

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

Minutes – 44th Meeting – October 5, 2022

MEMBERS PRESENT

Sheriff Troy Berry, Charles County Sheriff's Office, Regional Representative (Chair)
Colonel Woodrow (Jerry) Jones, Secretary, Department of State Police (Vice-Chair)
Sheriff Scott Adams President, Maryland Sheriff's Association
Matthew Alonsozana, Citizen of the State
Clyde Boatwright, Maryland State Fraternal Order of Police
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
Richard Gibson, Maryland State's Attorneys' Association
Chief Russell E. Hamill, President, Maryland Chiefs of Police Association
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
John Moses, Wor-Wic Program Advisory Committee – Criminal Justice
Thomas Sobocinski Special Agent in Charge, Baltimore Office, FBI

MEMBERS ABSENT

Dr. Michael Finegan, Mental Health Expert
Marcus Pollock, Citizen of the State
Vacancy, Regional Representative
Vacancy, Citizen of the State

STAFF PRESENT

Wayne Silver, Executive Director, PTSC
Stephanie Cain, Compliance Administrator
Sarah Chatfield, Technical Services
Jeanne Chenoweth, Recorder
Gina Clay, Compliance Officer
Maryann Foxwell, Leadership Development Institute
Gary Gardner, Director of Policy and Process Review
Katie Johnson, Recorder
Michael Krok, Community Policing Institute
Matthew Mellady, Assistant Attorney General
Brittany Rohe, Certification Specialist
Robert Wagner, Director of Law Enforcement Training

GUESTS

David Hammel, Anne Arundel Community College Police Academy
Dalton De Crispino, Ridgely Police Department
Jeff Eckrich, Ridgely Police Department
Gerard Morgan II, Perryville Police Department
Vincent Lyew, New Carrollton Police Department
Wilmer Magana, New Carrollton Police Department
Dawson Jewell, New Carrollton Police Department
Thomas Brown, Maryland Park Police

Michel Morgan, Maryland Park Police
Greg Chatfield, Maryland State Police
Diane Hansen, Maryland State Police
Melissa Lambert, Harford County Sheriff's Office
Sheriff Jeffrey Gahler, Harford County Sheriff's Office

Sheriff Troy Berry, Chair, called the 44th meeting of the Police Training and Standards Commission (PTSC) from the Public Safety Education and Training Center to order at 10:01 a.m. Sheriff Berry asked for a roll call of members, and guests introduced themselves. A quorum was present.

The agenda was as follows:

1. Approval of Minutes – July 6, 2022 and September 21, 2022
2. Facility Report
3. Legal Issues
4. Annual Election of Chair and Vice-Chair to be Effective January 1, 2023
5. Old Business
 - a) Update on PAB/ACC Regulations
 - b) Update on PAB/ACC and Trial Board Training
 - c) Mediation Regulations
 - d) Regulation Subcommittee Review
 - e) Job Task Analysis Validation
 - f) Training Directors Curriculum Based Training Objectives Recommendation
 - g) Psychological Assessments Update
 - h) Physical Agility Assessment Update
 - i) Trial Board Training Model Policy
6. New Business
 - a) Proposed Schedule of 2023 Meeting Dates
 - b) Low Power Variable Rifle Optics Regulation
7. Request for Recertification
8. Request for Recertification

1. Approval of Minutes – July 6, 2022 and September 21, 2022

Sheriff Berry asked members to review the minutes from the July 6, 2022 and September 21, 2022 meetings.

A MOTION to approve the minutes from the July 6, 2022 and September 21, 2022 meetings of the Police Training and Standards Commission was made by Major Derek Loeffler: SECONDED: Mr. Michael Crabbs. The MOTION carried.

Recorder's Note: Mr. Richard Gibson joined the meeting at 10:08 a.m.

2. Facility Report

Mr. Wayne Silver, presenting on behalf of Executive Director Albert Liebno, directed members to the report, which reviewed the activities at the Center during the past quarter. He informed the members that there will be a Northwestern School of Police Staff and Command at the Center in March 2023 and that Northwestern University will conduct registration directly. Mr. Silver also mentioned that the Port Deposit Police Department is inactive as of June 2022. Mr. Silver stated that the Community Policing Reports for Regional III were due at the end of July, and that staff was following up with the agencies that had not reported. He also informed the members that staff had completed 27 in-service training audits and one academy audit.

