

# **CODE OF MARYLAND REGULATIONS (COMAR)**

As Amended Through – October 1, 2019

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

### **Subtitle 04 POLICE TRAINING AND STANDARDS COMMISSION**

#### **Chapter 01 General Regulations**

Authority: Public Safety Article, §§3-208;  
Annotated Code of Maryland

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## 12.04.01.01

### .01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "**Academy**" means a college, school, training unit, or training facility approved or certified by the Commission under this chapter to conduct police officer entrance-level training programs.

(2) "**Application for certification (AFC)**" means a form approved by the Commission that is an official record verifying that an applicant has met the applicable Commission selection standards for a position as a police officer.

(3) Agency Head.

(a) "**Agency head**" means:

(i) A police chief, sheriff, administrator, department head, an individual in an equivalent position, or designee; or

(ii) An individual appointed, employed, or elected to manage, administer, or supervise a law enforcement agency, or a designee.

(b) "Agency head" includes a director of an academy, personnel unit, or training unit, or designee authorized to act in employment or training matters.

(4) "**Certification**" means the legal authority under Public Safety Article, §3-209, Annotated Code of Maryland, conferred by the Commission, authorizing an individual to exercise law enforcement powers and enforce the criminal laws of Maryland.

(5) Commission.

(a) "**Commission**" means the Police Training and Standards Commission or a representative authorized to act on behalf of the Commission.

(b) "Commission" includes all references to Police Training Commission, now known as the Police Training and Standards Commission.

(6) Controlled Dangerous Substance.

(a) "**Controlled dangerous substance**", unless specified otherwise, has the meaning stated in Criminal Law Article, §5-101, Annotated Code of Maryland.

(b) "Controlled dangerous substance", unless specified otherwise, includes substances identified under Criminal Law Article, §5-708, Annotated Code of Maryland.

(c) "Controlled dangerous substance" does not include medication supported by prescription if used, received, or distributed without criminal intent and for legitimate medical purposes.

(7) "**Deputy Director**" means the Deputy Director of the Police and Correctional Training Commissions, or a designee.

(8) "**Executive Director**" means the Executive Director of the Police and Correctional Training Commissions, or a designee.

(9) "**First-line administrator**" means a police officer promoted to a position that is designated by the law enforcement agency as exercising first-line administrative powers as defined under Public Safety Article, §3-215, Annotated Code of Maryland, for police administrator.

(10) "**First-line supervisor**" means a police officer promoted to a position that is designated by the law enforcement agency as exercising first-line supervisory powers as defined under Public Safety Article, §3-215, Annotated Code of Maryland, for police supervisor.

(11) Law Enforcement Agency.

(a) "**Law enforcement agency**" has the meaning stated under Public Safety Article, §3-201, Annotated Code of Maryland.

(b) "Law enforcement agency" includes a training or personnel unit authorized to act in training or employment matters.

(12) "**Marijuana**" has the meaning stated in Criminal Law Article, §5-101, Annotated Code of Maryland.

(13) Mental health professional

(a) "**Mental Health Professional**" means an individual who is certified by the appropriate health occupations board, as provided by the Health Occupations Article, §1-102, Annotated Code of Maryland, and licensed to practice:

(i) Medicine;

(ii) Psychology;

(iii) Clinical social work; or

(iv) Clinical professional counseling.

(b) "Mental health professional", unless specifically stated otherwise in this chapter, includes an individual referred to as a:

(i) Psychiatrist licensed to practice medicine as defined in Health Occupations Article, §14-101, Annotated Code of Maryland;

(ii) Psychologist licensed to practice psychology as defined in Health Occupations Article, §18-101, Annotated Code of Maryland;

(iii) Licensed certified social worker-clinical authorized to practice clinical social work as defined in Health Occupations Article, §19-101, Annotated Code of Maryland; or

(iv) Certified professional counselor licensed to practice clinical professional counseling as defined in Health Occupations Article, §17-101, Annotated Code of Maryland.

(14) "**Motorcycle**" has the meaning stated in Transportation Article, §11-136, Annotated Code of Maryland, and is designated as an emergency vehicle in accordance with Transportation Article, §11-118(1), Annotated Code of Maryland.

(15) "**Narcotic drug**" has the meaning stated in Criminal Law Article, §5-101, Annotated Code of Maryland.

(16) Nonofficer Status.

(a) "**Nonofficer status**" means a situation in which a police officer, who continues to be employed by a law enforcement agency, is temporarily relieved of law enforcement powers by the law enforcement agency:

(i) For medical or administrative reasons that prevent the officer from completing Commission-required training; or

(ii) For the purpose of suspending Commission-required training.

