

**MARYLAND POLICE TRAINING AND
STANDARDS COMMISSION
REDACTED Minutes – 1st Meeting – October 5, 2016**

MEMBERS PRESENT

Colonel William Pallozzi, Secretary, Department of State Police (Chair)
Commissioner Kevin Davis, Baltimore Police Department (Vice-Chair)
Chief Charles Hinnant, Chair, Maryland Municipal League Police Executive Association
Chief David Morris, President, Maryland Chiefs of Police Association
Sheriff Timothy Cameron, President, Maryland Sheriff's Association
Vince Canales, President, Maryland State Fraternal Order of Police
Chief Michael Wynnyk, representing the President of the Police Chiefs Association of Prince George's County
Gwendolyn Smith, representing the President of the Maryland Law Enforcement Officers, Incorporated
Stuart Nathan, Assistant Attorney General, representing the Office of the Attorney General
Gordon Johnson, Special Agent in Charge, Baltimore Office, Federal Bureau of Investigation
Wes Adams, Maryland State's Attorneys' Association
Sheriff Joseph Gamble, Wor-Wic Program Advisory Committee – Criminal Justice
Chief Barbara Duncan, Salisbury Police Department, Regional Representative
Sheriff Troy Berry, Charles County Sheriff's Office, Regional Representative
Sergeant Allison Ehart, Howard County Police Department, Regional Representative
Captain W. Michael Crabbs, Community Policing Expert
Miguel Dennis, Policing Standards Expert
Dr. Michael Finegan, Mental Health Expert
Matthew Alonsozana, Citizen of the State
Marcus Pollock, Citizen of the State
Michael A. Jackson, State Delegate
Victor Ramirez, State Senator

MEMBERS ABSENT

Curt Anderson, State Delegate
Michael Hough, State Senator

STAFF PRESENT

William J. McMahon, Acting Executive Director
Albert L. Liebno, Jr., Deputy Director
Kate Gossard, Director of Support Services
Michelle Wilson, Assistant Attorney General
Lewis Pindell, Media Specialist
Jeanne Chenoweth, Recorder
Katie Johnson, Registrar
Susan Strausbaugh, Leadership Development Institute
Jennifer Beskid, Director of Grants and Special Projects

GUESTS

Secretary Stephen Moyer, Department of Public Safety and Correctional Services
Leonard Willis, Baltimore City Community College
Gary McLhinney, Department of Public Safety and Correctional Services
Kim Ward, Department of Public Safety and Correctional Services, Human Resources Unit
Sandy Regler, Department of Public Safety and Correctional Services, Human Resources Unit
Rhea Harris, Office of the Superintendent, Maryland State Police
Keith Warner, Harford County Sheriff's Office, Representing the Police Training Directors
John Moses, Eastern Shore Criminal Justice Academy
Drew Vetter, Baltimore Police Department
Phil Hinkle, Charles County Sheriff's Office
Pam Davis, Baltimore Police Department
Melissa Hyatt, Baltimore Police Department
Esteban Soto, Community College of Baltimore County

Colonel William Pallozzi called the 1st meeting of the Police Training and Standards Commission at the Public Safety Education and Training Center to order at 10:05 a.m. A quorum was present.

The agenda was as follows:

1. Introductions
2. Election of Chair and Vice-Chair
3. Roles and Responsibilities of Members
4. Process for Selecting an Executive Director
5. Approval of Minutes – July 6, 2016
6. Executive Director's Report and Update
7. Overview – Police Training and Standards Commission
8. Legal Issues
9. Old Business
 - a) Proposed Amendment to COMAR 12.04.01.16 – Prior Substance Abuse by Applicants for Certification.
10. New Business
 - a) Proposed 2017 Meeting Schedule
11. Consideration for Decertification Hearing

1. Introductions

Mr. William McMahon thanked the members, staff and guests for attending the 1st meeting of the newly formed Police Training and Standards Commission (Commission) which replaced the former Police Training Commission effective October 1, 2016. He also thanked everyone for their commitment to law enforcement and public safety. Mr. McMahon asked everyone to introduce themselves.

