

**MARYLAND POLICE TRAINING AND  
STANDARDS COMMISSION**  
**Redacted Minutes – 7th Meeting – April 11, 2018**

**MEMBERS PRESENT**

Colonel William Pallozzi, Secretary, Department of State Police (Chair)  
Sheriff Troy Berry, Charles County Sheriff's Office, Regional Representative (Vice-Chair)  
Police Commissioner Darryl De Sousa, Baltimore Police Department  
Chief David Rice, Chair, Maryland Municipal League Police Executive Association  
Chief Gary Gardner, President, Maryland Chiefs of Police Association  
Sheriff Timothy Cameron, representing the President, Maryland Sheriff's Association  
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  
Sheriff Joseph Gamble, Wor-Wic Program Advisory Committee – Criminal Justice  
Chief Barbara Duncan, Salisbury Police Department, Regional Representative  
Sergeant Allison Ehart, Howard County Police Department, Regional Representative  
Clyde Boatwright, Representing Mr. Vince Canales, President, Maryland State Fraternal Order of Police  
Captain W. Michael Crabbs, Community Policing Expert  
Miguel Dennis, Policing Standards Expert  
Wes Adams, Maryland State's Attorneys' Association  
Michael A. Jackson, State Delegate

**MEMBERS ABSENT**

Gwendolyn Smith, representing the President of the Maryland Law Enforcement Officers, Inc.  
Gordon Johnson, Special Agent in Charge, Baltimore Office, Federal Bureau of Investigation  
Dr. Michael Finegan, Mental Health Expert  
Matthew Alonsozana, Citizen of the State  
Marcus Pollock, Citizen of the State  
Curt Anderson, State Delegate  
Victor Ramirez, State Senator  
Michael Hough, State Senator

**STAFF PRESENT**

Karen J. Kruger, Executive Director, Public Safety Education and Training Center  
Albert L. Liebno, Jr., Deputy Director  
Katie Johnson, Registrar  
Michelle Wilson, Assistant Attorney General  
Robert Wagner, Director of Police Training  
Jama Acuff, Compliance Officer  
Jennifer Beskid, Grants Coordinator  
Lewis Pindell, Media Specialist  
Jeanne Chenoweth, Recorder

**GUESTS**

John Moses, Eastern Shore Criminal Justice Academy  
Keith Hicks, Training Directors Association  
Percy Alston, Prince George's Community College Public Safety Institute  
Lt. John Ralston, Frostburg State University Police Department

Donna Shoemake, Frostburg State University Police Department  
Chief Cynthia Smith, Frostburg State University Police Department  
Chief Carl Schinner, La Plata Police Department  
John Piersa, La Plata Police Department  
Captain Chris Becker, La Plata Police Department  
Patrick Morris, Maryland Department of Health  
James Pyles, Maryland Department of Health  
Robert Patton, Maryland Department of Health, SETT Police Department  
Eric Chase, Maryland Department of Health, SETT Police Department  
Gary Tuggle, Baltimore Police Department  
Daniel Beck, Baltimore Police Department  
Lieutenant Ted Friel, Baltimore Police Department  
Juan Oliver, Baltimore Police Department  
Fred Gilbert, Baltimore Police Department  
Andre Bonaparte, Baltimore Police Department  
Lisa Fogle, Friend of Matt Fogle  
Jean Fogle, Friend of Matt Fogle  
Rikki Spector, Friend of Matt Fogle  
Matt Fogle, Hampstead Police Department  
Charles Rapp, Hampstead Police Department  
Chaplain Bill Kaiser, Hampstead Police Department  
Stacey Gaegler, Hampstead Police Department  
Randy Cutter, Allegany County Sheriff's Office  
Tyler Bittinger, Allegany County Sheriff's Office  
Lieutenant Israel S. Sibley, Allegany County Sheriff's Office  
Sheriff Craig Robertson, Allegany County Sheriff's Office  
Elliott Gibson, District Heights Police Department  
Roy Martin, District Heights Police Department  
Dr. Steve Curran, Atlantic OccuPsych  
Dr. Doug Craig, Atlantic OccuPsych

Colonel William Pallozzi called the 7th meeting of the Police Training and Standards Commission (PTSC) at the Public Safety Education and Training Center to order at 10:08 a.m. A quorum was present. Colonel Pallozzi welcomed everyone and asked those present to introduce themselves.

