1 Departments using patrol rifles will be required to qualify 3 times a year, 2 day courses and 1 "low light" course. A minimum of 60 days is required between the 2 day courses. The "low light" course may be conducted on the same day as 1 day qualification course.~~

~~12.4.2 Service ammunition will be collected annually and replaced with new service ammunition. The collected ammunition may be used for training and qualification.~~

~~12.4.3 All training ammunition shall be comparable to issued ammunition in performance characteristics.~~

~~12.4.4 Departments using patrol rifles will fire a minimum of 50 rounds of ammunition for proficiency training from the patrol rifle during each shoot. This is a total of 150 rounds per calendar year. This ammunition will not include the ammunition required for qualification courses. An average score of 80% must be obtained to be qualified. The method of scoring and the type of target will be determined by the instructor.~~

~~12.4.5 All qualifications are to be completed with authorized weapons and ammunition.~~

~~12.4.6~~ **[~~12.7.1~~]** The following course of fire will be used for all caliber patrol rifles for both day and "low light" qualification.

~~COURSE OF FIRE~~

[~~12.7.2~~12.8.1] Will consist of 50 rounds and will include at least 1 rifle magazine change.

[~~12.7.3~~12.8.2] Will include at least 1 transition to the handgun, and 10 of the 50 rounds may be fired from the handgun after transition.

[~~12.7.4~~12.8.3] A minimum of 20 rounds will be fired from a distance of 25 yards or greater. Shooters must demonstrate proficiency from at least 50 yards. This may be accomplished by using reduced size targets to simulate 50 yards.

[~~12.7.5~~12.8.4] Shooters must use at least 3 different shooting positions; at least 1 must be from a position of cover.

[~~12.8~~12.9] Less-Lethal Weapons and Ammunition

[~~12.8.1~~12.9.1] A less-lethal weapon system is specifically utilized for the purposes of deploying a dynamic, high energy less-lethal round.

[~~12.8.2~~12.9.2] Less-lethal munitions are designed to offer an alternative to the use of deadly force, when appropriate.

[~~12.8.3~~12.9.3] The minimum training standards for less-lethal weapons and ammunition are as follows:

[~~12.8.3.1~~12.9.3.1] A minimum of 1 qualification shoot per calendar year;

[~~12.8.3.2~~12.9.3.2] All qualification ammunition shall be comparable to issued less-lethal ammunition in performance characteristics.

[~~12.8.3.3~~12.9.3.3] A minimum of 3 less-lethal rounds will be fired annually for proficiency training from the dedicated less-lethal weapon. Simunition rounds can be used during proficiency training.

[~~12.8.3.4~~12.9.3.4] A minimum of 2 out of 3 rounds must strike the preferred target area to qualify with less-lethal weapons. The method of scoring will be consistent with striking the preferred target zones outlined in applicable training curriculum.

[~~12.8.4~~12.9.4] Additional training exceeding the standard set forth in this regulation would be at the respective agencies' discretion.

[~~12.8.5~~12.9.5] Issued less-lethal ammunition will be collected and replaced annually.

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)
26 DE Reg. 222 (09/01/22)

13.0 ~~C.P.R.~~CPR, AED and First Responder Retraining

13.1 ~~All police officers in the State of Delaware shall have successfully completed~~Officers shall complete a First Responder course adhering to the United States Department of Transportation curriculum for First Responder Courses as offered by the Delaware State Fire School or as taught in a ~~certified police training academy~~ an approved academy by a credentialed emergency medical services instructor.

13.2 In order to retain certification, ~~all police~~ officers ~~in the State of Delaware~~ must receive recertification in ~~C.P.R.~~CPR and AED as recommended by the American Medical Association. This training will be conducted by a certified ~~Council on Police Training~~ instructor, Delaware State Fire School Instructor, American Heart Association CPR and AED Instructor, American Red Cross CPR and AED Instructor, or ~~Health Care Professional~~licensed health care professional certified in Advanced Cardiac Life Support.

13.3 ~~The Chief of Police shall forward to the Administrator,~~ Departments shall provide the Executive Director documentation of recertification ~~for each officer under his/her command through the completion of the~~ of its officers along with the Annual ~~COPT~~POST Survey.

13.4 First Responder recertification shall be at the discretion of each ~~department.~~Department.

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)

14.0 Certification of Schools or Courses (Reserved)

22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)

15.0 Basic Curriculum

15.1 This is the mandatory curriculum for police basic training and reflects 584 hours of training as approved by the Council on Police Training. The Basic Mandatory Curriculum is required of all police officer appointments, except seasonal appointments.

15.2 Accident Investigation - 24 Hours. This course develops the officer's skills in methods and techniques to be applied to this type of investigation, including measurements, photography, sketches, reporting, and interviewing of witnesses and drivers, hit-and-run accidents and manslaughter by motor vehicle cases.

15.3 Advanced Law Enforcement Rapid Response Training (ALERRT) - 16 Hours. This course will cover shooting and moving, threshold evaluation, concepts and principles of team movement, setting up for and room entry techniques, approach and breaching the crisis site, secondary responder tactics, improvised explosive devices, and post engagement priorities of work. The course will culminate with dynamic force on force scenarios.

15.4 Civil Disobedience/Labor Disputes - 4 Hours. This course involves lecture on and discussion of Delaware Labor Laws and the law enforcement role of protection of life and property with explanation of injunctive relief procedures. Actual situations involving labor strikes and picketing of companies, abortion clinics, animal rights groups, etc., will be discussed.