(b) "Nonofficer status" does not affect the officer's certification or eligibility for certification or recertification.

(17) "**Police officer**" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(18) Probationary Period.

(a) "**Probationary period**" has the meaning stated in Public Safety Article, §3-215, Annotated Code of Maryland, for probationary appointment.

(b) "Probationary period" does not relate to or restrict a probationary period that may be imposed by the hiring agency.

(19) "**Provisional certification**" means the probationary appointment of an individual as a police officer under Public Safety Article, §3-215, Annotated Code of Maryland.

(20) "**Psychological evaluation**" means:

(a) The administration of an assessment instrument with documented reliability, validity, and other empirical evidence intended to measure, at a minimum, an individual's integrity, ethics, and interpersonal communication skills; and

(b) An in-person interview performed by a mental health professional as defined in this regulation.

(21) "**Supplemental information**" means information in the possession of a law enforcement agency, or that becomes known to the Commission, concerning an individual who is a police officer or an applicant for certification as a police officer that indicates the individual:

(a) May not have the ability to perform the duties of a police officer;

(b) May not meet a qualification for the police officer selection standards under this chapter;

(c) Has exhibited behavior reflecting a lack of honesty or integrity; or

(d) Has separated from employment:

(i) Involuntarily; or

(ii) Prior to issues being resolved that are related to the individual's eligibility to continue the employment.

(22) "**Temporary certification**" means a time-limited provisional certification authorized by the Commission for a previously certified applicant for recertification when that applicant:

(a) Is employed by another law enforcement agency within 90 days of separation in good standing from the previous law enforcement agency; and

(b) Meets applicable Commission standards.

(23) "**Truth verification device**" means electronic equipment or technology designed and validated to test the veracity of an individual's statements or answers to questions by analyzing the physical reaction of the individual providing the statement or answering questions.

#### **12.04.01.02**

#### **.02 General Requirements and Processing and Recording Employment Status.**

##### **A. Completion of Application for Certification (AFC).**

(1) An agency head shall complete an AFC for a police officer hired by a law enforcement agency in the State when applying for provisional certification or certification.

(2) An agency head is responsible for:

(a) Accurately completing the AFC; and

(b) Submitting the AFC to the Commission.

(3) An agency head shall:

(a) Sign the AFC, certifying that the Commission's selection standards have been met; and

(b) Include the:

(i) Date the applicant completed the certification requirements; and

(ii) Agency head's telephone number.

(4) False or misrepresented information on the AFC is a basis for rejection or revocation of certification by the Commission and may be the basis for separate administrative or legal action.

#### B. Filing the AFC.

(1) An agency head shall submit the AFC to the Commission if the agency head has, within 1 year before submitting the AFC:

(a) Completed or verified for the applicant each of the selection standards as required under Regulation .04 or .08 of this chapter; and

(b) Determined that the applicant meets each of the selection standards under Regulation .04 or .08 of this chapter.

(2) The Commission shall issue a provisional certification or certify the applicant as a police officer after receipt of the properly completed AFC indicating the completion of applicable Commission selection standards under Regulation .04 or .08 of this chapter.

(3) An applicant for certification as a police officer may not legally exercise the authority of a police officer until the applicant is issued a provisional certification or certification by the Commission.

#### C. Notification of Change of Employment or Certification Status.

(1) An agency head shall notify the Commission in writing whenever a police officer:

(a) Is separated from employment as a police officer, by death, retirement, dismissal, reclassification to a civilian position, or resignation;

(b) Becomes ineligible under federal or Maryland law to possess or use a handgun;

(c) Changes the police officer's legal name;

(d) Is promoted to first-line supervisor;

(e) Is promoted to first-line administrator; or

(f) Is placed on nonofficer status for more than 30 days when that status prevents the officer from meeting the Commission's training standards.

(2) An agency head shall report changes in a police officer's status under this section within 30 days of the change in a format or on a form approved by the Commission.

(3) An agency head shall include in the notification under §C(2) of this regulation:

(a) The certified police officer's name and Commission-assigned identification number;

(b) The date of the action;

(c) A statement indicating the change in status; and

(d) In the case of separation as a police officer, information indicating whether, at the time of the separation or placement on nonofficer status, the police officer was under:

(i) Criminal or administrative investigation;

(ii) Indictment;

(iii) Formal charges;

(iv) Suspension; or

(v) Other similar action.

(4) Criminal Charges.

