



Division of Legislative Services

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2025 Review Update: State Fire Prevention Commission
Staff Presentation
May 29, 2025

Why We Did This Review

- **JLOSC selected the State Fire Prevention Commission for a full review on March 21, 2022.**
 - Full reviews evaluate entity performance with criteria established in JLOSC statute.
 - Full reviews require a self-report and presentation.
 - Self-report completed June 2022, available online.
 - Presentation date: May 18, 2023, available online.
- **Staff complete all reviews following national evaluation standards.**
 - Requires thorough planning and execution to gather sufficient evidence supporting the findings and conclusions based on the review's objectives and scope.
 - Objectives, Scope, and Methodology section discusses the fieldwork procedures used while conducting the research and developing the staff report.
 - National Evaluation Standards:
 - National Legislative Program Evaluation Society (NLPES).
 - American Evaluation Association.
 - Levin Center for Oversight and Democracy.
 - U.S. Government Accountability Office (GAO) – Yellow Book (Government Auditing Standards for Performance Audits).



2023 Review Overview



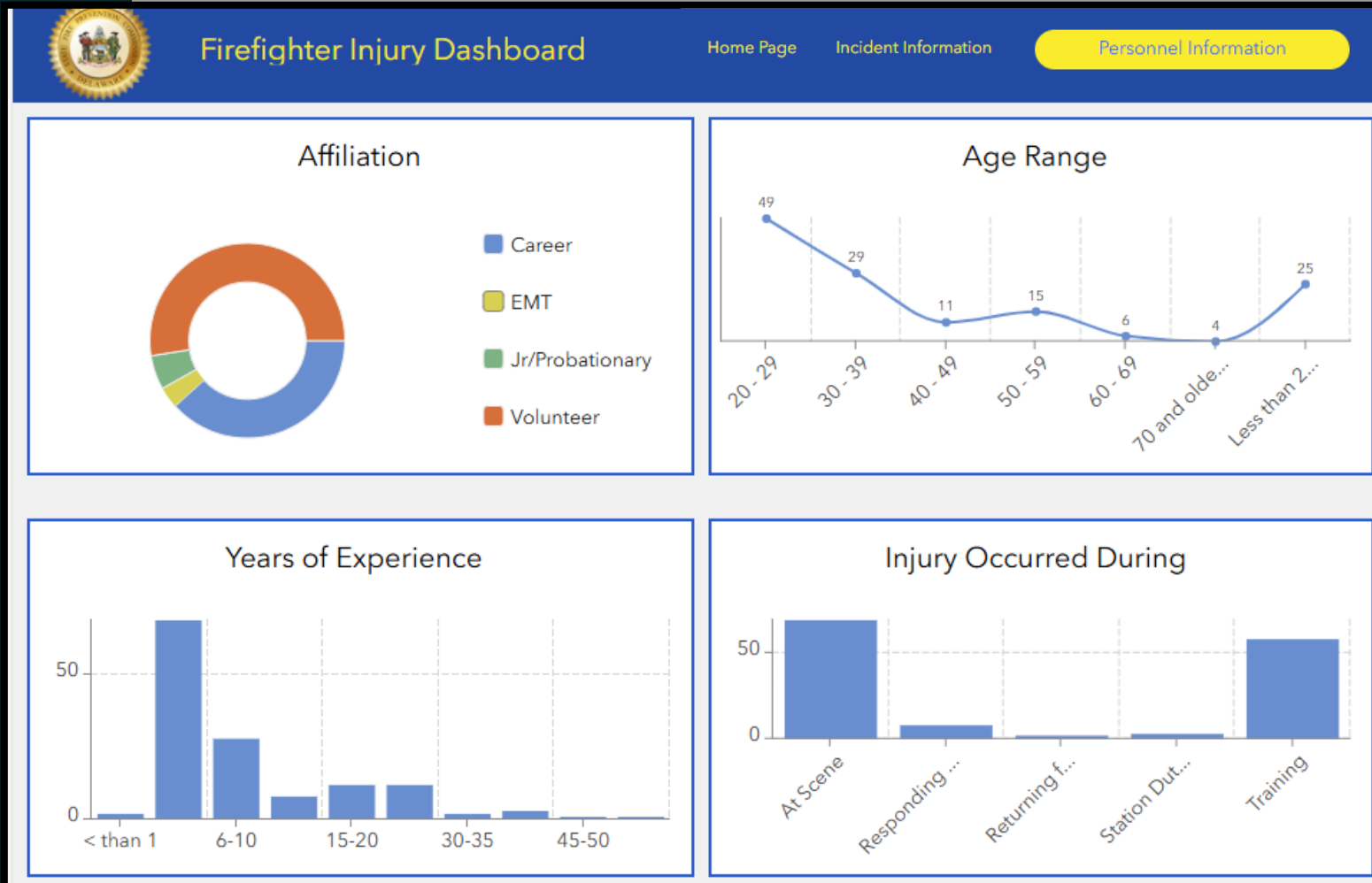
10 Staff Findings:

- Finding #5 included 23 statutory duties with 43 statutory findings.

