

# **MARYLAND POLICE TRAINING AND STANDARDS COMMISSION**

## **Minutes – 18th Meeting – November 18, 2020**

### **MEMBERS PRESENT**

Sheriff Troy Berry, Charles County Sheriff's Office, Regional Representative (Chair)  
Chief Amal Awad, President, Police Chiefs Association of Prince George's County  
Jennifer Boone, Special Agent in Charge, Baltimore Office, Federal Bureau of Investigation  
Clyde Boatwright, Maryland State Fraternal Order of Police  
Captain W. Michael Crabbs, Community Policing Expert  
Miguel Dennis, Policing Standards Expert  
Chief Barbara Duncan, Salisbury Police Department, Regional Representative  
Sergeant Allison Ehart, Howard County Police Department, Regional Representative  
Dr. Michael Finegan, Mental Health Expert  
Sheriff Darren Popkin, representing the President, Maryland Sheriff's Association  
Sheriff Joseph Gamble, Wor-Wic Program Advisory Committee – Criminal Justice  
Christopher Sandmann, representing Richard Gibson, Maryland State's Attorneys' Association  
Major Martin Bartness, representing Police Commissioner Michael Harrison, Baltimore Police Department  
Zenita Hurley, representing the Office of the Attorney General  
Thomas Simpson, representing the President, Maryland Law Enforcement Officers, Inc.  
Chief David Spencer, Chairman, MD Municipal League Police Executive Association  
Colonel Woodrow (Jerry) Jones, Secretary, Department of State Police (Vice-Chair)  
Matthew Alonsozana, Citizen of the State  
Michael Hough, State Senator

### **MEMBERS ABSENT**

Chief John Nesky, President, Maryland Chiefs of Police Association  
Marcus Pollock, Citizen of the State  
Jazz Lewis, State Delegate  
Michael A. Jackson, State Delegate  
William C. Smith, Jr., State Senator

### **STAFF PRESENT**

Kelly Brauning, Certification Administrator  
Stephanie Cain, Compliance Administrator  
Jeanne Chenoweth, Recorder  
Sarah Chatfield, Technical Services  
Lewis Pindell, Technical Services  
Katie Johnson, Registrar  
Albert L. Liebno, Jr., Executive Director  
Matthew Mellady, Assistant Attorney General  
Robert Wagner, Law Enforcement Administrator

### **GUESTS**

William Alexander, P.G. County Police  
David Hammel, A.A. County Community College

Sheriff Troy Berry called the 18th meeting of the Police Training and Standards Commission (PTSC), via teleconference, to order at 10:36 a.m. Sheriff Berry welcomed everyone. A roll call was taken for members. The agenda was as follows:

1. Announce Outcome of October 7, 2020 Closed Session Issues
2. Approval of Minutes – October 7, 2020
3. Old Business
  - a) Final Approval of Amendments to COMAR Citizenship Requirements
  - b) Protocols for Civilian Members on LEOBR Board
4. New Business
  - a) Presidential Executive Order – Safe Policing and Safe Communities Credentialing

Sheriff Troy Berry congratulated Chief Amal Awad on being named as the Chief of the Anne Arundel County Police Department. Chief Awad thanked Sheriff Berry and said that it had been an honor serving at the Commission meetings as the representative for the Police Chiefs Association of P.G. County.

**1. Announce Outcome of October 7, 2020 Closed Session Issues**

Sheriff Troy Berry stated that at the October 7, 2020 meeting a request for certification was granted, a request for certification was readdressed and granted and the Commission determined it would move forward with a decertification hearing.

**2. Approval of Minutes – October 7, 2020**

Sheriff Troy Berry asked for approval of the October 7, 2020 minutes as presented.

**A MOTION to approve the minutes from the October 7, 2020 meeting of the Police Training and Standards Commission was made by Mr. Miguel Dennis: SECONDED: Mr. Thomas Simpson. The MOTION carried.**

**3. Old Business**

**a) Final Approval of Amendments to COMAR Citizenship Requirements**

Executive Director Albert Liebno reminded the Members that these citizenship amendments were needed in order to bring COMAR in line with a 2019 legislative action. He stated that the amendments were published for comment in the Maryland Register on October 23, 2020. Mr. Liebno explained that there is a thirty day window for comments so he is asking at this time that the Members approve this action for final adoption pending no comments being received. He stated that if any comments were received, they would be presented at the January meeting for review. Upon questioning, Mr. Liebno stated that the certification unit has not received any applications that fall into this category. He further stated that the Application for Certification has been amended in the citizenship portion based on the current statute.