(a) An agency head shall notify the Commission when a police officer is:

(i) Convicted of a felony;

(ii) Convicted of a misdemeanor punishable by imprisonment for 1 year or more; or

- (iii) Separated from employment while criminal charges filed against the police officer were pending and any pending charge was a felony, or misdemeanor punishable by imprisonment for 1 year or more.
- (b) An agency head shall include in the notification under §C(4)(a) of this regulation information concerning the conviction or allegations being reported.
- (c) An agency head shall submit the notification under §C(4)(a) of this regulation to the Commission, on a form or in a format approved by the Commission, within 10 days of:
  - (i) The date the conviction for the criminal charges became known to the agency head; or
  - (ii) Separation from employment as a police officer.
- (5) An agency head shall make the notification under §C(4)(a) of this regulation regardless of the outcome of administrative plea negotiation.
- (6) Audit and Records.
  - (a) The Commission has the legal authority to audit records of selection standards and training provided according to this chapter.
  - (b) A law enforcement agency or academy shall retain records of an individual's training for a minimum of 3 years from the date the individual completed the training.

#### **12.04.01.03**

##### **.03 Provisional Certification.**

- A. The Commission may grant an applicant a provisional certification after the applicant meets applicable selection standards under Regulation .04 of this chapter.
- B. An applicant for certification as a police officer may not:
  - (1) Exercise the authority of a police officer to enforce the criminal laws of Maryland unless the Commission has issued the individual a provisional certification or certification; and
  - (2) Carry or use a firearm unless the individual has successfully completed firearms training and qualification requirements under Regulation .09H of this chapter and COMAR 12.04.02.
- C. An individual who is granted a provisional certification may not exercise the authority of a police officer beyond the period that the provisional certification is valid, unless the individual is granted certification as a police officer.
- D. Provisional certification is valid until:
  - (1) 365 cumulative days have elapsed from the initial date of provisional certification;
  - (2) It is determined that applicable selection standards have not been met;
  - (3) The officer is certified as a police officer;
  - (4) The police officer's employment is terminated; or
  - (5) The Commission recalls the provisional certification under Public Safety Article, §3-213, Annotated Code of Maryland.
- E. A provisional certification under this regulation may be issued to an individual who was formerly certified as a police officer who:
  - (1) Has not been employed as a police officer with a law enforcement agency for over 3 years; and
  - (2) Meets the applicable selection standards under Regulation .04 of this chapter.

**F. Probationary Period.**

- (1) After an individual has met selection standards under Regulation .04 of this chapter and received a provisional certification, the Commission shall grant a probationary period of up to 365 days to the police officer to perform law enforcement duties while awaiting the opportunity to obtain the required training under this chapter.
- (2) The probationary period begins on the day that a police officer receives provisional certification from the Commission.
- (3) The 365-day period is cumulative and may not be increased by multiple employments at different law enforcement agencies or periodic employment with the same law enforcement agency.
- (4) If a police officer transfers as a new employee from one law enforcement agency to another before successfully completing the required entrance-level training, the probationary period continues from the date of the first provisional appointment, minus any time not employed as a police officer for a law enforcement agency.

**12.04.01.04**

**.04 Selection Standards for Provisional Certification.**

**A. Age. An applicant for the position of police officer:**

- (1) Shall be 21 years old or older to be eligible for provisional certification; and
- (2) May attend an academy while younger than 21 years old but may not perform law enforcement duties until the applicant is 21 years old and provisionally certified.

**B. Citizenship. An applicant for the position of police officer shall:**

- (1) Be a United States citizen; and
- (2) Submit documents supporting a claim of citizenship to the hiring law enforcement agency.

**C. Education.**

**(1) An applicant for the position of police officer shall possess a:**

- (a) High school diploma issued by a high school or recognized by the State Board of Education;
- or

**(b) General Education Development (GED) certificate or diploma:**

- (i) Issued by Maryland or another state, or
- (ii) Recognized by the State Board of Education.

**(2) The law enforcement agency may accept a college degree in place of the requirements under §C(1) of this regulation.**

**(3) In the absence of a copy of a diploma, an agency head may accept a certified transcript indicating that an applicant successfully completed the requirements for graduation from a high school or college.**

**(4) An agency head shall maintain a copy of the appropriate diploma or other acceptable documentation.**

**(5) If a GED test was taken outside Maryland or while in the military service, and no certificate or diploma has been issued by a state:**

- (a) An applicant shall submit a copy of the GED test scores to the agency head; and
  - (b) The test results may be accepted by the Commission if they are consistent with the requirements established by the State Board of Education.
- (6) The agency head hiring the applicant shall indicate the appropriate information documenting the applicant's completion of the education requirements on the AFC.**

D. An individual may not be a police officer applicant, or maintain police officer certification, unless the individual is eligible under federal and Maryland law to possess and use a handgun.

