

**MARYLAND POLICE TRAINING AND
STANDARDS COMMISSION
REDACTED Minutes – 6th Meeting – January 3, 2018**

MEMBERS PRESENT

Colonel William Pallozzi, Secretary, Department of State Police (Chair)
Sheriff Troy Berry, Charles County Sheriff's Office, Regional Representative (Vice-Chair)
Commissioner Kevin Davis, 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
Gordon Johnson, Special Agent in Charge, Baltimore Office, Federal Bureau of Investigation
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
Vince Canales, President, Maryland State Fraternal Order of Police
Captain W. Michael Crabbs, Community Policing Expert
Miguel Dennis, Policing Standards Expert
Dr. Michael Finegan, Mental Health Expert
Curt Anderson, State Delegate

MEMBERS ABSENT

Gwendolyn Smith, representing the President of the Maryland Law Enforcement Officers, Inc.
Wes Adams, Maryland State's Attorneys' Association
Matthew Alonsozana, Citizen of the State
Marcus Pollock, Citizen of the State
Victor Ramirez, State Senator
Michael A. Jackson, State Delegate
Michael Hough, State Senator

STAFF PRESENT

Karen Kruger, Executive Director, Public Safety Education and Training Center
Albert L. Liebno, Jr., Deputy Director
Katie Johnson, Registrar
Michelle Wilson, Assistant Attorney General
Michael Pristoop, Director of Policy and Process
Robert Wagner, Director of Police Training
Myrna Adejoh, Certification Administrator
Jama Acuff, Compliance Officer
Kate Gossard, Director of Support Services
Michael Edwards, LDI Acting Director
Jennifer Beskid, Grants Coordinator
Lewis Pindell, Media Specialist
Jeanne Chenoweth, Recorder

GUESTS

Michael Stelmack, Executive Director, Special Programs and Services
John Moses, Eastern Shore Criminal Justice Academy
Stuart Lodge, Kent County Sheriff's Office
Dennis Hickman, Kent County Sheriff's Office
Jordan Proudfoot, Kent County Sheriff's Office
Clarence Rucker, Capitol Heights Police Department
Mark Cummings, Capitol Heights Police Department
Daniel Bridges, Mount Airy Police Department
Doug Reitz, Mount Airy Police Department
Curt Snyder, Mount Airy Police Department
Kris Marsh, University of Maryland
Genesis Fuentes, University of Maryland
Keith Hicks, Training Directors Association
Percy Alston, Prince George's Community College Public Safety Institute
Steven Lohr, Hagerstown Fire Department

Colonel William Pallozzi called the 6th 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 – October 4, 2017
2. Facility Report
3. Legal Issues
 - a) Audio Recording During Deliberations in Closed Session
4. Old Business
 - a) Finalize Community Policing Best Practices Proposal
 - b) Finalize Recruiting Best Standards Proposal
 - c) Finalize Definition of “Serious Police Involved Incident/Actively Involved”
 - d) Confidential Hotline
 - e) Draft Legislative Amendments
 - f) In-Service Training: Use of Force De-Escalation
 - g) Other House Bill 2016 Updates
5. New Business
 - a) Executive Director of Commission
 - b) Objectives for First Line Administrator Training
 - c) Comparative Compliance Waivers - Police Training Directors Association
 - d) SWAT Standards (SB941)
 - e) Follow-Up on Academy Audits
 - f) Certification Issues
6. Request for Waiver of Selection Standards for Certification
7. Request for Waiver of Selection Standards for Recertification
8. Request for Waiver of Selection Standards for Recertification

1. Approval of Minutes – October 4, 2017

Colonel William Pallozzi asked the Members to review the minutes of the 5th meeting of the Police Training and Standards Commission.

