

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

Minutes – 42nd Meeting – July 6, 2022

MEMBERS PRESENT

Sheriff Troy Berry, Charles County Sheriff's Office, Regional Representative (Chair)
Colonel Woodrow (Jerry) Jones, Secretary, Department of State Police (Vice-Chair)
Clyde Boatwright, Maryland State Fraternal Order of Police
W. Michael Crabbs, Community Policing Expert
Miguel Dennis, Policing Standards Expert
Dr. Michael Finegan, Mental Health Expert
Richard Gibson, Maryland State's Attorneys' Association
Zenita Hurley, representing the Office of the Attorney General
Chief Melissa Hyatt, President, Maryland Chiefs of Police Association
Sheriff Mike Lewis President, Maryland Sheriff's Association
Chief Robert Liberati, President, Police Chiefs Association of Prince George's County
Major Derek Loeffler, representing Police Commissioner Michael Harrison, Baltimore Police Department
John Moses, Wor-Wic Program Advisory Committee – Criminal Justice
Thomas Sobocinski Special Agent in Charge, Baltimore Office, FBI
Chief Michael Spaulding, representing Chairman Arnold Downing, MD Municipal League Police Executive Association

MEMBERS ABSENT

Matthew Alonsozana, Citizen of the State
Chief Barbara Duncan, Salisbury Police Department, Regional Representative
Lt. Allison Ehart, Howard County Police Department, Regional Representative
Marcus Pollock, Citizen of the State
Vacancy, Citizen of the State

STAFF PRESENT

Wayne Silver, Executive Director, PTSC
Albert L. Liebno, Jr., Executive Director, PCTC
Kelly Brauning, Certification Administrator
Sarah Chatfield, Technical Services
Jeanne Chenoweth, Recorder
Maryann Foxwell, Leadership Development Institute
Katie Johnson, Recorder
Michael Krok, Community Policing Institute
Matthew Mellady, Assistant Attorney General
Stephanie Cain, Compliance Administrator

GUESTS

Will Milam, Maryland State Fraternal Order of Police

Sheriff Troy Berry, Chair, called the 42nd meeting of the Police Training and Standards Commission (PTSC) from the Public Safety Education and Training Center to order at 10:13 a.m. Sheriff Berry welcomed everyone, including new member Mr. John Moses. Members, staff and guests introduced themselves. A quorum was present.

The agenda was as follows:

1. Approval of Minutes – April 13, 2022
2. Facility Report
3. Legal Issues
4. Old Business
 - a) AELR Update
 - b) Physical Agility Assessment (PSA 3-209)
 - c) ACC Police Procedure Training
 - d) Training Objectives Update
5. New Business
 - a) Sub-Committee Regulation Review
 - b) Mediation Regulation (PSA 3-207(d))

1. Approval of Minutes – April 13, 2022

Sheriff Berry asked members to review the minutes from the April 13, 2022 meeting.

A MOTION to approve the minutes from the April 13, 2022 meeting of the Police Training and Standards Commission was made by Major Derek Loeffler: SECONDED: Sheriff Mike Lewis. The MOTION carried.

2. Facility Report

Mr. Albert Liebno, Executive Director of the Police & Correctional Training Commissions, directed members to the report which reviewed the activities at the Center during the past quarter. He mentioned the Lessons From Antietam Program facilitated by the Leadership Development Institute and that it was very well received. Director Maryann Foxwell hopes to schedule additional sessions. Mr. Liebno also stated that the Northwest School of Police Staff and Command would be returning to PCTC in March 2023. He explained that Northwestern University would be taking registrations directly and that there would be no grant money for this session. Mr. Liebno also reviewed the certification compliance numbers and stated that all police agencies were 100% compliant as of June 30th. Region 2 Community Policing Reports were due April 30th and Mr. Liebno stated that there were 5 reports still missing. Staff will be following up on those.

3. Legal Issues

Assistant Attorney General Matthew Mellady reminded the members that a request was made to the Court of Special Appeals to publish the Kerrick Thomas recertification decision. He stated that request was denied. The Court determined that the Public Safety Article and COMAR were clear enough regarding certification in these decisions without citing this case.

