The Maryland Municipal League
2016 Fall Conference Policing Session

Maryland Police Training and Standards Commission
(HB1016 & SB1026)

Panelists:

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Changes to Section (c)(1) include:

- A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer’s duties may not be investigated unless the complaint is signed and sworn to under penalty of perjury. No longer required to be sworn to before an official authorized to administer oaths.

- Adds an individual with firsthand knowledge obtained because the individual 1. was present at and observed the alleged incident; or 2. Has a video recording of the incident that, to the best of the individual’s knowledge, is unaltered.

- Unless a complaint is filed within 366 days after the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken. Used to be 90 days.

- The interrogation shall be suspended for a period not exceeding 5 business days until representation is obtained. Used to be the interrogation shall be suspended for a period not to exceed 10 days for the purposes of the officer seeking counsel or another responsible representative.

- Within that 5 business day period, the chief for good cause shown may extend the period for obtaining representation.
Changes include:

- Subject to subparagraph (II) of this paragraph, a chief may appoint, as a “non-voting member” of the hearing board, one member of the public who has received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers’ Bill of Rights and matters relating to police procedures.

- If authorized by local law, a hearing board formed under paragraph (1) of this subsection may include up to two “voting” or “non-voting” members of the public who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers’ Bill of Rights and matters relating to police procedures.

- A hearing board formed under this paragraph may include up to two voting or non-voting members of the public, appointed by the chief, who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers’ Bill of Rights and matters relating to police procedures.

- “Open to the public,” unless the chief finds a hearing must be closed for good cause, including to protect a confidential informant, an undercover officer, or a child witness.
What We Have Done

• Changed all of our forms to reflect the changes to the LEOBR
• Re-written our policy manual to reflect the changes to the LEOBR
• Required our Training Division to develop an in-service level course on “antidiscrimination and Use of Force De-Escalation Training”
• Developed a system to inform the complainant of the “final disposition of the complainant’s complaint and any discipline imposed as a result” thereof
• Developed a system to post the final results and discipline imposed on the Agency’s web site
• Changed policy to reflect the following: Officers are required to file an incident report regarding the use of force by the end of the officer’s shift unless the officer is disabled
• Posted our Agency policies on the Agency’s web site
• Posted on our web site the Agency’s citizen complaint process
• Developed an early intervention (warning) system when officers receive three or more citizen complaints within a 12-month period
The Maryland Police Training and Standards Commission will adopt and recommend a set of best practices and standards, which will necessitate:

- Evaluation and modernization of recruitment standards and practices to increase diversity and develop strategies for recruiting women and African American, Hispanic or Latino, and other minority candidates;
- Development of standards for mandatory psychological evaluation of an officer who was actively involved in an incident when another person was seriously injured or killed as a result of an accident or a shooting, or has returned from combat deployment;
- Establishment of a police complaint mediation program to which an agency may refer a non-violent complaint made against a police officer out of the standard complaint process;
- The Commission shall develop best practices for the establishment and implementation of a community policing program in each jurisdiction;
- The Commission shall develop a uniform citizen complaint process to be followed by each law enforcement agency;
- The Commission shall develop and administer a training program on the Law Enforcement Officers’ Bill of Rights and matters relating to police procedures for citizens who intend to qualify to participate as a member of a hearing board under § 3-107 of this Title.
- Develop a system to report to the MPSTC 1. the number of serious officer-involved incidents; 2. The number of officers disciplined; and 3. The type of discipline administered to each officer who was disciplined
The following units are in the Department [Department of Public Safety and Correctional Services]:

(8) the Maryland Police Training and Standards Commission;

(a) In this subtitle the following words have the meanings indicated:
(b) “Commission” means the Maryland Police Training and Standards Commission.
(c) “Department” means the Department of Public Safety and Correctional Services.