The agenda was as follows:

1. Approval of Minutes – January 3, 2018
2. Facility Report
3. Legal Issues
4. Request for Waiver of Entry Level Training Academy
5. Request for Waiver of Entry Level Training Requirements
6. Request for Waiver of Entry Level Training Requirements
7. Request for Waiver of Entry Level Training Requirements
8. Request for Waiver of Entry Level Training Requirements
9. Request for Waiver of Entry Level Training Requirements
10. Request for Waiver of Entry Level Training Requirements
11. Request for Waiver of Selection Standards for Certification
12. Request for Waiver of Prior Drug Abuse Standards for Certification

13. Old Business
  - a) Update on Job Task Analysis
  - b) Psychological Evaluations – COMAR Amendment
14. New Business

**1. Approval of Minutes – January 3, 2018**

Colonel William Pallozzi asked the Members to review the minutes of the 6th meeting of the Police Training and Standards Commission.

**A MOTION to approve the minutes from the January 3, 2018 meeting of the Police Training and Standards Commission was made by Chief David Rice: SECONDED: Chief Michael Wynnyk. The MOTION carried.**

**2. Facility Report**

Ms. Karen Kruger, Executive Director of the Public Safety Education and Training Center (PSETC) directed the Members to the report included in the binder which reviewed the activities at the Center during the past quarter. Ms. Kruger informed the members that the PSETC is hosting the prestigious Northwestern School of Police Staff and Command for ten weeks. She also mentioned two new programs being developed by the Leadership Development Institute. True Leadership and Leading Well will be presented later this year. Ms. Kruger was also pleased to inform the members that the marble steps in front of the historic Hubner Lobby are finally under repair and that the construction work should be completed later this Spring. There were no questions for Ms. Kruger.

Mr. Albert Liebno added that in-service training requirements for last year are 91.5% compliant and firearms requirements are 95% compliant. He stated that in May, any agency with officers still non-compliant will receive a reminder. Mr. Liebno explained that any agency still not in compliance by the last week of June will receive another letter indicating those officers who will not be receiving renewed certification cards.

**3. Legal Issues**

Assistant Attorney General Michelle Wilson informed the members that at the last meeting there was a request to have her research how other states deal with the use of marijuana. She reminded the members that COMAR states that the illegal use of marijuana within the past 36 months prohibits police officer certification, which puts the medical use of marijuana into question. Ms. Wilson informed the members that her research found that states that currently allow marijuana to be used legally, allow their local agencies to determine how marijuana use is regulated in terms of their hiring processes. She stated that it is now up to the Commission to determine how they want to address this issue.

*Recorders Note: Sheriff Troy Berry and Police Commissioner Darryl De Sousa joined the meeting at 10:17 a.m.*

It was suggested that a workgroup be formed to clarify and develop minimum standards applicable to all law enforcement agencies regarding the legal/illegal use of marijuana as it applies to police officer certification. Mr. Wes Adams, Police Commissioner Darryl De Sousa and Mr. Albert Liebno volunteered to be on the committee. It was also suggested that it would be beneficial to have someone representing Human Resources on the committee.

**4. Request for Waiver of Entry Level Training Requirements**

Mr. Albert Liebno explained that an Application for Certification was received from the Allegany County Sheriff's Office for the certification of Tyler Bittinger. Mr. Bittinger attended the West Virginia

Police Academy in December 2015 and was employed by the Keyser Police Department, Keyser, West Virginia, until January 2018. In reviewing his entry-level training, it was determined that the program he completed was 735 hours which is less than the Commission's requirement of 750 hours. Mr. Liebno stated that the academy training did cover all of the required topics but came up 15 hours short of the minimum requirement. He further stated that the Allegany County Sheriff's Office was asking for a waiver of the entry-level training academy in order to allow Mr. Bittinger to attend a Comparative Compliance program.