A MOTION to approve the minutes from the October 4, 2017 meeting of the Police Training and Standards Commission was made by Chief David Rice: SECONDED: Mr. Vince Canales. 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. In addition, Ms. Kruger thanked Mr. Bob Wagner and his staff for the work they have done in preparing for the Police Entry Level Training Academy. She also mentioned the comprehensive study of the First Line Administrator program and objectives which was done by Mr. Michael Edwards and the Leadership Development Institute. Ms. Kruger stated that the objectives have been revised and will be presented to the Commission later in the meeting. She also advised the members that the Center's librarian retired and conversations are now being had as to how to best utilize the library and its resources. Ms. Kruger also acknowledged the Maryland Crime Prevention Institute staff for another successful Governor's Crime Prevention Awards and Luncheon which was held in December. There were no questions for Ms. Kruger.

3. Legal Issues

a) Audio Recording During Deliberations in Closed Session

Assistant Attorney General Michelle Wilson informed the members that currently, during closed sessions, while members are deliberating an issue after the parties have left the room, the current procedure is to continue the audio recording during their discussions. Ms. Wilson stated that this is not a requirement under the Open Meetings Act and it is up to the members as to whether or not they want to continue this or alternately, to have the recording stopped during this period. The members agreed that they have no objection to continuing the recording.

b) Other

Ms. Wilson brought up the concern from staff regarding the legal use of marijuana as it relates to an Application for Certification and COMAR selection standards. She referenced a 2011 letter from the ATF regarding their stance on this issue. Ms. Wilson stated that according to that letter, any use or possession of marijuana is still considered illegal. She stated that she had recent contact with the ATF and they maintain their position has not changed. Ms. Wilson stated that the COMAR references to the illegal use of marijuana are vague as to whether the use is in reference to State or Federal law. She suggested that the COMAR language be cleaned up as to what the Commission's intent is and to define "illegal" use. Commission members asked that information be gathered from other states as to how they address this issue and to have an opinion prepared from the Attorney General's Office.

4. Old Business

a) Finalize Community Policing Best Practices Proposal

Colonel Pallozzi thanked Captain Michael Crabbs for preparing the Community Policing Best Practices document as presented in the binder. Captain Crabbs stated that he and a workgroup researched and completed the document which is in compliance with legislative requirements. He stated that it is now up for approval by the Commission for distribution. Upon questioning, Captain Crabbs stated the document includes best practices along with a requirement for each agency to incorporate the Ten Guiding Principles of Community Policing within their program. He further stated that all local jurisdictions will be required to submit a description of their programs to the Commission annually for review.

A MOTION to adopt the Community Policing Best Practices document was made by Chief Michael Wynnyk: SECONDED: Chief Gary Gardner. The MOTION carried.

b) Finalize Recruiting Best Standards Proposal

Colonel Pallozzi referred the members to the Recruiting Best Standards document in the binder.

A MOTION to adopt the Recruiting Best Standards Proposal document was made by Chief David Rice: SECONDED: Sheriff Troy Berry. The MOTION carried.

c) Finalize Definition of “Serious Police Involved Incident/Actively Involved”

Colonel Pallozzi referred the members to the definition of “Serious Police Involved Incident/Actively Involved” as presented in the binder. A discussion was had as to the intent of the definition and whether or not it covers the intended circumstances and protects the impacted officers.

A MOTION to approve the definition of “Serious Police Involved Incident/Actively Involved” definition was made by Mr. Vince Canales: SECONDED: Chief David Rice. The MOTION carried.

Mr. Albert Liebno referred the members to the reporting form template for “Serious Police Involved Incident(s) and Disciplinary Report Form” as developed by staff. He stated that the form breaks at a certain point into two separate obligations which is not visible on the copy. Mr. Liebno also stated that once the template is on-line, it will be clear. It was suggested to add the words “If Applicable” in two areas for clarity.

d) Confidential Hotline

Mr. Albert Liebno referred the members to the “Safe Call Now” brochure as presented in the binder. A discussion was had as to whether or not the brochure satisfied the requirements of a confidential hotline for public safety as required by statute. Mr. Liebno also informed the members that this brochure would be on the MPCTC website for easy access and would also be distributed through various organizations including MCPA and MSA.

A MOTION to approve the “Safe Call Now” brochure to satisfy the Confidential Hotline mandate was made by Sheriff Joseph Gamble: SECONDED: Chief Michael Wynnyk. The MOTION carried.

