

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

****Teleconference** Minutes – 26th Meeting – January 5, 2022**

MEMBERS PRESENT

Sheriff Troy Berry, Charles County Sheriff's Office, Regional Representative (Chair)
Thomas Simpson, representing the President, Maryland Law Enforcement Officers, Inc.
Matthew Alonzoana, Citizen of the State
Vanessa Atterbeary, State Delegate
Captain W. Michael Crabbs, Community Policing Expert
Dr. Michael Finegan, Mental Health Expert
Richard Gibson, Maryland State's Attorneys' Association
Thomas Sobocinski Special Agent in Charge, Baltimore Office, FBI
Jazz Lewis, State Delegate
Miguel Dennis, Policing Standards Expert
Chief Arnold Downing, Chairman, MD Municipal League Police Executive Association
Chief Barbara Duncan, Salisbury Police Department, Regional Representative
Lt. Allison Ehart, Howard County Police Department, Regional Representative
Sheriff Joseph Gamble, Wor-Wic Program Advisory Committee – Criminal Justice
Zenita Hurley, representing the Office of the Attorney General
Chief Jarod Towers representing the President, Police Chiefs Association of Prince George's County
Major Derek Loeffler, representing Police Commissioner Michael Harrison, Baltimore Police Department
Clyde Boatwright, Maryland State Fraternal Order of Police
Chief John Nesky, representing the President, Maryland Chiefs of Police Association
Sheriff Mike Lewis President, Maryland Sheriff's Association

MEMBERS ABSENT

Colonel Woodrow (Jerry) Jones, Secretary, Department of State Police (Vice-Chair)
Marcus Pollock, Citizen of the State
Michael Hough, State Senator
William C. Smith, Jr., State Senator

STAFF PRESENT

Wayne Silver, Executive Director, PTSC
Albert L. Liebno, Jr., Executive Director, PCTC
Allen Beard, Executive Director, CTC
Kelly Brauning, Certification Administrator
Stephanie Cain, Compliance Administrator
Jeanne Chenoweth, Recorder
Katie Johnson, Recorder
Matthew Mellady, Assistant Attorney General
Gary Gardner, Policy Director
Robert Wagner, Director of Law Enforcement Training
Maryann Foxwell, Director Leadership Development Institute
Mike Casamento, Maryland Crime Prevention Institute
Mike Krok, Leadership Development Institute
Cheryl Pendergast, Leadership Development Institute

GUESTS

John Moses, ESCJA
Dr. Patricia Frye

James Houck, MSP
Sheriff Darren Popkin
Robert Drummer
Richard Wiersberg
Ethan Hunt
Percy Alston
Kathleen Bouchert
Susan Farag
Captain Marc Erne
Olivia Boykin
Major Charles Rapp

Sheriff Troy Berry, Chair, called the 26th meeting of the Police Training and Standards Commission (PTSC) being held remotely from the Public Safety Education and Training Center to order at 10:07 a.m. A roll call was taken for members and guests were confirmed. A quorum was present. Sheriff Berry welcomed everyone.

The agenda was as follows:

1. Approval of Minutes October 6, 2021 and October 29, 2021
2. Facility Report
3. Legal Issues
4. Old Business
 - a) Effects of Marijuana – Dr. Patricia Frye
 - b) Update on Job Task Analysis
 - c) Update on Amendments to Drug Regulations
 - d) Update on Red Dot Regulations
 - e) Use of Force Training Affirmation and Sanctity of Life Pledge
 - f) Legislative Updates
 - g) Video Conferencing for Mental Health Evaluations
5. New Business
6. Training Academy Audit

1. Approval of Minutes – October 6, 2021 and October 29, 2021

Sheriff Berry asked for approval of the October 6, 2021 and October 29, 2021 minutes as presented.

A MOTION to approve the minutes from the October 6, 2021 and October 29, 2021 meetings of the Police Training and Standards Commission was made by Mr. Thomas Simpson: SECONDED: Mr. Matthew Alonsozana. 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 reviewed the year-end compliance numbers for in-service and firearms training and stated that all agencies that are not in compliance have been notified. Mr. Liebno noted that there were four selection standard and five academy audits performed this quarter. He also mentioned that staff continues to work through the procurement process for the Virtual Training System and the LMS System and hopes to have a more definitive update at the next meeting. Mr. Liebno stated that updates on the COMAR amendments would be addressed later in the meeting. There were no questions for Mr. Liebno.