Sheriff Craig Robertson addressed the members and explained that they have hired officers who attended this academy in the past and found that their training was exemplary. He reminded the members that all training topics were covered and that the academy was only 15 hours short of the requirement.

**A MOTION to grant a waiver of the requirement to attend an entry-level training academy only was made by Chief David Rice: SECONDED: Sheriff Timothy Cameron. The MOTION carried.**

**5. Request for Waiver of Entry Level Training Requirements**

Mr. Albert Liebno explained that an Application for Certification was received from the La Plata Police Department for the certification of John Piersa. Mr. Piersa completed Pennsylvania "ACT 120" Entry Level Training for police officers in December, 2010. This training, after removing firearms instruction, totals 700.5 hours which is 49.5 hours below the Commission's minimum requirement for an entry-level training academy. Mr. Liebno stated that all of the Maryland required topics were covered.

Chief Carl Schinner stated that Mr. Piersa had also received training while in the military as a military police officer. He reiterated that all required topics were covered in the entry-level training.

Mr. Liebno reminded the members that Chief Schinner was asking for a waiver of the full entry-level academy and that Mr. Piersa would still need to attend a Comparative Compliance program.

**A MOTION to grant a waiver of the requirement to attend an entry-level training academy only was made by Mr. Wes Adams: SECONDED: Police Commissioner Darryl De Sousa. The MOTION carried.**

**6. Request for Waiver of Entry Level Training Requirements**

Mr. Albert Liebno reviewed that an Application for Certification was received from the Frostburg State University Police Department for the certification of Donna Shoemake. He stated that Ms. Shoemake graduated from the West Virginia State Police Academy in November 2013. A review of her academy training revealed that the program was 739 hours in duration, 11 hours short of the PTSC's requirement of 750 hours.

Chief Cynthia Smith addressed the Commission and stated that Ms. Shoemake is exactly what Frostburg State University Police Department is looking for in a police officer. She stated that Ms. Shoemake has been employed with the University for the past six months in a non-mandated position and has proven to be quite capable.

**A MOTION to grant a waiver of the requirement to attend an entry-level training academy only was made by Chief David Rice: SECONDED: Chief Gary Gardner. The MOTION carried.**

Colonel William Pallozzi approached the Commission regarding a discussion he and Deputy Director Albert Liebno had regarding the type of waivers which had been heard in the first three issues. He

stated they all involved certification issues in which the applicant's entry-level training academy hours were below the required 750 hours of the PTSC. Colonel Pallozzi asked the members if they would like to consider granting the Executive Director the authority to approve such waivers when all topic requirements have been met and the required hours were within a certain percentage. He stated that this would remove the requirement of bringing all issues of this nature before the Commission and voting.

A discussion was had as to the pros and cons of this procedure and what the guidelines might be. The Members agreed that the standard is in place for a purpose and asked that staff research and vet the most common state academies and what their required hours and topics are to present at the next meeting.

#### **7. Request for Waiver of Entry Level Training Requirements**

Mr. Albert Liebno explained that an Application for Certification was received from the Baltimore Police Department for the recertification of Juan Oliver. He stated that Mr. Oliver retired from the Baltimore Police Department in September 2012 and was immediately employed by CSX Police as a Railroad Police Officer assigned to Maryland. Mr. Oliver completed annual training and firearms training/qualification while employed as a CSX Police Officer, with almost 5 ½ years of service. Mr. Liebno stated that on March 1, 2018 he was rehired by the Baltimore Police Department at the rank of Sergeant, but because of the length in his break in service, Mr. Oliver is required to attend a full entry-level training academy. Mr. Liebno reviewed Mr. Oliver's training while employed by CSX Police.

Lt. Ted Friel of the Baltimore Police Department addressed the Commission and reviewed Mr. Oliver's police officer, instructor and CSX career and the training he received.

Upon questioning, Mr. Liebno stated that because Mr. Oliver has not had a break in law enforcement service and training, the Baltimore Police Department is asking for a waiver of all entry-level training requirements including Comparative Compliance training.

Police Commissioner Darryl De Sousa informed the Commission as to what Mr. Oliver's initial assignment would be upon recertification and also his qualifications to perform those duties.

