

**MARYLAND POLICE TRAINING AND
STANDARDS COMMISSION
REDACTED Minutes – 3rd Meeting – April 19, 2017**

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 Michael Spaulding, Representing Chief David Morris, 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
Stuart Nathan, Assistant Attorney General, representing the Office of the Attorney General
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
Victor Ramirez, State Senator
Michael Hough, State Senator

MEMBERS ABSENT

Gordon Johnson, Special Agent in Charge, Baltimore Office, Federal Bureau of Investigation
Gwendolyn Smith, representing the President of the Maryland Law Enforcement Officers,
Incorporated
Michael A. Jackson, State Delegate
Curt Anderson, State Delegate

STAFF PRESENT

Albert L. Liebno, Jr., Acting Executive Director
Katie Johnson, Registrar
Susan Strausbaugh, Leadership Development Institute
Everett Sesker, Police Training & Standards Commission Executive Director
Jennifer Beskid, Grants Coordinator
Robert Wagner, Director of Law Enforcement Training
Joseph Burris, Baltimore County Police Department on-assignment
Kate Gossard, Director of Support Services
Michelle Wilson, Assistant Attorney General
Jane Sachs, Director of Correctional Training
Myrna Adejoh, Certification Administrator
Jama Acuff, Compliance Officer
Maryann Foxwell, Leadership Development Institute
James Wootton, Media Specialist

GUESTS

Greg Shipley, Maryland State Police
Jerry Jones, MD Transportation Authority Police
Scott Yinger, MD Department of Transportation
Joey Sagal, MD Department of Transportation
Michael Zeigler, Department of Public Safety and Correctional Services
Phil Hinkle, Charles County Sheriff's Office
Sheriff Jim Dewees, Carroll County Sheriff's Office
Sabrina Tapp-Harper, Baltimore City Sheriff's
Sheriff John Anderson, Baltimore City Sheriff's
Jason Levine, Attorney General
Amal Awad, Hyattsville Police Department
Douglas Holland, Hyattsville Police Department
Scott Swenson, Baltimore Police Department
Pam Davis, Baltimore Police Department
Doug Reitz, Mount Airy Police Department
Karen Kruger, Maryland Sheriff's Association
Chief Michael Scott, Mount Rainier Police
Sgt. 1st Class Cordey, Mount Rainier Police
Jimmy Stokes, Mount Rainier Police
Michelle Burnette, Mount Rainier Police
Jeffrey Silverman, Anne Arundel County Police
William Krampf, Anne Arundel County Police
Tim Altomare, Anne Arundel County Police
Daniel Rodriguez, Anne Arundel County Police
Austin Danielovich, Anne Arundel County Police
Aaron Bryant, Anne Arundel County Police
David Simonetti, Hagerstown Community College Police Academy
Wade Alexander, Delmar Police Department
John Ruark, Delmar Police Department
Ashley Ruark, Delmar Police Department
Ivan Barkley, Delmar Police Department
John Moses, Eastern Shore Criminal Justice Academy

Colonel William Pallozzi called the 3rd meeting of the Police Training and Standards Commission (PTSC) at the Public Safety Education and Training Center to order at 10:02 a.m. A quorum was present. Colonel Pallozzi welcomed everyone and asked those present to introduce themselves. Guests were welcomed to wait in the breakout room should they not wish to sit for the whole meeting.

The agenda was as follows:

1. Approval of Minutes – January 4, 2017 and February 16, 2017
2. Executive Director's Report and Update
3. Legal Issues
4. Old Business
 - a) Final Approval of Proposed Amendment to COMAR 12.04.01.16 – Prior Substance Abuse by Applicants for Certification
 - b) Committee Updates – HB1016 Mandates
5. New Business

