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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 206

AN ACT TO AMEND TITLES 10, 11, 24, 29, AND 4 OF THE DELAWARE CODE RELATING TO POLICE OFFICER STANDARDS AND TRAINING COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 84, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Chapter 84. ~~DELAWARE POLICE TRAINING PROGRAM~~ POLICE OFFICER STANDARDS
4 AND TRAINING COMMISSION

5 § 8401. Definitions.

6 As used in this chapter:

7 (1) "Approved school" means a school authorized by the ~~Council~~ Commission to provide a mandatory
8 training and education for police officers as prescribed in this chapter.

9 (2) "Articulation agreement" means a written agreement for the transfer of academic credit.

10 (3) "Body-worn camera" means an electronic device that is worn by a law-enforcement officer and records
11 audio and video data on the device itself or transmits audio and video data to another location for recording.

12 (4) ~~"Council" means the Council on Police Training.~~ "Commission" means the Police Officer Standards and
13 Training Commission.

14 (5) "Permanent appointment" means appointment by the authority of any municipality or governmental unit in
15 or of this State or the University of Delaware to permanent status as a police officer.

16 (6) "Police officer" means a sworn member of a police force or other law-enforcement agency of this State or
17 of any county or ~~municipality~~ municipality, whether employed full or part-time, who is responsible for the prevention
18 and the detection of crime and the enforcement of laws of this State or other governmental units within the State.

19 a. For purposes of this chapter this term shall include permanent ~~full-time~~ law-enforcement officers of the
20 Department of Natural Resources and Environmental Control, state fire marshals, municipal fire marshals who are
21 graduates of a Delaware Police Academy which is accredited/authorized by the ~~Council on Police Training,~~

22 Commission, sworn members of the City of Wilmington Fire Department who have graduated from a Delaware
23 Police Academy which is authorized/accredited by the ~~Council on Police Training~~, Commission, environmental
24 protection officers, enforcement agents of the Department of Natural Resources and Environmental Control,
25 agents of the State Division of Alcohol and Tobacco Enforcement, ~~officers or agents of the State Police Drug~~
26 ~~Diversion Unit~~, officers or agents of the Delaware Police Sex Offender Task Force, agents employed by a state,
27 county or municipal law-enforcement agency engaged in monitoring sex offenders, state detective or special
28 investigator of the Department of Justice and officers of the University of Delaware Police Division, Delaware
29 State University Police Department.

30 b. For purposes of this chapter this term ~~shall~~ does not include the following:

31 1. A sheriff, regular deputy sheriff or constable.

32 2. A security force for a state agency or other governmental unit; or, a seasonal, temporary or part-
33 time law-enforcement officer of the Department of Natural Resources and Environmental Control.

34 3. A person holding police power by virtue of occupying any other position or office.

35 4. An animal welfare officer of the Office of Animal Welfare or the Department of Agriculture.

36 (7) "Seasonal appointment" means appointment for less than 6 months each year but more than 4 weeks for
37 police duties necessitated by seasonal demands.

38 § 8402. Members of ~~Council~~ Commission.

39 (a) The ~~Council~~ Commission shall be composed of ~~16~~ 17 members.

40 (b) The ~~Council-Commission~~ shall be composed of: of the following members:

41 (1) a A chairperson to be appointed by and to serve at the pleasure of the ~~Governor~~; Governor. The
42 Chairperson must have substantial practical experience in the field of law enforcement.

43 (2) ~~the Attorney General~~; General.

44 (3) ~~the The Superintendent of the Delaware State Police~~; the Police.

45 (4) ~~The Chief of the City of Wilmington Police~~; the Police.

46 (5) ~~The Chief of the New Castle County Police Department~~; the Department.

47 (6) ~~The Chief of the City of Dover Police Department~~; the Department.

48 (7) ~~The Chief of the City of Newark Police Department~~; the Department.

49 (8) ~~The Secretary of Education~~; the Education.

50 (9) ~~The President of the Delaware League of Local Governments~~; the Governments.

51 (10) The mayor of an incorporated municipality in Kent County, to be appointed by the Governor; the
52 Governor.

53 (11) The mayor of an incorporated municipality in Sussex County, to be appointed by the Governor; the
54 Governor.

55 (12) The Chairperson of the Delaware Police Chiefs' Council, Inc; the Delaware Association of Chiefs of
56 Police.

57 (13) The Chair of Public Safety Committee of the House of Representatives; the

58 (14) The Chair of the Corrections and Public Safety Committee of the Senate. Senate; 2 members of the
59 public appointed by the Governor, who shall not be law enforcement officers or be affiliated with law enforcement.

60 (15) Three members of the public appointed by the governor as follows:

61 a. One religious leader from the community who has experience with reentry.

