

Introduced by: Mr. Smiley  
Date of introduction: September 18, 2012

**RESOLUTION NO. 12-139**

**REQUESTING THAT THE NEW CASTLE COUNTY SHERIFF  
AND NEW CASTLE COUNTY DEPUTY SHERIFFS  
BE COMMISSIONED AS CONSTABLES**

**WHEREAS**, the specific authority of sheriffs and deputy sheriffs in the State of Delaware has come under recent scrutiny; and

**WHEREAS**, in response to the matter, the General Assembly of the State of Delaware enacted House Bill 325, with House Amendment 1, on June 19, 2012, in which it amended Section 2703 of Title 10 of the *Delaware Code* to provide that “No sheriff or deputy sheriff shall be commissioned as a constable for the benefit of the Sheriff’s Office or the government of a county unless a request has been made by resolution of the appropriate county council or levy court for such sheriff or deputy sheriff to be commissioned as a constable”; and

**WHEREAS**, it has been the practice of the Office of the Sheriff of New Castle County, based upon the powers granted to it by the Constitution of the State of Delaware, to perform similar duties as those performed by commissioned constables, such as protecting life and property, preserving peace and good order and executing lawful orders, warrants and process directed to the Office by the courts of the State of Delaware; and

**WHEREAS**, the Sheriff of New Castle County believes that it is in the best interest of the County to have the deputy sheriffs in the office trained and formally certified as constables; and

**WHEREAS**, this Resolution will authorize the Sheriff to request, via formal application to the Board of Examiners of Constables, that the Sheriff and the Deputy Sheriffs be commissioned as constables pursuant to Chapter 27 of Title 10 of the *Delaware Code*; and

**WHEREAS**, this matter needs to be addressed in an expedited manner insofar as the next available training class for constable training begins on October 1, 2012 at Delaware Technical and Community College in Stanton. There are no other training classes planned in the near future. Certification as a constable is contingent upon the completion of this training, and passing the examination.

**NOW, THEREFORE, BE IT RESOLVED** by and for the Council of New Castle County that the Sheriff shall request on behalf of the Council, via formal application to the Board of Examiners of Constables of the State of Delaware, that the Sheriff and the Deputy Sheriffs be commissioned as constables of the State of Delaware.

**BE IT FURTHER RESOLVED**, that County Council hereby urges the Office of the New Castle County Sheriff to avail itself of the constable certification training that is scheduled to begin on October 1, 2012.

Approved on:

\_\_\_\_\_  
County Executive

Adopted by County Council of  
New Castle County on:

\_\_\_\_\_  
President of County Council  
New Castle County

**SYNOPSIS:** This Resolution requests, through the Sheriff of New Castle County and pursuant to the requirements of 10 *Del.C.* §2703 (h), that the Sheriff and the Deputy Sheriffs be commissioned as constables of the State of Delaware.

**FISCAL NOTE:** There will be no discernible fiscal impact as a result of the adoption of this Resolution.