



STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
COUNCIL ON POLICE TRAINING

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REGULAR MEETING MINUTES

Tuesday, July 23, 2019

1300 hours

Delaware State Police Academy

1453 North DuPont Highway, Dover, Delaware 19901

MEMBERS PRESENT

Secretary Robert Coupe, Chairperson

Mr. Robert Irwin, Department of Justice (Proxy for Ms. Kathleen Jennings, Attorney General)

Major Robert Hudson II, Delaware State Police (Proxy for Colonel Nathaniel McQueen)

Inspector Charles Emory, Wilmington Police Department (Proxy for Chief Robert Tracy)

Captain Diane Smith, New Castle County Police Department (Proxy for Chief Vaughn Bond)

Acting Chief Tim Stump, Dover Police Department

Sergeant Christopher Jones, Newark Police Department (Proxy for Chief Paul Tiernan)

Mayor Robin Christiansen, City of Dover (Kent County Representative)

Mayor William West, City of Georgetown (Sussex County Representative)

Chief Patrick Ogden, Chairman – Delaware Police Chiefs' Council, Inc.

MEMBERS ABSENT

Secretary Susan Bunting, Department of Education

Mayor Lew Killmer, President – Delaware League of Local Governments

ADMINISTRATOR

Captain Jason Sapp, Director of Training - Delaware State Police

LEGAL COUNSEL

Mr. Joseph Handlon, Deputy Attorney General – Department of Justice

GUESTS

Chief Carl Hutson, Clayton Police Department

Chief Kenneth McLaughlin, Ocean View Police Department

Chief Mark Wohner, Newport Police Department

Chief Richard McCabe, New Castle City Police Department

Chief Jason Lovins, South Bethany Police Department

Chief Thomas Spell, Lewes Police Department

Chief Marshall Craft, Seaford Police Department

Assistant State Fire Marshal Michael Chionchio, Office of the State Fire Marshal

Captain Tashawn Counts, Wilmington Police Department

Captain Jennifer Griffin, Delaware State Police

Lieutenant Michael Downs, Capitol Police Department

Lieutenant Brian Moore, Smyrna Police Department
Sergeant Edwin Justiniano, Delaware State Police
Sergeant Jeffrey Gates, University of Delaware Police Department
Corporal Carolyn Lund, University of Delaware Police Department
Corporal Tyler Wright, Delaware State Police
Mr. Christopher Klein, Deputy Principal Assistant – Department of Safety and Homeland Security
Mrs. Susan McNatt, Administrative Assistant - Delaware State Police Training Academy

I. Call to Order:

Secretary Robert Coupe, Chairman of the Council on Police Training, declaring a quorum present, called the meeting to order at 1304 hours

II. Approval of Minutes:

The April 16, 2019 COPT Minutes had been published in written form and emailed to the members of the council in advance for review. Hearing no objections, Chairman Coupe entertained a motion to approve the minutes as presented. Motion to approve by Mayor Christiansen, and seconded by Mr. Irwin. Motion carried unanimously, without dissent.

III. Officer Reactivation:

1. Colin Schmidt, #4576 (Dewey Beach Police Department)

Captain Sapp advised that Colin Schmidt is seeking for his COPT certification to be reactivated for employment with Dewey Beach Police Department. Schmidt resigned from the Dover Police Department in good standing and is seeking reactivation within the allowed time frame. A review of Schmidt's file was completed and Captain Sapp issued a Provisional Certification on 05/30/2019. Chief Stump commented to the Council that he personally worked with Schmidt while at Dover Police Department, and while it was a surprise that he left their agency, he believes Schmidt to be a great officer and he reiterated that Schmidt left under good standing. Chairman Coupe entertained a motion to reactivate Schmidt based upon the information provided. Motion to reactivate by Mr. Irwin, and seconded by Mayor West. Motion carried unanimously, without dissent.

IV. Officer Decertification:

1. Administrative Decertification:

a. Gene Wood, #4098 (New Castle City Police Department)

Captain Sapp summarized the Findings of Fact surrounding the resignation of Gene Wood. It was noted that Gene Wood was sent a certified letter notifying him of his right to request a Decertification Hearing, however a response was not received. Captain Sapp afforded the Chief of New Castle City Police Department to comment, at which time Chief McCabe advised that Wood has been provided with numerous opportunities, and the Internal Affairs investigation surrounding his resignation was substantiated. Chairman Coupe entertained a motion to administratively decertify Gene Wood due to his failure to request a COPT Decertification Hearing. Motion to decertify by Mayor West, and seconded by Captain Smith. Motion carried unanimously, without dissent.

b. Roberta (Jeffrey) Harlow, #4274 (Wilmington Police Department)