62 b. Two members of the community who have been impacted directly or are immediate family members or
63 caregivers of those impacted by the juvenile or adult criminal justice system. The Chairperson shall have had
64 substantial practical experience in the field of law enforcement. Each public member's term shall be for 3 years.

65 (c) Public members of the Commission shall serve for a 3-year term and may be reappointed for 1 additional term.
66 Each term of office shall expire on the date specified in the appointment; however, the board member shall remain eligible
67 to participate in board proceedings unless and until replaced by the Governor. Initial appointments may be for terms of less
68 than 3 years in order to stagger the terms of the public members. The Governor shall consider geographic diversity in
69 appointing public members to the Commission.

70 (d) A person who has never served on the Board may be appointed to the Board for 2 consecutive terms, but no
71 such person shall thereafter be eligible for 2 consecutive appointments. No person who has been twice appointed to the
72 Board or who has served on the Board for 6 years within any 9-year period shall again be appointed to the Board until an
73 interim period of at least 3 years has expired since such person last served.

74 § 8403. Organization of ~~Council~~: Commission.

75 (a) A Vice-Chairperson and a Secretary shall be elected from among the members of the ~~Council~~: Commission.
76 The ~~Council~~ Commission shall hold no less than 2 4 regular meetings each year and may meet at such other times as it may
77 determine. The Chairperson shall fix the time and place of such meetings in the Chair's discretion, but upon written request
78 of any 3 members, the Chairperson shall call a meeting pursuant to the terms of such request. Nine members shall constitute
79 a quorum. Each member of the ~~Council~~ Commission may have a proxy to represent the member at ~~Council~~ Commission
80 meetings.

81 (b) Notwithstanding any provision of law, ~~Council~~ Commission membership shall not disqualify ~~any a~~ member
82 from holding any other public or private employment or constitute a forfeit of such office.

83 (c) ~~Council~~ Commission members shall receive no compensation for their services but shall be allowed their actual
84 and necessary expenses incurred in the performance of their duties.

85 (d) The Commission shall allow public comment at its meetings in accordance with § 10004 of Title 29.

86 § 8404. Powers and duties.

87 (a) ~~The Council may:~~ Commission shall do all of the following:

88 (1) Establish minimum qualifications for applicants as police ~~officers;~~ officers.

89 (2) Establish minimum educational and training qualifications requisite to permanent appointment as a police
90 ~~officer;~~ officer.

91 (3) Issue certification of completion of police officer training prescribed under this ~~chapter;~~ chapter.

92 (4) Suspend or revoke certification ~~in the event that an individual:~~ under any of the following circumstances:

93 a. ~~Obtained a~~ A certificate was issued due to ~~by fraud~~ fraud, mistake, or deceit; ~~deceit.~~

94 b. ~~Has~~ A police officer has failed to successfully complete any in-service or advanced training required
95 by the ~~Council;~~ Commission.

96 c. ~~Has~~ A police officer has been convicted ~~of of,~~ or received a probation before judgment with respect to,
97 a felony, ~~or of a misdemeanor involving moral turpitude,~~ or of any local, state or federal criminal offense
98 involving, but not limited to, theft, fraud, or violation of the public trust, or of any drug ~~law;~~ law.

99 d. ~~Has~~ A police officer has been found, after examination by a licensed psychologist or psychiatrist, to be
100 psychologically or emotionally unfit to perform the duties or exercise the powers and authority of a police ~~officer;~~
101 officer.

102 e. Has received a hearing pursuant to ~~the Police Officer's Bill of Rights, Chapter 92 of this title,~~ or who
103 has knowingly and voluntarily waived that individual's right to such a hearing and:

104 1. Has been discharged from employment with a law-enforcement agency for a breach of internal
105 discipline; or

106 2. Has retired or resigned prior to the entry of findings of fact concerning an alleged breach of
107 internal discipline for which the individual could have been legitimately discharged had the individual not
108 retired from or resigned that individual's position prior to the imposition of discipline by the employing
109 agency.

110 e. A police officer been decertified in another jurisdiction.

111 (5) Prescribe standards for in-service or continued training of police officers, which shall include at least 2
112 hours every 4 years on the detection, prevention and prosecution of sexual assault for all police officers who perform
113 uniformed patrol duties or are assigned to investigative units responsible for sex crimes, and which training shall be
114 conducted on a staggered basis so that half of the eligible members of any law-enforcement or police organization
115 receive said training in each 2-year ~~period~~; period.

116 (6) Establish minimum educational and training qualifications for seasonal employment as a police ~~officer~~;
117 officer.