**A MOTION to grant a waiver of all entry-level training requirements, including Comparative Compliance, was made by Chief David Rice: SECONDED: Sheriff Timothy Cameron. The MOTION carried.**

#### **8. Request for Waiver of Entry Level Training Requirements**

Mr. Albert Liebno explained that an Application for Certification was received from the Baltimore Police Department for the recertification of Perry Standfield. He stated that Mr. Standfield retired as a lieutenant from the Baltimore Police Department in January 2011. Mr. Liebno informed the Commission that Mr. Standfield was employed by various Baltimore entities dealing with public service after his retirement, none of which required police officer certification. On February 16, 2018, Mr. Standfield was rehired by the Baltimore Police Department as their Chief of Patrol. Mr. Liebno stated that he has no documentation of police related training received by Mr. Standfield during his retirement from the Baltimore Police Department. Because of the length in his break in service, Mr. Standfield is required to attend a full entry-level training academy. Mr. Liebno stated that the Baltimore Police Department was asking for a waiver of all entry-level training required including Comparative Compliance training.

Mr. Daniel Beck, counsel for the Baltimore Police Department, stated that alternatively, if the Commission is not inclined to grant a waiver of all entry-level training, that they would ask for a waiver

of the entry-level training academy in order for Mr. Standfield to attend a Comparative Compliance program.

Mr. Standfield addressed the Commission members and reviewed his career with the Baltimore Police Department and his employment during the break in service.

**A MOTION to grant a waiver of the requirement to attend an entry-level training academy only was made by Chief Michael Wynnyk: SECONDED: Mr. Wes Adams. The MOTION carried.**

**9. Request for Waiver of Entry Level Training Requirements**

Mr. Albert Liebno explained that an Application for Certification was received from the Baltimore Police Department for the recertification of Gary Tuggle. He stated that Mr. Tuggle resigned from the Baltimore Police Department in January 1991, following almost 6 ½ years of service. He immediately was employed by the U.S. Drug Enforcement Administration (DEA) as a Special Agent. Special Agent Tuggle served in several offices in Pennsylvania, Delaware and Maryland. On March 5, 2018, he was rehired by the Baltimore Police Department at the rank of Deputy Commissioner. Mr. Liebno stated that because of the break in service, Mr. Tuggle would be required to attend a full entry-level training academy. He reviewed the training Mr. Tuggle has received since he left the Baltimore Police Department.

Mr. Daniel Beck, counsel for the Baltimore Police Department, reviewed Mr. Tuggle's career with the Baltimore Police Department as well as his career and training with the DEA. He stated that they were asking for a waiver of all entry-level training requirements based on Mr. Tuggle's experience and prior training.

Mr. Stuart Nathan questioned Mr. Beck as to how the Baltimore Police Department would bring Mr. Tuggle up to speed on Maryland law requirements. Mr. Beck responded that Mr. Tuggle's experience with the DEA while in Maryland as the Special Agent in Charge kept him up to speed with Maryland requirements. Mr. Nathan voiced his concern regarding federal law versus Maryland law. Mr. Beck stated that the Baltimore Police Department would be willing to provide any supplemental training that was necessary.

Mr. Tuggle informed the Commission that he was up-to-date on many of the recent state laws considering that many of the federal cases he worked on began at the State level.

Police Commissioner Darryl De Sousa reviewed Mr. Tuggle's qualifications for the position he is being appointed to.

A discussion was had regarding the concern in the length of time of Mr. Tuggle's break in service and whether or not additional training was needed.

**A MOTION to grant a waiver of the requirement to attend an entry-level training academy only was made by Chief David Rice: SECONDED: Mr. Stuart Nathan. The MOTION carried.**

**10. Request for Waiver of Entry Level Training Requirements**

Mr. Albert Liebno stated that the next issue is actually requests for four officers of the DHMH SETT Unit. He explained that under the former leadership of the unit, four officers who hold SPO commissions, did not go through the application process in order for them to be recertified as police officers. Mr. Liebno stated that he and the former Executive Director had spoken to the individual overseeing the unit regarding what would need to be done to fully certify these individuals which was

the requirement of DHMH administration. Mr. Liebno informed the members that the application process was never completed.

