

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION
REDACTED Minutes – 21st Meeting –July 13, 2021

MEMBERS PRESENT

Sheriff Troy Berry, Charles County Sheriff's Office, Regional Representative (Chair)
Colonel Woodrow (Jerry) Jones, Secretary, Department of State Police (Vice-Chair)
Matthew Alonsozana, Citizen of the State
Vanessa Atterbeary, State Delegate
Captain W. Michael Crabbs, Community Policing Expert
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 Robert Liberati, President, Police Chiefs Association of Prince George's County
Major Derek Loeffler, representing Police Commissioner Michael Harrison, Baltimore Police Department
Will Milam, representing Clyde Boatwright, Maryland State Fraternal Order of Police
Chief John Nesky, President, Maryland Chiefs of Police Association
Sheriff Darren Popkin, representing the President, Maryland Sheriff's Association
Thomas Simpson, representing the President, Maryland Law Enforcement Officers, Inc.

MEMBERS ABSENT

Dr. Michael Finegan, Mental Health Expert
Richard Gibson, Maryland State's Attorneys' Association
Marcus Pollock, Citizen of the State
Thomas Sobocinski, Special Agent in Charge, Baltimore Office, Federal Bureau of Investigation
Michael Hough, State Senator
Jazz Lewis, State Delegate
William C. Smith, Jr., State Senator

STAFF PRESENT

Albert L. Liebno, Jr., Executive Director
Jennifer Beskid, Policy, Process and Grants
Kelly Brauning, Certification Administrator
Stephanie Cain, Compliance Administrator
Gina Clay, Compliance Unit
Katie Johnson, Recorder
Matthew Mellady, Assistant Attorney General
Lewis Pindell, Technical Services

GUESTS

Douglas Craig, Atlantic Occupsych
Andrea Mansfield, Manis Canning & Associates
Chief Dave Morris, Riverdale Park Police
Mike McLenagan, HumRRO
John Moses, ESCJA
Chief Michael Spaulding, Sykesville Police

Sheriff Troy Berry called the 21st meeting of the Police Training and Standards Commission (PTSC) at the Public Safety Education and Training Center to order at 10:06 a.m. A quorum was present. Sheriff Berry welcomed everyone and asked those present to introduce themselves. He welcomed new members Chief Downing, Delegate Atterbeary and Major Loeffler.

The agenda was as follows:

1. Approval of Minutes April 14, 2021
2. Facility Report
3. Legal Issues
4. Request to Attend Comparative Compliance in Lieu of Full Academy
5. Request for Waiver of Firearms Training for Certification
6. Old Business
 - a) Update on Job Task Analysis
 - b) Update from Prior Substance Abuse Sub-Committee
 - c) Continuance of Video Conferencing for Mental Health Evaluation
 - d) Civil Citation Lesson Plan
 - e) Legislative Update
7. New Business

1. Approval of Minutes – Approval of Minutes April 14, 2021

Sheriff Troy Berry asked for approval of the April 14, 2021 minutes, noting that Mr. Alonsozana was present at the meeting.

A MOTION to approve the minutes from the April 14, 2021 meeting of the Police Training and Standards Commission was made by Mr. Thomas Simpson: SECONDED: Mr. Miguel Dennis. The MOTION carried.

2. Facility Report

Mr. Albert Liebno, Executive Director of the MD Police & Correctional Training Commissions (MPCTC), directed members to the report, which reviewed the activities at the Center during the past quarter. He noted that activity at the Center was less than normal but ramping up. He stated that staff continue to host programs virtually, and will offer some hybrid programs this fall.

Mr. Liebno added that equipment will be purchased using PTSC funds, and installed in each classroom so programs and meetings will always be ready to go virtual in case it's needed. Virtual Reality goggles will also be purchased to enhance scenario-based learning.

In regards to Certification, Mr. Liebno noted that the unit was working with a few agencies to reach compliance for 2020 records.

3. Legal Issues

Assistant Attorney General Matthew Mellady stated that he attended a circuit court hearing to address a challenge to a decision made by the Commission not to certify an officer. The officer in question did not show at the hearing. Since initial certification is not subject to judicial review, the judge agreed with Mr. Mellady to dismiss the motion.

4. Request to Attend Comparative Compliance in Lieu of Full Academy

Mr. Liebno stated that this item was resolved prior to the meeting and therefore removed from the agenda.

5. Request for Waiver of Firearms Training for Certification

Mr. Liebno stated that this item was also resolved prior to the meeting and removed from the agenda.

6. Old Business

a) Update on Job Task Analysis

Mr. Mike McLenagan of HumRRO presented an update on the job task analysis. He provided a snapshot of the process, and stated the final product will be available within the next month. MPCTC staff will then work to assign objectives, and bring these to the Commission in October.