3. Legal Issues

Assistant Attorney General Matthew Mellady stated that there were no legal issues to present.

4. Annual Election of Chair and Vice-Chair to be Effective January 1, 2023

Sheriff Berry stated that, as required by law, the election of a Chair and Vice-Chair of the Commission were required annually. He further stated that these positions would take effect January 1, 2023.

Mr. Miguel Dennis nominated Sheriff Troy Berry to continue as the Chair of the Police Training and Standards Commission. Sheriff Berry declined the nomination stating that he would be retiring as the Sheriff effective this November. Mr. Dennis subsequently nominated Chief Barbara Duncan. There were no additional nominations.

A MOTION to elect Chief Barbara Duncan as the Chair of the Police Training and Standards Commission was made by Mr. Miguel Dennis: SECONDED: Mr. John Moses. The MOTION carried.

Mr. Miguel Dennis nominated Major Derek Loeffler as the Vice-Chair. Mr. Silver informed the members that Major Loeffler was not eligible because he is representing Commissioner Harrison and not a member himself. Mr. John Moses nominated Chief Arnold Downing for Vice-Chair. Chief Downing stated his term as Chairman, of the MD Municipal League Police Executive Association ends in July; he is able to serve as Vice-Chair until then. There were no further nominations.

A MOTION to elect Chief Arnold Downing as the Vice-Chair of the Police Training and Standards Commission was made by Mr. John Moses: SECONDED: Mr. Matthew Alonsozana. The MOTION carried.

5. Old Business

a) Update on PAB/ACC Regulations

Mr. Gary Gardner stated that he submitted the PAB/ACC final regulations this past Friday, and that the earliest effective date possible is January 9, 2023. Mr. Wayne Silver stated that the documents are posted on MDLE.net.

b) Update on PAB/ACC and Trial Board Training

Mr. Robert Wagner stated that nine counties as well as the State have been scheduled for five-day ACC training. In between the weeks of ACC training, the unit will conduct Trial Board training classes. Mr. Wagner stated that Administrative Law Judges had reached out in July to request training as well. He stated that staff conducted six sessions of training with one more to go in January 2023.

Recorders Note: Mr. Clyde Boatwright joined the meeting at 10:22 a.m.

Mr. Silver stated that the counties that have scheduled training, along with links to the counties' websites, could be posted on MDLE.net to keep the members and the public informed. Upon question, Mr. Wagner stated that training would be in person initially, but that there may be a virtual option in the future. He reviewed the five-day ACC training program by day. As requested, Mr. Silver stated that he would distribute the Implicit Bias training portion to the members.

Mr. Wagner also updated the members on the plans to resurrect the Training Directors' Association, which has been inactive for some time. There is a meeting planned for late October.

c) Mediation Regulations

Mr. Silver presented a draft copy of the proposed Mediation regulations, which were mandated in 2016 legislation. He asked that comments and edits on the draft document be submitted to him within the next two weeks in order to be incorporated into a final document for approval later on.

d) Regulation Subcommittee Review

Mr. Silver reminded the members that at the last meeting a subcommittee was formed to review COMAR. He stated, at this time, the committee would focus on the General Regulations. Mr. Silver explained there were

some inconsistencies, updates due to recent legislation and issues that members would like to see addressed. He gave waiver issues and training hours for certification as examples. Mr. Silver stated that this is a huge undertaking and that the subcommittee is looking at the best options for implementation. The subcommittee hopes to present the changes to the Commission all at once sometime in 2023.

e) Job Task Analysis Validation

Mr. Wayne Silver referred the members to the document in the binder, which was a line-by-line comparison of the current MPCTC objectives with those developed by HumRRO. He stated that no gaps were found and that the current objectives exceed the job task analysis.

f) Training Directors Curriculum Based Training Objectives Recommendation

Mr. Silver introduced Lt. Gregory Chatfield of the MD State Police and the MD Training Directors' Association. Lt. Chatfield explained that the implementation of the new objectives based on the job task analysis provides the opportunity to reform academy training from objective-based training to a modern curriculum-based perspective. The product could standardize all Maryland academies' curriculum, and provide an optional resource that academies could reference, no matter their size. Lt. Chatfield asked for the support of the Commission for the MD Training Directors' Association to undertake the project. He stated they would focus on the most important curriculum areas first (i.e. hate crimes, criminal law, implicit bias, use of force and de-escalation), and that the timeline of the project could shorten based on additional resources from Maryland law enforcement agencies. Lt. Chatfield said he could propose a timeline at the January meeting.

