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PUBLIC SAFETY ARTICLE
Title 3 – Law Enforcement
Subtitle 2- Police Training and Standards Commission
Annotated Code of Maryland

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§3–201. Definitions

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Commission” means the Maryland Police Training and Standards Commission.
- (c) “Department” means the Department of Public Safety and Correctional Services.
- (d) (1) “Law enforcement agency” means a governmental police force, sheriff’s office, or security force or law enforcement organization of the State, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State.
(2) “Law enforcement agency” does not include members of the Maryland National Guard who:
 - (i) are under the control and jurisdiction of the Military Department;
 - (ii) are assigned to the military property designated as the Martin State Airport; and
 - (iii) are charged with exercising police powers in and for the Martin State Airport.
- (e) “Motorcycle profiling” means the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle–related clothing or paraphernalia as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual or vehicle.
- (f) (1) “Police officer” means an individual who:
 - (i) is authorized to enforce the general criminal laws of the State; and
 - (ii) is a member of one of the following law enforcement agencies:
 1. the Department of State Police;
 2. the Police Department of Baltimore City;
 3. the police department, bureau, or force of a county;
 4. the police department, bureau, or force of a municipal corporation;
 5. the Maryland Transit Administration police force;
 6. the Maryland Transportation Authority Police;
 7. the police forces of the University System of Maryland;
 8. the police force of Morgan State University;
 9. the office of the sheriff of a county;
 10. the police forces of the Department of Natural Resources;
 11. the police force of the Maryland Capitol Police of the Department of General Services;
 12. the police force of a State, county, or municipal corporation if the special police officers are appointed under Subtitle 3 of this title;
 13. the Housing Authority of Baltimore City Police Force;
 14. the Baltimore City School Police Force;
 15. the Crofton Police Department;
 16. the police force of the Department of Labor, Licensing, and Regulation;
 17. the Washington Suburban Sanitary Commission Police Force;
 18. the Ocean Pines Police Department;
 19. the police force of the Baltimore City Community College;
 20. the police force of the Hagerstown Community College;

21. the parole and probation employees of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department who are authorized to make arrests; or
 22. the police force of the Anne Arundel Community College.
- (2) "Police officer" includes:
- (i) a member of the Field Enforcement Bureau of the Comptroller's Office;
 - (ii) the State Fire Marshal or a deputy State fire marshal;
 - (iii) an investigator of the Intelligence and Investigative Division of the Department;
 - (iv) a Montgomery County fire and explosive investigator as defined in § 2-208.1 of the Criminal Procedure Article;
 - (v) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2-208.2 of the Criminal Procedure Article;
 - (vi) a Prince George's County fire and explosive investigator as defined in § 2-208.3 of the Criminal Procedure Article;
 - (vii) a Worcester County fire and explosive investigator as defined in § 2-208.4 of the Criminal Procedure Article; and
 - (viii) a City of Hagerstown fire and explosive investigator as defined in § 2-208.5 of the Criminal Procedure Article.
- (3) "Police officer" does not include:
- (i) an individual who serves as a police officer only because the individual occupies another office or position;
 - (ii) a sheriff, the Secretary of State Police, a commissioner of police, a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of police, or another individual with an equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority; or
 - (iii) a member of the Maryland National Guard who:
 1. is under the control and jurisdiction of the Military Department;
 2. is assigned to the military property designated as the Martin State Airport; and
 3. is charged with exercising police powers in and for the Martin State Airport.

§3-202. Police Training and Standards Commission Established

There is a Maryland Police Training and Standards Commission, which is an independent commission that functions in the Department.

§3-203. Membership; Length of Term; Designation Alternate to Represent Member

- (a) The Commission consists of the following members:
- (1) the President of the Maryland Chiefs of Police Association;
 - (2) the President of the Maryland Sheriffs Association;
 - (3) the Attorney General of the State;
 - (4) the Secretary of State Police;
 - (5) the agent in charge of the Baltimore office of the Federal Bureau of Investigation;
 - (6) one member representing the Maryland State Lodge of Fraternal Order of Police;
 - (7) one member representing the Maryland State's Attorneys' Association;
 - (8) the Chair of the Maryland Municipal League Police Executive Association;
 - (9) the President of Maryland Law Enforcement Officers, Inc.;

- (10) the Police Commissioner of Baltimore City;
- (11) the President of the Police Chiefs' Association of Prince George's County;
- (12) a representative from the Wor–Wic Program Advisory Committee – Criminal Justice;
- (13) two members of the Senate of Maryland, appointed by the President of the Senate;
- (14) two members of the House of Delegates, appointed by the Speaker of the House; and
- (15) the following individuals, appointed by the Governor with the advice and consent of the Senate:

- (i) three police officers, representing different geographic areas of the State;
- (ii) one individual with expertise in community policing;
- (iii) one individual with expertise in policing standards;
- (iv) one individual with expertise in mental health; and
- (v) two citizens of the State without relationships to law enforcement.