15.5 Constitution and Bill of Rights - 2 Hours. This class provides an introduction to the history and development of the Federal and State Constitutions, particularly the Federal Bill of Rights, as interpreted by the courts down through the years, with emphasis on decisions of the United States Supreme Courts.

15.6 Courtroom Procedure and Demeanor - 8 Hours. This class covers the fundamentals of how to be most effective as a witness in court. Includes preparation of the case prior to courtroom presentation. Also, appearance, manner, and attitude in court and while waiting to testify will also be discussed.

15.7 Criminal Investigation - 44 Hours. This course presents a study of the basic fundamentals and procedures of investigation involving the more serious crimes and includes establishment of the elements of burglary, robbery, auto theft, theft felony, homicide, and other major offenses such as gambling and organized crime. Students will also be trained in the detection, prosecution and prevention of child sexual and physical abuse, exploitation and domestic violence.

15.8 Cultural Diversity and Community Relations - 12 Hours. This course is intended to bring about increased understanding and respect on the part of the police officer in their interactions and communications with all minority groups.

15.9 Delaware Criminal Code - 20 Hours. The course should make the officer sufficiently familiar with the Code in order to know all aspects of the most important and common violations and to know how to make ready reference to the Code for all other violations. This segment will also acquaint the officer with the more commonly encountered civil law violations.

15.10 Delaware Motor Vehicle Code - 20 Hours. The purpose of this course is to acquaint the officer with the provisions of the Motor Vehicle Code Annotated. With this background, he/she may readily recognize a violation thereof and be able to (1) define the elements of such violation and (2) know the nature of the evidence necessary to prove such violation in court.

15.11 Domestic Violence - 8 Hours. This class will acquaint the officer with the potential dangers that exist when answering calls of domestic disputes. Generally, such training is designed to prepare police officers to react effectively, efficiently, and sensitively to the crisis situations which they encounter.

15.12 Drug Enforcement and Controlled Substances - 8 Hours. This course acquaints the officer with the types of narcotics commonly used. It includes the terms of jargon, the general effects of various drugs and barbiturates, plus their relationship to crime. Field-testing of various substances will also be included.

15.13 Emergency Vehicle Operations Course (EVOC) - 24 Hours.

15.13.1 This course is divided into approximately 2 hours of classroom instruction and 22 hours of driving on a skid pad. The classroom instruction stresses the importance of vehicle safety in teaching defensive and pursuit tactics. The student is taught to realize that the driving environment, which includes the vehicle, the road, and the driver all have limits. Some of the topics covered are the effects of weight transfer, effects of centrifugal force and friction, and skids and cornering.

15.13.2 The skid pad portion reinforces the student's understanding of the driving environment and other classroom material. The student is exposed to steering control, judging distances, the vehicle's evasive capability, maximum braking ability without losing steering ability, and the effects of skidding and controlling skids.

15.14 Firearms - 40 hours. Instruction includes classroom lectures on safety, nomenclature, care of weapons, and the viewing of training films. Range instruction emphasizes the practical application of police weapons related to actual combat conditions.

15.15 First Responders - 40 Hours. Because accidents and other emergencies bring police officers to the scene first, this training is to develop first aid techniques that enable them to efficiently fulfill their responsibilities. The course also offers sufficient instruction to enable the police officer to make an emergency child delivery.

15.16 Fitness and Wellness - 6 Hours. The purpose of Physical Fitness/Wellness testing and training is to encourage and teach law enforcement officers to maintain a healthy fitness level throughout their career. Law enforcement officers who remain physically fit prove more readily able to cope with the day-to-day stress of job demands, and are better prepared to handle critical incidents. For this purpose, within each academy a

segment of instruction will be devoted to nutritional education, exercise physiology, lifestyle adjustment, and stress and stress relief methods. Other areas specific to fitness and wellness can and will be added as needed.

15.17 Interactions with Persons With Disabilities - 8 Hours. The purpose of this course is to identify behavioral factors which the officer may encounter, to discuss the influence of group behavior or individual behavior, and to emphasize the importance of understanding unusual behaviors in order to handle that behavior most effectively. It also includes a review of the 24-hour commitment procedures.

15.18 Homeland Security - 16 Hours.

15.18.1 National Incident Management System - 4 Hours. National Incident Management System (NIMS) integrates effective practices in emergency preparedness and response into a comprehensive national framework for incident management. The NIMS will enable responders at all levels to work together more effectively and efficiently to manage domestic incidents no matter what the cause, size or complexity, including catastrophic acts of terrorism and disasters.

15.18.2 Incident Command System - 8 Hours. ICS is a standardized on-scene incident management concept designed specifically to allow responders to adopt an integrated organizational structure equal to the complexity and demands of any single incident or multiple incidents without being hindered by jurisdictional boundaries.

15.18.3 Weapons of Mass Destruction / All Hazards (Awareness) - 4 Hours. WMD/All Hazards awareness provides emergency responders with awareness-level instruction on recognition, avoidance, isolation and notification techniques in weapons of mass destruction and all hazards environment. The course covers prevention and deterrence, chemical, biological, radiological, nuclear, and explosive (CBRNE) hazards and other disasters.

15.19 Information Systems - 44 Hours.

15.19.1 Communications. This course acquaints the officer with the features and use of all communications equipment used in police operations, including telephone, computers, radio, and NCIC. Instruction also includes rules and regulations of the Federal Communications Commission with regard to radio transmissions.

15.19.2 Report Writing. This class instructs the officers in the essential mechanics of recording their investigations in report form suitable to serve both as an aid to further investigation and to the preparation and development of prosecution.