- a) Request for authority for any Commission member to contact an agency in order to review MPCTC approved law enforcement training program materials.
 - b) Proposal to have FTO Certification expire every 4 years instead of every 3 years – COMAR 12.04.01.17D(1)(e)
 - c) Proposal for mandated Traffic Incident Management Training – Scott Yinger CHART
6. Request for Waiver of Academic Instructor Training Program Requirements for Instructor Recertification
 7. Request for Waiver of Entry-Level Training for Police Officer Recertification
 8. Request for Waiver of Entry-Level Training for Police Officer Recertification
 9. Request for Waiver of Entry-Level Training for Police Officer Recertification
 10. Request for Waiver of Comparative Compliance Training for Police Officer Recertification
 11. Request for Waiver of Selection Standards for Police Officer Recertification
 12. Request for Waiver of Selection Standards for Police Officer Recertification
 13. Request for Waiver of Selection Standards for Police Officer Certification
 14. Request for Waiver of Selection Standards for Police Officer Certification
 15. Request for Waiver of Selection Standards for Police Officer Certification
 16. Consideration for Holding a Decertification Hearing

1. Approval of Minutes – January 4, 2017 and February 16, 2017

Colonel Pallozzi asked the Members to review the minutes of the 2nd meeting of the Police Training and Standards Commission, as well as the minutes from the February 16, 2017 Special Phone Conference Meeting.

A MOTION to approve the minutes from the January 4, 2017 meeting of the Police Training and Standards Commission and the February 16, 2017 special phone conference meeting was made by Chief Michael Wynnyk: SECONDED: Mr. Vince Canales. The MOTION carried.

Recorder’s Note: Sergeant Allison Ehart & Mr. Michael Hough joined the meeting at 10:07 a.m.

2. Executive Director’s Report and Update

Mr. Albert Liebno informed the members that the report in the binder reflects the activities of the Police and Correctional Training Commissions for the past quarter. In addition, he reintroduced new employees Ms. Adejoh and Ms. Acuff in the Certification unit, and mentioned another new employee in Certification, Ms. Catherine O’Neill. Mr. Liebno briefly mentioned the Traffic Safety Specialist grant-funded program, and new employee Mr. Thomas McGuire who will handle the program. End of the year compliance for 2016 is less than 3% non-compliant and a detailed report will be presented at the July meeting. The in-house police entry level academy at PCTC scheduled for June will be canceled due to limited staff and a need for program updates. Frederick City will accept recruits into their academy, and PCTC will support in the skills area. There were no questions for Mr. Liebno.

Colonel Pallozzi introduced the PTSC new Executive Director, Mr. Everett Sesker.

3. Legal Issues

Ms. Michelle Wilson described her research on the Uniformed Services Reemployment Act in regards to House Bill 1016 mandates. She has spoken to Federal officials and will compose a memo for Commission members that will detail her findings in full. The Act states employers must make reasonable efforts to hire uniformed service members, and train them in areas they lack knowledge. Ms. Wilson stated that any policy developed by PTSC won’t be able to prevent the service worker from returning to work pending psychologic evaluations. They can work in a limited capacity while the testing is conducted, and should be treated as any other officer in a similar situation.

Recorder's Note: Commissioner Kevin Davis joined the meeting at 10:10 a.m.

Recorder's Note: Mr. Victor Ramirez joined the meeting at 10:13 a.m.

4. Old Business

a) Final Approval of Proposed Amendment to COMAR 12.04.01.16 – Prior Substance Abuse by Applicants for Certification

The Commission voted on this proposed amendment on October 5th which modifies the prior use of marijuana to a revised standard of no use within the last 3 years. Mr. Liebno reported that no comments were received after being published for 45 days, so it is being presented to the Commission for final adoption.

A MOTION to accept the Proposed Amendment to Prior Substance Abuse by Applicants for Certification was made by Chief Charles Hinnant: SECONDED: Dr. Michael Finegan. The MOTION carried.

