

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	05/01/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 6/12/2015**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

12 04 01 07

12 04 01 17

**3. Name of Promulgating Authority**

Department of Public Safety and Correctional Services

**4. Name of Regulations Coordinator Telephone Number**  
Gerald Loiacono 410-339-5075

**Mailing Address**

300 East Joppa Road

**City State Zip Code**  
Towson MD 21286

**Email**  
gloiacono@dpscs.state.md.us

**5. Name of Person to Call About this Document Telephone No.**  
Thomas C. Cmith 410-875-3605

**Email Address**  
tcmith@dpscs.state.md.us



**Title 12**  
**DEPARTMENT OF PUBLIC SAFETY AND**  
**CORRECTIONAL SERVICES**

**Subtitle 04 POLICE TRAINING COMMISSION**

**12.04.01 General Regulations**

**Subtitle 04 POLICE TRAINING COMMISSION**

**12.04.01 General Regulations**

Authority: Public Safety Article, §3-208(a); Correctional Services Article, §2-109

**Notice of Proposed Action**

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The The Secretary of Public Safety and Correctional Services proposes to , in cooperation with the Police Training Commission, amend Regulations .07 and .17 under COMAR 12.04.01 — General Regulations.

This action was considered This action was considered by the Police Training Commission at a public meeting on April 8, 2015.

**Statement of Purpose**

The purpose of this action is to The purpose of this action is to expand existing requirements for law enforcement agency field training with details concerning requirements for:

- (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.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

## **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

## **Opportunity for Public Comment**

Comments may be sent to Thomas C. Smith, Director Policy and Process Review, Maryland Police and Correctional Training Commissions, 6852 4th Street, Sykesville, Maryland 21784, or call 410-875-3605, or email to [tcsmith@dpscs.state.md.us](mailto:tcsmith@dpscs.state.md.us), or fax to 410-875-3584. Comments will be accepted through Within 30 days of publication . A public hearing has not been scheduled.

## **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 16

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:  
General

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:  
The proposal is updating COMAR to reflect actual law enforcement agency practices related to field training for police officers.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations affect State and local government only.

G. Small Business Worksheet:

Attached Document:

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# **Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

## **Subtitle 4 Police Training Commission**

### **Chapter 01 General Regulations**

Authority: Public Safety Article, §3-208(a); Correctional Services Article, §2-109

**.07 Police Officer Recertification.**

A. The Commission may recertify an applicant for recertification as a police officer if the applicant was previously certified as a police officer when:

- (1) — (2) (text unchanged)
- (3) The applicant meets applicable Commission-required:
  - (a) Selection standards under Regulation .08 of this chapter; [and]
  - (b) Training standards under §B, C, D, or E of this regulation; and
  - (c) *Field training standards under Regulation .17 of this chapter.*

B. — E. (text unchanged)

**.17 Field Training.**

[A. Each law enforcement employee shall complete a field training program before certification by the Commission.

B. Field training:

- (1) Shall include activities designed to familiarize the individual with the duties of the police officer position, as defined and administered by the law enforcement agency;
- (2) May be conducted in conjunction with an entrance-level training program or a separate training activity provided by a law enforcement agency;
- (3) Shall be a minimum of 80 hours in duration; and
- (4) Shall be monitored by a certified police officer, the agency head, or designee.

C. Documenting Field Training.

An agency head, or a designee, shall:

- (1) Complete and submit a written statement to the Commission certifying that the individual successfully completed the field training specified under §B of this regulation; and
- (2) Date and sign the written statement.].

A. *Field Training Required; Exceptions.*

(1) *Except as provided by §A(3) of this regulation, an individual shall successfully complete Commission-approved field training as required under this regulation before receiving police officer certification or recertification under this chapter.*

(2) *As provided by this regulation, field training shall be successfully completed by an individual for each law enforcement agency employing the individual.*

(3) *If an individual holds a position listed under Public Safety Article § 3-201(e)(3)(i) or (ii) of the Annotated Code of Maryland, the individual may be certified or re-certified as a police officer under this chapter for the law enforcement agency with which the individual holds the position without meeting the requirements of this regulation.*

(4) *An individual may receive provisional or temporary certification as a police officer under this chapter without meeting the requirements of this regulation.*

B. *When Field Training Is to Be Completed and Minimum Hours for Field Training – The following table provides the minimum hours of field training to be successfully completed and when the field training is permitted to be undertaken by an individual for whom certification as a police officer is requested:*

<b>Training or other Circumstances under which an application is made for an Individual to receive Police Officer Certification</b>	<b>Required Minimum Hours of Field Training</b>	<b>When Individual is permitted to undertake Field Training</b>
<i>(a) Full Entrance-Level Training – For an individual required to complete a full course of entrance-level training.</i>	240	<i>After successfully completing the entrance-level training.</i>
<i>(b) Comparative Compliance Waiver for Individual who completed Entrance-Level Training within 2 years – For an individual required to complete portions of entrance-level training standards after receiving a waiver under Regulation .06H(2) or .14E(3)(b) of this chapter.</i>	240	<i>After successfully completing the training requirements of Regulation .14E(7) of this chapter.</i>