Dr. Finnegan requested that a list of resources be made available as to who the officers are being referred to.

e) Draft Legislative Amendments

Ms. Karen Kruger referred the members to the draft legislative proposals presented in the binder regarding revisions to PSA 3-207 and 3-209. A discussion was had as to the current requirements for psychological evaluations of police officers and applicants, who is qualified to perform such evaluations and whether or not the Commission is qualified to approve those performing the evaluations.

A MOTION to approve the amendment to PSA 3-207 as presented, removing evaluation and replacing with consultation, was made by Chief Michael Wynnyk: SECONDED: Mr. Miguel Dennis. The MOTION carried.

A suggestion was made that the proposal to amend PSA 3-209(a)(2) should end at “submits to a psychological evaluation” thereby removing “by a psychologist approved by the Commission” and

allowing COMAR to procedurally deal with the remaining capitalized portion of the proposed amendment.

A MOTION to amend to PSA 3-209(a)(2) by removing “by a psychologist approved by the Commission” was made by Sheriff Timothy Cameron: SECONDED: Chief David Rice. The MOTION carried.

f) In-Service Training: Use of Force De-Escalation

Mr. Albert Liebno stated that the first part of this issue was a legislative requirement to recommend and adopt a set of best practices and standards for the use of force by law enforcement officers. He referred the Members to the document in the binder which was being presented for consideration and approval.

A MOTION to adopt and recommend the Protocols and Standards for Use of Force document as presented was made by Chief Michael Wynnyk: SECONDED: Chief David Rice. The MOTION carried.

Mr. Liebno stated that the second part of this issue dealt with training and a new requirement that entry-level police training, and at least every 2 years for in-service training, include “special training, attention to and study of the application of antidiscrimination and use of force de-escalation training”. He reported that this requirement has already been in place for a few years, therefore no further action is required of the Commission.

g) Other House Bill 2016 Updates

Mr. Albert Liebno stated that the Uniform Complaint Process is still being worked on. He further stated that the Civilian Trial Board Training is being put off until an agency has identified that they are placing civilians on trial boards and the process is put in place. Upon questioning, Mr. Liebno stated that the training is in place when the need arises.

Colonel William Pallozzi updated the Members on the status of conducting a Job Task Analysis which was brought up at the last meeting. He stated that GOCCP has agreed to provide the funding and that once started, the process could take six to nine months.

Recorder’s Note: At 12:07pm, Colonel Pallozzi stated there would be ten minute break.

The meeting resumed in Open Session at 12:20pm. Mr. Vince Canales, Commissioner Kevin Davis, SAC Gordon Johnson and Delegate Curt Anderson did not return to the meeting.

Sheriff Joseph Gamble left the meeting at 12:40pm.

5. New Business

a) Executive Director of Commission

Colonel William Pallozzi stated that Mr. Everett Sesker resigned as the Executive Director of the Commission. He stated that the Commission will be working with DPSCS to start the process of hiring a replacement. Colonel Pallozzi stated that he would recommend that members of the Commission sit on the final interview panel, along with two outside representatives, and make a recommendation to the full Commission who would then make the recommendation to the Governor’s office. He encouraged the Members to get the word out to their law enforcement colleagues in order to have a good pool of applicants. Chief David Rice, Mr. Miguel Dennis and Sheriff Troy Berry volunteered to sit on the interview panel.

b) Objectives for First Line Administrator Training

Mr. Albert Liebno referred the members to the document in the binder. He stated that the staff of the Leadership Development Institute evaluated and studied the objectives of the mandated First Line Administrator program. He stated that the last set of 36 objectives which were approved in 2007, have now been revised to 8 terminal objectives and 24 enabling objectives. Mr. Liebno clarified that the former 36 requirements are all included in the current proposal. He stated that staff is now asking that the proposal be approved as the required mandated First Line Administrator program effective July 1, 2018.