118 (7) Establish certification and recertification requirements for police officer applicants who have previously
119 been employed with permanent appointment as a police officer but have not been so employed within the 12 months
120 prior to ~~application~~; application.

121 (8) Prescribe equipment and facility standards for schools at which police training courses shall be conducted,
122 including but not limited to existing county or municipal ~~schools~~; schools.

123 (9) Establish minimum training requirements, attendance requirements and standards of operations for police
124 training ~~schools~~; schools.

125 (10) Prescribe minimum qualifications for instructors at such schools and certify, as qualified, or decertify
126 such instructors to their particular courses of ~~study~~; study.

127 (11) Approve and issue certificates of approval to such police training schools, to inspect such schools from
128 time to time and to revoke for cause any approval or certificate issued to such ~~schools~~; schools.

129 (12) Consult and cooperate with all agencies of government, state and local, concerning the development and
130 administration of the training and standard program and to contract with such agencies as it deems necessary to the
131 performance of its powers and ~~duties~~; duties.

132 (13) Accept or receive grants or donations from any source, public or private, for the purposes of this ~~chapter~~;
133 chapter.

134 (14) Make such rules and regulations as may be necessary to carry out the purposes and objectives of this
135 ~~chapter~~; chapter.

136 (15) Provide a modification from the application of any provision of this chapter or the rules and regulations
137 promulgated thereunder, for any police officer of a municipality if:

138 a. The police officer is employed on a seasonal basis; and

139 b. The municipality makes application for such modification and establishes that it will suffer a hardship

140 if the modification is not ~~granted~~; granted.

141 (16) Establish an approved training program for seasonal police officers which shall be required prior to active
142 police duty, and in addition, if the officer is to be armed, that the police officer be certified in the use of firearms at an
143 approved police training ~~school~~; school.

144 (17) Authorize articulation agreements between an approved school and an accredited institution of higher
145 education located in the State for the provision of police officer training prescribed under this ~~chapter~~; chapter.

146 (18) Establish the criteria to afford reciprocity to police officers certified in other states by an agency like the
147 ~~Council~~ Commission or by the federal government by waiving some or all of the minimum education and training
148 qualifications for police officers under this chapter if they have satisfied substantially equivalent education and
149 ~~training~~; training.

150 (19) Mandate training for all persons seeking permanent or seasonal appointment as a police officer in the
151 detection, prosecution and prevention of child sexual and physical abuse, exploitation and domestic violence, and the
152 obligations imposed by Delaware law, including § 903 of Title 16, and federal law in the prompt reporting thereof.
153 Such training shall be coordinated under §§ 911 and 931(b)(4) of Title 16 to ensure consistent trainings across
154 disciplines.

155 (20) Require that all police departments, establish either individually or in combination with other
156 departments, police accountability committees or boards to provide advice to departments on policy, training, and other
157 issues relating to or affecting the department and the communities served by the department. The requirement shall
158 recommend that a police accountability committee or board must include in its membership a religious leader from the
159 community and members of the community who have been impacted directly or are immediate family members or
160 caregivers of those impacted by the juvenile or adult criminal justice system. Non-officer members shall be required,
161 within 1 year of appointment, to complete 20 hours of community training with the departments overseen by the
162 applicable board, which may include ride-alongs or a citizen's police academy. Additional mandates for membership
163 or structure may be included. Police accountability committees or boards are subject to the requirements of the
164 Freedom of Information Act, Chapter 100 of Title 29.

165 (21) Issue subpoenas for witnesses, documents, physical evidence, or other evidence needed in connection
166 with a hearing conducted under this chapter.

167 ~~(b) The Director of the Delaware State Police Training Division shall be responsible for administering the~~
168 ~~mandatory training and education for police officers program with responsibility and authority to obtain professional~~
169 ~~assistance from other police and professional organizations to accomplish the purposes and objectives of the program.~~

170 (b) The Department of Safety and Homeland Security shall provide administrative support to the Commission and
171 may hire personnel necessary for the effective administration of this chapter, including oversight of training programs
172 administered by police training academies to ensure they meet minimum standards.