Chief Patrick Morris informed the members that everyone in the unit was, at one time, a certified police officer. He explained the current duties and responsibilities of the officers.

Mr. Liebno explained that Chief Morris was now asking for a waiver of entry-level training in order for these four individuals to obtain police officer certification. He further explained that this waiver would only be for certification in the SETT Unit and if these officers applied to another agency at another time, they would need to fulfill the entry-level training requirements. Mr. Liebno reviewed the first applicant's employment, certification and training history. A discussion followed as to the benefits of attending a full academy versus a Comparative Compliance program. Mr. Liebno explained that the Commission had the option of granting a waiver which would include a caveat specific to the applicant's current employment only.

Upon questioning, Chief Morris confirmed that it is an agency requirement that these officers be certified. Mr. James Pyles gave an overview of the unique responsibilities of the officers employed with DHMH and how they are divided among eleven hospitals statewide. He explained that each hospital has a police department with a chief who reports to him, and that all of the hospitals were in compliance with DHMH's requirement to have their officers certified except for the SETT Unit. Mr. Pyles stated that unlike the other hospitals, the duties of the SETT Unit officers are more attuned to those of a correctional officer. He explained that DHMH has their own in-house training system and additionally use alternative programs to obtain their mandatory in-service training.

Chief Morris stated that there are other officers in the SETT Unit that are certified. He further stated that the length of break in service for each of the four officers in question was different but that they were all over five years.

A discussion was had as to understanding what type of training would be appropriate for this group of officers before being able to make a decision on granting or denying a waiver. Mr. Liebno informed Mr. Pyles that if DHMH decides as an agency to only require SPO commission and not certification by the Police Training and Standards Commission, there would be no further discussion necessary. Mr. Pyles informed the members that he would like to put this issue on hold so that he can have a discussion with the DHMH Secretary as to only requiring SPO commission for the SETT Unit officers.

Colonel Pallozzi advised that the matter would be tabled until the July 2018 meeting, at which time an update would be given as to the decision made. Mr. Liebno reminded the members and Mr. Pyles that all four officers have been issued a ninety-day provisional certification card, which if necessary, could be extended for an additional ninety-days.

*Recorder's Note: At 11:35 a.m., Colonel Pallozzi advised that there would be a break. The meeting resumed in Open Session at 11:52 a.m.*

Colonel Pallozzi announced that the next two items would be heard in Closed Session.

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

**A MOTION was made by Police Commissioner Darryl De Sousa to adjourn to a Closed Session: SECONDED: Sheriff Joseph Gamble. The Members were polled to record their vote. The Motion carried unanimously.**

*The meeting adjourned to a Closed Session at 11:53 a.m.*

**11. Request for Waiver of Selection Standards for Certification**

**A MOTION to allow the officer to maintain his current certification was made and SECONDED. The Members were polled to record their vote. The MOTION carried.**

**12. Request for Waiver of Prior Drug Use Standards for Certification**

**A MOTION to grant a waiver of prior drug use standards for the officer to maintain his current certification was made and SECONDED. The Members were polled to record their vote. The MOTION carried.**

**A MOTION was made by Police Commissioner Darryl De Sousa to adjourn to an open session: SECONDED: Sheriff Timothy Cameron. The MOTION carried.**

*Recorder's Note: This concluded the closed session. The meeting adjourned to an open session at 12:53 p.m.*

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

**13. Old Business**

**a) Update on Job Task Analysis**

Mr. Albert Liebno stated after preliminary research that an updated Job Task Analysis would cost less than \$100,000 and that there have been discussions with GOCCP for possible assistance with funding. He explained that because the current fiscal year is almost over, the funding, if a grant could be secured, would not be available until July 1, 2018. Mr. Liebno stated he has had preliminary conversations with System Design Group, the company that performed the prior analyses and that he would give a further update at the July meeting.

**b) Psychological Evaluations – COMAR Amendment**

Mr. Albert Liebno referred the members to the white paper produced by MPCTC staff entitled "Recommendations for Pre-employment Psychological Screenings for Police Officer Candidates in Maryland." He stated that potential COMAR changes would be in order to qualify these recommendations, as well as the definition of "Mental Health Professional."