Captain Sapp summarized the Findings of Fact surrounding the termination of Roberta Harlow following a felony conviction in October 2015. It was noted that Roberta Harlow was sent a certified letter notifying her of her right to request a Decertification Hearing, however a respond was not received. Inspector Emory advised that Harlow as convicted of felony theft charges, and that there were additional issues being handled at the department at the time of her termination. Chairman Coupe entertained a motion to administratively decertify Roberta Harlow due to her failure to request a COPT Decertification Hearing. Motion to decertify by Mr. Irwin, and seconded by Mayor West. Motion carried unanimously, without dissent. **It should be noted that the reason for the lapse of time for this decertification was a result of the Wilmington Police Department not submitting notification of termination. The discrepancy was found during the purging of records.*

2. Hearing Decertification:

a. Nicholas Tyndal, #5228 (New Castle County Police Department)

Captain Sapp read the Findings of Fact surrounding the termination of Nicholas Tyndal, which involved interference with a criminal case. The recommendation of the hearing board, which was held on 04/10/2019, was to NOT decertify, and without conditions. Sgt. Jones advised the Council that it was the opinion of the Hearing Board that the officer used bad judgement and that his actions were not something that would create a public safety issue and while his actions certainly permitted termination, they do not permit decertification. Chairman Coupe entertained a motion to uphold the recommendation of the Hearing Board. Motion to NOT decertify by Chief Ogden, and seconded by Mayor West. Motion carried by hand vote with 1 abstention (Smith).

b. Kevin Fox, #4325 (Smyrna Police Department)

Captain Sapp read the Findings of Fact surrounding the termination of Kevin Fox. The recommendation of the Hearing Board, which was held on 04/10/2019, was to NOT decertify, and without conditions. Chairman Coupe entertained a motion to uphold the recommendation of the Hearing Board. Motion to NOT decertify by Mr. Irwin, and seconded by Major Hudson. Motion carried unanimously, without dissent.

V. Certification of Instructors:

1. Master Pistol Instructors

The following officers completed the Master Pistol Instructors training on April 10-1, 2019, which was hosted by Sig Sauer Academy:

- Argo, Alexander – Delaware State Police
- Ballinger, Jeffrey – Delaware State Police
- Brower, Carey – Delaware State Police
- Justiniano, Edwin – Delaware State Police
- Kebles, Philip – Delaware State Police
- Malkin, Ronald – Delaware State Police
- Meyers, David – Delaware State Police

- Quackenbush, Ryan – Delaware State Police
- Slover, Scott – Delaware State Police
- Wysock, Michael – Delaware State Police

Chairman Coupe read the names into the record and entertained a motion to approve the listed Master Pistol Instructors. Motion to approve by Mayor West and seconded by Captain Smith. Motion carried unanimously, without dissent.

2. 50-Hour Firearms Instructor Course

The following officers completed a fifty-hour Firearms Instructor Course on June 10-14, 2019, which was hosted by Newark Police Department under the supervision of Sgt. Christopher Jones:

- Graber, Nathaniel – Newark Police Department
- Smith, William – Newark Police Department
- Tavares-Jones, Megan – Delaware Capitol Police

Chairman Coupe read the names into the record and entertained a motion to approve the listed as certified Firearms Instructors. Motion to approve by Mayor West and seconded by Captain Smith. Motion carried unanimously, without dissent.

VI. Certification of Officers:

1. Wilmington Police Academy

| Officer | COPT # | Agency | Test Date |
|------------------|--------|---------------|------------|
| Bonvetti, Andrew | 5522 | Wilmington PD | 04/18/2019 |
| Stewart, Avery | 5523 | Wilmington PD | 04/18/2019 |

Captain Sapp advised that the listed officers were required to make up COPT mandated courses which resulted in them graduating later than the remainder of the class. Chairman Coupe read the names into the record and entertained a motion to certify. Motion to certify by Mayor West and seconded by Captain Smith. Motion carried unanimously, without dissent.

2. New Castle County Police Academy

| Officer | COPT # | Agency | Test Date |
|-------------------|--------|----------------------|------------|
| Agwu, Elijah | 5524 | Middletown PD | 06/26/2019 |
| Banks, Jordan | 5525 | New Castle County PD | 06/25/2019 |
| Barbour, Mark | 5526 | New Castle County PD | 06/26/2019 |
| Bell Jr., Douglas | 5527 | New Castle County PD | 06/25/2019 |
| Biddle, Gavin | 5528 | New Castle City PD | 06/26/2019 |
| Cine, Kevin | 5529 | New Castle County PD | 06/25/2019 |
| Collins, James | 5530 | New Castle County PD | 06/25/2019 |
| Davis, Alexander | 5531 | Milford PD | 06/25/2019 |