173 ~~(c) The Council shall propose regulations detailing mandatory standards for the use of body-worn cameras by~~
174 ~~police officers no later than January 15, 2022, to ensure widespread and consistent use of body-worn cameras. While~~
175 ~~developing the standards, the Council shall hold a minimum of 2 public meetings to solicit input from the community on~~
176 ~~the body-worn camera regulations to ensure that victims' rights advocates, community groups, and member of the public~~
177 ~~have an opportunity to contribute to the development of the regulations. The Council shall include the Delaware State~~
178 ~~Troopers Association and the Delaware Fraternal Order of Police in discussions concerning regulations detailing mandatory~~
179 ~~standards for the use of body-worn cameras by police officers. The Council shall consult with the Department of~~
180 ~~Correction, the Department of Services for Children, Youth, and Their Families, and the Office of Defense Services in the~~
181 ~~development of the regulations. Notwithstanding anything to the contrary in Chapter 101 of Title 29, the regulations shall~~
182 ~~not come into effect until after review by the Delaware State Troopers Association and the Delaware Fraternal Order of~~
183 ~~Police and formal approval by the Council on Police Training. At a minimum, the regulations shall address standards~~
184 ~~governing body-worn cameras use, activation, electronic storage, and dissemination.~~

185 (c) The Commission, in collaboration with government, police union, and community stakeholders, shall
186 periodically review and propose updates as needed to regulations and standards addressing the use and activation of body-
187 worn cameras, as well as electronic storage and dissemination of recordings derived from body-worn cameras.

188 (d) The Commission is responsible for providing feedback and recommendations regarding state level police
189 accreditation to the Delaware Police Accreditation Commission. The Commission shall ensure that every police agency is
190 accredited by the Delaware Police Accreditation Commission no later than July 1, 2028.

191 (e) The Commission shall maintain a public website for the purposes of providing notice of hearings and meetings,
192 publishing public documents, and enabling interaction and comments from the public.

193 § 8404A. Hearings.

194 In all situations where the provisions of § 8404(a)(4) or § 8410(b) of this title are to be applied to or invoked
195 against any agency or individual, that agency or individual shall be entitled to a hearing in the manner prescribed herein:

196 (1) The Chairperson shall select 3 members of the ~~Council~~ Commission to comprise a board which will hear
197 evidence on the allegation (hereinafter "board").

198 (2) Upon conclusion of the hearing provided for in this section, the board shall submit its findings and
199 recommendation to the full ~~Council~~ Commission in writing for consideration and vote.

200 (3) The ultimate findings of the ~~Council~~ Commission shall be final, except that any ruling adverse to any party
201 participating in the hearing may be appealed to the Superior Court within 15 days of receipt of written notification of
202 said finding. Absent an appeal, all findings of the ~~Council~~ Commission shall become final upon expiration of said
203 appeal deadline.

204 (4) All hearings shall be conducted in accordance with the Administrative Procedures Act [Chapter 101 of
205 Title 29].

206 (5) Summaries of the Commission's decisions shall be published on the Commission's websites and are
207 public records for purposes of the Freedom of Information Act [Chapter 100 of Title 29].

208 § 8405. Mandatory training; exceptions.

209 (a) Except as provided in subsection (e) of this section, every municipality or other governmental unit of this State
210 employing or intending to employ police officers shall require their attendance at an approved school. Every such
211 municipality, other governmental unit or the University of Delaware or Delaware State University shall require that no
212 person be given or accept an appointment as a police officer unless such person has successfully completed the required
213 police training and education course at an approved school.

214 ~~(b) Police officers already serving under permanent appointment on July 11, 1969, shall not be compelled to meet~~
215 ~~this requirement as a condition of:~~

216 ~~(1) Tenure;~~

217 ~~(2) Continuing employment;~~

218 ~~(3) Reemployment; or~~

219 ~~(4) Employment by another police agency, provided that the period of suspended services under paragraph~~
220 ~~(b)(3) or (4) of this section does not exceed 12 months.~~

221 ~~Failure of any such police officer to fulfill such requirements as the Council may hereafter establish by regulation~~
222 ~~shall not make the officer ineligible for promotion to which the officer might otherwise be eligible. The exemptions~~
223 ~~granted under this subsection shall not be construed to include in-service or continued training requirements which may be~~
224 ~~established by Council. [Repealed.]~~

225 (c) All police officers and all persons seeking permanent appointment as a police officer shall undergo training to
226 assist them in identifying symptoms of mental illness, mental disability, and/or physical disability and in responding
227 appropriately to situations involving persons having a mental illness, mental disability, and/or physical disability. The
228 training must include instruction concerning the interaction between police officers and minors that have a mental illness,

229 mental disability and/or physical disability. ~~Additionally, all police officers serving under permanent appointment as of~~
230 ~~January 1, 2007, must undertake this training by January 1, 2008.~~

231 (d) A component of training for all persons enrolled in an approved school must be a course in the detection,
232 prosecution, and prevention of sexual assault. Such evidence-based training must be victim-centered, and trauma-informed.

233 (e) ~~Nothing contained in this chapter limits the authority, power, or duties of the Secretary of the Department of~~
234 ~~Safety and Homeland Security under § 8203 of Title 29. [Repealed.]~~

235 § 8406. [Reserved.]

236 § 8407. Compensation.

