



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: July 30, 2018

TO: Mr. Christopher Klein, Deputy Principal Assistant  
Delaware Department of Safety & Homeland Security

FROM: Mr. Nick J. Fina, Ed.D - Chairperson  
State Council for Persons with Disabilities

RE: 22 DE Reg. 26 [DSHS Proposed Regulation Amending the Delaware Council on Police  
Training (7/1/18)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Safety & Homeland Security's proposed regulation to update, clarify and provide more detailed information regarding minimum training requirements, firearms training and qualifications for instructors. The proposed regulation was published as 22 DE Reg. 26 in the July 1, 2018 issue of the Register of Regulations.

The SCPD has the following observation on the regulation relating to disability:

6.167 Handling Persons with Disabilities 8 Hours

16.167.1 The purpose of this course is to identify behavioral factors with which the officer may encounter, discusses the influence of group behavior or individual behavior, and emphasizes the importance of understanding unusual behaviors in order to handle that behavior most effectively. Also includes a review of the 24-hour commitment procedures.

While the use of "encounter" instead of "has to deal" is certainly an improvement, the SCPD suggests that the entire provision be renamed to avoid the use of the word "handle", as this word has a negative connotation. The SCPD recommends "interactions" as an alternative.

There is also an added provision 9.2.14 which requires training to incorporate training in defensive tactics and de-escalation techniques. This would be of benefit to individuals with intellectual disabilities and behavioral health issues in their interactions with law enforcement. Likewise Section 16.28, 16.29 and 16.34 incorporates de-escalation techniques. There are also several instances where training in sexual assault, domestic violence and abuse are added to the curriculum. These are all positive additions that the SCPD is endorsing.

In general, there are a number of eligibility criteria that exclude individuals with physical disabilities. These are not new. Please note sections 3.4.1; 3.4.3; and 3.4.5. It is certainly the case that some types of disabilities would probably preclude an applicant from becoming a police officer. However, it is always concerning, when there is essentially a blanket ban.

In section 3.10 related to written examinations, there is no mention of providing testing accommodations. Section 3.13.5 does point out that employers are prohibited from discriminating under the Civil Rights Act, but there is no mention of the ADA, the ADAAA or the State of Delaware Persons with Disabilities Employment Protections Act. Finally but, very significantly, there is no mention of a reasonable accommodation policy.

The SCPD wishes to bring these omissions to the attention of the Council on Police Training.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position and observations on the proposed regulation.

cc: The Honorable Robert Coupe, DSHS  
Ms. Laura Waterland, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disability Council

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