E. Background Investigations and Criminal History.

- (1) An agency head shall perform a background investigation and criminal history investigation, including a fingerprint check, according to the requirements under Regulation .05 of this chapter.
- (2) As part of the background investigation, an agency head shall investigate an applicant's prior use of controlled dangerous substances, narcotic drugs, and marijuana as specified under Regulation .16 of this chapter.

F. Physical and Mental Health Examinations.

- (1) Before an applicant may be selected for a position as a police officer, the applicant shall be examined by and receive a recommendation from a licensed, trained, and qualified medical doctor indicating that the applicant is physically able to:
  - (a) Perform the duties of a police officer as determined by the employing law enforcement agency; and
  - (b) Participate in the entrance-level training program.
- (2) Before an applicant may be selected for a position as a police officer, a mental health professional shall conduct a psychological evaluation of the applicant and offer a positive recommendation indicating that the applicant is:
  - (a) Emotionally and mentally fit; and
  - (b) Able to perform the duties of a police officer as these duties are determined by the law enforcement agency.
- (3) Certification of Results.
  - (a) An agency head shall include, on the AFC, the following information concerning the licensed, trained, and qualified medical doctor and mental health care professional examining the applicant:
    - (i) Name;
    - (ii) Address; and
    - (iii) Date of the examination.
  - (b) The agency head hiring the applicant shall maintain documentation concerning the examinations required under this section supporting that the applicant is physically and mentally and emotionally fit for the duties of a police officer.

G. Oral Interview.

- (1) An agency head shall:
  - (a) Require an oral interview to assess the applicant's ability to communicate; and
  - (b) Record the date of the interview and the name of the interviewer on the AFC.
- (2) An agency head shall maintain a record of the interview.

H. Drug Screening.

- (1) An applicant shall receive a drug screening to test for controlled dangerous substances, narcotic drugs, and marijuana as specified in Regulation .15 of this chapter.
- (2) The hiring agency head shall maintain a record of the drug screening results and record the results on the AFC.
- (3) If the test results exceed the levels under Regulation .15 of this chapter, the Commission may not certify the applicant unless the positive screen for a controlled dangerous substance, narcotic drugs, or marijuana was determined to be the result of a legitimate ingestion or exposure as established under Regulation .16 of this chapter.

I. Driver's License and Driving Record.

- (1) The applicant shall possess a valid driver's license.
- (2) The agency head hiring the applicant shall:
  - (a) Perform a check of the applicant's driving record and maintain a copy of the results; and
  - (b) Record on the AFC the applicant's driver's license number, the state of issue, and an indication that the driving record has been reviewed.

J. This regulation does not prohibit an agency head from establishing more restrictive standards than those of the Commission for selection of an applicant for the position of police officer.

K. An agency head may submit a request for a waiver of standards under this regulation according to the requirements under Regulation .14 of this chapter.

**12.04.01.05**

**.05 Background Investigation and Criminal History.**

A. Background Investigation.

- (1) An agency head or authorized agency under §A(7) of this regulation shall perform a comprehensive background investigation to determine if an applicant:
  - (a) Is of good moral character and reputation;
  - (b) Is emotionally stable; and
  - (c) Displays the behavior necessary to perform the duties of a police officer.
- (2) An agency head shall ensure that a background investigation includes:
  - (a) A check of military records, when applicable, including obtaining a complete copy of the discharge document;
  - (b) A report from a credit agency regarding the applicant's current and past credit history;
  - (c) An examination of school records or interviews with school officials if the applicant attended school within the last 5 years;
  - (d) Interviews of:
    - (i) Personal references furnished by the applicant;
    - (ii) Neighbors of the applicant within the past 5 years;
    - (iii) Current and past employers within the last 5 years;
    - (iv) Coworkers within the last 5 years; and
  - (e) An investigation of the prior use of controlled dangerous substances, narcotic drugs, and marijuana by the applicant as specified under Regulation .16 of this chapter.
- (3) An agency head shall use the background investigation to determine whether information concerning the applicant's citizenship, mental and emotional fitness, and other information is valid and the applicant is otherwise capable of performing law enforcement duties.
- (4) Interviews may be conducted:
  - (a) In person;
  - (b) By telephone;
  - (c) By using an agency form and questionnaire that the interviewer or individual interviewed is required to complete; or
  - (d) By using other lawful methods designed to elicit useful information from an individual concerning the applicant.
- (5) Personal Interview.
  - (a) A personal interview conducted as part of a background investigation is considered appropriate when an interviewee is available within 50 miles of the law enforcement agency.