| | | | |
|----------------------|------|----------------------|------------|
| Davis, Alexandra | 5532 | New Castle County PD | 06/26/2019 |
| DiBernardo, Connor | 5533 | New Castle County PD | 06/25/2019 |
| Emerson Jr., Richard | 5534 | New Castle County PD | 06/26/2019 |
| Gaul, Tyler | 5535 | Delaware City PD | 06/26/2019 |
| Guillen, Alejandro | 5536 | New Castle County PD | 06/26/2019 |
| Hewlett, Christopher | 5537 | New Castle County PD | 06/26/2019 |
| Jackson, Cole | 5538 | Milford PD | 06/25/2019 |
| Jones, Ryan | 5539 | Newport PD | 06/26/2019 |
| Kiser, James | 5540 | New Castle County PD | 06/26/2019 |
| Linde, Zachary | 5541 | Elsmere PD | 06/25/2019 |
| Liszkiewicz, Ryan | 5542 | New Castle County PD | 06/26/2019 |
| McCormick, Robert | 5543 | New Castle County PD | 06/25/2019 |
| Moserowitz, Gregory | 5544 | New Castle County PD | 06/25/2019 |
| New, Jordan | 5545 | New Castle County PD | 06/26/2019 |
| Nichol, Lathie | 5546 | New Castle County PD | 06/25/2019 |
| Oreskovich, Lauren | 5547 | New Castle County PD | 06/26/2019 |
| Parker, DeVante | 5548 | New Castle County PD | 06/26/2019 |
| Poblarp, Ashton | 5549 | New Castle County PD | 06/25/2019 |
| Rivera Jr., Cheyenne | 5551 | Milford PD | 06/25/2019 |
| Urban, Alexander | 5552 | Newark PD | 06/25/2019 |
| Warner, Erick | 5553 | Middletown PD | 06/25/2019 |
| White, Eric | 5554 | New Castle County PD | 06/26/2019 |
| Williams Jr., Scott | 5555 | New Castle County PD | 06/25/2019 |

Chairman Coupe read the names into the record and entertained a motion to certify. Motion to certify by Mayor West and seconded by Mr. Irwin. Motion carried unanimously, without dissent.

3. COPT Reciprocity Certification

| Officer | COPT # | Agency | Test Date |
|----------------|--------|------------------|------------|
| Klopp, Killian | 5556 | South Bethany PD | 07/08/2019 |

Captain Sapp advised that Klopp sought reciprocity utilizing training from Memphis (Tennessee) Police Department. A comprehensive review was completed by Captain Griffin, and following the COPT test, provisional certification was awarded. Chairman Coupe entertained a motion to certify. Motion to certify by Mr. Irwin and seconded by Captain Smith. Motion carried unanimously, without dissent.

VII. Sponsored Firearms Instructors:

1. Ellendale Police Department submitted the necessary paperwork to have the following sponsored as Firearms Instructors for the agency:
 - Terry Helsel – Capitol Police Department (Retired)

Captain Sapp advised that Terry Hesel remains under good standing and there does not appear to be any issues prohibiting his sponsorship. Chairman Coupe entertained a motion to approve. Motion to approve by Mr. Irwin and seconded by Mayor West. Motion carried unanimously, without dissent.

▪ John Cornwell – Milton Police Department (Retired)

Captain Sapp advised that John Cornwell remains under good standing, however he is scheduled for recertification on 08/31/2019. There does not appear to be any other issues prohibiting his sponsorship. After discussion by the board, DAG Handlon advised that it would be appropriate to place conditions on the motion in order to ensure compliance. Chairman Coupe entertained a motion to approve Cornwell with conditions. Motion to approve Cornwell so long as he successfully completed recertification by Mr. Irwin and seconded by Chief Stump. Motion carried unanimously, without dissent.

VIII. Old Business:

1. Training Ammunition Update

Chairman Coupe advised that following the April 2019 meeting, and pursuant to the information provided by Chief McLaughlin (Ocean View PD), he contacted Director Shaw of DEMA who advised that the program that provides training ammunition to agencies for recertification will continue to be available this year. Mr. Jeffrey Sands will be the contact for this program, however at this time there is no date for release of this ammunition. Chairman Coupe has requested that Mr. Sands follow-up with Chief Ogden, who will in turn notify agencies through the Chiefs' Council.

2. LEOSA H.R. 218 Requirements & Responsibilities

Chairman Coupe advised that following the April 2019 meeting, he reviewed the questions and comments regarding the responsibility of conducting H.R. 218 certifications. Chairman Coupe advised that the current C.O.P.T. Regulations addressed H.R. 218 in Section 12.2 and that it essentially states that anyone wishing to qualify must do so under the current C.O.P.T. standards. What is currently not clear is if the qualifications for H.R. 218 must be completed by a C.O.P.T. Certified Firearms Instructor. The task at hand must be to clarify the responsibility, and then the Council must decide if they wish to act upon this, or do nothing and leave it as it is.

