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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 206
AS AMENDED BY
HOUSE AMENDMENT NO. 3

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:

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

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

§ 8401. Definitions.

As used in this chapter:

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

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

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

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

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

(6) "Police officer" means a sworn member of a police force or other law-enforcement agency of this State or of any county or ~~municipality~~ municipality, whether employed full or part-time, 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.

a. For purposes of this chapter this term shall include permanent ~~full-time~~ law-enforcement officers of the Department of Natural Resources and Environmental Control, state fire marshals, municipal fire marshals who are

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

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

1. A sheriff, regular deputy sheriff or constable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Except for the chairperson, members appointed by the Governor may not be a current or former member of law-enforcement or affiliated with law-enforcement. The Governor shall consider non-binding recommendations from the NAACP, Delaware Center for Justice, and other non-profit organizations for the public members appointed under paragraph (b)(15) of this section.".

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

(e) Members appointed to the Commission, except for the chairperson, who have never served on the Commission may be appointed to the Commission for 2 consecutive terms, but no such person shall thereafter be eligible for 2 consecutive appointments. No public member who has been twice appointed to the Commission or who has served on the Commission for 6 years within any 9-year period shall again be appointed to the Commission until an interim period of at least 3 years has expired since such person last served.

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

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

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

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

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

§ 8404. Powers and duties.

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

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

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

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

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

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

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

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

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

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

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

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

f. A police officer been decertified in another jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) Establish an approved training program for seasonal police officers which shall be required prior to active 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 approved police training ~~school;~~ school.

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

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

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

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

or structure may be included. Police accountability committees or boards are subject to the requirements of the Freedom of Information Act, Chapter 100 of Title 29.

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

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

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

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

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

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

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

§ 8404A. Hearings.

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

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

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

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

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

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

§ 8405. Mandatory training; exceptions.

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

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

~~(1) Tenure;~~

~~(2) Continuing employment;~~

~~(3) Reemployment; or~~

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

~~Failure of any such police officer to fulfill such requirements as the Council may hereafter establish by regulation shall not make the officer ineligible for promotion to which the officer might otherwise be eligible. The exemptions~~

~~granted under this subsection shall not be construed to include in-service or continued training requirements which may be established by Council.~~ [Repealed.]

(c) All police officers and all persons seeking permanent appointment as a police officer shall undergo training to assist them in identifying symptoms of mental illness, mental disability, and/or physical disability and in responding appropriately to situations involving persons having a mental illness, mental disability, and/or physical disability. The training must include instruction concerning the interaction between police officers and minors that have a mental illness, mental disability and/or physical disability. ~~Additionally, all police officers serving under permanent appointment as of January 1, 2007, must undertake this training by January 1, 2008.~~

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

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

§ 8406. [Reserved.]

§ 8407. Compensation.

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

§ 8408. Appropriations.

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

§ 8410. Uncertified police officers.

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

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

§ 8409. Transition and Continuity.

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

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

§ 222. General definitions.

When used in this Criminal Code:

(17) "Law-enforcement officer" includes police officers, the Attorney General and the Attorney General's deputies, agents of the State Division of Alcohol and Tobacco Enforcement, agents employed by a state, county or municipal law-enforcement agency engaged in monitoring sex offenders, correctional officers, probation and parole officers, state fire marshals, municipal fire marshals that are graduates of a Delaware Police Academy which is accredited/authorized by the ~~Council on Police Training,~~ Police Officer Standards and Training Commission, sworn members of the City of Wilmington Fire Department who have graduated from a Delaware Police Academy which is authorized/accredited by the ~~Council on Police Training,~~ Police Officer Standards and Training Commission, environmental protection officers, enforcement agents of the Department of Natural Resources and Environmental Control, and constables. A sheriff or deputy sheriff shall be considered a "law-enforcement officer" when acting upon a specific order of a judge or commissioner of Superior Court. Sheriffs and deputy sheriffs shall not have any arrest authority. However, sheriffs and deputy sheriffs may take into custody and transport a person when specifically so ordered by a judge or commissioner of Superior Court.

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

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

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

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

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

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

§ 2806. Training.