15.19.3 LEISS: (Law Enforcement Investigative Support System). Automated Crime Reports training takes the officer through some of the more complex police reports and steps the user through the many features of this program. Various crime reports will be completed during this training along with all new system features covered. This allows the police crime report to be sent electronically to the State Bureau of Identification. This program also has links to the automated warrant system if a warrant is required; no dual keying of data is needed.

15.19.4 LEISS – Warrants. This is a law enforcement application designed to provide court acceptable documents Exhibit A (charge sheet), and Exhibit B (probable cause statement). This warrant is electronically sent to the court and can be modified and changed at any time before the approval by a judge. From this original warrant document, information is loaded directly into the CJIS (Criminal Justice Information Services) Wanted person files whenever a warrant is created without arrest information. Also included in the application is the Attorney General Intake for felony cases and an automated arrest report to be attached to the fingerprint cards. This is the instrument used statewide for arrests by all criminal justice agencies.

15.19.5 DELJIS. This course covers all the features of the CJIS system along with all new applications being developed. Users are given a security briefing along with an example of all the basic inquiries used for criminal justice. This course covers motor vehicles inquiries along with criminal history inquiries, Protection from Abuse orders, no contact orders along with case inquiry and much more.

15.19.6 NCIC. This block of instruction shall directly relate to the use of the National Crime Institute Center computer software and includes FBI mandates, lecture, testing and certification.

15.20 Interview and Interrogation - 8 Hours. The purpose of this course is to teach the officer the approved techniques of interrogation so that they may fully develop information or evidence by conversation with witnesses and subjects. Instruction will include an emphasis on legal limitations.

15.21 Introduction to Law Enforcement - 2 Hours. This course introduces law enforcement officers to the historical background and development of the police service with emphasis on its relationship to modern society. Also included is an analysis of the organizational structure.

15.22 Juvenile Procedures - 8 Hours. This course is designed to acquaint the new officer with the family, social and economic conditions, and factors, which foster and encourage juvenile delinquency. It stresses the role law enforcement can play in the overall effort to combat such conditions with emphasis on the planned programs existent within the State of Delaware.

15.23 Latent Fingerprints/Crime Scene Processing - 12 Hours. During this course the officer will learn the methods and importance of identification including the methods of dusting, photographing and lifting latent fingerprints and palm prints from all manner of surfaces and areas, and obtaining both inked and rolled fingerprints; not only of live and willing subjects, but also from unconscious, deceased, and decomposed bodies.

15.24 Laws of Arrest, Laws of Evidence, and Search and Seizure - 40 Hours.

~~15.24.1 This training covers the legal foundation of laws governing and limiting the police officer's authority in the areas of arrest. This treatment shall be afforded with respect to: (1) the laws of arrest with or without warrants, arrest for misdemeanors and arrest for felonies, the elements of probable cause, and the disposition of persons after lawfully arrested; (2) the law applicable to criminal interrogation and resultant confessions under the 5th, 6th, and 14th Amendments of the Federal Constitution and; (3) the application of constitutional safeguards to electronic surveillance, chemical, and serological evidence.~~

~~15.24.2 The purpose of this course is to acquaint the recruit with the rules and law of evidence exercised in a court of law so that he/she may recognize what is legally admissible. He/she must be able to differentiate between the various types of evidence and be familiar with the rules concerning maintaining the chain of evidence. This course covers the laws of search and seizure under the provisions of the 4th and 14th Amendments including the exclusionary rule and the elements of a "reasonable" search and seizure of persons (a) incidental to arrest; (b) under a search warrant; (c) with consent.~~

~~15.25 Manual Traffic Control - 2 Hours. This class is designed to teach the officer the fundamentals and mechanics of traffic control and control devices; and to familiarize the officer with the proper signals and gestures used in point traffic control.~~

~~15.26 NHTSA (National Highway Traffic Safety Administration) and Driving Under the Influence - 24 Hours. This course presents the elements of the offense of driving under the influence as defined by Delaware law. It provides knowledge on securing the necessary evidence, including scientific tests and reporting in order to successfully prosecute.~~

~~15.27 Other Police Agencies Jurisdiction - 2 Hours. This training is designed to acquaint officers with the jurisdiction, function, and availabilities of other enforcement agencies including federal departments such as the Secret Service and Federal Bureau of Investigation.~~

~~15.28 Police Communication & Crisis Intervention - 20 Hours. The purpose of this course is to provide police officers with the knowledge, skills and ability to interact with people on a daily basis. Within this course the communications process will be described along with the barriers to communication. Students will be taught how to communicate with persons in crisis. Types of instruction include, but are not limited to verbal judo, active listening skills, suicide intervention and de-escalation techniques. Role-play scenarios are a valuable part of this training.~~

~~15.29 Patrol Procedures/ Officer Survival - 60 Hours. This course is designed to acquaint the new officer with the basic street survival techniques as accrued from actual encounters on the street. Practical application of avoidance, deterrence, and de-escalation techniques through the handling of actual scenarios will familiarize officers with what to do when confronted with an unarmed/armed combatant.~~

~~15.30 Police Discipline and Ethics - 8 Hours. This course covers the basic why, when, and where of discipline and courtesy of police officers. Ethics from a law enforcement perspective will be explored and discussed.~~

~~15.31 Police Fire Survival - 14 Hours. In this class the Delaware State Fire School explains the hazards of electrical fires, the proper use of various types of fire extinguishers, knowledge of structural fires, how to handle flammable liquids and gas and rescue techniques for removing trapped persons from vehicles.~~

~~15.32 Sex Crimes - 4 Hours. This course is designed to teach the officer the elements, peculiar techniques of investigation, motives, and most productive sources of evidence, psychology of violators, modus operandi, etc. The detection, prevention and prosecution of sexual assault will be included in this training.~~

~~15.33 Use of Deadly Force - 6 Hours. This course will acquaint the officer with the laws governing the use of deadly force by police officers.~~

~~15.34 Defensive Tactics - 30 Hours. Through the use of lecture, demonstration and individual participation, this training will provide each new officer with sufficient skills to defend himself/herself from attack. Instruction on the use of the police issued impact weapon, basic handcuffing techniques and de-escalation techniques will be paramount to this course of instruction.~~

POST shall establish and maintain minimum training curriculum for training for all full-time police officer appointments. POST may update its training curriculum from time to time and will ensure that the current curriculum is made available on its public website.