5 Staff Recommendations adopted by JLOSC (May 2023):

- Recommendation #2 numerous statutory revisions.
 - Including technical corrections → **current draft is over 70 pages.**
- Recommendation #3 numerous regulation updates.
 - Directed Fire Commission to create:
 - Certification process for new volunteer firefighter members, which includes criminal background check results.
 - Process to review firefighter injuries and identify data collection process.
 - Process for complaints and investigations for firefighters.

2025 UPDATE #1



May 2025 screen capture from firefighter injury dashboard showing personnel information.

2023 Staff Report - #12 statutory duty and findings:

Firefighter injuries and data collection had not yet been implemented.

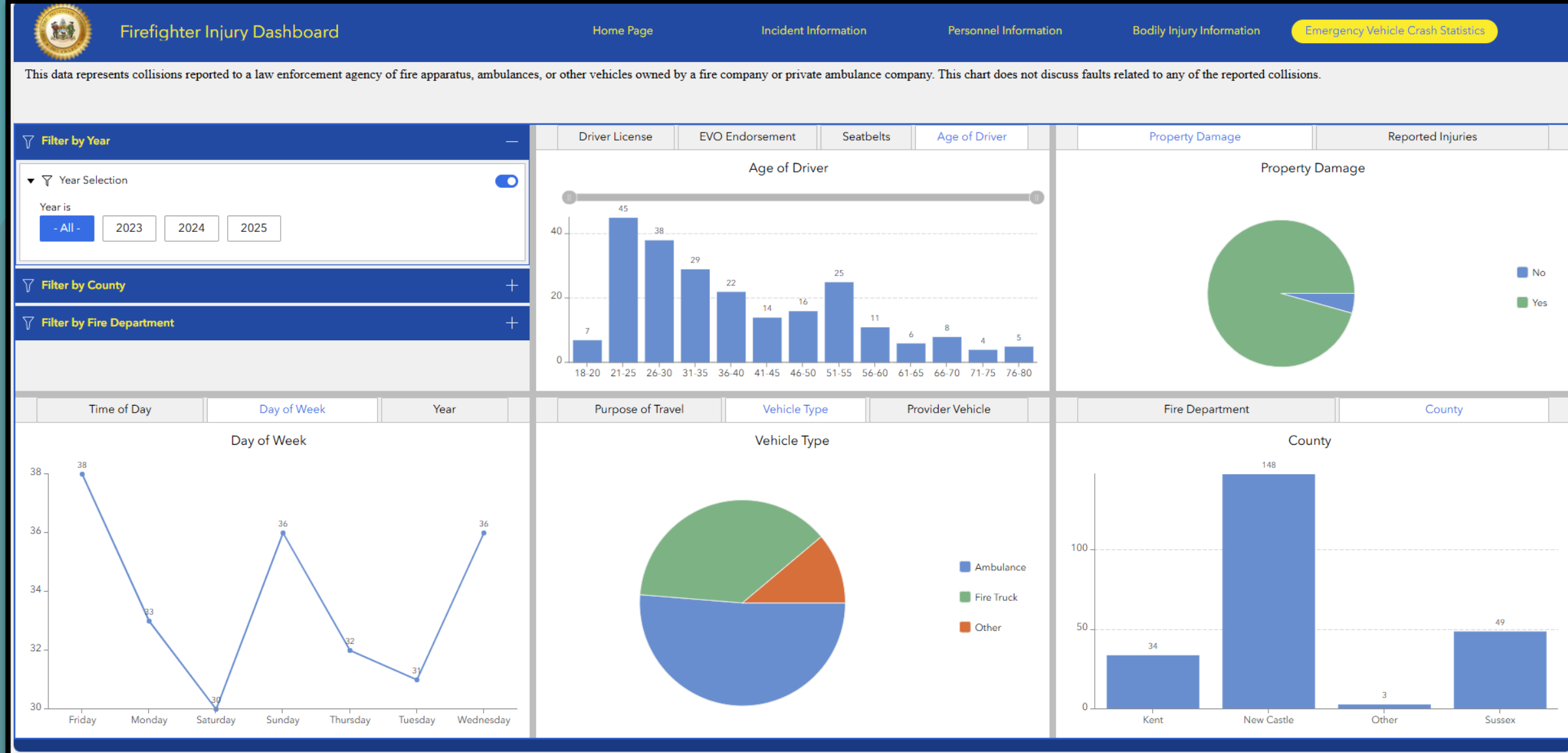
- This was a new part of the law enacted July 2022.

