

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Public Safety and Correctional Services
(DLS Control No. 15-059)**

Overview and Legal and Fiscal Impact

These regulations replace, expand, and clarify existing requirements for law enforcement agency field training pertaining to (1) length of field training; (2) field training monitoring and coordination; (3) field training officers; (4) field training officer course; (5) supervision of police officers in field training; (6) documenting field training; and (7) auditing field training records.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Public Safety and Correctional Services:

Police Training Commission: General Regulations: COMAR 12.04.01.07

General Regulations: COMAR 12.04.01.17

Legal Analysis

Background

In 2003, regulations were amended to require field training for certification of new police officers. The Department of Public Safety and Correctional Services is proposing to amend the language of COMAR 12.04.01.07 and .17, governing how the Police Training Commission field trains police officers. The changes replace, expand, and clarify regulations dealing with the field training required for the certification and recertification of law enforcement officers.

The commission advises that it received a substantial number of comments from police agencies on the proposed regulation amendments published on May 30, 2014. At the commission's direction, a workgroup composed of representatives from small and large police agencies reviewed the comments and made recommended changes to the May 30, 2014 proposal.

The commission reviewed the revised proposal developed by the workgroup at its April 8, 2015 meeting. The commission decided it would be less confusing to withdraw the May 30, 2014 proposed regulations and to submit new regulations that incorporated the suggestions made by the workgroup.

Summary of Regulations

Regulation .07 authorizes the commission to recertify an applicant as a police officer provided that the applicant meets field training standards under Regulation .17 (which is amended by this action). Regulation .17 now requires field training to be successfully completed by an individual for each law enforcement agency employing the individual and before an agency submits the application for certification.

Field training must be completed by an individual after the individual has met entrance-level training standards or recertification training standards. If the individual is employed by more than one agency, the individual must successfully complete field training for each agency before certification. The regulation authorizes the commission to certify or re-certify certain individuals appointed or employed by a government entity to exercise supervisory authority, such as a sheriff or chief of police, without the individual meeting field training requirements. An individual serving as an officer only because they occupy another office or position may also be certified or re-certified without meeting requirements.

The regulations establish that the minimum for commission-approved, entrance-level field training is 240 hours, unless the individual has received a waiver under the regulations. Minimums of 160 hours or 80 hours are required for individuals applying for certification with specified waivers. A minimum of 80 hours is required for individuals applying for recertification, temporary certification, or certification with multiple agencies.

Field training must be coordinated and monitored by the law enforcement agency head or an employee designated by the head, if the employee has successfully completed a commission-approved supervisor training course and field training.

A field training officer must (1) meet the requirements established by the commission; (2) be a police officer for at least two years immediately prior to being approved to be a field training officer; (3) have successfully completed a commission-approved field training officer course; (4) successfully complete a minimum of seven hours of additional instruction every three years; and (5) be approved by the commission. Successfully completing the initial field training officer course requires attendance at a minimum 90% of total instruction hours and a score of at least 70% on each test given as part of the course. The agency conducting the field training course must report the names of those who successfully complete the course. The Deputy Director is authorized to excuse an individual from all or a portion of the minimum requirements if the individual submits documentation of equivalent training and the Deputy Director verifies the equivalency.

A field training officer course must be approved by the commission and provided by the law enforcement agency or academy that received approval. An application for approval for a course must be submitted to the commission at least 20 days before the course begins and be in the format required by the commission. The application for course approval must include the number of hours of instruction, the instructors' names and qualifications, and the testing and evaluation methods to be used. If the commission approves the course, it will assign the course an identification number. Course approval is valid for three years. Approvals for changes to the course must be made at least 20 days before implementation. The course must be conducted only by certified individuals, or those exempted under the regulations, for a minimum of 21 hours and on the training objectives required by the commission.

A law enforcement agency must adopt written policy on field training and field training officers course based on a model policy approved by the commission, which must minimally include (1) the length of the course; (2) an outline of the training subjects and orientation provided as part of field training; (3) responsibilities of the course supervisor; (4) the selection process for training officers; (5) guidelines for performance evaluations; (6) reporting responsibilities of officers; and (7) guidelines for evaluation of field training officers.

During field training, the individual must be under the direct supervision of a field training officer or a police officer of supervisory rank if the training officer is not available. Under extenuating circumstances, and for a period of up to 10% of total training, the individual may be under the supervision of an agency police officer who is not a training officer or an officer of supervisory rank. The deputy director of the commission may approve alternative supervision requested by an agency when a field training officer is not available for at least 89% of the total training. During field training, an individual who is engaged in specialized training or orientation duties that do not entail enforcement functions may engage in that training of those duties for up to 5% of the training and is not required to be under direct supervision of a field training officer or officer of supervisory rank. If the individual completes the field training, the law enforcement agency head or designated employee must complete and provide a written statement to the commission of the completion and sign and date the statement.

The agency is to maintain, for a minimum of three years, the following documentation from the field training: written policies for field training; rosters of participants; tests; test scores; evaluations of participants; description of the evaluation process; lesson plans and guides; outlines of training; competence reports; and any other documentation required by the commission.

Finally, the field officer training course and the field training are subject to review and audit by the commission. The commission may suspend or revoke approval of a field officer training course or field training if the commission determines that they fail to meet the commission's requirements.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 2-109 of the Correctional Services Article and § 3-208 of the Public Safety Article as authority for the regulations. Specifically, § 2-109 of the Correctional Services Article requires the Secretary of Public Safety and Correctional Services to review regulations proposed by a unit in the department and authorizes the secretary to approve, disapprove, or revise the proposed regulations; and § 3-208 of the Public Safety Article authorizes the commission, subject to the authority of the secretary, to adopt regulations necessary or appropriate to carry out the Police Training Commission subtitle.

Reference could also be made to the following provisions: § 3-207(5)(vii) of the Public Safety Article, which authorizes the commission to establish minimum qualifications for police training instructors; § 3-207(7), which authorizes the commission to certify and issue appropriate certificates to qualified instructors for police training schools; § 3-207(8), which authorizes the

commission to verify officer training completion and issue diplomas; and § 3-207(18), which authorizes the commission to perform any act necessary or appropriate to carry out its powers and duties under the subtitle.

The cited authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The changes expand existing requirements for law enforcement agency field training with details concerning requirements for (1) length of training; (2) training monitoring and coordination; (3) training officers; (4) training officer course; (5) supervision of police officers in training; (6) documentation of training; and (7) audits of training records. The changes reflect current law enforcement agency practices and have no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that these changes to regulations have minimal or no impact on small businesses in the State. The Department of Legislative Services concurs.

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