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

16.0 Training Records

16.1 Upon submission of an ~~"Authorization to Release Information" form~~ appropriate signed release and proper personal identification, ~~the Council on Police Training~~POST will release training records and other personal information ~~of~~ to the bearer of the properly executed release form.

16.2 The form should be sent to the Administrator at least 10 business days in advance of the needed date to allow for processing of requests.

16.3 ~~The Council on Police Training approved training academy/schools and seasonal training academy/schools shall maintain in writing, the curriculum and names of instructors utilized for basic training for new police recruits.~~ Approved Academies shall maintain records of all curriculum and the identity of instructors used for police training.

16.4 ~~The Administrator~~ POST may ~~then~~ access the ~~Council's computerized training records to determine the certification status of each instructor.~~training records of Approved Academies to determine the certification status of all police instructors.

~~16.5 In any case, the Administrator will respond, in writing, to the approved academy/school, advising the status of the request within 5 business days.~~

22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

17.0 ~~Administrator~~(Reserved)

~~The Director of Training for the Delaware State Police will serve as the Administrator for the Council. The Administrator is responsible for the day-to-day management of the COPT and is responsible for administering mandatory training for all police officers in the State of Delaware. The Administrator also is responsible for scheduling hearings, overseeing the COPT budget, policy issues, and providing the current "practices in policing" to the Council. In the absence of the Administrator, his/her designee will conduct these duties.~~

22 DE Reg. 230 (09/01/18)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

18.0 ~~Reimbursement~~(Reserved)

~~Reimbursable expenses include, but are not limited to, items such as salary physical fitness training clothing, class uniforms, ammunition for the range, or other items approved by COPT in accordance with 11 **Del.C.** §8409.~~

22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

19.0 Procedures and Penalties for Non-Compliance

19.1 Police officers ~~of the State or any county or municipality or University, which do not meet~~ not meeting the requirements and the criteria as established by the Council shall not have the authority to enforce the laws of the State.

19.2 Per 11 **Del.C.** §8404(a), in all situations where the provisions of 11 **Del.C.** §8404(a)(4) or 11 **Del.C.** §8410(b) are to be applied to or invoked against any ~~agency~~ Department or individual, that agency or individual shall be entitled to a hearing in the manner prescribed herein:

19.2.1 The ~~Administrator~~ Executive Director shall select 3 members of ~~the Council~~ POST to comprise a Board, which will hear evidence on the allegation ~~(hereinafter "Board")~~.

19.2.2 Upon conclusion of the hearing provided for in this Section, the Board shall submit its findings and recommendation to the full ~~Council~~ POST in writing for consideration and vote.

19.2.3 The ultimate findings of ~~the Council~~ POST shall be final, except that any ruling adverse to any party participating in the hearing may be appealed to the Superior Court within 15 business days of receipt of written notification of ~~said finding~~the findings. Absent an appeal, all findings of ~~the Council~~POST shall become final upon expiration of ~~said~~the appeal deadline.

19.2.4 All hearings shall be conducted in accordance with the Administrative Procedures ~~Act of the Delaware Code.~~Act, 29 **Del.C.** Chapter 101.

19.3 A ~~police force of any county or municipality which~~ Department that does not meet the ~~requirement~~requirements and criteria established ~~by the Council~~ under 11 **Del.C.** Chapter 84 or under POST regulations will be ineligible to apply for or receive state aid to local law enforcement funds (SALLE) and may, if in accordance with the guidelines, also be prohibited from receiving other grant funding through the state such as the Fund to Combat Violent Crime (FCVC) and the Emergency Illegal Drug Enforcement (EIDE) program funds.

19.4 ~~The Chief or Head of any Law Enforcement Agency that is~~ Departments may be ~~found to be~~ in non-compliance with any ~~of the established criteria of the COPT~~ requirements or criteria established under 11 **Del.C.** Chapter 84 or under POST regulations shall be required to appear before ~~the COPT Board and provide explanation as to~~ POST to explain the reason for non-compliance and any measures the Department has taken to become compliant.

19.5 ~~Failure of any police officer~~ Officers who fail to complete ~~his/her~~ annual ~~COPT~~ mandated in-service or other training ~~shall be grounds for suspension of his/her certification~~may have their certification suspended until ~~such~~ training is completed. ~~The Council~~ POST may stay, extend, waive or modify ~~such~~any suspension when it is shown that the failure to comply ~~with the requirements was not due to the intentional avoidance of the annual training requirements~~ was for good cause or upon a showing of undue hardship ~~upon the employing law enforcement agency.~~ of the officer or their Department.

