



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904  
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November 28, 2025

Delaware State Police Professional Licensing Section  
Attn: Frank Kaleta  
600 S. Bay Road, Suite 1  
Dover, DE 19901

**Re: 29 DE Reg. 380 Department of Safety and Homeland Security (DSHS) Board of Examiners of Constables Reg. (November 1, 2025)**

Dear Mr. Kaleta:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Department of Safety and Homeland Security's regulations referencing examination, training and licensing of constables. DSHS proposes to change the minimum training standards and in-service training provisions of the regulations in section 9.0. The Academy continues to be required to include a minimum of 180.5 hours, and to include specific subjects. However, the proposed rulemaking strikes, in full, the following:

Introduction to law enforcement and constables; constitution and bill of rights; other police agencies/fire departments/ambulance jurisdictions; basic defensive driving; traffic investigations; criminal investigations; sex crimes; criminal code; **handling person with disabilities; interventions with people suffering with mental health and substance abuse**; civil disobedience; labor disputes (crowd control); active shooter; courtroom procedure and demeanor; **cultural diversity and community relations**; domestic violence; basic first aid; CPR; AED; NIMS 700; ICS 100; information systems – communications, report writing, DELJIS; interview/interrogation techniques; manual traffic control; juvenile procedures; laws of evidence and search and seizure; laws of arrest; police communication and crisis intervention; police discipline and ethics; baton/nightstick/pr24/chemical spray/handcuffing; officer survival/defensive techniques; patrol procedures; drug identification and controlled substances; canine; and 4<sup>th</sup> amendment (emphasis added in bold).

“handling person[s] with disabilities”; “interventions with people suffering with mental health and substance abuse”; and “cultural diversity and community relations” have been replaced with “Cultural Diversity and Community Relations”; “De-escalation Tactics for Special Populations”; “ and “Behavioral Mental Health Awareness.” It is unclear whether the content would be the same between “Behavioral Mental Health Awareness” and “interventions with people suffering with mental health and substance abuse.” Likewise, it is not clear if some of the “interventions with people suffering with mental health and substance abuse” may be shifting to “de-escalation tactics for special populations.” It is not clear that working with people with disabilities beyond those with behavioral health disabilities (previously “handling person[s] with disabilities”) will continue to be offered as part of one of the other categories. This is of concern to the Council and the disability community as despite making up only 20% of the population, it is estimated that people with disabilities make up between 30 to 50% of individuals subject to police use of force.

It is commendable that DSHS has adopted this crucial training to enable constables to identify the signs that indicate a person may have a behavioral health disability, or be in a mental health crisis, but it is worrying that this training focuses entirely on the **behavior** of persons with disabilities. Not every disability affects behavior. Additionally, not every disability is readily visible. This is particularly true of hearing and visual disabilities, many medical disabilities, as well as cognitive disabilities.

Upon review of the regulation, there is no training on compliance with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act (504) or the Delaware Equal Accommodations Law (DEAL). These are fundamental laws that protect people with disabilities from discrimination when attempting to access public accommodations, employment, education, and housing, and require state and local governments to provide effective communication to people with disabilities. These statutes require individuals with disabilities to be offered reasonable accommodations or modifications to promote equitable treatment. The ADA applies to nearly every action a constable may take, including receiving citizen complaints; interrogating witnesses; arresting, booking, and holding suspects; operating telephone (9-1-1) emergency centers; providing emergency medical services; and enforcing laws.

Even when a constable is able to identify a person with a disability, this regulation does not address training to prevent discrimination based on that disability. For instance, a constable might be able to identify that a person is deaf from their speech, but that constable should also know how to utilize interpretation services to communicate with that person effectively. Constables need to be aware that an individual with an intellectual disability may need additional time to process and comprehend an officer’s instructions. Council would therefore recommend that DSHS add training that informs constables on when and how to offer effective communications, as well as reasonable accommodations and modifications when interacting with the public.

Additional training is necessary to prevent future incidents of police misconduct against people with disabilities. Police misconduct creates distrust in law enforcement and makes it much harder for police to do their jobs effectively. It is difficult to quantify the frequency of police force or discrimination used against civilians because there is no legal requirement for local, state or federal law enforcement agencies to aggregate or collect the number, type, and result of violent incidents that occur between constables and disabled people. However, there have been several high-profile instances of this conduct in Delaware in recent years.

One example occurred in 2022; New Castle County Police responded to a 9-1-1 call made by a 37-year-old man with an intellectual disability. When police discovered that the man was in violation of a protective order, they approached him on the street and ordered immediate compliance. When the man hesitated to comply with the officer's orders, an officer leg-swept him to the ground, pinned him down, and broke the man's arm. Had de-escalation tactics been used – or even just slower, calmer communication to facilitate comprehension - prior to resorting immediately to use of force, this incident, and the negative press attention associated with it, could have been avoided.

Or consider the Oklahoma case of Pearl Pearson, a 64-year-old deaf man, who was attempting to show police a placard saying "I am deaf" when they pulled him from his car, assaulted him, dislocating his shoulder and swelling his eyes. Immediately following Pearson's assault, the officers' dashboard camera reveals officers cursing after they run a quick check of his license and find out that he is deaf.

Council recommends DSHS add requirements around general disability training, including ADA and 504 compliance training to prevent police discrimination and unnecessary force against people with disabilities Council would also like to note that the Mid Atlantic ADA Center is a resource available to states and local governments. We would be happy to provide contact information on this group.

Delaware's public servants have an important job to do but part of keeping all Delawareans safe is ensuring that they do so in a way that does not place people with disabilities in jeopardy of harm or discrimination.

Thank you for your consideration of our observations. Please contact Pam Weir or me at the GACEC office if you have any questions on our recommendations.

Sincerely,

*William H. Doolittle*

William H. Doolittle  
Chairperson

WHD: kpc

CC: The Honorable Joshua Bushweller, DSHS Secretary  
Kimberly Chandler, DSHS Deputy Secretary