(b) (1) The term of an appointed member is 3 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Commission on October 1, 2016.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(c) Except for the appointed members, a member of the Commission may serve personally at a Commission meeting or may designate a representative from the member's unit, agency, or association who may act at any meeting to the same effect as if the member were personally present.

(d) The members of the Commission appointed from the Senate of Maryland and the House of Delegates shall serve in an advisory capacity only.

§3–204. Commission Chair and Vice Chair

The Commission annually shall elect a chair and vice chair from among its members.

§3–205. Meetings; Quorum; Minutes; Members Prohibited from Receiving Compensation

(a) A majority of the Commission is a quorum.

(b) The Commission shall meet in the State at the times that it or its chairman determines.

(c) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) The Commission shall:

(1) maintain minutes of its meetings and any other records that it considers necessary; and

(2) provide information, on request, regarding the budget, activities, and programs of the Commission.

§3-206. Executive Director; Deputy Director; Employees

(a) (1) With the approval of the Governor, the Commission shall appoint an executive director.

(2) The executive director shall perform general administrative and training management functions.

(3) The executive director serves at the pleasure of the Commission.

(b) (1) The Commission shall appoint a deputy director and any other employees that the Commission considers necessary to perform general administrative and training management functions.

(2) The deputy director and other employees appointed under paragraph (1) of this subsection shall serve at the pleasure of the Commission.

(c) In accordance with the State budget, the Commission may set the compensation of:

(1) the executive director and the deputy director; and

(2) a Commission employee in a position that:

(i) is unique to the Commission;

(ii) requires specific skills or experience to perform the duties of the position; and

(iii) does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(d) The Secretary of Budget and Management, in consultation with the Commission, shall determine the positions for which the Commission may set compensation under subsection (c) of this section.

§3-207. Commission Powers and Duties

(a) The Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to police training schools;

(3) to inspect police training schools;

(4) to revoke, for cause, the approval or certificate of approval issued to a police training school;

(5) to establish the following for police training schools:

(i) curriculum;

(ii) minimum courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

- (vii) minimum qualifications for instructors;
- (6) to require, for entrance-level police training and at least every 3 years for in-service level 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 and enforcement of:
 - (i) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;
 - (ii) the contact with and treatment of victims of crimes and delinquent acts;
 - (iii) the notices, services, support, and rights available to victims and victims' representatives under State law; and
 - (iv) the notification of victims of identity fraud and related crimes of their rights under federal law;
- (7) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;
- (8) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;
- (9) to conduct and operate police training schools authorized by the Commission to offer police training programs;
- (10) to make a continuous study of entrance-level and in-service training methods and procedures;
- (11) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;
- (12) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;
- (13) to consult and cooperate with other agencies and units of the State concerned with police training;
- (14) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008;
- (15) to require, for entrance-level police training and annually for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, for police officers who are issued an electronic control device by a law enforcement agency, special training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal Law Article, consistent with established law enforcement standards and federal and State constitutional provisions;
- (16) to require, for entrance-level police training and, as determined by the Commission, for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions:
 - (i) training in lifesaving techniques, including Cardiopulmonary Resuscitation (CPR);
 - (ii) training in the proper level and use of force;
 - (iii) training regarding sensitivity to cultural and gender diversity; and
 - (iv) training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities;
- (17) to require, for entrance-level police training and at least every 2 years for in-service level 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;

(18) to develop, with the cooperation of the Office of the Attorney General, the Governor's Office of Crime Control and Prevention, and the Federal Trade Commission, a uniform identity fraud reporting form that:

(i) makes transmitted data available on or before October 1, 2011, for use by each law enforcement agency of State and local government; and

(ii) may authorize the data to be transmitted to the Consumer Sentinel program in the Federal Trade Commission;

(19) to adopt and recommend a set of best practices and standards for use of force;

(20) to evaluate and modernize recruitment standards and practices of law enforcement agencies to increase diversity within those law enforcement agencies and develop strategies for recruiting women and African American, Hispanic or Latino, and other minority candidates;

(21) to develop standards for the mandatory psychological evaluation of a law enforcement officer who was actively involved in an incident when another person was seriously injured or killed as a result of an accident or a shooting or has returned from combat deployment;

(22) to require:

(i) a statement condemning motorcycle profiling to be included in existing written policies regarding other profiling; and

(ii) for entrance-level police training and for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, training related to motorcycle profiling in conjunction with existing training regarding other profiling; and

(23) to perform any other act, including adopting regulations, that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

(b) (1) The Commission shall develop a system by which law enforcement agencies report to the Commission on the number of serious officer-involved incidents each year, the number of officers disciplined each year, and the type of discipline administered to those officers.