~~19.6 COPT is a State training and certifying body and is **NOT** owned by any specific agency, Town, City, or County. Therefore, COPT certification cannot be included in any separation agreements between certified law enforcement officers and their former or current employers, Courts, Department of Justice, Union Affiliates or other entities representing the law enforcement officers or said employers, or any other interested parties.~~

22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

20.0 ~~Right to Amend~~(Reserved)

~~20.1 The Council reserves the right to amend these rules and regulations as authorized under 11 **Del.C.** §8404(a)(14).~~

~~20.2 When a change is made to the COPT mandatory training, the Administrator shall publish such changes to the COPT website and notify all affected agencies via DELJIS.~~

~~20.3 The Administrator may require a return receipt from all holders of this manual as proof of compliance.~~

22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)

21.0 ~~Annual Survey~~(Reserved)

~~Annually, upon request of the Chairman, the Administrator may present to the Council a summary of its activity from the previous calendar year.~~

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)

22.0 Recurring Training

22.1 All police officers who perform uniformed patrol duties or are assigned to investigative units responsible for sex crimes shall receive at least 2 hours of training every 4 years on the detection, prevention and prosecution of sexual assault. The training shall be conducted on a staggered basis so that half of the eligible members of any law-enforcement or police organization receive the training in each 2-year period.

22.2 All police officers shall complete 1 hour of training every 3 years in the detection, prosecution and prevention of child sexual and physical abuse, exploitation and domestic violence, and the obligations imposed by Delaware law, including 16 **Del.C.** §903 ~~of Title 16~~.

22 DE Reg. 230 (09/01/18)
23 DE Reg. 939 (05/01/20)

23.0 Standardized Competency Examination

23.1 All police officer applicants seeking ~~Council on Police Training~~ POST certification shall successfully pass a standardized competency examination developed and approved by ~~the Council~~POST.

23.2 ~~The Council~~ POST has approved 3 examinations, each consisting of 100 multiple choice and true/false questions. ~~The questions are divided into~~ Each examination is comprised of 4 sections of general law enforcement knowledge. There are no agency-specific questions or topics.

23.3 ~~Police officer applicants~~ Applicants must score at least a 70% on each section to ~~be considered eligible for Council certification.~~pass.

23.4 Failure to attain a 70% on any section will require the applicant to retake that section. ~~only.~~ The applicant will be given ample opportunity to study or attend training classes prior to ~~attempting a retake of any section or sections~~retaking all or a portion of an examination.

23.5 The ~~Administrator or his/her designee~~ Executive Director will randomly select 1 examination from the 3 approved examinations to submit to the applicant. On any retake examination, ~~the Administrator or his/her designee will submit~~ 1 of the ~~2 other~~ other 2 examinations will be provided to the applicant ~~to prevent possible memorization of the questions. Should the applicant fail to pass any of the 3 sections within 3 attempts, notification must be made to the Administrator to determine the appropriate course of action~~.

23.6 ~~All 3 examinations~~Examinations are “open book”, utilizing Delaware Motor Vehicle and Criminal Codes.

23.7 Successful completion of the competency examination must occur prior to certification by ~~the Council.~~POST.

~~23.8 Failure to pass the competency examination will render the applicant unable to become certified with police powers in the State of Delaware.~~

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)

24.0 ~~Substance Abuse Screen~~(Reserved)

~~24.1 Requirements~~

~~24.1.1 All applicants for police officers, who come under the requirements of the Mandatory Training Act (Title 11, Section 8401-8410) as part of their pre-employment screening, will be required to submit to and successfully pass a pre-employment drug test.~~

~~24.2 Policy Procedures~~

~~24.2.1 A positive test at the pre-employment stage will mean the applicant has not met minimum qualifications (requirements) as established by the Council on Police Training, under 11 **Del.C.** §8404(a)(1), therefore the applicant would not be eligible for employment.~~

~~24.2.2 A positive test will be considered valid when confirmed by a second test procedure performed on the original sample.~~

~~24.2.3 If a particular drug has been prescribed by a physician and the test results in a positive reading then the following will be applied.~~

~~24.2.3.1 A formal letter will be obtained through the licensed physician that prescribed the drug, stating the reason(s) why that particular drug was prescribed. The physician must also state if the drug will affect someone from performing the duties of a police officer and if the particular person the medication is prescribed to is fit for duty.~~

10 DE Reg. 341 (08/01/06)
13 DE Reg. 840 (12/01/09)
22 DE Reg. 230 (09/01/18)
23 DE Reg. 939 (05/01/20)

25.0 Conducted Electrical Weapon (CEW) Training

25.1 Conducted Electrical Weapon (CEW) Training: Training shall be conducted by an instructor, certified by the CEW manufacturer, to provide instruction related to the use and deployment of the specific Conducted Electrical Weapon, utilized by the ~~agency~~Department.

25.2 Duration and Curriculum: The frequency of Conducted Electrical Weapon (CEW) training and the curriculum used shall follow the CEW manufacturer's recommendations. Should the CEW manufacturer not specify an annual CEW training requirement, officers utilizing that manufacturer's CEW, shall at a minimum, receive training on an annual basis in the areas of: use of force, safety, nomenclature, potential hazards, medical concerns, care of subjects following CEW activation, care of the CEW, and scenario based application, to include the accurate deployment of at least 2 live cartridges within the preferred target area.

22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)

26.0 Mandatory Standards for Use of Body Worn Cameras

26.1 Definitions. The following definitions apply solely to Section 26.0 of this regulation:

"**BWC**" means body worn cameras.

"**Chief**" means the colonel, executive, director or head of the department or agency, or the Chief's designee.

"**DCRPT**" means the Delaware Department of Justice's Division of Civil Rights and Public Trust.

"**Officers**" shall be those officers described in 11 **Del.C.** §8402A.

"**SROs**" means School Resource Officers or other officers when acting in the capacity of SROs.

