

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION
REDACTED Minutes – 17th Meeting – October 7, 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
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 Arnold Downing, representing the Chairman, MD Municipal League Police Executive Association
Chief John Nesky, President, Maryland Chiefs of Police Association
Colonel Woodrow (Jerry) Jones, Secretary, Department of State Police (Vice-Chair)
Matthew Alonsozana, Citizen of the State
Jazz Lewis, State Delegate
Michael Hough, State Senator
Michael A. Jackson, State Delegate

MEMBERS ABSENT

William C. Smith, Jr., State Senator
Jennifer Boone, Special Agent in Charge, Baltimore Office, Federal Bureau of Investigation
Marcus Pollock, Citizen of the State

STAFF PRESENT

Kelly Brauning, Certification Administrator
Jennifer Beskid, Policy and Process
Jeanne Chenoweth, Recorder
Sarah Chatfield, Technical Services
Katie Johnson, Registrar
Albert L. Liebno, Jr., Executive Director
Matthew Mellady, Assistant Attorney General
Maryann Foxwell, Leadership Development Institute

GUESTS

John Moses, ESCJA
John Jerome, Maryland Fire and Rescue
Ryan Matthews
Lt. Wolf
David Simonetti, MNCPP
Andrew Opel, Cumberland Police Department
Chief Charles Ternent, Cumberland Police Department

Sgt. Patrick Kemmerer, Washington Co. Police Academy
Eric Bonner, Cumberland Police Department
Chief Susan Smith, Port Deposit Police Department
Chief Anthony Rease, Forest Heights Police Department
Lt. Will Reiber, Aberdeen Police Department
Michael Johnson, Howard Co. Police Academy

Sheriff Troy Berry called the 17th meeting of the Police Training and Standards Commission (PTSC), via teleconference, to order at 10:10 a.m. Sheriff Berry welcomed everyone. A roll call was taken for members and Sheriff Berry asked that staff and guests present on the call introduce themselves.

The agenda was as follows:

1. Announce Out of July 8, 2020 Closed Session Issues
2. Approval of Minutes – July 8, 2020
3. Facility Report
4. Annual Election of Chair and Vice-Chair
5. Legal Issues
6. Old Business
 - a) Update on Job Task Analysis
 - b) Update on Amendments to Citizenship Requirements
 - c) Update on Special Tactical Response Regulations
 - d) Citizens of Trial Boards Training
 - e) Prior Illegal Sale of Marijuana
7. New Business
 - a) Baltimore Consent Decree
 - b) Affirmation on Application for Certification
 - c) Proposed Schedule of 2021 Meetings
8. Request for Waiver of First Line Supervisor and Administrator Training
9. Request for Waiver of Entry-Level Training Requirements for Certification
10. Request for Waiver of Selection Standards for Certification
11. Readdress Request for Certification
12. Consideration on Holding a Decertification Hearing

Sheriff Troy Berry introduced Sheriff Darren Popkin as his Maryland Sheriff's Association representative on the Commission. He also announced that Mr. Clyde Boatwright is now the Maryland FOP representative.

1. Announce Outcome of July 8, 2020 Closed Session Issues

Sheriff Troy Berry stated that at the July 8, 2020 meeting a request for reconsideration for police officer certification was denied and a request for waiver of selection standards was tabled.

2. Approval of Minutes – July 8, 2020

Sheriff Troy Berry asked for approval of the July 8, 2020 minutes as presented.

A MOTION to approve the minutes from the July 8, 2020 meeting of the Police Training and Standards Commission was made by Colonel Jerry Jones: SECONDED: Mr. Thomas Simpson. The MOTION carried.

3. Facility Report

Executive Director Albert Liebno referred the members to the Facility Report. He stated that usage numbers are down which was expected due to limited operations. Mr. Liebno said that to the extent possible, the

Center is doing virtual/remote training wherever possible. He stated that some programs are doing a combination of remote and in person training.

