



## Department of Public Safety and Correctional Services

### Office of the Secretary

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July 1, 2017

STATE OF MARYLAND

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The Honorable Edward J. Kasemeyer  
Chair, Senate Budget and Taxation Committee  
3 West, Miller State Building  
Annapolis, Maryland 21401-1911

The Honorable Maggie McIntosh  
Chair, House Appropriations Committee  
Room 121, House Office Building  
Annapolis, Maryland 21401-1911

RE: Joint Chairmen's Report – Police and Correctional Training  
Commissions – Q00G00.01 – Report on PCTC Involvement in the DOJ  
Consent Decree with BPD

Dear Chairman Kasemeyer and Chairman McIntosh:

The 2017 Joint Chairmen's Report requires the Department of Public Safety and Correctional Services to submit a report on the Police and Correctional Training Commissions' possible involvement in the Baltimore Police Department's consent decree. The following language requirements can be found on pages 127-128 of the 2017 Joint Chairmen's Report.

**Report on PCTC Involvement in the DOJ Consent Decree with BPD:** A U.S. Department of Justice (DOJ) investigation of the Baltimore Police Department (BPD) conducted in the wake of the death of Freddie Gray and the subsequent civil unrest, revealed that BPD has systemic deficiencies in policies, training, supervision, and accountability structures. As a result, DOJ entered into a consent decree with BPD that allows for new police training and procedures. In addition, the consent decree mentions that new BPD practices could be, in some cases, subject to what is already routine PCTC oversight. The consent decree specifically mentions PCTC and its possible involvement in the following three areas: (1) BPD will track officers' qualifications and require that officers successfully qualify in accordance with the PCTC firearm regulations and standards; (2) BPD must establish a robust training program that may be subject to approval and/or may be conducted by PCTC; and (3) BPD will provide the required notice to PCTC when an officer resigns while a misconduct investigation or disciplinary charges are pending. This language restricts funds pending the receipt of information regarding PCTC involvement with the consent decree, specific policies

mentioned in the consent decree, and PCTC's plan to provide assistance to BPD, based on the finalized consent decree.

Attached is the Department's submission in satisfaction of the reporting requirements.

I hope this letter and the attachments meet with your approval. If the Department or I can be of further assistance, please do not hesitate to contact me or the Director of Legislative Affairs, Rachel Sessa at 410-339-5022.

Sincerely,

A handwritten signature in cursive script that reads "Stephen T. Moyer". The signature is written in dark ink and is positioned above the typed name.

Stephen T. Moyer  
Secretary

Attachment: Report on PCTC Involvement in the DOJ Consent Decree  
with BPD

cc: Senator James E. DeGrange, Sr., Chair, Senate Public Safety, Transportation,  
and Environment Subcommittee

Delegate Keith Haynes, Chair, House Subcommittee on Public Safety and  
Administration

Members of the Senate Budget and Taxation Committee

Members of the House Committee on Appropriations

Mr. Sam Malhotra, Chief of Staff, Governor's Office

Mr. Christopher Shank, Governor's Chief Legislative Officer

Ms. Kenneth Weaver, Policy Analyst, Department of Legislative Services

Mr. Kyle Mansfield, Budget Analyst, Department of Budget and Management

Mr. Matthew Bennett, Counsel to the Appropriations Committee

Mr. Matthew Jackson, Counsel to the Appropriations Committee

Ms. Cathy Kramer, Department of Legislative Services

Ms. Sarah Albert, Department of Legislative Services



**DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES**

**Report on PCTC Involvement in the DOJ Consent  
Decree with BPD**

July 2017

Governor Larry J. Hogan  
Lt. Governor Boyd K. Rutherford  
Secretary Stephen T. Moyer

## I. INTRODUCTION

In the 2017 Joint Chairman's Report, in the language on pages 127-128, the Budget Committees made the following request:

**Report on PCTC Involvement in the DOJ Consent Decree with BPD:** [P]rovided that \$100,000 of this appropriation made for the purpose of departmental operations may not be expended until the Police and Correctional Training Commissions (PCTC) submits the following information to the budget committees: (1) PCTC's plan to comply with the finalized U.S. Department of Justice consent decree with the Baltimore Police Department and with the consent decree's specific mentions of PCTC involvement and/or oversight regarding regulations, notification, police training, and overall reform efforts; (2) PCTC's policies or rules for making a determination as to whether Maryland police departments' training programs or procedures are subject to approval; (3) PCTC's specific plan regarding PCTC approval of the official Baltimore Police Department Training Plan mentioned in the consent decree; (4) all written policies regarding PCTC oversight of police firearms regulations and standards; and (5) PCTC's policies or rules regarding when local jurisdictions' police departments are required to notify PCTC in the event of officer misconduct and officer resignations while misconduct or disciplinary charges are pending. The report shall be submitted to the budget committees no later than July 1, 2017, and the budget committees shall have 45 days from the date of receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

It is important to note that, during the 2016 Legislative Session, the Maryland General Assembly passed legislation that repealed the Police Training Commission and reenacted it as the Maryland Police Training and Standards Commission (MPTSC). While the new MPTSC is still an entity within PCTC, the following information strictly pertains to the MPTSC component of PCTC and not to the Correctional Training Commission.

## II. PCTC's [MPTSC] plan to comply with the finalized U.S. Department of Justice consent decree with the Baltimore Police Department and with the consent decree's specific mentions of PCTC [MPTSC] involvement and/or oversight regarding regulations, notification, police training, and overall reform efforts.

The Consent Decree was executed and approved by the court in April, 2017. It is expected that the court will appoint an independent monitoring team that will oversee the Baltimore Police Department's (BPD) efforts to comply with the mandates of the Decree. The parties must then work with the monitor to create an implementation and monitoring plan.

One obligation imposed on the BPD by the Decree is enhanced training for police officers. The Decree recognizes that such training may be subject to approval by the MPTSC. Current regulations already provide what police training must be approved or certified by the MPTSC, (COMAR 12.04.01.09 (entry level); 12.04.01.02 (firearms); 12.04.01.12 (in-service)), and there are procedures established for a law enforcement agency to apply for such certification of its training programs.

If BPD establishes training that exceeds MPTSC requirements, no special or additional approval or certification is necessary. Accordingly, no special plan is necessary. However, the MPTSC will endeavor to review and approve all BPD applications made to it in a timely manner.

**III. PCTC's [MPTSC] policies or rules for making a determination as to whether Maryland police departments' training programs or procedures are subject to approval.**

Title 12 Department of Public Safety and Correctional Services - Subtitle 04 Police Training Commission - Chapter 01 - General Regulations mandate that Maryland police departments' entry level and in-service training programs are subject to Commission approval. These are the minimum standards for the certification of law enforcement officers in Maryland. Approval must be requested and granted prior to actual training presentation. Additionally, Training Commission staff conducts periodic audits to validate that training was conducted in accordance with Commission approval and verifies that each student successfully completed the training.

ENTRY LEVEL TRAINING

COMAR 12.04.01.09 – “Minimum Standards for Entrance-Level Training for Police Officers,” under paragraph A (1) states in pertinent part “[a]n applicant for certification as a police officer shall successfully complete an entrance-level training program approved by the Commission before the Commission may certify the applicant.”

Entrance level training requirements are governed by COMAR 12.04.01.09. Paragraph C sets out the training subjects that are required by Commission regulations for which approval by MPTSC is required. Subjects include: organizational principles and law; Patrol; Traffic; Criminal Investigation; emergency medical care, which shall also provide training in lifesaving techniques, including cardiopulmonary resuscitation (CPR); communications; report writing and composition; crime prevention; crisis intervention; protective strategies and tactics, including training in the proper level and use of force; emergency vehicle operations; prisoner processing and security; courtroom preparation and testimony; health and wellness; terrorism and weapons of mass destruction; sensitivity to cultural and gender diversity; and training concerning individuals with physical, intellectual, developmental, and psychiatric disabilities.