3. Legal Issues

Assistant Attorney General Matthew Mellady reminded the members that a Petition for Judicial Review had been filed by Mr. Kerrick Thomas regarding a denial of recertification. He stated that the Circuit Court dismissed the case and Mr. Thomas appealed the decision with the Court of Special Appeals. The case was placed on the informal briefing docket for February. Mr. Mellady stated that he filed his brief and would update the members at the April Meeting.

Recorders Note: Delegate Vanessa Atterbeary joined the meeting at 10:15 a.m.

Mr. Gary Gardner also addressed the members and stated that committee members have been working on the Police Accountability Board and Disciplinary Matrix documents as required by the legislature. He reviewed the processes used to develop the documents and stated that finalized versions should be available shortly for review. Upon questioning, Mr. Wayne Silver stated that he has been in contact with Campaign Zero, an advocacy group that has worked with the legislature and were interested in sharing their research in coming up with a Disciplinary Matrix. He further stated that staff is waiting on a document being prepared by the Attorney General's Office on "necessary and proportional" as it relates to Use of Force. Sheriff Berry commented on the importance of having the Attorney General's Office opinion before the Disciplinary Matrix is finalized so that everyone is on the same page in interpretation and teaching. A discussion followed as to training concerns and issues as well as the July 1st deadline. The members also discussed the importance of a well-defined document so that the definitions are not left open to individual interpretation.

4. Old Business

a) Effects of Marijuana – Dr. Patricia Frye

Mr. Liebno stated that during previous meetings, members had asked that a specialist in medical marijuana address them to give a better insight as to the effects that medical marijuana might have as related to law enforcement. He introduced Dr. Patricia Frye, of the University of Maryland School of Pharmacy. Dr. Frye reviewed with the members, among other things, the types of marijuana users, the products used, the reasons for use, the effects of different uses and THC/CBD levels. She reviewed her analysis and research relative to impairment, driving, motor skills and cognizant issues and the effects on occasional use versus chronic use. Dr. Frye stated that a person can test positive but may not be impaired and also that after prolonged use, impairment may not occur as it would for an occasional user. She stated that the research showed that many factors, such as type of product, type of user and medical condition can determine the level of impairment that might occur and that situations such as alcohol use and other medications may be contributors. Upon questioning Dr. Frye stated that there are no cognitive or brain damaging effects of normal medical cannabis use and that the high is short lived for a patient unless extremely high levels of THC are prescribed.

Dr. Michael Finegan added that law enforcement should look at the more specific effects and behavior, such as impulsivity, rather than the broad effects of medical marijuana as they relate to police officer functions such as driving. He suggested that the Commission staff look into the states that have passed legislation allowing marijuana for recreational purposes, and the driving fatality rates since the passing of that legislation in comparison to states that have not legalized marijuana.

Dr. Frye stated that often impairment is a product of other situations such as alcohol or additional medications, even though a driver might test positive for marijuana because it lingers but is not active. Upon questioning, Dr. Frye stated that medical marijuana use would have no different effect on a potential candidate for law enforcement employment than one who was an alcohol user. She also reminded the members that unlike alcohol, THC lingers in the body for a long time, so testing methods are not reliable for recent use indicators. Upon questioning, Dr. Frye admitted that, unlike alcohol use, there is no specific testing method that would be of use to law enforcement to indicate that an officer

recently used marijuana. She stated that job performance might be a better indicator as it might be for any other misuse of drugs. Dr. Frye, upon questioning, stated that she was not familiar with the Rocky Mountain HIDTA report and could not address the specifics. Based on additional comments, Dr. Frye reminded the members that her presentation was based on the legal use of controlled medical marijuana as requested by the Commission and not on street or synthetic marijuana which might have a different makeup and cause other effects.

b) Update on Job Task Analysis

Mr. Wayne Silver stated that the contractor has completed their portion of the Job Task Analysis and that staff was in the process of completing the Enabling Objectives. He explained the processes and data used to develop the objectives and presented a status report. Mr. Silver said that the Job Task Analysis was now 70% complete and should be finalized by the April 2022 meeting.

c) Update on Amendments to Drug Regulations.

d) Update on Red Dot Regulations

Mr. Liebno addressed both of these items. He stated that the amendments to the drug regulations, which were submitted on November 8th had not yet been published in the Maryland Register and that no additional action could be taken at this time. Mr. Liebno informed the members that the new Red Dot Regulations which were submitted on October 27th were published on January 3rd but the corresponding Instructor Regulations had not been published. He stated that an additional Commission meeting will be scheduled if necessary to give final approval of all of these so that they can be effective as soon as possible.

e) Use of Force Training Affirmation and Sanctity of Life Pledge

Mr. Liebno stated that staff has developed a sample Use of Force Training Affirmation and Sanctity of Life Pledge as required by the legislature as of July 1, 2022 and that the documents require the approval of the Commission. He said that upon approval, the sample documents would be sent out to all law enforcement agencies and posted on the MPCTC website. Mr. Liebno explained that there were separate versions for Certified Police Officers and for Special Police Officers (SPO's).