PSETC Executive Director Karen Kruger explained the legislative history that lead up to these proposed changes and explained the proposals that the Commission staff were offering. She reminded the members that all COMAR regulations are minimum requirements and that agencies can always increase their standards.

Ms. Jennifer Beskid described the research involved in the facts presented in the white paper regarding psychological evaluations. A discussion followed as to the benefits of the different levels and types of testing.

Dr. Steve Curran and Dr. Doug Craig with Atlantic OccuPsych distributed a document and gave an overview of what they considered the recognized specialty area of police psychology. They suggested the Commission would better serve the public by setting standards as to the requirements of those who are conducting the psychological evaluations for law enforcement officers. The doctors proposed to



have psychologists register to demonstrate they have the proper education, experience and regular training to perform these specialized evaluations and to ensure the results are reliable and valid. Upon questioning, Dr. Curran indicated there were less than five professionals in Maryland with the qualifications and certifications he recommends. There was a concern expressed that this could be an issue. Dr. Curran responded that more practitioners could be brought up to speed to be able to perform these functions.

A discussion was had as to what the requirements or minimum standards should be for a mental health professional to demonstrate they are qualified to perform the required psychological testing according to COMAR.

Mr. Liebno distributed a document indicating the proposed changes to COMAR 12.04.01.04F, Physical and Mental Health Examinations. He reviewed all of the proposed changes and pointed out that the required psychological evaluation will include a nationally recognized screening instrument as well as interviews and/or observational data conducted by the mental health professional. Additionally, he referred to the document in the binder referencing the definition of "Mental Health Professional".

A discussion was had as to whether or not the proposed amendments included the appropriate concerns.

Colonel Pallozzi explained that, if approved, these amendments would be published in the Maryland Register for comment and subsequently be brought back before the Commission to decide whether or not they should be adopted.

**A MOTION was made by Chief David Rice to allow for publication of the proposed amendments to Regulation 12.04.01.04F – Physical and Mental Health Examinations. SECONDED: Police Commissioner Darryl De Sousa. The Motion carried.**

Mr. Liebno directed the members to the document in the binder which indicated the proposed amendment to COMAR 12.04.01.01, "Definitions". He stated that item 14 defines the meaning of "Mental Health Professional". The members agreed that the Mental Health Professional be qualified to administer a nationally recognized screening instrument and that reference should be included in the proposed definition.

**A MOTION was made by Mr. Wes Adams to allow for publication of the proposed amendment to Regulation 12.04.01.01– Definitions. SECONDED: Chief Michael Wynnyk. The Motion carried.**

#### **14. New Business**

Delegate Michael Jackson informed the members that the General Assembly passed the Hometown Heroes Act which expands the existing military retirement income tax subtraction and now includes law enforcement, fire, rescue and emergency services as well as correctional officers. He also mentioned the passing of HB24 establishing the Maryland Police Training and Standards Commission Fund, which provides \$2 million in funding to the Commission for activities and training as of July 1, 2018.

Captain Michael Crabbs approached the Commission with a proposal to standardize lesson plans for the police entry-level academies in Maryland to ensure that they all meet the minimum standard requirements under COMAR. He stated his proposal is to establish a sub-committee to review lesson plans currently approved for entry-level training academies and out of those lesson plans, the committee would make a recommendation back to the Commission so that all academies are teaching from the same lesson plans. Captain Crabbs stated that the academies could add to the lesson plans if needed. He

stated he understands this would be a long, slow process but that it would ultimately aid in correcting issues and adding transparency.

Mr. John Moses suggested discussing this proposal with the academy directors to get their input and also mentioned that if the proposal is moved forward, the pending Job Task Analysis might have some effect on the lesson plans.

Captain Crabbs explained how this proposal would benefit both the academies and the auditors and what the suggested procedure might be to accomplish this.

The members agreed to re-address this issue at the July meeting after an update is received on the Job Task Analysis.

**A MOTION to adjourn was made by Sheriff Timothy Cameron: SECONDED: Chief Gary Gardner. The MOTION carried. The meeting adjourned at 2:00 p.m.**

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