**A MOTION to approve the amended COMAR Citizenship regulations for Final Adoption as published pending no additional comments was made by Mr. Thomas Simpson: SECONDED: Mr. Clyde Boatwright. The MOTION carried.**

**b) Protocols for Civilian Members on LEOBR Board**

Mr. Liebno stated that the document before them was a resubmission based on comments made at the October meeting. He reminded the Members that this was a requirement of HB1016 in 2016. Mr. Liebno reviewed that the training is required for civilians sitting on LEOBR trial boards if the local requirements allow for it. He stated that the training curriculum requirements have been cleaned up and the document states the topics that must be included in the trainings. Mr. Liebno also informed the Commission that all agencies will be required to submit their training proposals to staff to ensure that they are in compliance.

AAG Zenita Hurley directed the Members attention to the topic of “Discrimination issues” under the Police Procedures heading. She suggested amending that topic to read “Non-Discrimination Laws and Policies”. There was no opposition to this suggestion.

Upon questioning, Mr. Liebno confirmed that the Commission will administer the programs but that they may be presented by the staff of the Commission or any other agency that has a specific need to present a program on their own. He stated that all programs would need the approval of the Commission staff.

**A MOTION to approve the LEOBR Citizen Training Protocols with the amendment of *Discrimination Issues to Non-Discrimination Laws and Policies* was made by Mr. Thomas Simpson: SECONDED: Major Martin Bartness. The MOTION carried.**

**4. New Business**

**a) Presidential Executive Order – Safe Policing and Safe Communities Credentialing**

Mr. Liebno stated that a communication from the Department of Justice COPS Office was received regarding the requirements of a Presidential Executive Order which was signed in June. He explained that this Order mandates two parameters within an agency's departmental policy on Use of Force. Mr. Liebno stated that the first was the specific requirement that the policy is in compliance with federal, state or local statute and the second was that chokeholds are specifically prohibited except in a life threatening situation. He further explained that the Police Training and Standards Commission was chosen to be the credentialing entity to ensure that all Maryland law enforcement departments meet these mandated requirements. The consequence to an agency for not complying with this requirement is that they will be prohibited from applying to the Department of Justice COPS Office for any discretionary grants.

Mr. Liebno explained that the DOJ has given two options for accomplishing this. The first was to do a physical review of every department's policy. Mr. Liebno explained that he does not have the staff to accomplish this by the January 31<sup>st</sup> deadline. The second option allowed is to have the Chief Executive Officer of an agency sign an affidavit stating that their agency's policy meets the expressed Use of Force requirements set forth by the DOJ. Mr. Liebno directed the Members to the proposed letter that would be sent out to all agencies as well as the proposed Confirmation Letter which an agency head would sign to affirm that they are in compliance. He explained that this would then become an item of review during routine training and selection standard audits by staff as required by COMAR. Upon questioning, Mr. Liebno stated that this would be his preferred method of accomplishing the task. He stated that the information would be sent out to all agencies with the confirmation letter and those that returned the signed document by the January 31<sup>st</sup> deadline would be reported to the DOJ as in compliance. Upon questioning, Mr. Liebno stated that the DOJ does not have to approve the documents being sent out.

SAC Jennifer Boone stated that one of the requirements was to adhere to all applicable federal, state and local laws. She offered that if anyone had questions as to what was applicable under federal law, that the Commissions AAG and or the Maryland Chiefs and Sheriffs Associations might want to connect with the FBI Chief Division Counsel for input regarding compliance. Mr. Liebno thanked SAC Boone and suggested the initial contact be through AAG Mellady.

Sheriff Popkin questioned the wording in the Confirmation Letter regarding chokeholds and deadly force and Mr. Liebno confirmed that it was word for word from the DOJ letter.

Upon questioning, Mr. Liebno stated that staff, along with the Commission's AAG, would provide guidance to all agencies regarding compliance with this process.

**A MOTION to send an affidavit to all Chiefs and Sheriff's stating that they meet the legal requirements of the Presidential Executive Order on Safe Policing for Safe Communities was made by Mr. Thomas Simpson: SECONDED: Mr. Miguel Dennis. The MOTION carried.**

Sheriff Berry confirmed that there were no additional issues for the good of the order.

**A MOTION to adjourn was made by Mr. Thomas Simpson: SECONDED: Mr. Miguel Dennis. The MOTION carried. The meeting adjourned at 11:05 a.m.**

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