Mr. Liebno also stated that the Public Safety Article was amended as of October 1, 2020 to include the requirement of training in the area of Hate Crimes at the academy level as well as in-service. He also explained that a section was added to the Public Safety Article that states that anyone who legitimately works for or has worked for a licensed cannabis dispensary, grower or processor is eligible for certification if there are no other issues.

Mr. Liebno stated that staff is following up on the required Community Policing Reports as well as reminding agencies that the Speed Camera Reports are due by the end of the month. There were no questions for Mr. Liebno.

4. Annual Election of Chair and Vice-Chair (to be effective 1/1/2021)

Sheriff Berry asked for nominations for the Chair position. Mr. Liebno reminded the Members that at the July meeting an election was necessary due to the retirement of Colonel Pallozzi and that the election today was the annual election which takes effect in January.

A MOTION was made by Mr. Thomas Simpson to nominate Sheriff Troy Berry as the Chair of the Police Training and Standards Commission. Mr. Miguel Dennis seconded the nomination. There were no further nominations. The MOTION carried.

A MOTION was made by Mr. Miguel Dennis to nominate Colonel Jerry Jones as the Vice-Chair of the Police Training and Standards Commission. Mr. Thomas Simpson seconded the nomination. There were no further nominations. The MOTION carried.

5. Legal Issues

Assistant Attorney General Matthew Mellady stated that there were no legal issues to be presented at this time. He did ask that he be provided some time during the closed session to provide legal advice regarding COMAR amendments.

6. Old Business

a) Update on Job Task Analysis

Mr. Liebno stated that the Job Task Analysis process is moving along. There had been a slight delay because all meetings were being conducted virtually. Mr. Liebno explained that discussions regarding the actual duties of police officers with SME's has begun and that the next step would involve line officers and supervisors from multiple agencies identifying tasks that will ultimately end up in training objectives for a training academy program.

b) Update on Amendments to Citizenship Requirements

Mr. Liebno stated that the Citizenship amendments which were approved by the Commission a year ago have still not been published. He stated that they are expected to be published for comment within the next two weeks. Mr. Liebno reminded the Members that the statute which prompted these amendments is in effect even though the COMAR amendments have not been finalized.

c) Update on Special Tactical Response Regulations

Mr. Liebno informed the Members that the Special Tactical Response Regulations have been finalized and are in affect as of September 21, 2020.

d) Citizens on Trial Boards Training

Mr. Liebno referred the Members to the documents which had been forwarded to them and reminded them that this issue was a result of HB1016 in 2016 requiring training for citizens on trial boards. He explained that Baltimore Police Department has implemented a program which seems to exceed the protocols which are being presented. A discussion followed regarding the topics and parameters to be included in the training curriculum as well as the language regarding background requirements of those citizens chosen to be on a trial board. At Ms. Zenita Hurley's request, Mr. Liebno suggested making some amendments to the third page and going back and streamlining the documents and process. He stated that the first two pages of the presented documents are a global application to all agencies and that the third page specifically relates to training conducted by MPCTC. The Members agreed to table this issue for now until a group could convene to rework the documents, specifically the third page.

e) Prior Illegal Sale of Marijuana

Mr. Liebno explained that there had been discussions but no movement on the prior marijuana use issue. He informed the Members that he had received communication from a Mr. Jonathan Matthews, a copy of which had been sent to all. Mr. Liebno stated that Mr. Matthews has a petition wherein he is asking the Commission to consider addressing the drug standards and making them more current. Mr. Matthews' specific concern was that he has an issue from a young age which still precludes him from ever becoming a law enforcement officer. Mr. Liebno suggested reactivating the Marijuana Use Committee to provide feedback and analysis to the Members at the January meeting. A discussion followed as to the various studies available that would be valuable and of benefit to the Committee. Ms. Zenita Hurley agreed to participate on the Committee.