2025 Update:

Now implemented, Fire Commission maintains website with data displays.

- Fire Commission maintains website with data displays:
<https://statefirecommission.delaware.gov/firefighter-injury>.
- More fire companies becoming compliant with sending data.

2025 UPDATE #1 (continued)



May 2025 screen capture from firefighter injury dashboard showing emergency vehicle crash statistics.

2025 Update #2

The Delaware Code Online

LAWS OF DELAWARE

REGULATIONS

ADMINISTRATIVE CO

[TITLE 16](#) > [CHAPTER 66](#)

FIRE PREVENTION

Subchapter I. State Fire Prevention Commission

Subchapter II. State Fire Marshal

Subchapter III. State Fire School

Subchapter IV. Smoke Detectors

Subchapter V. False Fire Alarms

Subchapter VI. Volunteer Firefighters

Subchapter VII. Delaware Burn Camp



SPONSOR: Rep. Ennis & Rep. Wagner & Sen. Vaughn,
Reps. Blakey, Brady, Carey, Ewing, Johnson, Keeley,
Kowalko, Longhurst, Manolakos, McWilliams, Mitchell,
Mulrooney, Outten, Plant, Schooley, Schwartzkopf, B.
Short, D. Short, Stone, Thornburg, Viola, Walls,
Williams; Sens. Peterson, Simpson, Still

HOUSE OF REPRESENTATIVES
144th GENERAL ASSEMBLY

HOUSE BILL NO. 251

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO VOLUNTEER FIREFIGHTERS.

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

1 Section 1. Amend Chapter 66, Title 16 of the Delaware Code by adding thereto a new subchapter to read:

2 "Subchapter IV. Volunteer Firefighters

3 §6646. Definitions.

4 'Member' means a volunteer firefighter of a Delaware volunteer fire department, as certified by the Delaware State
5 Fire Prevention Commission.

6 §6647. Membership requirements for volunteer firefighters.

7 (a) An applicant for membership in a Delaware volunteer fire department who has been convicted of or, had he

2023 Staff Report - #22 statutory duty and findings (under finding #5):

- Subchapter VI in Chapter 66 covers volunteer firefighter membership requirements → created by HB 251 (2007).
-
- Includes background checks and crime convictions that would disqualify membership.
 - Certification process for volunteer firefighters unclear, no regulations.
 - New member applications not on Fire Commission website.
 - Volunteer fire company websites vary, not specific to the Fire Commission.
 - Meeting minutes do not include information on certification of new members or appeals.

2025 Update #2



2025 Update:

- JLOSC adopted recommendation #3 which instructed the Fire Commission to create regulations for the new member application process.
 - Fire Commission hit an issue because “certification” is included in law, but they do not have a certification or **registration** process for firefighters.
- Without a system of firefighter registration:
 - No action can be taken on new member applications or after background check reveals crime convictions disqualifying of membership.
 - No penalties or process exists to date.

Further legislative update occurred in 2024 after 2023 review presentation and adopted recommendations (next slide).

2025 Update #2 (continued) HB 411 - 2024

(Enacted Sept. 2024) HB 411 original synopsis:

“This bill seeks to amend sections of Chapter 66 concerning the members of Delaware Volunteer Fire Departments. This bill will hold current members to the same standards as applicants with relation to criminal activity.”

- Expanded background checks to all firefighters, not just new members, **but HB 411 did not establish timeframe for implementation, procedures, or define a certification process.**
- **This has not been implemented and cannot be enforced without a registration system in place to track members.**
- Without a tracking system of firefighter registration, no way to process background checks or take the appropriate action if a crime is substantial.
 - Related, Fire Commission have enforcement for EMTs because they have a licensure process that includes background checks.
- **Background checks protect the public but only if used to hold the individual accountable.**

61 Section 2. Amend § 6604, Title 16 of the Delaware Code by making deletions as shown by strike through and
62 insertions as shown by underline as follows:

63 § 6604. State Fire Prevention Commission — Powers and duties.