237 During any training program, the compensation or wages of any trainee police officer shall be the responsibility of
238 the employing authority. The responsibility for providing all other costs, including but not limited to tuition, living
239 expenses, books and equipment excluding transportation costs of any trainee police officer shall be that of the ~~Council.~~
240 Commission.

241 § 8408. Appropriations.

242 The General Assembly shall appropriate each year to the ~~Council~~ Commission through the Department of Safety
243 and Homeland Security such funds as are necessary for the purpose of carrying out this chapter.

244 § 8410. Uncertified police officers.

245 (a) Police officers of the State or any county or municipality or the University of Delaware or Delaware State
246 University ~~which-who~~ do not meet the requirements of this chapter and the criteria as established by the ~~Council shall not~~
247 ~~have the~~ Commission have no authority to enforce the laws of the State.

248 (b) A police force of any county or municipality which does not meet the requirements of this chapter and the
249 criteria established by the Council will be ineligible to apply for or receive state aid to local law-enforcement funds.

250 § 8409. Transition and Continuity.

251 As of [the effective date of this Act] all powers and duties formerly vested in the Council on Police Training, shall
252 instead be invested in the Police Officer Standards and Training Commission.

253 Section 2. Amend § 222, Title 11 of the Delaware Code by making deletions as shown by strike through and
254 insertions as shown by underline as follows:

255 § 222. General definitions.

256 When used in this Criminal Code:

257 (17) “Law-enforcement officer” includes police officers, the Attorney General and the Attorney General’s
258 deputies, agents of the State Division of Alcohol and Tobacco Enforcement, agents employed by a state, county or

259 municipal law-enforcement agency engaged in monitoring sex offenders, correctional officers, probation and parole
260 officers, state fire marshals, municipal fire marshals that are graduates of a Delaware Police Academy which is
261 accredited/authorized by the ~~Council on Police Training~~, Police Officer Standards and Training Commission, sworn
262 members of the City of Wilmington Fire Department who have graduated from a Delaware Police Academy which is
263 authorized/accredited by the ~~Council on Police Training~~, Police Officer Standards and Training Commission,
264 environmental protection officers, enforcement agents of the Department of Natural Resources and Environmental
265 Control, and constables. A sheriff or deputy sheriff shall be considered a “law-enforcement officer” when acting upon
266 a specific order of a judge or commissioner of Superior Court. Sheriffs and deputy sheriffs shall not have any arrest
267 authority. However, sheriffs and deputy sheriffs may take into custody and transport a person when specifically so
268 ordered by a judge or commissioner of Superior Court.

269 Section 3. Amend § 8205, Title 29 of the Delaware Code by making deletions as shown by strike through and
270 insertions as shown by underline as follows:

271 § 8205. ~~Council on Police Training~~, Police Officer Standards and Training Commission.

272 (a) There is established the ~~Council on Police Training~~, Police Officer Standards and Training Commission.

273 (b) The ~~Council on Police Training~~ Police Officer Standards and Training Commission shall consider matters
274 relating to police ~~training~~ training, accreditation of police departments, possible suspension or decertification of police
275 officer certifications, and such other matters as may be referred to it by the Governor or the Secretary of the Department.

276 (c) The ~~Council on Police Training~~ Police Officer Standards and Training Commission shall be appointed as is
277 provided in Chapter 84 of Title 11.

278 Section 4. Amend § 2806, Title 10 of the Delaware Code by making deletions as shown by strike through and
279 insertions as shown by underline as follows:

280 § 2806. Training.

281 Every justice of the peace constable appointed pursuant to this chapter shall receive annual firearms training and
282 training in the use of deadly force. Any justice of the peace constable not so trained is prohibited from carrying a firearm
283 while on duty. In addition, justice of the peace constables shall receive annually such other training as is deemed
284 appropriate by the Chief Magistrate. In all cases, however, a justice of the peace constable must meet the minimum
285 standards established by the ~~Council on Police Training~~ Police Officer Standards and Training Commission for part-time
286 police officers or the equivalent thereof approved by the Board.

287 Section 5. Amend § 1911, Title 11 of the Delaware Code by making deletions as shown by strike through and
288 insertions as shown by underline as follows:

289 § 1911. Police officers; statewide authority.

290 (a) For purposes of this section “police officer” means any police officer holding current certification by the
291 ~~Council on Police Training~~ Police Officer Standards and Training Commission as provided by Chapter 84 of this title and
292 who is:

293 (f) When police officers who are certified by the ~~Delaware Council on Police Training~~ Police Officers Standards
294 and Training Commission are dispatched by a Public Safety Answering Point outside of their respective jurisdiction as
295 conservators of the peace, those officers shall be considered to be acting as officers of the dispatching agency and have the
296 powers of arrest thereof.

