

July 25, 2018

Department of Safety and Homeland Security
Attn: Christopher Klein
Public Safety Building Suite 220
P O Box 818
Dover, DE 19903-0818

RE: DSHS Proposed DE Council on Police Training (COPT) Regulation [22 DE Reg. 26 (July 1, 2018)]

Dear Mr. Klein:

The Governor's Advisory Council for Exceptional Citizens (GACEC) is the state advisory panel for the Individuals with Disabilities Education Act (IDEA) and has been mandated by the State of Delaware to review and provide advice on the needs of all individuals with disabilities in the State. In that capacity, the GACEC has reviewed the Delaware Council on Police Training (COPT) proposal to revise its regulations in order to update, clarify and provide more detailed information regarding minimum training requirements, firearms training and instructor qualifications. Council would like to share the following observations with you in reference to identifying and addressing the needs of individuals with disabilities in police training.

First, 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 prevent an applicant from becoming a police officer; however, it is always concerning when there is essentially a total ban.

Second, 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 Americans with Disabilities Act (ADA) or the state employment discrimination law. There is also no mention of a reasonable accommodation policy.

Third, there is an added note, section 9.2.14, which requires training in defensive tactics and de-escalation techniques. This could be of great benefit to individuals with intellectual disabilities

and behavioral health issues in their interactions with law enforcement. Also, sections 16.28, 16.29 and 16.34 mention the incorporation of de-escalation techniques in the required training courses. There are also several instances where training in sexual assault, domestic violence and abuse are added to the curriculum. These are all positive additions and Council endorses their inclusion in the regulations.

Fourth, Council would like to suggest a revision of Section 16.7. The proposed changes are as follows:

167 Handling Persons With Disabilities 8 Hours

16.167.1 The purpose of this course is to identify behavioral factors with which the officer ~~has to deal~~ 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.

Council appreciates the COPT changing the phrase “has to deal” to “may encounter” but would like to suggest that the entire section be renamed and revised in order to avoid the use of the word “handle” completely. This word has a negative connotation. Council recommends the term “interactions” as a more positive alternative.

Thank you for your consideration of our observations and recommendations. Please contact me or Wendy Strauss at the GACEC office if you have any questions.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF:kpc