The Commission requires that certain performance objectives for entry level training be met. Under 12.04.01.09 B, the Commission will approve an entrance-level training program for police officers if the program includes activities that ensure the applicants meet the performance objectives set out in COMAR and based on a Statewide job task analysis that defines the tasks considered essential for law enforcement officers in Maryland.

ANNUAL IN-SERVICE TRAINING

12.04.01.12 “Police Officer Annual In-Service Training and Qualification” requires, under paragraph A (2), that the Commission accept successful completion of Commission-approved training toward a police officer's annual in-service training requirements. In addition to firearm mandated training, the Commission requires under 12.04.01.12 A that a certified police officer at or below the rank of first-line supervisor completes a minimum of 18 hours of Commission-



approved in-service training each calendar year. Further, under A (7), that beginning in the year 2004 and every third year thereafter, police officer annual in-service training curriculum and minimum courses of study shall include special training in, attention to, and study of the application and enforcement of the criminal laws concerning rape, sexual offenses, the sexual abuse and exploitation of children, and related evidentiary procedures; the contact with and treatment of victims of crimes and delinquent acts; the notices, services, support, and rights available to victims and victim's representatives under Maryland law; and the notification of victims of identity fraud and related crimes of their rights under federal law. Additionally, since December 31, 2013, a police officer required to complete annual in-service training has been required to successfully complete Commission-approved autism awareness training if the police officer has not previously successfully completed autism awareness training as part of a Commission-approved entrance-level training program. And no later than December 31, 2016, and within every 2 years after that date, a police officer required to complete annual in-service training under this regulation must also successfully complete a Commission-approved training program on lifesaving techniques, including cardiopulmonary resuscitation (CPR).

Other than firearms training (not herein addressed) there are no other MPTSC requirements for Commission approval of Maryland police departments' training programs or procedures.

**IV. PCTC's [MPTSC] specific plan regarding PCTC [MPTSC] approval of the official "Baltimore Police Department Training Plan" mentioned in the Consent Decree.**

As of the date of this report, BPD has not had sufficient time to finalize the development of training required by the Consent Decree. Once BPD's development of training is complete, for those topics that are subject to Commission regulation, the Commission will follow the requirements of COMAR 12.04.01.12, as applicable.

A major training requirement within the Decree is that BPD officers must successfully qualify with firearms in accordance with MPTSC regulations and standards which are established in COMAR 12.04.02. This protocol is established and will require no additional action on the part of the Commission.

The Decree recognizes that under State law, certification of training may be subject to approval by the MPTSC. MPTSC's approval process has been established, and is required of all Maryland police agencies to request/acquire training program approval according to the provisions of COMAR 12.04.01.

The Training Commission's Deputy Director/Acting Executive Director has met with BPD training personnel and offered assistance to the extent that the Commission's authority and resources are applicable.

**V. All written policies regarding PCTC's [MPTSC] oversight of police firearms regulations and standards.**

MPTSC regulations addressing Police Firearms Training and Standards are within COMAR 12.04.01.09, 12.04.01.12 and 12.04.02.

**VI. PCTC's policies or rules regarding when local jurisdictions' police departments are required to notify PCTC in the event of officer misconduct and officer resignations while misconduct or disciplinary charges are pending.**

COMAR 12.04.01.02(C) requires police departments to notify MPTSC under certain conditions. If an officer is placed on "nonofficer" status for more than 30 days, preventing the officer from meeting Commission training standards, the agency head must report changes in the officer status in "a format or on a form approved by the Commission." (COMAR 12.04.01.02 (C)(2)). The current approved form does inquire whether the non-officer status is due to departmental suspension as a result of an administrative investigation or charge. (See form DPSCS-PCTC-18 Revised 8/2016).

Further, if an officer is separated from service, including resignation, an agency head shall notify and provide information to MPTSC indicating whether, at the time of separation, the police officer was under criminal or administrative investigation. (12.04.01.02 (C)(3)(d)(i)). This would include resignations while misconduct or disciplinary charges are pending; however, the format/form does not require specific information about the type of administrative investigation or charge (i.e., whether the investigation was for misconduct or other grounds).