26.2 As required by 11 **Del.C.** §8404(c), Section 26.0 sets forth certain standards required for policies to be developed for the use of BWC as those cameras are required to be worn by the officers. Agencies employing officers using BWC are required to develop policies containing these standards and are encouraged to expand and to customize those policies so that ~~they~~ the agencies' policies both accomplish the requirements of 11 **Del.C.** Ch. 84A and meet the needs of their specific agencies.

26.3 Requirement to Wear BWC. BWC shall be worn by officers while on duty in a role that is likely to result in interactions with the public. Officers who serve in administrative functions or who do not regularly interact with the public are not required to wear BWC.

26.3.1 Officers who are required to wear BWC will typically include:

26.3.1.1 Officers in uniform while acting in the performance of official duties;

26.3.1.2 Officers whose assigned duties include regular interaction with members of the public where ~~such~~ the officers' duties might lead to an arrest situation or use of force event;

26.3.1.3 Officers assigned to enforcement-related activities such as demonstrations or potential civil disturbances, tactical response teams, pre-planned arrest or search warrant teams, traffic units, proactive enforcement teams, canine officers, mounted units, probation or parole compliance, security or crowd-control functions at special events;

26.3.1.4 While in the field, officers assigned to field investigations for police agencies, Department of Corrections, and the Department of Services for Children, Youth, and Their Families; and

26.3.1.5 Officers assigned to "front desk" duty whose duties include interaction with members of the public.

26.3.2 Officers not required to wear BWC will typically include:

26.3.2.1 Officers in undercover assignments, administrative positions, hostage or crises negotiators, officers meeting with or recruiting confidential sources, non-uniformed officers assigned to non-enforcement duties;

26.3.2.2 Officers engaged in union representation of a member of the collective bargaining unit; and

26.3.2.3 In extraordinary circumstances (riot, large concert), where an agency has to deploy so many officers that the agency cannot reasonably provide each officer with a BWC.

26.3.2.3.1 Subsection 26.19 concerning special exceptions must be followed for planned events.

26.3.3 SROs. School Resource Officers performing in a law enforcement capacity and not an educational capacity shall follow Section 26.0 of this regulation. SROs have a unique position in law enforcement; in light of that and the fact that SROs, by their roles, routinely interact with juveniles and students with special needs, these mandatory standards shall be interpreted with greater flexibility to those officers when not engaged in traditional law enforcement interactions.

26.4 Activation of BWCs. BWC shall be active to record contacts with citizens in the performance of official duties, including:

26.4.1 During calls for service;

26.4.2 Where an arrest or detention appears to be likely;

26.4.3 Where use of force appears to be likely;

26.4.4 Where it appears doing so may promote the safety of people and property; and

26.4.5 Where doing so may be helpful to preserve evidence.

26.5 Notwithstanding subsection 26.4, at no time are officers expected to jeopardize their safety or the safety of others in order to activate BWC.

26.5.1 BWC shall be activated as soon as the circumstances permit safe activation.

26.5.2 Officers shall document the exigency that prohibited the immediate activation of BWC. See also subsection 26.7.

26.6 BWC shall remain activated until the entire contact is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by ~~these regulations~~this regulation.

26.7 If BWC are not activated for an entire contact, or a recording is interrupted, the officer shall document why a recording was not made, was interrupted, or was terminated.

26.8 Absent exigent circumstances, recordings shall not be permitted to be reviewed by members of the public at the scene of an incident or event.

26.9 Agencies shall ensure that officers assigned BWC receive approved training on BWC use and operation pursuant to ~~these regulations~~this regulation as well as all applicable law and policies prior to using BWC.

26.10 Officers who are assigned or utilize BWCs shall inspect and test the BWC prior to each shift or special event to verify proper functioning and shall notify their supervisor of any problems. Officers shall document any unusual circumstances why a test did not occur such as the emergency activation of a special response unit.

26.11 Officers shall not, in any manner, edit, alter, or erase BWC recordings. Officers may duplicate, copy or distribute BWC recordings with the Chief's prior written approval.

26.12 Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question and if a BWC recording was reviewed by the officer prior to or during report writing. Additionally, an officer's report should note any discrepancies in material information between the officer's perception and the video. BWC recordings are not a replacement for written reports.

26.13 Recording Prohibitions. BWC shall be used only in conjunction with official law enforcement duties and to record interactions with the public and, absent exigent circumstances, shall not be used to record:

26.13.1 Private communications with other police personnel without the permission of the Chief;

26.13.2 Encounters with undercover officers or confidential informants;

26.13.3 Moments while on break or otherwise engaged in personal activities;

26.13.4 Any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room;

26.13.5 A strip search;

26.13.6 Court proceedings by non-court personnel officers, except where an incident occurs during a court proceeding; and

26.13.7 Any other situation where applicable law or regulation provides for confidentiality including but not limited to:

26.13.7.1 HIPAA;

26.13.7.2 Conversations between medical treatment providers and patients;

26.13.7.3 Conversations with counsel or union representatives; and

26.13.7.4 Any other privileged conversations.

26.13.7.5 Where an officer feels it is necessary to stop recording to facilitate speaking with a witness or a member of the public. When feasible, the officer will state an intent to stop recording before stopping the BWC and, upon reactivation, state that the BWC was restarted, but in all cases, video interruptions will be indicated in a written report.

26.14 Storage of Digital Files

26.14.1 Agencies will not store digital files in an unsecured manner.

26.14.2 Considering the rapid evolution of technology, it is expected that agencies will utilize best practices related to cyber security.