64 The State Fire Prevention Commission shall have authority to:

65 (17) Investigate injuries to firefighters incurred in the line of duty, to issue subpoenas in furtherance of such
66 investigations, and to issue reports of its findings and conclusions with respect to such investigations.

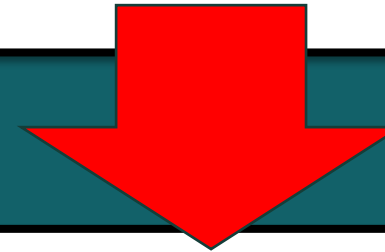
67 (18) Receive and review notification of arrests of all volunteer firefighters.

68 ~~(18)~~ (19) Perform all acts and do all things necessary or convenient to carry out the power granted herein.

SYNOPSIS

This bill seeks to amend sections of Chapter 66 concerning the members of Delaware Volunteer Fire Departments. This bill will hold current members to the same standards as applicants with relation to criminal activity.

HB 411



**Member definition includes:
“as certified by the Delaware State
Fire Prevention Commission.”**

TITLE 16

Health and Safety

Safety

Current Law

CHAPTER 66. Fire Prevention

Subchapter VI. Volunteer Firefighters

§ 6646. Definitions.

“Member” means a volunteer firefighter of a Delaware volunteer fire department, as certified by the Delaware State Fire Prevention Commission.

[76 Del. Laws, c. 157, § 1](#); [77 Del. Laws, c. 444, § 3](#);

2025 Update #3

2023 Staff Report - #11 statutory duty and finding (under finding #5):

New law enacted in July 2022, receiving and investigating complaints of firefighter misconduct, not implemented.

- Additionally, the Commission had not implemented certification of firefighters.

2025 Update:

Partially implemented. Fire Commission receives and investigates complaints but cannot act without system of certification or registration.

2025 Update #3

Here’s what this looks like:

- Chart includes complaints and investigations for January 2022 – May 2025.
 - Fire Commission had financial auditing prior to investigating firefighter complaints.
 - July 2022: Fire Commission granted authority to received and investigate fire service complaints.
- No consequences for completed investigations or criminal background histories because there is no registration for firefighters.
 - EMTs are licensed: 28 discipline orders issued (January 2022 – May 2025).

Complaints Received by Fire Commission Investigators Jan. 2022 - May 2025			
Nature of Complaint Received	Number of Firefighters	Nature of Complaint Received	Number of Firefighters
Assault, Offensive Touching	17	Financial, Theft, Embezzlement, Fraud	19
Sexual Assault	2	Substance Abuse, Misuse, or Diversion	2
Sexual or Physical Abuse of a Child, Elderly, or Impaired Person	1	DUI or Other Alcohol Related Offenses	16
Domestic Abuse	10	Reckless Burning	0
*July 2022: Fire Commission granted authority to investigate fire service complaints.			
Fire Commission Orders of Discipline for EMTs (Jan. 2022 - May 2025): 28			
Chart created by JLOSC staff using Fire Commission investigation data.			

NATIONAL REGISTRY DATA

Estimated National Decline
of Active
Firefighting
Personnel
2019-2024¹ **5%**

¹ The 5% decrease calculated by Division of Legislative Services staff using USFA National Registry data of reported active firefighting personnel from 2019 and 2024. USFA National Registry reported in 2019, 99 fire departments did not report the number of active firefighting personnel, and in 2024, that number was 83. Reporting data to the USFA National Registry is voluntary.

Other Registry Uses: DATA

IS DELAWARE FACING A DECLINE IN VOLUNTEER FIREFIGHTERS?

→ Currently, no one can accurately and definitively answer this question.

- The State of Delaware lacks accurate data.
- No registry of firefighters in Delaware.
- National registry is voluntary, so are updates.