297 Section 6. Amend § 4321, Title 11 of the Delaware Code by making deletions as shown by strike through and
298 insertions as shown by underline as follows:

299 § 4321. Probation and parole officers.

300 (h) The Department shall devise and adopt a body-worn camera policy that shall meet or exceed the standards
301 established by the ~~Council on Police Training~~ Police Officer Standards and Training Commission by regulation.

302 Section 7. Amend § 8302, Title 11 of the Delaware Code by making deletions as shown by strike through and
303 insertions as shown by underline as follows:

304 § 8302. Power and duties of State Police; local police officers assisting State Police.

305 (b) When police officers who are certified by the Delaware ~~Council on Police Training~~ Police Officer Standards
306 and Training Commission are acting outside their respective jurisdiction as conservators of the peace in response to a
307 request for assistance from the State Police, those officers shall be considered to be acting as State Police Officers and shall
308 have the powers of arrest thereof.

309 Section 8. Amend Chapter 85, Title 11 of the Delaware Code by making deletions as shown by strike through and
310 insertions as shown by underline as follows:

311 § 8502. Definitions.

312 The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in
313 this section, except where the context clearly indicates a different meaning:

314 (11) “Law-enforcement officer” shall include police officers, special investigators pursuant to § 9016 of Title
315 29, the Attorney General and the Attorney General’s deputies, state fire marshals, municipal fire marshals that are
316 graduates of a Delaware Police Academy which is accredited/authorized by the ~~Council on Police Training~~, Police
317 Officers Standards and Training Commission, sworn members of the City of Wilmington Fire Department who have
318 graduated from a Delaware Police Academy which is authorized/accredited by the ~~Council on Police Training~~, Police

319 Officers Standards and Training Commission, environmental protection officers, enforcement agents of the Department
320 of Natural Resources and Environmental Control, environmental protection officers, enforcement agents of the
321 Department of Natural Resources and Environmental Control, sheriffs and their regular deputies, agents of the State
322 Division of Alcohol and Tobacco Enforcement, correctional officers, animal welfare officers of the Office of Animal
323 Welfare, and constables. For purposes of this subchapter, sheriffs and their regular deputies shall not have any arrest
324 authority.

325 § 8584. Definitions.

326 (e) “Law-enforcement officer” includes police officers, the Attorney General and the Attorney General’s deputies,
327 sheriffs and their regular deputies, agents of the State Division of Alcohol and Tobacco Enforcement, correctional officers,
328 state fire marshals, municipal fire marshals that are graduates of a Delaware Police Academy which is accredited/authorized
329 by the ~~Council on Police Training~~, Police Officers Standards and Training Commission, sworn members of the City of
330 Wilmington Fire Department who have graduated from a Delaware Police Academy which is authorized/accredited by the
331 ~~Council on Police Training~~, Police Officers Standards and Training Commission, environmental protection officers,
332 enforcement agents of the Department of Natural Resources and Environmental Control, and constables. For purposes of
333 this subchapter, “law-enforcement officer” also includes an employee of a federal governmental agency who is authorized
334 by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any
335 person for, any violation of law, and who has statutory powers of arrest. For purposes of this subchapter, sheriffs and their
336 regular deputies shall not have any arrest authority.

337 Section 9. Amend § 5607, Title 24 of the Delaware Code by making deletions as shown by strike through and
338 insertions as shown by underline as follows:

339 § 5607. Qualifications and training.

340 (b) Anyone who wishes to be commissioned under this chapter, must meet and maintain the following
341 requirements:

342 (6) May not be a current sworn or civilian employee of any Delaware law-enforcement organization, as
343 defined by the ~~Council on Police Training~~, Police Officer Standards and Training Commission, or current sworn or
344 civilian employee of a law-enforcement organization in any other state or federal jurisdiction.

345 Section 10. Amend § 2516, Title 29 of the Delaware Code by making deletions as shown by strike through and
346 insertions as shown by underline as follows:

347 § 2516. Authorization for local and out-of-state police officers.