26.14.3 Local storage will feature competent security barriers and full-sized backup capacity.

26.14.4 Remote storage vendors will have competent security protocols and proven ability in public sector service.

26.14.5 All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief, and all access is to be audited on a reasonable schedule to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

26.14.6 Files should be securely stored in accordance with any state or municipal records retention law or policy and no longer than useful for purposes of liability protection, training or for use in an investigation or prosecution.

26.15 Agencies will adopt quality control mechanisms to ensure compliance with ~~these regulations~~this regulation.

26.16 Dissemination. In addition to the prohibitions in subsection 26.11, no officer shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose as specified in subsection 26.16 and applicable law. BWC recordings shall not be divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose. Access to and use of a stored BWC recording is permitted only:

26.16.1 When relevant to and in furtherance of an official investigation or prosecution;

26.16.2 To principals or their family members, or vested individuals, when deemed necessary and appropriate;

26.16.3 When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;

26.16.4 When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency;

26.16.5 To comply with the State's discovery obligations in prosecutions pursuant to court rules;

26.16.6 To comply with any other legal obligation to turn over the recording to a person or entity;

26.16.7 For training purposes, provided the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individual has consented to the recording being used for training purposes;

26.16.8 To conduct an audit to ensure compliance with ~~these regulations~~this regulation and a department's policy, standard operating procedure, directive, or order promulgated pursuant to ~~these regulations~~this regulation;

26.16.9 To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched);

26.16.10 To assist an office in writing their report;

26.16.11 Subject to subsection 26.16.12, any other official and specified purpose where the Chief determines that good and sufficient cause exists to authorize access to a particular BWC recording as specified in a written policy of the department.

26.16.11.1 This determination will take into consideration the public interest, the rights of any potential criminal suspect, and the applicability of any rights and protections provided anyone under state and federal law, including consideration of the Delaware Lawyer's Rules of Professional Conduct.

26.16.11.2 Video shall not be released until DCRPT has completed any criminal investigation or subsequent prosecution, unless authorized by DCRPT.

26.16.12 Video of a use-of-force incident resulting in death or serious bodily injury shall not be released until the following additional conditions are met:

26.16.12.1 Key witness interviews are substantially completed;

26.16.12.2 The victim's family is afforded the opportunity to review the video;

26.16.12.3 Witness and other confidential information is redacted; and

26.16.12.4 DCRPT approval is obtained.

26.17 Any authorized dissemination will include appropriate redactions for statutory and common law and applicable regulations, including but not limited to:

26.17.1 Victim's Bill of Rights;

26.17.2 Right to Privacy; and

26.17.3 Considerations in subsection 26.13.7.

26.18 Nothing in ~~these regulations~~ this regulation shall create a private right of action in any third party. ~~These regulations set~~ This regulation sets mandatory standards for implementation and enforcement by agencies employing officers using BWC and it shall be the responsibility of ~~such~~ those agencies to enforce their policies and issue any appropriate discipline for violations of those policies.

26.19 Exemptions from the requirements in subsection 26.3.2.3 are permitted only when approved by the Chief, and only under special circumstances that warrant an exception. The reasons for the exemption must be documented and demonstrate a special need. ~~Such requests~~Requests for exemption, when possible, shall be made in advance and approved in writing by the Chief.

26 DE Reg. 222 (09/01/22)

26 DE Reg. 223 (09/01/22)

27.0 Electronic Recording of Custodial Interrogations

27.1 All Police Officers, as defined in 11 **Del.C.** §8401(6), 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,

certified by ~~the Delaware Council on Police Training~~POST, shall be required to follow the prescribed regulations on the electronic recording of custodial interrogations.

27.2 It is the purpose of this subsection to establish guidelines and procedures for recording specific custodial interrogations and confessions in order to provide an evidentiary record of statements made of persons suspected of committing crimes. These recordings will help to protect both the rights of suspects and officers against accusations of coercion or other interrogation-related misconduct and will also assist in the likelihood of successful prosecution.

27.3 The following are defined for purposes of ~~this subsection~~Section 27.0:

"**Custodial interrogation**" means questioning or other conduct by a law enforcement officer which is reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody.

"**Electronic recording**" means an audio recording or an audio and video recording that accurately records a custodial interrogation.

"**Place of detention**" means a fixed location under the control of a law enforcement agency where individuals are questioned about alleged crimes or delinquent acts. Place of detention includes jails, police stations, holding cells, correctional or detention facilities, police vehicles, and schools (in cases where minor students are questioned).

"**Statement**" means communication whether oral, written, electronic, or nonverbal.

27.4 Recording Requirements

27.4.1 Officers shall electronically record custodial interrogations if the interrogation relates to a crime or delinquent act, is conducted in a place of detention, including the giving of any required warning, advice of the rights of the individual being questioned, and the waiver of any rights by the individual, in its entirety.

27.4.2 A custodial interrogation must be recorded if the custodial detention occurs at a jail, police station, or holding cell by audio and video means. If the custodial detention occurs in a police vehicle, at a school for a child, in a correctional or detention facility, or at any other place of detention by audio means or by the use of a body worn camera at a minimum.

27.4.3 If electronic recording cannot be conducted due to equipment failure, lack of suspect cooperation, or for other reasons deemed pertinent to the successful interrogation by the investigating officer, the basis for ~~such~~ those occurrences shall be documented in writing. This includes but is not limited to spontaneous declarations or other statements not elicited by police questioning.

27.4.4 Officers shall prepare a written or electronic report as soon as practicable after completing the custodial interrogation that summarizes the process.

27.5 Recording Protocol

27.5.1 Recording may be overt or covert, as covert recording constitutes 1-party consent monitoring which is permitted by Delaware state law.