(2) The Commission shall annually summarize the information submitted by law enforcement agencies and:

(i) post the summary, excluding the names of officers and other involved parties, on a Web site maintained by the Commission; and

(ii) submit the summary to the General Assembly, as provided in § 2-1246 of the State Government Article.

(c) In consultation with the Department of Health and Mental Hygiene, the Commission shall establish a confidential hotline that is available for police officers and other law enforcement personnel to contact and speak with a trained peer law enforcement officer or a mental health professional who may provide initial counseling advice and confidential referral to appropriate services.

(d) The Commission shall:

(1) establish a Police Complaint Mediation Program to which a law enforcement agency may refer a nonviolent complaint made against a police officer out of the standard complaint process;

(2) refer a complaint referred to the Program to voluntary mediation conducted by an independent mediation service; and

(3) adopt regulations to implement the Program, including criteria concerning eligibility for referral of complaints.

(e) (1) The Commission shall develop best practices for the establishment and implementation of a community policing program in each jurisdiction.

(2) The Commission shall develop a system by which each local law enforcement agency annually files a detailed description of the law enforcement agency's community policing program.

(3) The Commission shall annually:

(i) review each community policing program filed in accordance with § 3-517 of this title; and

(ii) provide each agency with any comments that the Commission has to improve the agency's community policing program.

(f) (1) The Commission shall develop a uniform citizen complaint process to be followed by each law enforcement agency.

(2) The uniform complaint process shall:

(i) be simple;

(ii) require that a complainant be informed of the final disposition of the complainant's complaint and any discipline imposed as a result; and

(iii) be posted on the Web sites of the Commission and each law enforcement agency.

(g) The Commission shall develop and administer a training program on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures for citizens who intend to qualify to participate as a member of a hearing board under § 3-107 of this title.

§3-208. Commission's Regulatory Authority

The Commission has the following powers and duties:

(1) to adopt regulations necessary or appropriate to carry out this subtitle; and

(2) to adopt regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a police officer.

§3-209. Police Officer Certification; Issuing Certificates to Police Officers

(a) The Commission shall certify as a police officer each individual who:

(1) (i) satisfactorily meets the standards of the Commission; or

(ii) provides the Commission with sufficient evidence that the individual has satisfactorily completed a training program in another state of equal quality and content as required by the Commission;

(2) submits to a psychological evaluation by a psychologist approved by the Commission; and

(3) submits to a criminal history records check in accordance with § 3-209.1 of this subtitle.

(b) The Commission may certify as a police officer an individual who is not considered a police officer under § 3–201(e)(3) of this subtitle if the individual meets the selection and training standards of the Commission.

(c) Each certificate issued to a police officer under this subtitle remains the property of the Commission.

§3–209.1. Criminal History Records Check Procedures for Police Officer Applicants

(a) (1) In this section the following words have the meanings indicated.

(2) “Applicant” means an individual who is seeking certification as a police officer.

(3) “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) An applicant for certification as a police officer shall apply to the Central Repository for a State and national criminal history records check.

(c) As part of the application for a criminal history records check, an applicant shall submit to the Central Repository:

(1) a complete set of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(3) the processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(d) In accordance with §§ 10–201 through 10–229 of the Criminal Procedure Article, the Central Repository shall forward to the Commission and the applicant a printed statement of the applicant’s criminal history record information.

(e) Information obtained from the Central Repository under this section:

(1) shall be confidential;

(2) may not be disseminated; and

(3) may be used only for the licensing purpose authorized by this title.

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(g) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Commission a revised statement of the applicant’s or certified police officer’s State criminal history record.

§3-210. Lapse of Police Officer Certification; Recertification After Lapse

- (a) The certification of a police officer automatically lapses 3 years after the date of the previous certification.
- (b) If the certification of a police officer lapses, the police officer may apply for recertification immediately.
- (c) The Commission may recertify a police officer after the certification of the police officer lapses.