<b>Training or other Circumstances under which an application is made for an Individual to receive Police Officer Certification</b>	<b>Required Minimum Hours of Field Training</b>	<b>When Individual is permitted to undertake Field Training</b>
<i>(c) Comparative Compliance Waiver for Individual who worked for an Out-of-State Law Enforcement Agency within 5 years and completed comparable Entrance-Level Training – For an individual required to complete portions of entrance-level training standards after receiving a waiver under Regulation .06H(1) or .14E(3)(a) of this chapter.</i>	160	<i>After successfully completing the training requirements of Regulation .14E(7) of this chapter.</i>
<i>(d) Waiver of Training Standard under Regulation 14A of this Chapter, based on individual's unique circumstances.</i>	80	<i>After successfully completing training requirements prescribed by the Commission for the individual as a condition of granting the waiver.</i>
<i>(e) Temporary Certification and Recertification – For an individual for whom an application is submitted for:</i>		
<i>(i) Temporary Certification under Regulation .06I of this chapter;</i>	80	<i>Upon receiving temporary certification under Regulation .06I and .07B(2) of this chapter;</i>
<i>(ii) Recertification under Regulation .07B of this chapter;</i>	80	<i>Upon receiving provisional certification under Regulation .03 of this chapter;</i>
<i>(iii) Recertification under Regulation .07C of this chapter.</i>	80	<i>After successfully completing the training requirements of Regulation .14E(7) of this chapter.</i>
<i>(f) Certification with multiple Agencies – For an individual for who police officer</i>	80	<i>After completing the training requirement</i>

<b>Training or other Circumstances under which an application is made for an Individual to receive Police Officer Certification</b>	<b>Required Minimum Hours of Field Training</b>	<b>When Individual is permitted to undertake Field Training</b>
certification is requested by a second law enforcement agency, and also for each additional law enforcement agency.		for certification with the second and each additional law enforcement agency.

*C. Field Training Monitoring and Coordination.*

*(1) A law enforcement agency's field training shall be coordinated and monitored by:*

- (a) The law enforcement agency head; or*
- (b) An employee of the law enforcement agency designated by the law enforcement agency head.*

*(2) If an employee of the law enforcement agency designated by the law enforcement agency head is responsible for coordinating and monitoring the agency's field training, the employee is required to have successfully completed:*

- (a) A Commission-approved supervisor training course under Regulation .13 of this chapter; and*
- (b) A Commission-approved field training officer course as provided by §E of this regulation.*

*D. Field Training Officer Requirements.*

*(1) A field training officer shall:*

- (a) Meet the requirements established under this regulation and by the Commission;*
- (b) Be a police officer for at least 2 years immediately prior to being approved by the Commission to be a field training officer;*
- (c) Be approved by the Commission as a field training officer;*
- (d) Except under provisions of §D(4) of this regulation, successfully complete a Commission-approved field training officer course; and*
- (e) Within every 3 years following initial completion of a field training officer course, successfully complete a minimum of 7 hours of cumulative instruction that have been approved by the Commission to be provided to an individual who has been approved as a field training officer.*

*(2) To successfully complete an initial field training officer course, an individual shall:*

- (a) Attend a minimum of 90 percent of the total hours of instruction established for the field training officer course; and*
- (b) Achieve at least a score of 70 percent on each test given as part of the field training officer course.*
- (3) The law enforcement agency or academy conducting a field training officer course shall report to the Commission the name of each individual who successfully completes the field training officer course.*
- (4) The Deputy Director may excuse an individual from completing all or a portion of the minimum requirements for a Commission-approved field training officer course required by this regulation if:*
  - (a) The individual submits to the Deputy Director documentation that the individual has successfully completed training that is the equivalent to all or the portion of the minimum requirements for a Commission-approved field training officer course; and*
  - (b) The Deputy Director finds the documentation provided verifies that the completed training is equivalent to all or the portion of the minimum requirements for a Commission-approved field training officer course.*

*E. Field Training Officer Course – Application, Requirements and Approval.*

*(1) A field training officer course shall be approved by the Commission, and provided by the law enforcement agency or academy that has received the course approval under this section.*

*(2) An application for a field training officer course approval shall be submitted to the Commission by a law enforcement agency or academy that requests approval of the course:*

- (a) At least 20 days before the field training officer course begins; and*
- (b) In the format required by the Commission.*
- (3) The application for approval for a field training officer course shall include the:*
  - (a) Number of hours of instruction to be provided by the course;*
  - (b) Names and qualifications of the instructors for the course;*
  - (c) Testing and evaluation methods for an individual enrolled in the field training officer course; and*
  - (d) Other information required by the Commission.*

*(4) If the Commission approves the field training officer course:*

- (a) The Commission shall assign the approved field training officer course an identification number; and*

(b) Commission approval of the field training officer course is valid for three years following the approval date.