7. New Business

a) Baltimore Consent Decree

Sheriff Berry stated that the reason he put this item on the agenda was that in July he and Mr. Liebno had the opportunity to address the Workgroup on Police Reform and Accountability. He explained that the workgroup wanted an overview on the Police Training and Standards Commission and a progress report on what had been done since the passing of HB1016. Sheriff Berry stated that during that presentation, Delegate Curt Anderson brought up the Baltimore Consent Decree which addresses some issues that pertain to all law enforcement. He suggested that Members, although it is quite lengthy, might want to read the document which can be found on-line, and pass on any input or suggestions they might have to the workgroup.

b) Affirmation on Application for Certification

Mr. Liebno referred the Members to the affirmation which was sent out to them. He stated that this was for information purposes only and required no action from the Commission. Mr. Liebno stated that this affirmation, which would be on all Applications for Certification, would require anyone signing an application to affirm and will be held accountable that they are providing all pertinent information in totality from the background investigation. He stated that staff worked with our Assistant Attorney General as well as the Office of the State Prosecutor to come up with the statement presented. Upon questioning, Mr. Liebno confirmed that it is the Chief/Sheriff that is signing off on the application, not the applicant. He also confirmed that the affirmation will be on both paper and electronic applications.

c) Proposed Schedule of 2021 Meetings

Sheriff Berry referred the Members to the proposed schedule of meetings. He informed them that one change had been made on the schedule presented. Sheriff Berry stated that the April 2021 meeting would be held on the 14th instead of the 7th due to the legislative session ending on the 12th. Mr. Liebno stated that an updated schedule would be sent out to everyone.

A MOTION to accept the schedule of 2021 meetings as presented with the April amendment was made by Mr. Thomas Simpson: SECONDED: Mr. Clyde Boatwright. The MOTION carried.

8. Request for Waiver of First Line Supervisor and Administrator Training

Mr. Liebno stated that Susan Smith was appointed as the Chief of Police of the Port Deposit Police Department in April 2019. She had previously served with the Maryland State Police for almost 24 years until retirement as a Trooper First Class. Mr. Liebno stated that at that rank, Chief Smith was not required to take First Line Supervisor or Administrator training. Chief Smith became fully certified in July 2020 after completing a Comparative Compliance program. In retrospect, it was determined that she had never completed a First Line Supervisor or First Line Administrator program. The Port Deposit Police Department is now asking for a waiver of those training requirements.

Chief Susan Smith addressed the Members and reviewed her duties with the Port Deposit Police Department. She explained that she is the sole member of the Police Department and has no supervisor responsibilities. Upon questioning, Chief Smith stated that she did not have supervisor responsibilities while she was with the Maryland State Police. She also confirmed that there was no immediate plan to increase the number of officers in the department. Mr. Liebno stated that Comparative Compliance training was geared toward the police officer and not the training of Supervisors. Upon questioning, Chief Smith explained that the County Administrator handles the human resources matters and the Town Finance Manager handles the budget issues for the department. She also stated that when police assistance is needed, the town receives it from the Sheriff's Office or the State Police.

AAG Matthew Mellady explained the alternatives to Supervisor and Administrator training as written in COMAR. The Members expressed a concern that if the agency was to ever expand their police force, Chief Smith would not have the proper training. Ms. Maryann Foxwell, Director of the Leadership Development Institute, confirmed the time obligation and cost for both programs and stated that they were being held virtually at this time.

A MOTION to Grant a waiver of First Line Supervisor and First Line Administrator training for Chief Susan Smith was made by Sheriff Joseph Gamble: SECONDED: Mr. Miguel Dennis. The MOTION did NOT carry.

9. Request for Waiver of Entry-Level Training Requirements for Certification

Mr. Liebno stated this request is from the Aberdeen Police Department. William Welsh completed the Delaware County Community College PA Act 120 Police Academy. The academy he attended consisted of 678 hours which does not meet the COMAR mandated minimum of 750 hours. All topics required were covered. The Aberdeen Police Department is asking for a waiver to allow William Welsh to attend a Comparative Compliance training program in lieu of a full academy.

Lt. Reiber from the Aberdeen Police Department reviewed William Welsh's training, experience and work history. Upon questioning, he stated that Mr. Welsh completed the academy in 2015.

A MOTION to Grant a waiver Allowing for Completion of a Comparative Compliance Program in Lieu of a Full Entry Level Training Program for William Welsh was made by Chief John Nesky: SECONDED: Chief Arnold Downing.