27.5.2 Electronic recording should begin as soon as a subject enters the interrogation room or area and continue until the interrogation is completed. Officers shall not record private attorney-client or parent-juvenile conversations.

27.5.3 Electronic recording must be conducted through video means at a jail, police station, or holding cell, and when feasible that video recording must allow a viewer to see both the individual being interrogated and the individuals conducting the interrogation.

27.5.4 Each recording shall include the following:

27.5.4.1 Declaration of the time the recording began.

27.5.4.2 Declaration of the start of the interrogation.

27.5.4.3 Administration of Miranda warning, even if the recording is a follow up to a prior interrogation or the suspect has been previously Mirandized.

27.5.4.4 Notation of the time the interrogation ends.

27.5.5 Any lapse in the recording for comfort breaks or other reasons shall be accounted for on the recording. During a short recess the recording may continue without interruption.

27.6 Chain of Custody

27.6.1 Recordings of interrogations are considered evidence and shall be handled as such and in accordance with each law enforcement agency's departmental policies. In addition, the following shall apply:

27.6.1.1 The original recording media shall be protected from re-recording.

27.6.1.2 The recording shall be specifically marked and identified with its specific case number and ~~information~~ information and shall be labeled as an original or a copy.

27.6.1.3 The officer's official report shall note how the interrogation was conducted.

27.6.2 Recordings shall be retained by the department in secure storage for a period as defined by state law, departmental policy or the office of the Attorney General of the State of Delaware. Guidelines for Body Worn Camera recordings are defined in Section 26.0.

27.7 Supervisory Responsibilities and Review of Electronic Recordings

27.7.1 Supervisors will follow their departmental polices to ensure that officers abide by these regulations.

27.7.2 Supervisors will review crime reports and recordings associated with interrogations through a random audit, or anytime information is presented that questions the content of a recording.

27.8 Training and Education. Training relative to ~~these regulations~~this regulation and the recording of custodial interrogations shall be included in the interview and interrogation course curriculums at each of the approved Delaware police academies.

27.9 No Third-Party Rights and Penalties for Non-Compliance

27.9.1 Nothing in these regulations shall create a private right of action in any third party. ~~These regulations set~~This regulation sets mandatory standards for implementation and enforcement of 11 **Del.C.** Ch. 20.

27.9.2 Officers who violate ~~these regulations~~ this regulation are subject to disciplinary action outlined by each departmental disciplinary policies and procedures, and may be subject to review by the ~~COPT~~POST.

27.10 Exceptions (As set forth in greater detail in 11 **Del.C.** §§2005-2009)

27.10.1 Exigent Circumstances. If the recording is not feasible because of exigent circumstances, then the recording need not take place. The officer conducting the interrogation shall record electronically, which may be through an electronic report, an explanation of the exigent circumstances.

27.10.2 Refusal by interviewee. If the interviewee is informed that the interrogation will be recorded and indicates that he or she is willing to give a statement but only if it is not electronically recorded, then a recording need not take place. ~~Such a~~Any refusal should be electronically recorded if practical.

27.10.3 Public safety exception. If law enforcement officials are required, for immediate public safety reasons such as ascertaining the nearby existence of guns or drug paraphernalia, or the status of hostages or kidnapped persons, to conduct custodial interrogation without the use of otherwise required constitutional safeguards, then a recording need not take place.

27.10.4 With permission of DOJ attorney. A DOJ attorney may authorize a non-recorded interrogation for reasons that do not fall within the prior 3 exceptions when a significant and articulable law enforcement purpose ~~justifies such an interrogation. Such authorization~~ exists. Authorizations shall be in writing and shall explain the rationale for granting such permission.

27.10.5 All exceptions shall be thoroughly documented by the officer in a written or electronic report as soon as practical.

26 DE Reg. 223 (09/01/22)

~~**28.0 Less-Lethal Weapons and Ammunition**~~

~~28.1 A less-lethal weapon system is specifically utilized for the purposes of deploying a dynamic, high energy less-lethal round.~~

~~28.2 Less-lethal munitions are designed to offer an alternative to the use of deadly force, when appropriate.~~

~~28.3 The minimum training standards for less-lethal weapons and ammunition are as follows:~~

~~28.3.1 A minimum of 1 qualification shoot per calendar quarter.~~

~~28.3.2 All training ammunition shall be comparable to issued less-lethal ammunition in performance characteristics.~~

~~28.3.3 A minimum of 5 less-lethal rounds will be fired annually for proficiency training from the dedicated less-lethal shotgun.~~

~~28.3.4 An average score of 80% must be obtained to be qualified with the less-lethal shotgun. The method of scoring will be consistent with striking the preferred target zones outlined in applicable training curriculum.~~

~~28.4 Additional training exceeding the standard set forth in this regulation would be at the respective agencies' discretion.~~

~~28.5 Issued less-lethal ammunition will be collected and replaced annually.~~

~~**26 DE Reg. 223 (09/01/22)**~~

---

10 DE Reg. 341 (08/01/06)
11 DE Reg. 180 (08/01/07)
13 DE Reg. 840 (12/01/09)
22 DE Reg. 230 (09/01/18)
22 DE Reg. 783 (03/01/19)
23 DE Reg. 939 (05/01/20)
24 DE Reg. 1012 (05/01/21)
26 DE Reg. 223 (09/01/22)
27 DE Reg. 615 (02/01/24)

1~~Procedure and Sequencing of Physical Fitness Tests in Law Enforcement; 2002 The Cooper Institute~~

2~~Physical Fitness Specialist Course and Certification; 2002, The Cooper Institute~~