Recorder's Note: Delegate Vanessa Atterbeary joined the meeting at 10:24 a.m.

b) Update from Prior Substance Abuse Sub-Committee

Assistant Attorney General Zenita Hurley informed the members that with House Bill 670, marijuana use can't be used as the sole disqualifier for a police officer applicant. She stated the subcommittee is researching other jurisdictions as well as federal firearms regulations to ensure the Commission's standards are consistent. The subcommittee is not addressing other substances at this time, and stated that natural grown marijuana is different from synthetic marijuana.

Mr. Mellady recommended a discussion be held in closed session regarding prior substance abuse. Sheriff Berry agreed to add the item to the agenda.

c) Continuance of Video Conferencing for Mental Health Evaluation

Mr. Liebno reminded the Commission that at the April 2020 meeting, members agreed that mental health assessments could be conducted via video during the pandemic. Now that the Governor has ended the state of emergency, prior decisions are no longer binding and mental health assessments must be conducted in-person in accordance with COMAR.

Dr. Douglas Craig of Atlantic Occupsych addressed the Commission, and requested that the definition of psychological evaluation be changed from "in-person" to "face-to-face" which would allow for telehealth assessments. He stated that his data supports increased validity of virtual assessments compared to in-person. Members were reminded that individual agencies could always require in-person psychological evaluations if they chose.

A MOTION was made by Mr. Thomas Simpson to table the issue until further research could be collected. There was no second. The motion was rescinded.

Sheriff Berry stated that he would discuss the issue with Dr. Finegan in order to gather more information and clarity on the issue. If needed, they will start to develop potential changes to the language of COMAR.

d) Civil Citation Lesson Plan

Mr. Liebno stated that House Bill 445 requires the Commission, in consultation with the Anne Arundel County Police Academy, to develop and maintain a training and certification curriculum for charging procedures for certain criminal offenses, which includes role-playing exercises. A lesson plan was sent electronically to members for review prior to the meeting.

Mr. Mellady stated the lesson plan was in compliance with PTSC standards. It was noted that if accepted, the lesson plan will be posted to the MPCTC website and sent to all training directors.

A MOTION was made by Mr. Thomas Simpson to accept the lesson plan as a best practice: SECONDED: Mr. Matthew Alonsozana. The MOTION carried.

e) Legislative Update

Mr. Liebno directed the Members' attention to the 2021 Legislative Review, which summarized legislative items and actions required by the Commission. He recapped each mandate, and noted that subcommittees will be formed to address particular items.

Colonel Jones stated that he will be working with the Attorney General to implement the independent investigative unit, with a goal of August 1, 2021 for implementation.

The list of PTSC members was reviewed, noting new members and changing criteria of membership as dictated by legislation and effective July 1, 2022. The issue of finding a policing expert with no relationship to law enforcement was discussed, and it was noted that the Attorney General's office was looking into the definition. Delegate Atterbeary said the legislative intent defined relationship as family members serving in law enforcement.

Mr. Liebno next asked Members to review the distributed handout, which presented changes to the body worn camera (BWC) model policy as requested by an administrative judge. The suggested language would prohibit the use of BWC in a courtroom without consent of the presiding judge.

A MOTION was made by Mr. Thomas Simpson to accept the proposed language: SECONDED: Capt. Michael Crabbs. The second was WITHDRAWN by Capt. Crabbs and the MOTION died.

Members discussed the concern of BWC activation and buffering times, which could result in missed footage of incidents occurring in a courtroom and the lead-up events to any potential incident. No action was taken to change the language of the BWC model policy.

7. New Business

Sheriff Berry mentioned that the job posting for the PTSC Executive Director closes today.

Mr. Liebno informed members that MPCTC staff is working on concerns regarding the Red Dot system as it relates to handgun regulations. The RangeMaster will have a proposal at the October meeting.

Ms. Jennifer Beskid stated that the Professional Development Grant for fiscal year 2022 is officially open for applications.

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

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

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

The meeting adjourned to a Closed Session at 12:37 p.m.

A MOTION was made by Mr. Thomas Simpson to adjourn to an open session: SECONDED: Sheriff Joseph Gamble. The MOTION carried.

Recorder's Note: This concluded the closed session. The meeting adjourned to an open session at 12:50 p.m.

Sheriff Berry announced that a discussion had occurred during the closed session, and that research will be presented in the future.

A MOTION to adjourn was made by: Mr. Matthew Alonsozana SECONDED: Mr. Thomas Simpson. The MOTION carried. The meeting adjourned at 12:51 p.m.

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