A MOTION to make the approved Amendment to Prior Substance Abuse effective June 1, 2017 was made by Captain W. Michael Crabbs: SECONDED: Sheriff Joseph Gamble. The MOTION carried.

b) Committee Updates – HB1016 Mandates

Mr. Liebno outlined the 6 workgroups that were developed as a product of mandates in House Bill 1016. Director Pamela Davis and Sergeant Scott Swenson of the Baltimore Police Department and the Use of Force Workgroup presented their De-Escalation training to the Commission members. The training has been well received by the graduates. The Commission is mandated by House Bill 1016 to adopt a Des-Escalation module. Commission members are encouraged to attend the course offered by Baltimore Police so to discuss potential adoption at the July meeting. Mr. Liebno summarized the efforts of the workgroups including recruitment strategies, a hotline for officers through the Department of Health & Mental Hygiene and psychologic evaluations for officers. The workgroup for serious officer involved incidents needs direction on whether the definitions presented at the last meeting are acceptable. Members should review in order to vote at the July meeting. As discussed in January, the Complaint Mediation model was emailed to Commission members for review on March 13, 2017. This model process will be available to agencies for consideration in lieu of LEOBR proceedings. Calvert and Washington counties are currently using this same model successfully.

A MOTION to adopt the presented Complaint Mediation process as an approved Police Training and Standards Commission model was made by Chief Michael Wynnyk: SECONDED: Chief Barbara Duncan. The MOTION carried.

The Community Policing Workgroup will present their guiding principles for comments in July. All Maryland law enforcement agencies, aside from State Law Enforcement agencies, need to submit their community policing policy annually to PCTC for review. The guiding principles must be adaptable to agencies of all sizes and location.

5. New Business

a) Request for authority for any Commission member to contact an agency in order to review MPCTC approved law enforcement training program materials.

Dr. Michael Finegan requested any member of the Commission have the authorization to request training materials directly from a Commission certified agency. The current system entails Commission members request this information via the Police & Correctional Training Commissions, to be presented to all members at the quarterly meetings. After a brief discussion, Dr. Finegan withdrew his request. An

inquiry was made as to the last time a police officer job task analysis was conducted. Mr. Liebno stated the Maryland Chiefs Association commissioned an analysis in 1995; however the Training Directors Association updates the minimum training standards for a police officer frequently.

**b) Proposal to have FTO Trainer Certification expire every 4 years instead of every 3 years
–COMAR 12.04.01.17D(1)(e)**

Mr. Liebno explained how all other instructor certifications expire every 4 years. The expiration was overlooked when the FTO policy was drafted. Mr. Liebno requested the policy to be changed to 4 years to mirror the other instructor certifications.

A MOTION for initial adoption of the revision to every 4 years was made by Chief Michael Wynnyk: SECONDED: Sheriff Timothy Cameron. The MOTION carried.

c) Proposal for Mandated Traffic Incident Management Training

Representatives from the MD Department of Transportation, Coordinated Highways Action Response Team (CHART) presented information on the Traffic Incident Management Training that is being provided at no cost to recruits and officers in various states. The number one killer of officers is not guns, but motor vehicle incidents. The training aims to reduce law enforcement death and injuries while responding to a traffic incident, reduce secondary crashes, increase safety to all road users, and reduce congestion so to increase roadway reliability and economic development. The course can be provided as 4-hour in-service or easily worked into any academy training.

A MOTION to adopt the presented Traffic Incident Management training as an approved Police Training and Standards Commission model was made by Mr. Vince Canales: SECONDED: Dr. Michael Finegan. The MOTION carried.

6. Request for Waiver of Academic Instructor Training Program Requirements for Instructor Recertification

Mr. Liebno stated that Ms. Maryann Foxwell is currently a provisional academic instructor with the Police and Correctional Training Commissions (PCTC). She was a fully certified instructor from February 1999 until April 2007 when she retired from the Maryland State Police in November 2010. Because of the time lapse, COMAR requires Ms. Foxwell to repeat an Instructor Training Program. Based on her experience and instructor training as a Maryland State Trooper and the fact that she continued to teach during the time she was not certified, PCTC is asking for a waiver of the required instructor training. There were no questions for Mr. Liebno or Ms. Foxwell.

A MOTION to waive academic instructor certification training requirements for the recertification of instructor Maryann Foxwell was made by Sheriff Joseph Gamble: SECONDED: Chief Michael Spaulding. The MOTION carried.