348 (d) The Attorney General may, as the Attorney General deems necessary, authorize railroad police officers
349 employed by (i) either a railroad company classified as a Class 1 rail carrier pursuant to 49 U.S.C. § 10102 and the
350 Interstate Commerce Commission or (ii) Amtrak to have police, arrest and enforcement powers for the purpose of
351 investigating or preventing crimes which have occurred, are occurring or may occur on property that is owned, leased,
352 operated or controlled by the railroad, or which involve the railroad's employees, passengers or patrons while such persons
353 are on such property, or which involve property that is consigned or entrusted to the railroad for transportation purposes.
354 The Attorney General shall give such authorization by oath for such period of time and pursuant to such conditions as the
355 Attorney General deems necessary. The Attorney General shall have the authority to withdraw such authorization whenever
356 the Attorney General deems necessary. Notwithstanding any provision of this section to the contrary, no person shall be
357 authorized pursuant to this subsection unless such person is first certified as appropriately qualified by the ~~Council on~~
358 ~~Police Training~~ Police Officers Standards and Training Commission and until memoranda of understanding are reached
359 between the railroad and all appropriate law enforcement agencies. Nothing in this section shall limit the authority of a
360 railroad police office employed by a rail carrier owning property in this State, and certified or commissioned under the laws
361 of another state, to enforce the law and exercise the authority conveyed under 49 U.S.C. § 28101 or 49 C.F.R. 207.

362 Section 11. Amend § 4319, Title 10 of the Delaware Code by making deletions as shown by strike through and
363 insertions as shown by underline as follows:

364 § 4319. Confidential communications involving first responders.

365 (a) For purposes of this section:

366 (3) "Critical incident stress management team" or "CISM team" means a team composed of members of a
367 state, county or municipal law-enforcement, fire or emergency medical agency that is trained, in accordance with
368 standards established by a nationally accredited critical incident stress management organization or network and
369 recognized by the ~~Council on Police Training~~, Police Officer Standards and Training Commission, to assist and
370 provide support to a first responder who has been involved in a critical incident that may affect, or has affected, the
371 person's work performance or general well-being.

372 (4) "Critical incident stress management team member" means an individual who is specially trained to
373 provide critical incident stress management services and meets the requirements of a nationally accredited critical
374 incident stress management organization or network which has been recognized by the ~~Council on Police Training~~
375 Police Officer Standards and Training Commission and has been approved by the Colonel or Chief of the police, fire or
376 emergency medical services agency of which the individual is a member and has been approved to function as a CISM
377 team member prior to and at the time the counseling takes place.

378 Section 12. Amend Chapter 90, Title 29 of the Delaware Code by making deletions as shown by strike through and
379 insertions as shown by underline as follows:

380 § 9003. Powers, duties, and functions.

381 (a) The Department of Services for Children, Youth and Their Families has the following powers, duties, and
382 functions:

383 (20) Shall devise and adopt a body-worn camera policy that shall meet or exceed the standards established by
384 the ~~Council on Police Training~~ Police Officer Standards and Training Commission by regulation.

385 § 9005. Powers, duties and functions of Secretary.

386 The Secretary shall:

387 (13) Devise and adopt a plan to provide for the use of weapons by specialized juvenile probation and parole
388 officers. The plan shall require such officers to successfully complete a psychological evaluation and a course of
389 instruction in weapons training and safety, to carry a firearm while at work in the field. Said course of instruction shall
390 meet or exceed the standards established by the ~~Council on Police Training~~ Police Officer Standards and Training
391 Commission and any other training and education determined by the Department of Services for Children, Youth and
392 Their Families;

393 Section 13. Amend § 2014, Title 11 of the Delaware Code by making deletions as shown by strike through and
394 insertions as shown by underline as follows:

395 § 2014. Rules relating to electronic recording.

396 (a) The ~~Council on Police Training~~ Police Officer Standards and Training Commission shall adopt rules to
397 implement this subchapter, which each law-enforcement agency that is a governmental entity of this State shall enforce.

398 Section 14. Amend Chapter 71, Title 29 of the Delaware Code by making deletions as shown by strike through and
399 insertions as shown by underline as follows:

400 § 7105. Establishment and use of a statewide fleet management system.

401 (f) Law-enforcement vehicles and vessels of State agency law-enforcement personnel covered under the provisions
402 of the ~~Delaware Council on Police Training~~, Police Officer Standards and Training Commission, owned by school districts
403 shall be exempt from subsections (a) and (b) of this section.

404 § 7106. Use of state-owned vehicles; penalty; exemptions.

405 (c) Specifically exempted from subsections (a) and (b) of this section are the Governor's car, law-enforcement
406 vehicles and vessels of State agency law-enforcement personnel covered under the provisions of the ~~Delaware Council on~~
407 ~~Police Training~~, Police Officer Standards and Training Commission and those vehicles exempted by the Director of the

408 Office of Management and Budget. The Director of the Office of Management and Budget shall promulgate a policy
409 concerning these exemptions. This policy shall include rules which allow certain vehicles to be parked at locations other
410 than a motor pool or agency site if warranted by emergency or business activities of certain employees and/or security
411 requirements of certain vehicles.

412 § 7107. Identification of state-owned vehicles and boats.

