

# DEPARTMENT OF SAFETY AND HOMELAND SECURITY

## DELAWARE COUNCIL ON POLICE TRAINING

Statutory Authority: 11 Delaware Code, Sections 8402 & 8404(a)(14) (11 **Del.C.** §§8402, 8404(a)(14))

### FINAL

### ORDER

#### 803 COPT Firearms Instructors Standards and Requirements

#### NATURE OF THE PROCEEDINGS

At 23 **DE Reg.** 638 (February 1, 2020), The Council on Police Training (COPT), pursuant to 11 **Del.C.** §8404(a)(14) and in accordance with 29 **Del.C.** §10115, published notice of intent to adopt regulations that seek to establish standards and requirements for Firearms Instructors. At the same time, the COPT submitted a Regulatory Flexibility Analysis and Impact Statement for this proposed revised regulation, as required by 29 **Del.C.** Ch. 104. The COPT solicited written comments from the public for thirty (30) days as mandated by 29 Del. C. §10118(a).

#### SUMMARY OF EVIDENCE

In accordance with law, public notice regarding the proposed revised regulation was published in the *Delaware Register of Regulations*. The public comment period was open from February 1, 2020 through March 02, 2020. During this period, the COPT did not receive any written responses.

#### FINDINGS OF FACT

The public was given the required notice of the Council's intention to adopt the proposed revised regulation and was given opportunity to submit comments. The required Regulatory Flexibility Analysis and Impact Statement for this proposed revised regulation was submitted. No written responses were received during the comment period. Thus, the COPT finds that the proposed revised regulations should be adopted as submitted with the technical corrections identified by the COPT.

#### EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the COPT pursuant to 11 **Del.C.** §8404(a)(14). The effective date of this Order shall be ten (10) days from the date this Order is published in the *Register of Regulations*.

### ORDER

NOW THEREFORE, under the statutory authority and for the reasons set forth above, the Council on Police Training does hereby ORDER this 14th day of April, 2020 that the regulations be, and that they hereby are, adopted to be enacted as set forth below.

**IT IS SO ORDERED, this 14<sup>th</sup> day of April 2020.**

#### COUNCIL ON POLICE TRAINING

Robert M. Coupe, Secretary, Department of Safety  
and Homeland Security, Chair

Robert J. Irwin,  
Proxy for Attorney General Kathy Jennings

Susan Bunting, Secretary,  
Department of Education

Inspector Charles Emory, Proxy for Chief of Police,  
Wilmington Police Department

Captain Diane Smith, Proxy for Chief of New Castle  
County Police Department

Sgt. Christopher Jones, Proxy for Chief of Police,  
Newark Police Department

Major Robert Hudson, Proxy for Superintendent of  
State Police

Major Tim Stump, Proxy for Chief of Police,  
Dover Police Department

Robin R. Christiansen, Mayor, City of Dover, Kent  
County (voted in affirmative, unable to obtain  
signature)

Chief Patrick Ogden, Chair, Delaware Police Chiefs'  
Council

## **803 COPT Firearms Instructors Standards and Requirements**

### **1.0 Intent and Purpose**

To establish basic requirements for COPT firearms instructors that include standards for both sworn and civilian sponsored instructors.

### **2.0 Definitions**

As used in this chapter:

**“Ammunition”** means a projectile designed to be fired from a weapon such as a handgun or rifle.

**“Armorer”** means a person who has received specialized training related to conducting detailed inspections and repairs to specific weapons.

**“Certification”** means the official approval by the Council on Police Training for an officer to act in a specified capacity, due to the officer’s credentials or level of achievement.

**“Chief of Police”** means any colonel, chief of police or any officer who is the highest-ranking officer of a legislatively authorized police department within this State.

**“Council on Police Training”** or **“COPT”** means the regulatory body established by 29 **Del.C.** §8205 to consider matters relating to police training and such other matters as may be referred to it by the Governor or the Secretary of the Department.

**“Firearms Instructor”** means a law enforcement officer that has received specialized training related to firearms including knowledge of the types of firearms used in law enforcement; appropriate shooting and tactical techniques; instruction methods; and the ability to perform inspection of weapons and range equipment for safety issues. A firearms instructor is not required to be an armorer.

**“Law Enforcement Agency”** or **“LEA”** means any police force or organization functioning within this State or any other state which has by statute or ordinance the responsibility of detecting crime and enforcing the criminal or penal laws of this State or any other state.

**“Law Enforcement Officer”** means a sworn member of a police force or other law-enforcement agency of this State or of any county or municipality who is responsible for the prevention and the detection of crime and the enforcement of laws of this State or other governmental units within the State as defined in 11 **Del.C.** §8401(5)(a)(b), irrespective of the number of the hours worked.

**“Master Firearms Instructor”** means any certified firearms instructor approved by the COPT to be a certifying instructor for a firearms instructor course.

**“Qualification”** means a level of skill or ability that an officer must achieve to be allowed to maintain certification to carry departmentally assigned or approved weapons, as specified in 1 **DE Admin. Code** 801 Section 12.0 for all weapon systems responsible for training.

**“Recertification”** means the renewal of the original certification based on additional training, testing, or a combination of both.

**“Sponsorship”** means any former COPT certified law enforcement officer, as defined in this section, who retired or separated in good standing from a Delaware law enforcement agency and has been contracted by a Delaware law enforcement agency to provide firearms instruction to Delaware law enforcement officers.