A MOTION to move to a curriculum-based approach was made by Mr. John Moses: SECONDED: Mr. Richard Gibson. The MOTION carried.

g) Psychological Assessments Update

Mr. Silver informed members that he's been working on this legislative requirement, which does not require PTSC to develop an assessment, with the help of the MD Department of Health. A recent poll showed that 64% of Maryland agencies are already using a psychological assessment, and that 30% are waiting for guidance from the Commission. Mr. Silver stated that he's making the item a priority, and that he will present a screening definition at the January meeting.

h) Physical Agility Assessment Update

Mr. Silver presented recommended changes to the physical agility document as suggested by Assistant Attorney General Matthew Mellady. The changes specify that the Commission will only approve agencies to use their own assessments if they meet or exceed the requirements of the Commission assessment. Mr. Mellady said the language can easily be reconsidered if significant concerns are presented.

A MOTION to approve the recommended changes and to post the document was made by Mr. Richard Gibson: SECONDED: Major Derek Loeffler. The MOTION carried.

i) Trial Board Training Model Policy

Mr. Gardner reminded members that at the June meeting they approved a measure to develop a model trial board process for agencies to use or reference. A first draft was presented in the binders. Mr. Gardner asked for any agencies that already have a trial board process developed to send them to him to review and incorporate. Members can email or call Mr. Gardner with suggestions and edits.

Mr. Gardner also stated that he is developing a frequently asked questions document for Accountability Reform. The document will be fluid and constantly updated.

Mr. Silver informed members that he and Sheriff Berry are still trying to meet with lawmakers to discuss a running list of items in regards to the new regulations. Unfortunately, two meetings with the heads of the committees were canceled but he hopes to reschedule soon.

6. New Business

a) Proposed Schedule of 2023 Meeting Dates

Mr. Silver asked members to review the proposed schedule in the binders. He stated that the general assembly closes on April 12, so recommends holding the April meeting on the 19th.

A MOTION to approve the dates as discussed was made by Chief Russell Hamill: SECONDED: Chief Robert Liberati. The MOTION carried.

b) Low Power Variable Rifle Optics Regulation

Mr. Silver informed members that he received a request from MD State Police to update the rifle optics regulations. He stated that firearms staff is currently reviewing the regulations.

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

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

A MOTION was made by Chief Arnold Downing to adjourn to a Closed Session: SECONDED: Mr. Richard Gibson. The Motion carried unanimously.

The meeting adjourned to a Closed Session at 11:37 a.m.

7. Request for Recertification

A MOTION to grant the recertification was made by and SECONDED. The members were polled and the MOTION carried.

The parties involved returned to the room and were informed of the decision.

8. Request for Recertification

A MOTION to deny the recertification was and SECONDED. The members were polled and the MOTION carried.

The parties involved returned to the room and were informed of the decision.

A MOTION was made by Chief Arnold Downing 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 1:20 p.m.

Sheriff Berry announced the outcome of the issues discussed during closed session.

Mr. Silver informed members that staff still receive many requests for certification of officers who have attended out-of-state academies below the Commission requirement of 750 hours. These requests are reviewed on an individual basis, assessing topics and hours of each academy, which can prove inconsistent in decision-making. Mr. Mellady suggested that the Commission consider either updating the regulations to allow for

waivers of academy requirements, and/or to allow for the substitution of experience for hours of training. Mr. Mellady says that a formula would set the standard for all future requests.

Members suggested the formation of a subcommittee to research what other states are currently doing, and to develop potential solutions for this issue. Mr. John Moses, Sheriff Scott Adams and Ms. Zenita Hurley volunteered to participate in the subcommittee.

A MOTION to adjourn was made by Chief Arnold Downing: SECONDED: Mr. Michael Crabbs. The MOTION carried. The meeting adjourned at 1:41 p.m.

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