Secretary Stephen Moyer welcomed everyone and congratulated those appointed by Governor Hogan. Secretary Moyer explained that prior to the formation of the new Commission, there was an Executive Director who oversaw the Police and Correctional Training Commissions staff and training center, as well as the Police Training Commission and the Correctional Training Commission. He further explained that with the implementation of the new law, one of the duties

of the new Commission will be to select an Executive Director specifically for the Police Training and Standards Commission who then must be confirmed by the Governor. Secretary Moyer stated that the Executive Director of the Correctional Training Commission will continue to be appointed by him as the Secretary of the Department of Public Safety and Correctional Services. He explained that there will also be an Executive Director position created to oversee the Police and Correctional Training Commissions staff and training center, to liaison between the two Commissions and to direct work to the staff. Secretary Moyer informed the members that there will be a recruitment process to fill both positions and that Ms. Kim Ward from Human Resources will provide additional information later in the meeting.

2. Election of Chair and Vice-Chair

Mr. William McMahon stated that the first order of business would be to elect a Chair and Vice-Chair. He stated that according to the new law, the Chair and Vice-Chair will be elected annually by the Members.

A MOTION was made by Mr. Vince Canales to elect Colonel William Pallozzi as the Chair of the Police Training and Standards Commission. SECONDED: Chief David Morris. The MOTION carried.

A MOTION was made by Chief Michael Wynnyk to elect Commissioner Kevin Davis as the Vice-Chair of the Police Training and Standards Commission. SECONDED: Mr. Vince Canales. The MOTION carried.

3. Roles and Responsibilities of Members

Ms. Michelle Wilson introduced herself and informed the Members that she is the Assistant Attorney General assigned to the Police Training and Standards Commission, the Correctional Training Commission, and the staff that serves them, to offer legal advice and counsel. Ms. Wilson reviewed the general responsibilities of the Members and referred them to the document in the binder. She stressed the importance of attending meetings to ensure there is always a quorum as well as the confidentiality of issues discussed during closed session. There were no questions for Ms. Wilson.

Recorder's Note: Senator Victor Ramirez joined the meeting at 10:20 a.m.

Agenda item number four was not addressed at this time.

5. Approval of Minutes – July 6, 2016 Police Training Commission

Colonel William Pallozzi asked the Members to review the minutes of the final meeting of the Police Training Commission.

A MOTION to approve the minutes from the July 6, 2016 meeting of the Police Training Commission was made by Mr. Vince Canales. SECONDED: Sheriff Timothy Cameron. The MOTION carried.

6. Executive Director's Report and Update

Mr. William McMahon re-introduced Ms. Kate Gossard and explained that she is in charge of all of the facilities of the Public Safety Education and Training Center. He further stated that she is another point of contact for Members along with himself and Deputy Director Al Liebno. Mr. McMahon told the members that the report in the binder reflects the activities of the Police and Correctional Training Commissions for the past quarter. In addition to some of the highlights, he mentioned that along with the Police Entry Level Training Academy run by the staff, the center also hosts the Maryland State Police Academy and Department of Natural Resources Police Academy. Mr. McMahon also stated that staff provides training for mandated programs such as First Line Supervisor and First Line Administrator. He reiterated the importance of staffing in order to comply with the mandates of House Bill 1016. Mr. McMahon talked about the units which make up the Police and Correctional Training Commissions and explained some of their responsibilities. He stated to the Members that another mandated function of the staff is to perform audits of all academies and agencies which fall under the Commission to be sure they are in compliance with COMAR.

In response to questioning, Mr. McMahon stated that instructors used in programs presented by the Police and Correctional Training Commissions are a combination of staff, other agency instructors and guest instructors.

Recorder's Note: Sheriff Troy Berry joined the meeting at 10:28 a.m.

Secretary Stephen Moyer informed the Commission members that the Department of Public Safety and Correctional Services will handle the procurement of software to be used to collect data at the Police and Correctional Training Commissions. He explained that the purchase will follow the normal State procurement process which could take some time.