A MOTION to approve the proposed objectives for the mandated First Line Administrator program effective July 1, 2018 was made by Chief David Rice: SECONDED: Chief Michael Wynnyk. The MOTION carried.

c) Comparative Compliance Waivers - Police Training Directors' Association

Mr. Albert Liebno referred the members to the letter in the binder from Mr. David Simonetti of the Police Training Directors' Association. He stated that the letter addressed concerns in response to an action the Commission took at its last meeting wherein a Comparative Compliance training waiver was granted for an out-of-state officer that did not meet the mandated entry-level standards. Mr. Liebno said that the letter indicated the Police Training Directors' Association was not in support of that action. He further stated that former Executive Director, Everett Sesker responded to the letter and assured Mr. Simonetti that he would bring the letter to the Commission's attention. Mr. Liebno stated that this was an informational presentation only.

d) SWAT Standards (SB941)

Mr. Albert Liebno stated SB941 which was passed last year dealt with the Commission's obligation, in consultation and cooperation with commanders of SWAT teams, to develop standards for training and deployment of SWAT teams. He stated that he has been in contact with Maryland State Police and Anne Arundel County Police and has been informed that the SWAT commanders group has started working on the requirements of this bill which became effective on October 1st. Mr. Liebno stated that he will keep the Commission updated as they proceed.

e) Follow-Up on Academy Audits

Mr. Albert Liebno stated that the MPCTC Certification Unit informed him that severe issues were uncovered during two police training academy audits. Upon questioning, he stated the Washington Metro Transit Administration Academy and the Anne Arundel Community College Academy are currently not compliant. Mr. Liebno stated that staff is working with both and will keep the Commission advised.

Mr. Liebno also informed the members of a concern wherein the auditors are finding a lack of documentation that certain selection standards are being met. He stated that staff is working with the respective agencies and getting the word out that this documentation must be maintained. Mr. Liebno suggested more frequent training for new chiefs and sheriffs who are ultimately responsible for being sure these requirements are met. Chief Gary Gardner stated that the MCPA will work with the Commission to get this information out.

f) Certification Issues

Mr. Albert Liebno informed the members that IACP maintains a National Decertification Index which is updated by individual states with law enforcement officers who have been decertified or denied

recertification. He stated that during an update and review of this index, staff found that two officers, who were denied recertification by the Commission in the past, were now currently certified. Mr. Liebno stated that a former Certification Unit staff member erroneously recertified both of these officers and that this staff member was terminated for malfeasance of office. Upon a request for additional information regarding the denials of certification, Colonel William Pallozzi stated that the meeting would need to go into a closed session. Upon questioning, Mr. Liebno stated that both of these officers are currently employed by and actively working for a law enforcement agency.

Recorders Note: Ms. Chenoweth 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 David Rice. The Members were polled to record their vote. The Motion carried unanimously.

The meeting adjourned to a Closed Session at 12:46 p.m.

Recorder's Note: Delegate Curt Anderson returned to the meeting at 12:55 pm.

A MOTION to Approve the application for certification retroactively was made and SECONDED: The Members were polled to record their vote. The MOTION carried.

A MOTION to temporarily suspend a certification was made and SECONDED: The Members were polled to record their vote. The MOTION carried.

6. Request for Waiver of Selection Standards for Certification

A MOTION to Grant a Waiver of Selection Standards for Certification was made and SECONDED: The Members were polled to record their vote. The MOTION carried.

7. Request for Waiver of Selection Standards for Recertification

A MOTION to Deny a Waiver of Selection Standards for Recertification was made and SECONDED: The Members were polled to record their vote. The MOTION carried.

8. Request for Waiver of Selection Standards for Recertification

A MOTION to Grant a Waiver of Selection Standards for Recertification was made and SECONDED: The Members were polled to record their vote. The MOTION carried.

A MOTION was made by Chief David Rice 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 2:20 p.m.

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

Mr. Stuart Nathan asked Mr. Liebno if he would be following up with a specific agency as to why an officer's issue was not reported to the Commission. Mr. Liebno stated he would be in contact with

them. He also stated that there is no repercussion against an agency that fails to disclose information to the Certification staff. A discussion followed as to possibly readdressing the current drug standards in COMAR.

A MOTION to adjourn was made by Sheriff Timothy Cameron: SECONDED: Sergeant Allison Ehart. The MOTION carried. The meeting adjourned at 2:27 p.m.

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