Every justice of the peace constable appointed pursuant to this chapter shall receive annual firearms training and training in the use of deadly force. Any justice of the peace constable not so trained is prohibited from carrying a firearm

while on duty. In addition, justice of the peace constables shall receive annually such other training as is deemed appropriate by the Chief Magistrate. In all cases, however, a justice of the peace constable must meet the minimum standards established by the ~~Council on Police Training~~ Police Officer Standards and Training Commission for part-time police officers or the equivalent thereof approved by the Board.

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

§ 1911. Police officers; statewide authority.

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

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

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

§ 4321. Probation and parole officers.

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

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

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

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

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

§ 8502. Definitions.

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

(11) "Law-enforcement officer" shall include police officers, special investigators pursuant to § 9016 of Title 29, the Attorney General and the Attorney General's deputies, state fire marshals, municipal fire marshals that are graduates of a Delaware Police Academy which is accredited/authorized by the ~~Council on Police Training,~~ Police Officers Standards and Training Commission, sworn members of the City of Wilmington Fire Department who have graduated from a Delaware Police Academy which is authorized/accredited by the ~~Council on Police Training,~~ Police Officers Standards and Training Commission, environmental protection officers, enforcement agents of the Department of Natural Resources and Environmental Control, environmental protection officers, enforcement agents of the Department of Natural Resources and Environmental Control, sheriffs and their regular deputies, agents of the State Division of Alcohol and Tobacco Enforcement, correctional officers, animal welfare officers of the Office of Animal Welfare, and constables. For purposes of this subchapter, sheriffs and their regular deputies shall not have any arrest authority.

§ 8584. Definitions.

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

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

§ 5607. Qualifications and training.

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

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

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

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

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

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

§ 4319. Confidential communications involving first responders.

(a) For purposes of this section:

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

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

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

§ 9003. Powers, duties, and functions.

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

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

§ 9005. Powers, duties and functions of Secretary.

The Secretary shall:

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

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

§ 2014. Rules relating to electronic recording.

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

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

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

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

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

(c) Specifically exempted from subsections (a) and (b) of this section are the Governor's car, law-enforcement vehicles and vessels of State agency law-enforcement personnel covered under the provisions of the ~~Delaware Council on Police Training,~~ Police Officer Standards and Training Commission and those vehicles exempted by the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall promulgate a policy concerning these exemptions. This policy shall include rules which allow certain vehicles to be parked at locations other than a motor pool or agency site if warranted by emergency or business activities of certain employees and/or security requirements of certain vehicles.

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

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

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

§ 5606. Commissions.

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

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

§ 404. Employees of the Division.

The Department of Safety and Homeland Security shall appoint, employ or dismiss every officer or employee necessary for carrying out the work of the Division, establish salaries, subject to the Annual Appropriation in the Budget Act, and assign them their official titles and duties, and engage the services of experts and persons engaged in the practice

of a profession at the discretion of the Secretary of the Department of Safety and Homeland Security. At the discretion of the Secretary of the Department of Safety and Homeland Security, officers and employees appointed by the Department of Safety and Homeland Security shall have the police powers of constables and other police officers of the State, counties and other subdivisions of the State, and they shall be conservators of the peace throughout the State, and they shall be eligible for certification by the ~~Council on Police Training,~~ Police Officer Standards and Training Commission, and may suppress all acts of violence and enforce the provisions of this title.

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

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

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

Section 18. Amend Chapter 92, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9200. Limitations on political activity; "law-enforcement officer" defined; rights of officers under investigation.

(c) Whenever a law-enforcement officer is under investigation or is subjected to questioning for any reason which could lead to disciplinary action, demotion or dismissal, the investigation or questioning shall be conducted under the following conditions:

(3) The law-enforcement officer under investigation shall be informed of the name, rank and command of the officer in charge of the investigation. All questions directed to the officer shall be asked by and through no more than 2 investigators. No formal complaint against a law-enforcement officer seeking dismissal or suspension or other formal disciplinary action shall be prosecuted under departmental rule or regulation unless the complaint is supported by substantial evidence derived from an investigation by an authorized member of the department or another officer who

is certified ~~by the Council on Police Training~~ pursuant to Chapter 84 of this title and has experience and/or training on conducting an internal law-enforcement investigation and is appointed by the Chief of Police of the law-enforcement department to conduct the investigation of the officer in question.