7. Overview – Police Training and Standards Commission

Mr. William McMahon reviewed HB1016 and the mandates required of the new Police Training and Standards Commission as well as mandates set for all law enforcement agencies. He stated that workgroups, coordinated by Ms. Jennifer Beskid, are being formed to lay the foundation and work through each mandate. Mr. McMahon emphasized to the Members that their participation and input on these workgroups, some of which had already had an initial meeting, is extremely important. He referred the Members to the Fact Sheets in the binder which explain the mandates as set by the legislature and the actions required of the Commission. Mr. McMahon reviewed the Fact Sheets and answered questions presented by the Members regarding their implementation. He, along with Colonel William Pallozzi, offered assistance to all of the Members to aid in accomplishing the goals of the Commission.

Upon questioning, Secretary Stephen Moyer explained that the Executive Director of the new Commission will not have the responsibility of the Public Safety Education and Training Center nor the staff of the Police and Correctional Training Commissions as has been the case in the past. He stated that the Executive Director's focus will be on supporting the Commission, their function and accomplishing their goals. The mandates, challenges and benefits of the new Commission were discussed at length.

Agenda item number four was addressed at this time.

4. Process for Selecting an Executive Director

Ms. Kim Ward from the Human Resources Division of DPSCS introduced herself. Ms. Ward stated she would be handling the recruitment for the Executive Director of the Police Training and Standards Commission. She stated the position will be advertised statewide and a resume will be required. Ms. Ward explained that the responses will be directed to her to avoid complication and she will control the hiring process. She also stated that consultations will be made with the Chair and Vice-Chair in order to come up with an appropriate applicant pool and to develop the benchmark questions for the interviews. Ms. Ward stated that after the three top qualified applicants have been determined, their names would be submitted to the Chair and Vice-Chair for discussion with the Commission members. She further explained that when a choice is made, the name will be submitted to the Governor for final approval.

Recorder's Note: SAC Gordon Johnson left the meeting at 11:00 a.m.

7. Overview – Police Training and Standards Commission (continued)

Mr. William McMahon continued with the review of the HB1016 Fact Sheets provided in the binder. The Members discussed their role and responsibilities and voiced concerns regarding the implementation of each mandate.

Recorder's Note: Senator Victor Ramirez left the meeting at 11:50.

Colonel Pallozzi expressed his gratitude to the Members for taking on the challenges which the Commission faces. He stated that he looks forward to working with everyone and that each Member's area of expertise will be utilized. Colonel Pallozzi agreed that a spreadsheet should be sent out to allow Members to sign up for the workgroups which they feel would be most suited to them. As a way of simplifying, it was suggested that similar issues could be bundled and addressed by the same workgroup.

Mr. McMahon stated that he was unsure of the expectations of the Legislature and that there may be concern if there is no activity on the mandates which have been set. Delegate Michael Jackson stated that the meeting and setting up of workgroups constitutes activity and that he would report back to the Legislature as the workgroups move along.

Colonel Pallozzi asked that once the workgroups have formed and met, a report should be given at the next meeting as to the progress made. It was agreed that the Fact Sheets, along with contact information for all Members, should be emailed to all Members and that the process to form workgroups would be implemented. Mr. McMahon stated that the staff would proceed according to the Commission's direction.

Recorder's Note: At 12:05 p.m., Colonel William Pallozzi stated there would be a lunch break; the meeting resumed in Open Session at 12:55 p.m.

Mr. McMahon clarified to the Members that the Commission has no regulatory authority over agencies, only the certification of officers.

8. Legal Issues

Assistant Attorney General Michelle Wilson stated there were no legal issues to discuss at this time.

9. Old Business

a) Proposed Amendment to COMAR 12.04.01.16 – Prior Substance Abuse by Applicants for Certification.

Mr. Albert Liebno reviewed that, at the July 2016 meeting, the issue of prior substance abuse by applicants for certification was presented by Commissioner Kevin Davis. Mr. Liebno explained that it was the Commissioner's concern that too many applicants were being disqualified because of prior marijuana use. He stated that a workgroup, chaired by Commissioner Davis, was formed to address this issue.

Commissioner Davis stated that the number one disqualifier for police applicants in Baltimore was the existing marijuana drug use standard. He stated that he has found no proof that the randomly determined thresholds of twenty or more life time uses or five uses since the age of twenty-one, have any scientific basis. Commissioner Davis stated that he does not advocate hiring applicants who currently use marijuana, but perhaps to adjust the standard by imposing a three year threshold. He stated that by amending the regulation in this manner, the police department in Baltimore would be more reflective of the community.