Delaware Totals from USFA National Registry

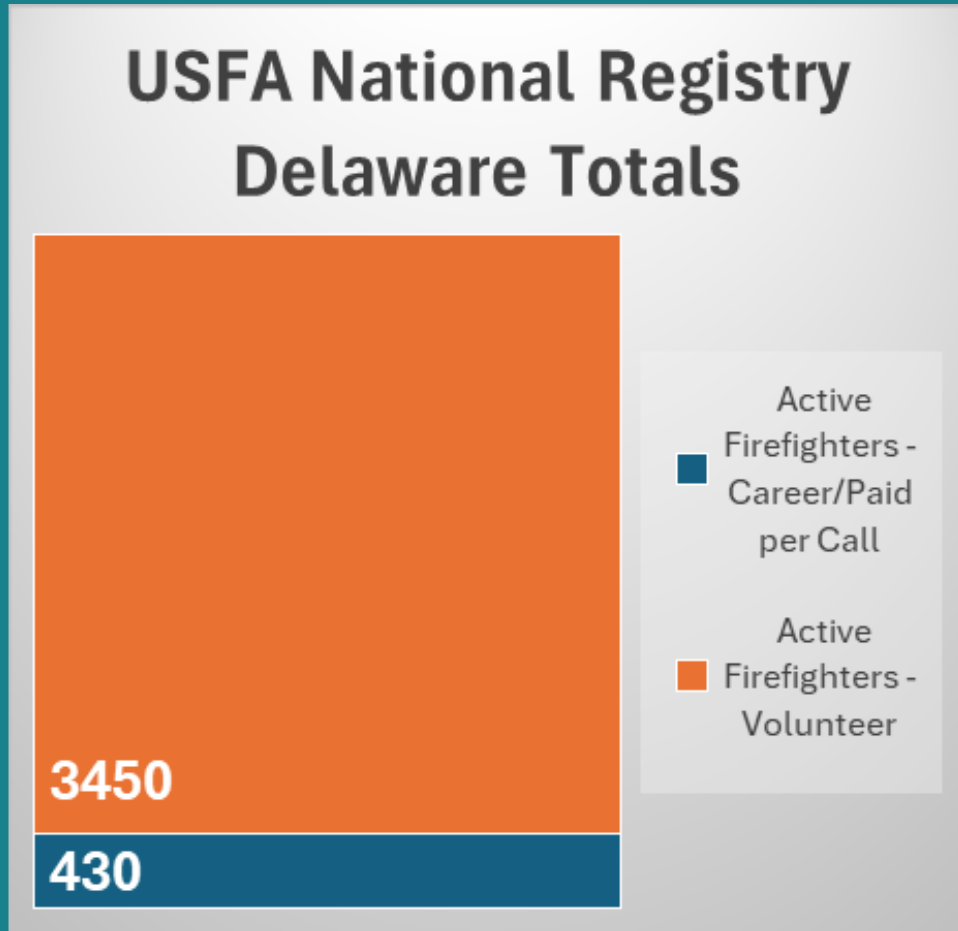


Chart created by Division of Legislative Services Staff with USFA data

National Registry is voluntary and not frequently updated by fire companies. U.S. Fire Administration (USFA) maintains data.

- The chart reflects current data from the USFA National Registry, based on voluntary reporting from 58 volunteer companies, with 2 not submitting data.
- Other firefighter data sources, such as DVFA membership and pensions, are incomplete, as participation varies, and counts are not fully accurate.

Delaware continues to have no system of firefighter registration.

Exact number of firefighters serving in Delaware is unknown.

- A voluntary national registry includes 58 of Delaware's 60 volunteer fire departments.
 - USFA Registry available at: <https://apps.usfa.fema.gov/registry>.
- National registry data for Delaware:
 - **3,450 active volunteer firefighters.**
 - **430 active firefighters - career or paid per call.**
 - 299 active career.
 - 131 active paid per call.
 - 156 active career firefighters, City of Wilmington.
 - 27 non-firefighting civilians.
 - 1,343 non-firefighting volunteers.

JLOSC Review Options

Release draft legislation to create firefighter registration.

- Coincides with adopted JLOSC recommendations.
- Fixes issues discovered during review and implementation of adopted JLOSC recommendations.

Creating firefighter registration would:

- Allow for data collection, support research, assist in identifying trends in volunteer recruitment, and facilitate communication within the fire service.
- Create accountability when background checks show significant criminal history.
- Create accountability when investigations substantiate unprofessional conduct.
- System of accountability boosts public confidence within fire service.
- Support firefighter recruitment efforts by:
 - Encouraging accountability and compliance.
 - Highlighting need for skilled management and leadership to ensure accountability and compliance.

Other Possible Review Options:

→ Direct staff to move forward with drafting legislation to implement adopted recommendations.

-- OR --

→ Rescind all or some May 2023 adopted recommendations and adopt new recommendations.

- Consider release from review.

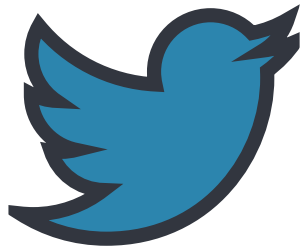


Joint Legislative Oversight & Sunset Committee

Stay Connected



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