4. Old Business

a) AELR Update

Mr. Wayne Silver, Executive Director of the Police Training & Standards Commission, addressed the members and stated that after the Commission approved the PAB/ACC and Disciplinary Matrix Regulations, they were sent to AELR to be established as emergency regulations. He stated that there was a two week window for publication and that the earliest date would be Monday the 13th. Mr. Silver stated that the Commission approved regulations have been posted on the mdle.net website. He further explained that the AELR could request a hearing on the regulations, but at this time, they have not. Mr. Mellady added that the AELR analyst pointed out certain issues and the interpretation of the terms regarding adoption and mediation. He stated that staff is working with AELR to clarify these items.

b) Physical Agility Assessment (PSA 3-209)

Mr. Silver referred the members to the document in the binder. He reviewed the Physical Agility Assessment document and the requirements of the assessment as required under HB670. Mr. Silver clarified the rationale behind the edits that were made to the original document and stated that the six functions were now down to four. He further stated that if an agency currently uses a fitness assessment or test of their own, they can request approval of that testing in lieu of using the Commission's assessment. Mr. Silver explained the approval process. He also stated that language regarding a three year record retention was added. A discussion followed as to the specifics of some of the assessment requirements and the auditing process.

A MOTION to approve the minimum of 150 pounds for the pull/drag individual was made by Mr. Clyde Boatwright: SECONDED: Chief Michael Spaulding. The MOTION carried.

A MOTION to keep the barrier dimensions undefined, allowing agencies to set the standard was made by Captain Michael Crabbs: SECONDED: Mr. Clyde Boatwright. The MOTION carried.

A MOTION to adopt the Physical Agility Assessment document in its entirety, with the discussed amendments was made by Mr. John Moses: SECONDED: Sheriff Mike Lewis. The MOTION carried.

Mr. Silver noted that the approved document will be published on mdle.net by the end of the week.

c) ACC Police Procedure Training

Mr. Liebno presented a draft copy of the proposed one-day training for Administrative Charging Committee members. He reviewed the modules and stressed the importance of procuring the training simulators. A discussion followed as to whether or not all topics were included and whether or not one day was sufficient to cover everything necessary to prepare the committee members. Mr. Liebno stated that staff would be proposing there also be an annual or bi-annual training for all members. He also explained the process for a board regarding informing the Commission as to who the members are and subsequent updates.

A MOTION to develop a 40 hour training program was made by Mr. John Moses: SECONDED: Chief Melissa Hyatt. The MOTION carried.

Mr. Liebno asked the members for help in identifying possible instructors for the vast amount of training that will be needed. The members also discussed the benefits of making it mandatory at some point to do a ride-along.

Recorders Note: Chief Melissa Hyatt left the meeting at 11:21am.

d) Training Objectives Update

Mr. Silver updated the members as to the status of the training objectives. He stated that staff met with the training directors and academy managers and identified a few holes such as active shooter and drug identification. Mr. Silver said that the object was to get this right and it may take a few more meetings to finalize the objectives. At that point, they will be shared with the Commission for approval. Mr. Silver reminded the members that there will be a learning curve for the academies but it will ultimately lead to a stronger recruit.

5. New Business

a) Sub-Committee Regulation Review

Mr. Silver explained that in light of the success with using member sub-committees, he would like to establish a sub-committee to review COMAR, starting with the General Regulations. He indicated that there were sections that needed review and amendments. The following members volunteered: Major Derek Loeffler, Mr. John Moses and Mr. Miguel Dennis; Colonel Jones and Mr. Boatwright both indicated that they would name a representative from their respective agencies.

b) Mediation Regulation (PSA 3-207(d))

AAG Matthew Mellady stated that the first point of business for the Sub-Committee on Regulation Review would be the establishment of a mediation regulation as required by HB1016 in 2016. He stated that the ground work for the mediation program has been prepared and just needs to be put into regulation format.

Sheriff Berry opened the floor for any additional comments. Upon questioning, Mr. Liebno stated that the Learning Management System initial procurement process fell through and that DPSCS had to restart the process from the beginning. The RFP is being finalized and Secretary Green has asked that the process be fast-tracked. Mr. Liebno said that he did not anticipate it being in place any earlier than mid 2023. He explained the benefits of the new system and how the changeover process will occur.

Dr. Finegan addressed the members regarding the requirement in the Public Safety Article of a mental health assessment every two years for police officers. He stated that the wording should be consultation instead of assessment to ensure that the officers are being protected and have a safe way to voice their concerns. Dr. Finegan stated that he believes this was the original intent of the legislators, but they used the wrong term resulting in professionals performing the assessments that do not have the appropriate background and training. He stated that this opportunity to better help our officers, by just changing a word, will be wasted if the Commission does not fight for it with the legislators. Dr. Finegan explained that he has attempted to contact the legislative offices several times, but has been unsuccessful in connecting with someone. Sheriff Berry suggested polling Police Chiefs and Sheriff's to determine who is performing their assessments and their qualifications. Mr. Silver stated that MPCTC has the capability to set up a poll and will look into the viability of sending one out.

A MOTION to adjourn was made by Mr. Richard Gibson: SECONDED: Mr. Miguel Dennis. The MOTION carried. The meeting adjourned at 11:58 a.m.

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