Mr. Liebno reviewed the document in the binder. He stated that the amended regulation as presented would only address marijuana use. Mr. Liebno explained that, if approved by the Commission, the process for amending the regulation would begin. He stated the first step would be to present the amendment to the Attorney General's office and DPSCS Policy Director to be sure that what is being presented is legally sound. Mr. Liebno explained that the proposed amendment would then be published for forty-five days in the Maryland Register for public comment. He stated, after the publication and comment period, the proposed amendment would, after considering the comments, be eligible for final adoption by the Commission. Mr. Liebno reiterated that the action at this time was not to adopt the changes, but to get the process moving. He stated that if the amendment is not published soon enough, it will be delayed because of the upcoming Legislative session.

The Members discussed the pros and cons of the proposed amendment. The issue of decriminalizing the use of marijuana and medical marijuana were discussed and how they would affect this proposal. Assistant Attorney General Michelle Wilson reminded the Members that this regulation addresses only the illegal use of marijuana and Mr. Liebno reminded them that an agency can always impose their own stricter standards. Discussion continued on the impact of this amendment.

A MOTION was made by Mr. Wes Adams to forward the proposed amendment to Regulation 12.04.01.16 – Prior Substance Abuse by Applicants for Certification to the Attorney General's office for legal interpretation: SECONDED: Mr. Vince Canales.

Mr. Stuart Nathan reminded the Members that by doing this, the process would be delayed. Mr. Liebno explained, if the Commission proceeds in this manner, after the Attorney General's office reviews the language, the proposed amendment would then have to come back to the Commission to allow for publication in the Maryland Register for comment. Colonel Pallozzi reminded the Members that, if they approved the proposed amendment for publication, the legalities would still be reviewed by the Attorney General's office. Further discussion was had and Dr. Michael Finegan provided statistics regarding drug and marijuana use.

The Members were polled on Mr. Adams' motion. The Motion did NOT carry.

A MOTION was made by Commissioner Kevin Davis to allow for publication of the proposed amendment to Regulation 12.04.01.16 – Prior Substance Abuse by Applicants for Certification: SECONDED: Mr. Marcus Pollock. The Motion carried.

10. New Business

a) Proposed 2017 Meeting Schedule

Mr. William McMahon referred the Members to the proposed schedule of meetings for 2017. The Members agreed to change the April 5, 2017 date to April 19, 2016 and to change the July 5, 2017 date to July 19, 2017. Mr. McMahon stated a new schedule would be emailed to all Members to avoid confusion. The dates were confirmed as January 4th, April 19th, July 19th and October 4th, 2017.

Colonel Pallozzi stated the next item would be heard in closed session.

Recorders Note: Ms. Chenoweth read the COMAR closed session regulation into the record.

A MOTION was made by Sheriff Timothy Cameron to adjourn to a Closed Session: SECONDED: Chief Michael Wynnyk. The Motion carried unanimously.

The meeting adjourned to a Closed Session at 1:35 p.m.

11. Consideration for Decertification Hearing

A MOTION was made by Captain William Crabbs to hold a decertification hearing on the named officer: SECONDED: Sheriff Troy Berry. The Members were polled to record their vote. The MOTION did NOT carry.

The Members agreed to send a letter to the Chief of Police of the agency, under Colonel Pallozzi's signature as Chair, voicing their serious concerns regarding the Officer.

A MOTION was made by Ms. Gwendolyn Smith to adjourn to an open session: SECONDED: Sheriff Joseph Gamble. The MOTION carried.

Recorder's Note: This concluded the closed session. The meeting adjourned to an open session at 2:05 p.m.

Colonel Pallozzi announced the outcome of the issue voted on during the closed session.

Ms. Gwendolyn Smith made a MOTION to adjourn. SECONDED: Sheriff Troy Berry. The MOTION carried. The meeting adjourned at 2:07 p.m.

These "minutes" are a synopsis of the Commissions' discussions and decisions and not a verbatim rendering of the proceedings.