There is a Maryland Police Training and Standards Commission, which is an independent Commission that functions in the Department.
The Commission consists of the following [24] members:

(1) The President of the Maryland Chiefs of Police Association;
(2) The President of the Maryland Sheriffs’ Association;
(3) The Attorney General of the State;
(4) The Secretary of State Police;
(5) The Agent in Charge of the Baltimore Office of the Federal Bureau of Investigation;
(6) One Member Representing the Maryland State Lodge of Fraternal of Police;
(7) One Member Representing the Maryland State’s Attorneys’ Association;
(8) The Chair of the Maryland Municipal League Police Executive Association;
(9) The President of Maryland Law Enforcement Officers, Inc.;
(10) The Police Commissioner of Baltimore City;
(11) The President of the Police Chiefs’ Association of Prince George’s County;
(12) A Representative from the WOR-WIC Program Advisory Committee – Criminal Justice;
(13) Two (2) Members of the Senate of Maryland, appointed by the President of the Senate;
(14) Two (2) Members of the House of Delegates, appointed by the Speaker of the House; and
(15) The following individuals, appointed by the Governor with the advice and consent of the Senate:
   (I) Three (3) Police Officers, Representing Different Geographic Areas of the State;
   (II) One (1) Individual with Expertise in Community Policing;
   (III) One (1) Individual with Expertise in Policing Standards;
   (IV) One (1) Individual with Expertise in Mental Health; and
   (V) Two (2) Citizens of the State Without Relationships to Law Enforcement.
The Commission shall:

**PS § 3 – 204**

The Commission *annually* shall elect a Chair and Vice Chair from among its members.
The Commission shall:

**PS § 3 - 206**

(a) (1) The Commission shall appoint an executive director.
(2) The executive director shall perform general administrative and training management functions.
(3) The executive director serves at the pleasure of the Commission.

(b) (1) The Commission shall appoint a deputy director and any other employees that the Commission considers necessary to perform general administrative and training management functions.
(2) The deputy director and other employees appointed under paragraph (1) of this subsection shall serve at the pleasure of the Commission.
The Commission has the following powers and duties:

**PS § 3 – 207**

(A) (1) to establish standards for the approval and continuation of approval of schools that conduct police entrance-level and in-service training courses required by the Commission, including State, regional, county and municipal training schools;

(2) to approve and issue certificates of approval to police training schools;

**HB 1016 - SECTION 6:**

AND BE IT FURTHER ENACTED, that any person or school issued a certificate by the Police Training Commission is considered for all purposes to be continued under this Act for the duration of the term for which the certificate was issued unless otherwise provided by law.
The Commission has the following powers and duties:

**PS § 3 – 207 (A)**

(17) to **require**, for **entrance-level** police training and at least **every 2 years** for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application of **anti-discrimination and use of force de-escalation training**;
The Commission has the following powers and duties:

PS § 3 – 207 (A)

19) adopt and recommend a set of best practices and standards for use of force
The Commission has the following powers and duties:

**PS § 3 – 207 (A)**

(20) to evaluate and modernize recruitment standards and practices of law enforcement agencies to increase diversity within those law enforcement agencies and develop strategies for recruiting women and African American, Hispanic or Latino, and other minority candidates
The Commission has the following powers and duties:

PS § 3 – 207 (A)

(21) to develop standards for the mandatory psychological evaluation of a law enforcement officer who:

► was actively involved in an incident when another person was seriously injured or killed as a result of an accident or shooting; or

► has returned from combat deployment
The Commission shall:

PS § 3 – 207 (B)

(1) The Commission shall develop a system by which law enforcement agencies report to the Commission on the:
   ▶ number of serious officer-involved incidents each year;
   ▶ number of officers disciplined each year; and
   ▶ the type of discipline administered to those officers.