(5) Proposed Change to Commission-approved Field Training Officer Course.

(a) If a law enforcement agency or academy that has received Commission approval for a field training officer course proposes to change the format, an instructor, content, testing or evaluation methods of the course as most recently approved by the Commission, an application for approval of the change shall be submitted to the Commission by the law enforcement agency or academy at least 20 days before the change to the field training officer course is proposed to be implemented.

(b) The proposed change becomes effective when approved by the Commission.

(6) An approved field training officer course shall provide instruction:

(a) Conducted only by individuals who are certified by the Commission under COMAR 12.04.06.08 or who possess an exemption under COMAR 12.04.06.04;

(b) For a minimum of 21 hours; and

(c) On the training objectives required by the Commission for the Commission-approved field training officer course.

(7) For a minimum of three years, a law enforcement agency or academy conducting a Commission-approved field training officer course shall maintain the following documentation related to the course:

(a) Rosters of individuals participating in the field training officer course;

(b) The tests, test scores, and evaluations of individuals participating in the field training officer course;

(c) Description of the evaluation process for individuals participating in the field training officer course;

(d) Field training officer course lesson plans; and

(e) Other documentation required by the Commission.

F. Agency Field Training Policy Required.

(1) A law enforcement agency shall adopt a written policy on the agency's field training based on a model policy approved by the Commission.

(2) The policy, at a minimum, shall include:

(a) Length of the agency's field training;

(b) An outline of the training subjects, orientation, and other activities to be provided as part of field training;

(c) Responsibilities of the individual supervising field training;

(d) Selection process for field training officers;

(e) Training of field training officers;

(f) Guidelines for a field training officer's evaluation of the performance of an individual participating in field training;

(g) Reporting responsibilities of field training officers; and

(h) Guidelines for evaluation of field training officers.

G. Supervising an Individual during Commission-Approved Field Training.

(1) Except for provisions under § G(2) and (3) of this regulation, during Commission-approved field training, an individual shall be under direct supervision of:

(a) A field training officer from the law enforcement agency employing the individual; or

(b) If a field training officer is not available, a police officer of supervisory rank from the law enforcement agency employing the individual.

(2) Exception to Supervision during Field Training.

(a) For a period that does not exceed 10 percent of the total time of an individual's field training, the individual may be under the direct supervision of a police officer of the law enforcement agency who is not a field training officer or police officer of supervisory rank.

(b) Under extenuating circumstances when a field training officer or officer of supervisory rank is not available for at least 89 percent of the total time of an individual's field training, the agency head may request the Deputy Director to approve alternative supervision during the individual's field training.

(c) The Deputy Director may approve an alternative to the supervision required by this section during Commission-approved field training:

(i) For a limited period of time, as determined by the Deputy Director; and

(ii) Under conditions and circumstances specified by the Deputy Director.

(3) During field training, an individual who is engaged in specialized training or orientation duties that do not entail enforcement functions:

(a) May engage in that training or those duties for up to five percent of the total time of the individual's field training; and

(b) While engaged in that training or those duties is not required to be under the direct supervision of a field training officer or police officer of supervisory rank.

(4) If an individual successfully completes the law enforcement agency's field training, the law enforcement agency head, or the individual designated to supervise field training shall:

(a) Complete and submit a written statement to the Commission indicating that the individual has successfully completed the required Commission-approved field training; and

*(b) Sign and date the statement.*

*H. Documentation to be maintained related to a Law Enforcement Agency's Field Training – For a minimum of three years, a law enforcement agency shall maintain the following documentation related to the law enforcement agency's field training:*

- (1) The agency's written policy for field training;*
- (2) Rosters of individuals participating in field training;*
- (3) The tests, test scores, and evaluations of individuals participating in field training;*
- (4) Description of the evaluation process for individuals participating in field training;*
- (5) Field training lesson plans and guides;*
- (6) An outline of the training for individuals participating in field training;*
- (7) At least once every two weeks during the individual's field training, summaries of the performance the individual participating in field training;*
- (8) The field training officer's final competence report on each individual participating in field training; and*
- (9) Other documentation required by the Commission; and*

*I. Audit.*

*(1) A Commission-approved field training officer course and Commission-approved field training is subject to review and audit by the Commission.*

*(2) The Commission may suspend or revoke approval of a field training officer course or law enforcement agency's field training if the Commission determines that the field training officer course or agency field training fails to meet the Commission requirements.*