7. Request for Waiver of Entry-Level Training for Police Officer Recertification

Mr. Liebno indicated that PCTC staff received an Application for Certification from the Mount Airy Police Department for the recertification of Doug Reitz, who currently serves as the Chief of Police. Chief Reitz was last certified as a police officer with the Maryland State Police from December 1988 through March 2012 when he retired. Following retirement, he served as the Chief of Police for North Middleton Township in Carlisle, Pennsylvania as a certified municipal police officer in the State of Pennsylvania. Chief Reitz completed all subsequent Pennsylvania yearly in-service requirements including 2016. He was hired by the Town of Mount Airy in July 2016. At this time, Chief Reitz is asking for a waiver of the COMAR requirement that he complete entry-level training in order to become

a certified police officer. Chief Reitz provided a brief summary as well. There were no questions for Mr. Liebno or Chief Reitz.

A MOTION to waive entrance-level training and comparative compliance training to fully certify Chief Reitz was made by Chief Michael Spaulding: SECONDED: Mr. Matthew Alonsozana. The MOTION carried.

8. Request for Waiver of Entry-Level Training for Police Officer Recertification

Mr. Liebno stated that PCTC staff received an Application for Certification from the Baltimore City Sheriff's Office for the recertification of James Lane. Mr. Lane was last certified as a police officer with the Baltimore City Sheriff's Office from November 2003 until his termination in February 2012. He was reinstated by the Circuit Court as a deputy in September 2012; however the procedure for recertification wasn't completed. Mr. Lane was again terminated in 2014 after Baltimore City Sheriff's Office appealed to the Court of Special Appeals. Additional litigation followed the termination in the Federal courts and in November 2016 Mr. Lane and the Sheriff's Office reached a settlement agreement which calls for his reinstatement as a Deputy Sheriff. Because it has been more than five years since Deputy Lane was certified, COMAR requires he complete an entry-level training academy.

Jason Levine of the Attorney General's Office provided a brief summary of the events surrounding Deputy Lane's separation. Mr. Lane was part of the Warrant Apprehension Unit; he was shot in the face and participated in a media interview a few years later. The trial board found him guilty and recommended a suspension and fine. The Sheriff elected to terminate him and after additional court proceedings, the two parties reached a settlement agreement. The agency is requesting comparative compliance training instead of the full academy. Mr. Lane hasn't received in-service training but retained his firearms certification and has been working security.

Sheriff Anderson provided some brief comments as well, stating both parties wish to put this incident behind them and move forward.

A MOTION to waive entry level training but require comparative compliance was made by Mr. Vince Canales: SECONDED: Sheriff Timothy Cameron. The MOTION carried.

9. Request for Waiver of Entry-Level Training for Police Officer Recertification

Mr. Liebno stated that PCTC staff received an Application for Certification from the Annapolis Police Department for the recertification of Timothy Hall. Mr. Hall was last certified as a police officer with the Annapolis Police Department from December 1992 until his retirement in July 2010. Since then he has been employed with the agency as a criminal investigator on a contract versus sworn position, and has completed in-service every year since 2010. Mr. Hall has also maintained his certification as a PCTC Academic and Firearms Instructor. Because it has been more than five years, COMAR requires he complete an entry-level training academy to be certified. The Annapolis Police Department is asking for a waiver of this requirement based on Mr. Hall's experience and active involvement in law enforcement for the past three years.

Mr. Hall stated his certification will allow him to be more efficient, and complete extra investigative duties such as writing search warrants and arrest warrants. He maintained firearms certification through LEOSA but not the department. His status would be a contractual, sworn officer of Annapolis PD.

A MOTION to waive both entry-level training and comparative compliance was made by Sheriff Timothy Cameron: SECONDED: Captain W. Michael Crabbs. The MOTION carried.

