

**2024 Delaware Code**

**Title 11 - Crimes and Criminal Procedure**

**Chapter 84. Police Officer Standards and Training Commission**

**§ 8404. Powers and duties.**

**Universal Citation:**

11 DE Code § 8404 (2024)

§ 8404. Powers and duties.

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

- (1) Establish minimum qualifications for applicants as police officers.
- (2) Establish minimum educational and training qualifications requisite to permanent appointment as a police officer.
- (3) Issue certification of completion of police officer training prescribed under this chapter.
- (4) Suspend or revoke certification under any of the following circumstances:
  - a. A certificate was issued due to fraud, mistake, or deceit.
  - b. A police officer has failed to successfully complete any in-service or advanced training required by the Commission.
  - c. A police officer has been convicted of, or received a probation before judgment with respect to, a felony, or 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.
  - d. 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.
  - e. Has received a hearing pursuant to 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 has 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.

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

(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.

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

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

(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.

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

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

(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.

(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.

(18) Establish the criteria to afford reciprocity to police officers certified in other states by an agency like the 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.

(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 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 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.

11 Del. C. 1953, § 8405; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1D; 63 Del. Laws, c. 31, § 1; 67 Del. Laws, c. 313, § 1; 68 Del. Laws, c. 330, §§ 2-4; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 331, §§ 2-4; 77 Del. Laws, c. 323, § 3; 80 Del. Laws, c. 55, § 1; 80 Del. Laws, c. 187, § 8; 83 Del. Laws, c. 83, § 2; 84 Del. Laws, c. 149, § 1; 84 Del. Laws, c. 233, § 15;