§3-211. Police Officer Right to Hearing Before the Commission for Lapsed Certification

- (a) If the certification of a police officer is in danger of lapsing or has lapsed because of the failure of the police officer to meet the standards of the Commission, the police officer may request a hearing before the Commission to present evidence that:
 - (1) the police officer's law enforcement agency unreasonably failed to provide the police officer with the required training or assigned the police officer to special duty that prevented the police officer from completing the required training to achieve this certification; and
 - (2) this failure is through no fault of the police officer.
- (b)
 - (1) On request of the police officer for a hearing under this section, the Commission shall hold a hearing.
 - (2) For purposes of this subsection, the Commission shall follow the procedures required for a hearing board under the Law Enforcement Officers' Bill of Rights and the police officer is entitled to all of the rights provided under the Law Enforcement Officers' Bill of Rights.
- (c) If the Commission concludes that the police officer's law enforcement agency unreasonably failed to provide the police officer with the required training or assigned the police officer to special duty that prevented the police officer from completing the required training to achieve certification:
 - (1) the Commission shall stay the lapse of the certification until the police officer and the police officer's law enforcement agency meet the training requirements of the Commission;
 - (2) the police officer shall be retained in the police officer's law enforcement agency at full pay pending the completion of the training; and
 - (3) the Commission shall order the police officer's law enforcement agency to pay all reasonable hearing costs and attorney's fees incurred as a result of the action.

§3-212. Commission Authority to Suspend or Revoke Police Officer Certification; Hearing Required

- (a) Subject to the hearing provisions of subsection (b) of this section, the Commission may suspend or revoke the certification of a police officer if the police officer:
 - (1) violates or fails to meet the Commission's standards; or
 - (2) knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article.

(b) (1) Except as otherwise provided in Title 10, Subtitle 2 of the State Government Article, before the Commission takes any final action under subsection (a) of this section, the Commission shall give the individual against whom the action is contemplated an opportunity for a hearing before the Commission.

(2) The Commission shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) A police officer aggrieved by the findings and order of the Commission may take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

§3-213. Recalling Police Officer's Certificate if Officer's Certification is Suspended or Revoked for Certain Reasons

The Commission may recall the certificate of a police officer if the certification of the police officer is suspended or revoked for any of the following reasons:

(1) the certificate was issued by administrative error;

(2) the certificate was obtained through misrepresentation or fraud;

(3) the police officer has been convicted of a felony; or

(4) the police officer has been convicted of a misdemeanor for which a sentence of imprisonment exceeding 1 year may be imposed.

§3-214. Police Officer Recertification After Officer's Certification is Revoked

(a) If the certification of a police officer is revoked, the police officer may not apply for recertification until 2 years after the effective date of the revocation order.

(b) The Commission may recertify an individual as a police officer after the certification of the police officer is revoked.

§3-215. Police Officers, Police Supervisors and Police Administrators required to meet Commission Qualifications; Limit on Period of Probationary Appointment

(a) (1) In this section the following words have the meanings indicated.

(2) "Permanent appointment" means the appointment of an individual who has satisfactorily met the minimum standards of the Commission and is certified as a police officer.

(3) "Police administrator" means a police officer who has been promoted to first-line administrative duties up to but not exceeding the rank of captain.

(4) "Police supervisor" means a police officer who has been promoted to first-line supervisory duties.

(b) An individual may not be given or accept a probationary appointment or permanent appointment as a police officer, police supervisor, or police administrator unless the individual satisfactorily meets the qualifications established by the Commission.

(c) A probationary appointment as a police officer, police supervisor, or police administrator may be made for a period not exceeding 1 year to enable the individual seeking permanent appointment to take a training course required by this subtitle.

(d) A probationary appointee is entitled to a leave of absence with pay during the period of the training program.

§3–216. Police Officer Certification Required After 1 Year of Employment; Exception for “Nonfull-time Police Officers” employed by Certain Agencies

(a) A law enforcement agency may not employ an individual as a police officer for a period not exceeding 1 year unless the individual is certified by the Commission.

(b) (1) In this subsection, “nonfull-time police officer” means an individual who does not work in the law enforcement field at least 7 months during the calendar year.

(2) The certification requirements of subsection (a) of this section do not apply to the nonfull-time police officers of a law enforcement agency that:

(i) employs, during a calendar year, at least 70 full-time sworn police officers; and

(ii) employs at least 100 nonfull-time police officers.

§3–217. Individual Prohibited from Serving as Police Officer While Certification is Lapsed or is Suspended or Revoked

An individual may not serve as a police officer when the certification of the police officer has lapsed or has been suspended or revoked by the Commission.

§3–218. Effect of Subtitle’s Provisions on State, County and Municipal Government

(a) Except as expressly provided in this subtitle, this subtitle does not limit the powers, rights, duties, or responsibilities of the government of a county or municipal corporation.

(b) This subtitle supersedes any law, ordinance, or regulation of the State, a county, or a municipal corporation that conflicts with this subtitle.