A MOTION to approve the proposed sample Use of Force Training Affirmation and Sanctity of Life Pledge was made by Mr. Thomas Simpson: SECONDED: Mr. Richard Gibson. The MOTION carried.

f) Legislative Updates

There were no additional legislative items to discuss.

g) Video Conferencing for Mental Health Evaluations

Mr. Silver informed the members that he had been approached to consider extending allowing video conferencing for Mental Health Evaluations that was in affect during the State of Emergency. He stated that since that State of Emergency has concluded, currently all Mental Health Evaluations must be in person. AAG Matthew Mellady agreed and said that yesterday's Governor's proclamation of an additional temporary 30-days, does not require the Commission to alter their status quo of in-person evaluations.

Sheriff Berry asked if there were any additional items in Old Business. Dr. Finegan referred to the document sent out to the members on the Body Worn Camera Policy. Mr. Liebno stated this document was a Model Policy written in 2016 and that two edits were being proposed, to match the requirements of SB71 and to address the use of body worn cameras in courtrooms. The edits were indicated in yellow in the document. Dr. Finegan suggested adding to Section I – Review of Recordings, to include “in the treatment of officers following critical incidents”. A discussion followed as to in what circumstances

would it be appropriate and at what point in a critical incident would it be appropriate to review the footage of a body worn camera and still protect the integrity of an investigation and also assist or protect the officer. Because of the complexity and the numerous circumstances involved in a critical incident, the members tabled the amendments to the Body Worn Camera Policy until more thorough discussions can be had and the appropriate language can be developed. Upon questioning Mr. Liebno stated that the proposed verbiage in Section D was taken directly from the Court rules.

6. New Business

There was no New Business for discussion.

Sheriff Berry announced that the next item would be heard in Closed Session.

Recorders Note: Ms. Chenoweth read the required closed session statement into the record.

A MOTION was made by Mr. Thomas Simpson to adjourn to a Closed Session: SECONDED: Mr. Clyde Boatwright. The Motion carried unanimously.

The meeting adjourned to a Closed Session at 12:27 p.m.

7. Training Academy Audit

Mr. Wayne Silver addressed the members and informed them that following a routine audit of the Baltimore Police Department's (BPD) entry-level training academy in August 2021, it was determined that there was insufficient required documentation that certain objectives were mastered. He stated that staff met with the BPD and determined that a full audit was appropriate. Mr. Silver stated that during that audit, core issues were identified and it was found that the appropriate administrative processes were not present to document that certain objectives were met. He informed the members that not only were there certified officers who were not documented as satisfying the objectives, but there was also an academy that was to graduate in the near future that also lacked the required documentation. Mr. Silver stated that a follow up meeting was held and a mitigation plan was developed and agreed to by all. He gave an update on the outstanding issues, including four candidates who because of COVID issues could not show that they have mastered certain objectives. Mr. Silver outlined the details of the mitigation plan put in place to correct this matter and to ensure that these issues would not reoccur. He stated that in addition, BPD is in the process of hiring a Training Administrator to track their records and to be sure that the appropriate processes were in place. Upon questioning, Mr. Silver explained that there was no evidence that the objectives had not been met, but that there was no required documentation that they had been met. He also informed that members that BPD staff visited the MPCTC Training Academy staff to identify best practices and policies that would improve their processes.

BPD Major Derek Loeffler addressed the members and stated that the issues were a result of internal administrative processes and that they were working to improve the accuracy of their records documentation.

A MOTION was made by Mr. Thomas Simpson to adjourn to an open session: SECONDED: Mr. Clyde Boatwright. The MOTION carried unanimously.

Recorder's Note: This concluded the closed session. The meeting adjourned to an open session at 12:58 p.m.

Sheriff Berry announced that a Training Academy Audit had been addressed.

Dr. Finegan asked that contact information for commission members be sent out to everyone.

Upon questioning, Sheriff Berry assured the members that additional meetings would be held as necessary to keep up with the numerous items required by July 1st.

A MOTION to adjourn was made by Mr. Thomas Simpson: SECONDED: Chief John Nesky. The MOTION carried. The meeting adjourned at 1:02 p.m.

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