### **3.0 COPT Firearms Instructor Certification Requirements**

- 3.1 No firearms instructor shall be utilized by any law enforcement agency for purposes of certifying firearms instructors unless the certifying instructor has been approved by the Council on Police Training.
- 3.2 All sworn law enforcement officers seeking Firearms Instructor Certification must submit proof of successful completion of the following requirements to the COPT Administrator prior to being brought before the COPT:
  - 3.2.1 Proof of successful completion of a COPT Certified Instructor Course.
  - 3.2.2 Minimum of three years’ experience as a sworn law enforcement officer.
  - 3.2.3 Those who, by their special knowledge and preparation, are suited to instruct certain courses requiring such special knowledge and education may have the three-year minimum experience waived.
  - 3.2.4 Proof of successful completion of an approved COPT Firearms Instructor Course, taught by a COPT Master Firearms Instructor, at a firearms instructor course previously approved by the COPT, or other

firearms instructor courses if recommended for approval by the COPT Firearms Instructor Subcommittee and subsequently approved by Council.

3.2.5 A signed letter of endorsement from the Chief of Police of their respective law enforcement agency.

3.3 A firearms instructor is not required to be an armorer and being an armorer does not qualify you to be a firearms instructor.

#### **4.0 Sponsored Firearms Instructor Certification Requirements**

4.1 No firearms instructor shall be utilized by any police department for purposes of certifying firearms instructors unless the certifying instructor has been approved by the Council on Police Training.

4.2 All non-sworn individuals seeking Sponsored Firearms Instructor Certification must submit proof of successful completion of the following requirements to the Chief of Police of the sponsoring LEA for submission to the COPT Administrator prior to being brought before the COPT:

4.2.1 Proof of Certification as a COPT firearms instructor.

4.2.2 Proof of being an active COPT certified instructor at the time of retirement or separation.

4.2.3 Proof of retirement or separation in good standing.

4.3 The Chief of Police sponsoring an individual must submit an endorsement letter of the individual to the COPT along with acknowledging compliance with these regulations as set forth.

#### **5.0 Firearms Instructor Course Requirements**

5.1 Firearms instructor courses must provide the candidate the necessary education and training in the safe and proper use of firearms, knowledge and skills necessary to teach others to shoot, and additional skills and techniques needed to organize and instruct.

5.2 Firearms instructor courses must be a minimum of 40 hours of education and training to be considered eligible for approval by the COPT.

5.3 Firearms instructor courses must meet the following minimum curricula requirements to be considered by the COPT Firearms Instructor Subcommittee for approval:

5.3.1 Basic Marksmanship Instruction

5.3.2 Target Analysis

5.3.3 Instructional Techniques & Training Aids

5.3.4 Range Organization & Administration

5.3.5 Weapons Nomenclature & Function

5.3.6 Fundamentals of Close Quarters Combat

5.3.7 Introduction to Ammunition & Ballistics

5.3.8 Judgment & Decision-Making Training

5.3.9 Shooting Position, Movement, and Target Engagement

5.3.10 Range & Weapon Safety

5.3.11 Use-Of- Force & Legal Issues

5.3.12 Coaching skills development

#### **6.0 Firearms Instructors Training Requirements**

6.1 An eight-hour firearms recertification course will be held annually and will include: legal updates, use of force, and review of Council on Police Training standards.

6.2 Instructors must attend a minimum of one recertification course every three years and complete sixteen hours of additional training in firearms usage or complete sixteen hours of academy level instruction, or a combination of training and instruction in the same three-year period.

6.3 All firearms instructors must also annually meet the standards established in 1 DE Admin. Code 801 Section 12.0 for all weapon systems responsible for training.

#### **7.0 COPT Master Firearms Instructor Requirements**

7.1 A COPT Certified Firearms Instructor seeking Master Firearms Instructor certification shall provide the following to the COPT Firearms Instructor Subcommittee:

7.1.1 Current Curriculum Vitae (CV) or Resume indicating all relevant work history, training, certifications, experience and education.

[7.1.2 A signed letter of endorsement from the Chief of Police of their respective law enforcement agency,

~~7.1.2~~ 7.1.3]Proof of successful completion of a COPT approved Firearms Instructor Course and proof of successful completion of a COPT Master Instructor Course, or

~~[7.1.3~~ 7.1.4]Proof of successful completion of a COPT approved Firearms Instructor Course and:

~~[7.1.3.4~~ 7.1.4.1]Seven years or more as a COPT Certified Firearms Instructor or a minimum of 2000 hours of combined firearms instruction and training.

~~[7.1.3.2~~ 7.1.4.2]Proof of Firearms related administrative responsibilities such as lesson planning, record keeping, etc.,

~~[7.1.3.3~~ **A signed letter of endorsement from the Chief of Police of their respective law enforcement agency.**

~~7.1.3.4~~ 7.1.4.3]Proof of successful completion of an Advanced or "Master" Firearms Instructor ~~[course,~~ **courses, totaling]** at least 40 hours in length **[combined]**, from ~~[an]~~ approved ~~[vendor vendors]~~ as agreed upon by the COPT Firearms Instructor Subcommittee.

7.2 The COPT Firearms Instructor Subcommittee will review each request and required documentation. After a full review, the COPT Firearms Instructor Subcommittee shall either endorse or not endorse the request at the next regularly scheduled COPT Board meeting.

7.3 The COPT will be responsible for voting on all certifications for Master Firearms Instructors.

## **8.0 Training, Qualification and Records**

8.1 Complete records should reflect all firearms training, qualification, and re-evaluation activities, as well as the performance and proficiency of the law enforcement officer during such activities.

8.2 Copies of all training course schedules, curricula, and lesson plans must be maintained along with the records of individual trainees.

## **9.0 Training Site or Facility Requirements**

The training site or facility should provide the environment necessary to conduct all aspects of the training and qualification as approved by the COPT, including appropriate simulation exercises.