413 All state-owned motor vehicles shall bear on the rear license plates issued by the Division of Motor Vehicles the
414 notation "STATE OWNED." All state-owned boats shall bear prominent identification on the rear thereof identifying such
415 boats as state-owned. The automobile used by the Governor, and law-enforcement vehicles and vessels of State agency law-
416 enforcement personnel covered under the provisions of the ~~Delaware Council on Police Training~~, Police Officer Standards
417 and Training Commission, are exempted from the requirements of this section. Other exemptions from this section must be
418 approved by the Director of the Office of Management and Budget.

419 Section 15. Amend § 5606, Title 24 of the Delaware Code by making deletions as shown by strike through and
420 insertions as shown by underline as follows:

421 § 5606. Commissions.

422 (c) No current sworn or civilian personnel employed by a Delaware law-enforcement organization, as defined by
423 the ~~Council on Police Training~~, Police Officer Standards and Training Commission, or current sworn or civilian member of
424 a law-enforcement organization in any other state or federal jurisdiction shall be commissioned as a constable.

425 Section 16. Amend § 404, Title 4 of the Delaware Code by making deletions as shown by strike through and
426 insertions as shown by underline as follows:

427 § 404. Employees of the Division.

428 The Department of Safety and Homeland Security shall appoint, employ or dismiss every officer or employee
429 necessary for carrying out the work of the Division, establish salaries, subject to the Annual Appropriation in the Budget
430 Act, and assign them their official titles and duties, and engage the services of experts and persons engaged in the practice
431 of a profession at the discretion of the Secretary of the Department of Safety and Homeland Security. At the discretion of
432 the Secretary of the Department of Safety and Homeland Security, officers and employees appointed by the Department of
433 Safety and Homeland Security shall have the police powers of constables and other police officers of the State, counties and
434 other subdivisions of the State, and they shall be conservators of the peace throughout the State, and they shall be eligible
435 for certification by the ~~Council on Police Training~~, Police Officer Standards and Training Commission, and may suppress
436 all acts of violence and enforce the provisions of this title.

437 Section 17. Amend § 1326, Title 4 of the Delaware Code by making deletions as shown by strike through and
438 insertions as shown by underline as follows:

439 § 1326. Employees of the Division; Commissioner [Effective upon fulfillment of the contingency in 84 Del. Laws,
440 c. 24, § 15].

441 The Department of Safety and Homeland Security shall: appoint, employ, or dismiss every officer or employee,
442 not appointed by the Governor, necessary for carrying out the work of the Division, Appeals Commission, and
443 Commissioner; establish salaries, subject to the annual appropriation in the Budget Act; and assign official titles and duties.
444 The Department may engage the services of experts and persons engaged in the practice of a relevant profession. At the
445 discretion of the Secretary of the Department of Safety and Homeland Security, officers and employees of the Division:
446 shall have the police powers of constables and other police officers of the State, counties, and other subdivisions of the
447 State; shall be conservators of the peace throughout the State; shall be eligible for certification by the ~~Council on Police~~
448 Training; Police Officer Standards and Training Commission; and may suppress all acts of violence and enforce the
449 provisions of this chapter.

SYNOPSIS

This Act revamps the Council on Police Training, by changing the name of the Council to the Police Officer Standards and Training Commission (or POST) and amending its powers and duties to: (1) more accurately reflect the dual role of establishing training standards for Delaware police officers as well as overseeing allegations of police officer misconduct and conducting hearings for possible suspensions or de-certifications; (2) untethering the Council from the Delaware State Police by deleting the requirement that the Director of the Delaware State Police Academy is responsible for education and training in connection with the Council's duties and responsibilities; (3) removing the requirement that discipline proceedings be tied to whether the employing department takes action against the officer and increasing the instances when discipline can be issued; (4) advising the Delaware Police Accreditation Commission regarding statewide accreditation standards; (5) issuing guidelines for local police oversight commissions or boards. The Bill improves transparency by increasing required meetings from two to four per year, clarifying that decisions of disciplinary panels are public documents, requiring that departments form public accountability commissions with non-officer members, and requiring a public comment period and an official website with publication of pertinent records and documents of the POST. By amending the definition of "police officer," the bill also requires that officers employed only part-time are subject to the regulatory oversight of the POST. The Bill proposes that the Council's day-to-day functions be provided through professionals retained by the Department of Safety and Homeland Security.

Finally, the Bill makes minor technical and other non-substantive changes, including deleting outdated provisions of the Code. This includes striking the provision that required body-worn camera standards to be in place by 2022 – since those regulations are now in place – and instead requiring the POST to “periodically review and propose updates as needed to regulations and standards” for body-worn cameras in cooperation with other stakeholders.

Sections 2 through 16 make conforming changes to other parts of the Code that referenced the Council on Police Training.