10. Request for Waiver of Comparative Compliance Training for Police Officer Recertification

Mr. Liebno stated his staff received an Application for Certification from the Hyattsville City Police Department for the recertification of Amal Awad. Ms. Awad was last certified as a police officer as a major with the Prince George's County Police Department from April 1991 until her retirement in June 2013. Subsequent to her retirement, Ms. Awad served as the civilian Chief of Staff for the Anne Arundel County Chief of Police from December 2013 until December 2014 in a non-certified position. Because it has been more than three years since Ms. Awad was certified, COMAR requires she complete a Comparative Compliance training program and complete entry-level firearms qualification. The Hyattsville City Police Department has hired Ms. Awad as the Deputy Chief at the rank of Captain. They are asking for a waiver of these requirements based on Ms. Awad's prior experience, and since she has maintained firearms qualification under LEOSA.

Chief Holland supplied a few brief comments about Ms. Awad's experience and background investigation. There were no questions for Chief Holland.

Recorder's Note: Mr. Michael Hough left the meeting at 11:51 a.m.

Recorder's Note: Mr. Victor Ramirez left the meeting at 11:53 a.m.

A MOTION to waive comparative compliance was made by Mr. Vince Canales: SECONDED: Chief Michael Wynnyk. The MOTION carried.

A MOTION to waive entry-level firearms was made by Mr. Vince Canales: SECONDED: Chief Michael Wynnyk. The MOTION carried.

Recorder's Note: At 11:57 a.m., Colonel William Pallozzi stated there would be a short break; the meeting resumed in Open Session at 12:16 p.m.

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

Recorders Note: Ms. Johnson 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 12:18 p.m.

11. Request for Waiver of Selection Standards for Police Officer Recertification

A MOTION to Grant a Waiver of Selection Standards for Police Officer Recertification was made by Chief Michael Wynnyk: SECONDED: Sheriff Timothy Cameron. The MOTION carried.

Colonel Pallozzi invited the parties back into the meeting and informed them of the decision, stating the Commission has interest in knowing the outcome of the appeal.

12. Request for Waiver of Selection Standards for Police Officer Recertification

A MOTION to Deny a Waiver of Selection Standards for Police Officer Recertification was made by Mr. Wes Adams: SECONDED: Mr. Miguel Dennis. The MOTION carried.

Colonel Pallozzi invited the parties back into the meeting, informed them of the decision and thanked Chief Barkley.

13. Request for Waiver of Selection Standards for Police Officer Certification

A MOTION to Grant a Waiver of Selection Standards for Police Officer Certification was made by Chief Michael Wynnyk: SECONDED: Mr. Marcus Pollock. The MOTION carried.

Colonel Pallozzi invited the parties back into the meeting and informed them of the decision.

14. Request for Waiver of Selection Standards for Police Officer Certification

A MOTION to Table the Issue until Additional Information is received in regards to the Waiver of Selection Standards for Police Officer Certification Mr. Vince Canales: SECONDED: Chief Barbara Duncan. The MOTION carried.

Colonel Pallozzi invited the parties back into the meeting and informed them of the decision to table the matter.

15. Request for Waiver of Selection Standards for Police Officer Certification

A MOTION to Grant a Waiver of Selection Standards for Police Officer Certification was made by Chief Michael Spaulding: SECONDED: Mr. Vince Canales. The MOTION carried.

Colonel Pallozzi invited the parties back into the meeting and informed them of the decision.

16. Consideration for Holding a Decertification Hearing

Colonel Pallozzi thanked the Agency for bringing the matter to the Commission's attention, and stated they have decided to take no action at this time as the disciplinary process run its course.

A MOTION was made by Sheriff Timothy Cameron to adjourn to an open session: SECONDED: Mr. Wes Adams. The MOTION carried.

Recorder's Note: This concluded the closed session. The meeting adjourned to an open session at 2:11 p.m.

Colonel Pallozzi announced the outcome of the 6 issues voted on during the closed session.

Chief Michael Wynnyk made a MOTION to adjourn: SECONDED: Chief Michael Spaulding. The MOTION carried. The meeting adjourned at 2:12 p.m.

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