(2) The Commission shall annually summarize the information submitted by law enforcement agencies and:
   (I) post the summary, excluding the names of the officers and other involved parties, on a website maintained by the Commission; and
   (II) submit the summary to the General Assembly, as provided in § 2 – 1246 of the State Government Article.
The Commission shall:

PS § 3 – 207 (C)

In consultation with the Department of Health and Mental Hygiene, the Commission shall:

► establish a confidential hotline that is available for police officers and other law enforcement personnel to:
  ▪ contact and speak with a trained peer law enforcement officer or a mental health professional who:
    ● may provide initial counseling advice and confidential referral to appropriate services.
The Commission shall:

PS § 3 – 207 (D)

(1) Establish a Police Complaint Mediation Program to which a law enforcement agency may refer a non-violent complaint made against a police officer out of the standard complaint process;

(2) Refer a complaint referred to the Program to voluntary mediation conducted by an independent mediation service; and

(3) Adopt regulations to implement the Program, including criteria concerning eligibility of complaints.
The Commission shall:

PS § 3 – 207 (E)

(1) The Commission shall develop best practices for the establishment and implementation of [a] community policing program in each jurisdiction.

(2) The Commission shall develop a system by which each local law enforcement agency annually files a detailed description of the law enforcement agency’s community policing program.

(3) The Commission shall annually:

   (I) review each community policing program filed in accordance with § 3 - 517 of this title; and

   (II) provide each agency with any comments that the Commission has to improve the agency’s community policing program
The Commission shall:

PS § 3 – 207 (F)

(1) The Commission shall **develop a uniform citizen complaint process to be followed by each law enforcement agency.**

(2) The **uniform complaint process shall:**

(I) be simple;

(II) require that a complainant be informed of the final disposition of the complainant’s complaint and any discipline imposed as a result; and

(III) be posted on the web sites of the Commission and each law enforcement agency.
The Commission shall:

**PS § 3-207 (G)**

(G) The Commission shall **DEVELOP AND ADMINISTER** a training program on:

- **the LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS**; and
- **MATTERS RELATING TO POLICE PROCEDURES** for citizens who intend to qualify to participate as a member of a hearing board under § 10 3–107 of this title.
The Commission shall:

PS § 3 – 209(a)

The Commission shall certify as a police officer each individual who:

(2) submits to a psychological evaluation by a psychologist approved by the Commission;
(A) Except as provided in subsection (B) of this section, each law enforcement agency shall post all of the official policies of the law enforcement agency, including public complaint procedures and collective bargaining agreements:

(1) on the web site of the Maryland Police Training and Standards Commission; and
(2) on the agency’s web site, if the agency maintains a web site.
The Commission shall:

TG § 3 – 207 (a) (CC)

(3) On or before September 1, 2016 and every 3 years thereafter, the Maryland Police Training and Standards Commission shall certify to the Comptroller the political subdivisions in which the crime rate exceeds the State’s crime rate.
(A) The Executive Director [GOCCP] shall establish procedures of agencies to apply for money from the fund. *(The Community Program Fund: FY2018 & after--$500K annually)*

(B) An agency that applies for money from the fund shall provide the Executive Director [GOCCP] with:

1. a description of the activities and functions of the Community Program for which the money is requested;
2. the eligibility requirements for participation in the Community Program;
3. the number of participants in the Community Program; and
4. any other information that the Executive Director [GOCCP] considers necessary.

(C) (1) The Executive Director [GOCCP] shall make grants from the fund to:

I. local law enforcement agencies to support Community Programs; and
II. agencies of a local government to support violence intervention programs.

(2) The amount of each grant shall be in proportion to the number of agencies that apply for money from the fund.

(D) The local agency shall submit to the Executive Director [GOCCP] proof of expenditures of the grant for the Community Program;

(E) Money distributed under this subtitle shall be used to supplement and not supplant any other funding for a Community Program.

(F) The Governor’s Office of Crime Control and Prevention and the Maryland Police Training and Standards Commission shall provide technical assistance to agencies applying for:

1. money from the fund;
2. other federal, State or private grants for Community Programs.
Questions ? ?