Mr. Irwin advised that in past years, the Department of Justice was tasked by a sitting Judge to maintain a list of individuals that are qualified to teach Concealed Carry Deadly Weapons (CCDW) courses pursuant to Delaware Code Title 11, Section 1441. This may assist the Council should it be decided that the H.R. 218 certification does not need to be completed by a C.O.P.T. Certified Firearms Instructor.

Chief McLaughlin advised that is Federal Regulations that require that an H.R. 218 certification must be conducted by someone that is qualified to teach active duty law enforcement and the issue at hand is that there are very few Certified Firearms Instructors that are permitted by their agency to conduct these certifications. There is a large population of retired Law Enforcement Officers, from both in state and out of state, that live

in the Sussex County area and Ocean View PD finds itself conducting approximately 200 annual certifications. If C.O.P.T. would allow recognized National Rifle Association (NRA) certified instructors to only provide H.R. 218 certifications, the burden could be lessened.

There was discussion between Mr. Irwin and Chief McLaughlin regarding the responsibility of the qualifying instructor to establish a relationship with the agency from which the officer retired. Mr. Irwin advised that this must be established in order to ensure that the retired officer remains in good standing while Chief McLaughlin disagreed and advised that he has numerous retired officers that do not send anything back to their agencies after the qualification course. Captain Griffin also offered that she believes there to be a need for a document trail between the qualifying instructor and the retiring agency in order to maintain compliance and for liability purposes.

Mr. Irwin advised that he is aware of an internal Department of Justice memorandum authored in 2014 that provided guidance for H.R. 218. Mr. Irwin made a motion to have DAG Handlon research this issue and come back to the Council at the next meeting with a legal opinion, which was seconded by Sgt. Jones. Motion carried; Chief Ogden was not in the room during this vote and is documented as an abstention.

IX. New Business:

1. Annual Survey – Firearms Sponsorship Tab

There is currently an issue that once an Agency sponsors a Certified Firearms Instructor, there is no documentation as to the use of the Instructor. There are several Instructors that were sponsored and haven't been used in years. It is proposed that during the Annual Survey, agencies list the use of any and all sponsored Firearms Instructors, and anyone that is being used to conduct H.R. 218 training as well. Chairman Coupe advised that this discussion should be tabled until after a legal opinion has been made by DAG Handlon regarding the responsibility of C.O.P.T. and H.R. 218.

2. Implicit Bias Training

Prior to the retirement of Chief Mailey, the Delaware Criminal Justice Council asked that the C.O.P.T. Council discuss Implicit Bias Training, specifically "Integrating Communications Assessment and Tactics (ICAT)" and its use by New Castle County Police Department. Captain Smith advised that while NCCPD did attend training for a portion of ICAT they found they could not fully integrate the Department with the program because it is a 40 to 60 hour training course and there is currently no plan to fully integrate in the short-term. Chairman Coupe advised that Colonel Setting should be invited to attend the next scheduled C.O.P.T. meeting should he wish to speak about this training.

3. Master Instructor Certification

Captain Sapp advised that he wished to seek clarification from the Council regarding the acceptance and reciprocity of Master Instructor training provided by non-C.O.P.T. Instructors. For example, the military offers these courses – are they reciprocal? Chairman Coupe advised that this topic has been discussed in the past, but with Certified Firearms Instructors, he is not sure that it went anywhere other than conversation. Chief Ogden

advised that from a Master Instructor standpoint the only concern is that you want to make sure that all Delaware Master Instructors are trained at the same level so that what is taught is consistent across the board. Chief Ogden advised that he suggests vetting the idea out to the current Master Instructors. Chairman Coupe tasked Captain Sapp with seeking the opinion of the current Master Instructors and bringing the consensus back to the next Council meeting.

4. Annual Survey Results

Mr. Klein circulated the 2018 Annual Survey results to those in attendance and then discussed the findings. No further action required.

X. Good of the Order:

None.

XI. Recess/Executive Session:

Chairman Coupe called for a Recess of the regular meeting in order for the members of the Council to convene in Executive Session. Motion to recess by Mayor Christiansen at 1419 hours, and seconded by Mr. Irwin. Motion Carried without dissent.

XII. Reconvene

Chairman Coupe reconvened the regular meeting of the Council at 1442 hours.

XIII. Adjournment:

Chairman Coupe entertained a motion to adjourn. Motion at adjourn at 1442 hours by Mr. Irwin and seconded by Captain Smith; Motion Carried without dissent.

Next Meeting: **Tuesday, October 15, 2019 at 1300 hours**
 Delaware State Police Training Academy