



Department of Public Safety and Correctional Services

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

COMMISSION MEMBERS

Colonel William M. Pallozzi, Chair
Secretary, Department of State Police

Kevin F. Davis, Commissioner
Baltimore Police Department

Chief Gary Gardner, President
Maryland Chiefs of Police Association

Sheriff Douglas Mullendore, President
Maryland Sheriffs' Association
Represented by Sheriff Timothy Cameron

Brian E. Frosh, Attorney General
Represented by Stuart M. Nathan
Principal Counsel

Gordon B. Johnson, SAC
Federal Bureau of Investigation

Vince Canales, President
State Fraternal Order of Police

Wes Adams, State's Attorney
Anne Arundel County
Maryland State's Attorneys' Association

Chief David Rice, Chairman
Maryland Municipal League
Police Executive Association

Carol Price, President
Maryland Law Enforcement Officers
Represented by Gwendolyn Smith

Chief David Mitchell, President
Police Chief's Association of P.G. County
Represented by Chief Michael Wynnyk

Sheriff Joseph Gamble
Wor-Wic Program Advisory Committee -
Criminal Justice

State Senator Michael J. Hough

State Senator Victor R. Ramirez

State Delegate Curt Anderson

State Delegate Michael A. Jackson

Sheriff Troy Berry, Vice-Chair
Charles County Sheriff's Office
Regional Representative

Chief Barbara Duncan
Salisbury Police Department
Regional Representative

Sergeant Allison Ehart
Howard County Police Department
Regional Representative

Captain William M. Crabbs
Community Policing Expertise

Miguel Dennis
Policing Standards Expertise

Dr. Michael B. Finegan
Mental Health Expertise

Matthew G. Alonzoana
Citizen of the State

Marcus E. Pollock
Citizen of the State

ACTING EXECUTIVE DIRECTOR
Albert L. Liebno, Jr.

Police Training and Standards Commission

6852 4TH STREET • SYKESVILLE, MARYLAND 21784 • www.dpscs.maryland.gov/aboutdpscs/pct
(410) 875-3400 • FAX (410) 875-3500 • V/TTY (800) 735-2258

January 19, 2018

Dear Agency Head:

Public Safety Article §3-207 (A) (17), enacted in 2016, requires “for entry-level police training and at least every 2 years for in-service police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application of antidiscrimination and use of force de-escalation training.”

The Commission’s existing regulations found at COMAR 12.04.01.09 (c) (1) (j) already require entrance level “training in the proper level of use of force.” In addition, law enforcement agencies are required to conduct annual in-service training on legal aspects in the use of firearms, including rules for the use of deadly force and alternatives by COMAR 12.04.02.10C.

Complying with Public Safety §3-207(A)(17)

Use of force training is based on the “objective reasonableness” standard announced in *Graham v. Connor*, 490 U.S. 386 (1989).

In emphasizing this principle, use of force training should teach officers to consider all known factors before using force and choosing a reasonable option based on the totality of the circumstances. Police training programs should incorporate transitional and objective decision-making in determining the need for force and type of force used. Policing sometimes requires that officers exercise control of violent or resisting persons in order to protect themselves and the community. Clearly not every potentially violent confrontation can be defused without using force, but officers may have the ability to impact the direction and outcome of many situations based on their decision-making and tactics employed.

The theory of de-escalation training suggests that, whenever feasible, officers should gather as much information as possible, assess the risks, assemble resources and attempt to slow momentum and coordinate a response. When practical, officers should use their physical presence, verbal warnings and persuasion in efforts to diffuse tense situations. Officers should consider these alternatives to using force when reasonable and safe under the circumstances. They should recognize that whenever safe and practical they may withdraw to a position that is tactically more secure or allows them greater distance in order to safely consider the application of a greater level of force. Most important, officers must avoid jeopardizing their own safety and that of others in determining the need for and level of force applied.

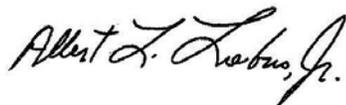
In addition, statute refers to anti-discrimination training in context with use of force training with the goal of insuring that officers avoid making use of force decisions based solely on the personal immutable characteristics of a subject. Any such decision would likely not be reasonable under *Graham v. Connor* and so would be prohibited by existing law and training, including Public Safety Art. §3-107(16)(iii) which already requires training “regarding sensitively to cultural and gender diversity.”

Therefore, anti-discrimination or anti-bias training – fair and impartial policing – should be a part of use of force training to comply with 3-207(A)(17). Training of this nature is widely recognized in addressing implicit bias which could contribute to the conscious or unconscious decisions surrounding the application and use of force by law enforcement officers.

Best Practices and Standards in the Use of Force

In accordance with §3-207 (A) (19) the Maryland Police Training and Standards Commission (MPTSC) adopted a set of best practices and standards for the use of force by law enforcement officers. Please visit www.MDLE.net for a guiding document outlining “Best Practices and Standards for the Use of Force by Law Enforcement Officers.”

Sincerely,

A handwritten signature in black ink that reads "Albert L. Liebno, Jr." The signature is written in a cursive style with a large, stylized initial 'A'.

Albert Liebno
Acting Executive Director
Police Training and Standards Commission

Enclosure: best practices and standards document