A discussion followed and Lt. Reiber stated that Mr. Welsh is scheduled to attend Comparative Compliance class on October 12th.

Assistant Attorney General Matthew Mellady reviewed the waiver section of COMAR and informed the Members that the entry-level training portion states that the applicant must meet or exceed the standards set.

The waiver section then states that if that standard is met, i.e. the 750 hours, you may then proceed to Comparative Compliance to be fully certified. Mr. Mellady stated that in short, the waiver section in this instance does not apply. He stated that for future purposes, he recommends re-examining the parameters of the waiver section for possible amendment.

A discussion followed regarding the history of waivers previously granted and as to why firearms training hours are not included in the 750 hour minimum. The question was also asked as to the status of officers who were previously granted waivers in regards to minimum hours. Mr. Liebno stated that there would be no impact on past decisions but that going forward, is the Commission making the correct decision based upon COMAR.

Sheriff Berry asked if it would be appropriate to table this decision for further legal review. Mr. Liebno stated that could occur but also suggested beginning modifications to COMAR to enable the Commission to do what they have done in the past. A discussion followed as to what can and cannot be used as training hours to reach the 750 hour minimum.

Chief Nesky withdrew his motion.

A MOTION to Table this Issue to Obtain Further Legal Advice was made by Chief John Nesky: SECONDED: Mr. Thomas Simpson. The Motion did not move forward.

It was suggested that in-service training hours be added to the 678 hours to bring the applicant up to the 750 minimum. AAG Mellady stated that the way COMAR is written, he did not believe that adding in-service hours was the intent of the minimum hour standard. Upon questioning, Mr. Liebno, stated that COMAR does not preclude in-service hours, and that it specifically mentions not including Fire Arms and Field Training only. Lt. Reiber informed the Members that Mr. Welsh's in-service hours during his tenure with Delaware County Sheriff's Office would be enough to cover the shortage of entry-level training hours.

A MOTION to Grant a waiver of Attending a Full Entry Level Training Program by Adding In-Service Training to Reach the 750 Hour Minimum for William Welsh was made by Chief Arnold Downing: SECONDED: Mr. Thomas Simpson. The Motion carried.

Sheriff Berry asked that, based on AAG Mellady's advice, he would ask that clarification be provided at the next meeting regarding this type of situation in the future.

Sheriff Berry announced that the next 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 Mr. Thomas Simpson to adjourn to a Closed Session: SECONDED: Chief John Nesky. The Motion carried unanimously.

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

Mr. Liebno informed all non-interested parties that they must disconnect from the meeting.

Assistant Attorney General Matthew Mellady addressed the Members.

10. Request for Waiver of Selection Standards for Certification

A MOTION to Grant Certification made and SECONDED: The Members were polled to record their votes. The Motion carried.

11. Readdress Request for Waiver of Selection Standards for Certification

A MOTION to Grant Certification was made and SECONDED: The members were polled to record their votes. The MOTION carried.

12. Consideration on Holding a Decertification Hearing

A MOTION to Hold a Decertification Hearing was made and SECONDED: The members were polled to record their votes. The MOTION carried.

A MOTION to adjourn to Open Session was Made by Chief Arnold Downing: SECONDED: Mr. Miguel Dennis. The MOTION carried.

Recorder's Note: The meeting resumed in Open Session at 1:24 p.m.

Mr. Liebno stated that Sheriff Berry will announce the outcome of the Closed Session issues, during the Open Session portion of the next meeting.

Dr. Michael Finegan asked that staff make a request from major law enforcement agencies across the country for their Critical Incident Policy, as well as asking specific questions related to whether or not they are having their PCO's involved with that critical incident policy and thirdly, whether or not they have a mandatory requirement. He stated that the insight from major departments would be very helpful in making informed decisions.

A MOTION to adjourn was made by Mr. Miguel Dennis: SECONDED: Sgt. Allison Ehart. The MOTION carried. The meeting adjourned at 1:26 p.m.

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