(b) Personal references and others residing outside the State may be contacted by correspondence or telephone.

(6) Out-of-State Applicants.

(a) When the applicant has resided or been employed out-of-State, the background investigation may be performed by an appropriate law enforcement agency or a legitimate private background investigation agency in that area where the applicant lived or worked outside the State.

(b) If an applicant has been employed as a police officer for the federal government or in another state, the agency head shall:

(i) Report the law enforcement agency's name and jurisdiction on the AFC; and

(ii) Forward with the AFC any supplemental information obtained from the previous out-of-State law enforcement agency or any other source.

(7) Investigations by Other Agencies.

(a) The hiring law enforcement agency may conduct the background investigation or may authorize another individual, office, or agency to conduct the background investigation.

(b) The Maryland State Police or a local law enforcement agency may assist the hiring law enforcement agency in the background investigation.

(8) If an applicant has received a special police commission, background information used during the investigation for the special police commission may be applied when the information meets the requirements of this regulation.

(9) An agency head hiring an applicant shall:

(a) Maintain a record of the background investigation; and

(b) Record the results on the AFC.

(10) Supplemental Information.

(a) If Supplemental information is developed, the agency head shall submit details with the AFC to the Commission.

(b) The Commission may refuse to certify the applicant based upon written verified supplemental information.

B. Criminal Record Checks and Fingerprints.

(1) An agency head submitting an AFC for an applicant to be certified as a police officer shall require that the applicant:

(a) Be fingerprinted; and

(b) Apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State and national criminal history records check.

(2) An applicant applying for a criminal history records check under this section shall request that the results of the criminal history records check be provided to the:

(a) Applicant;

(b) Commission; and

(c) Agency submitting the AFC for the applicant.

(3) Record of Criminal Conviction. If the results of the criminal history records check reveal that an applicant has been convicted or otherwise found guilty of a felony, or a misdemeanor for which a sentence of imprisonment for 1 year or more could have been imposed, the Commission shall include available information concerning the conviction with Commission records related to the applicant's AFC.

(4) The Commission shall notify the applicant that the applicant may contest the contents of the criminal history records check in accordance with Criminal Procedure Article, Title 10, Annotated Code of Maryland.

(5) The Commission may refuse to certify an applicant based on supplemental information resulting from the criminal history records check or other verified reliable source.

**12.04.01.06**

**.06 Police Officer Certification.**

**A. Certification Requirements.**

- (1) The Commission shall certify an individual as a police officer who:
  - (a) Meets all selection standards under Regulation .04 of this chapter;
  - (b) Completes the applicable training under Regulation .09 of this chapter; and
  - (c) Completes a field training program under Regulation .17 of this chapter.
- (2) Recertification. The Commission shall recertify an individual formerly certified as a police officer in Maryland who meets:
  - (a) Applicable training standards under Regulation .07 of this chapter; and
  - (b) Selection standards under Regulation .08 of this chapter.

**B. Certification Period.** The Commission shall certify an individual who meets the Commission's selection and training standards as a police officer for an initial period based on a schedule determined by the Commission.

**C. Renewal of Certification.**

- (1) The Commission shall automatically renew a police officer's certification, without application, on or before the expiration of the certification, if the police officer:
  - (a) Remains employed with the same law enforcement agency;
  - (b) Continues to meet the Commission's selection and training standards for a police officer; and
  - (c) Has not had the certification suspended, revoked, or recalled by the Commission.
- (2) Once the initial period of certification is established, subsequent renewal of a police officer's certification shall be based on a schedule determined by the Commission.
- (3) If a police officer's certification is to expire because the police officer did not meet Commission training standards, at least 30 days before the certification expires, the Commission shall notify the police officer's agency head of the pending expiration.
- (4) An agency head receiving notification under §C(3) of this regulation is responsible for notifying the police officer within a reasonable amount of time of the pending expiration.
- (5) If a police officer's certification expires, the police officer's agency head shall ensure that the individual does not perform the law enforcement duties of a police officer.

**D. Certification Card.**

- (1) The Commission shall issue a certification card:
  - (a) To a police officer who has met all Commission certification requirements under this chapter; and
  - (b) That contains information in a form determined by the Commission.
- (2) Issuing a certification card to a police officer indicates the police officer's authority to enforce the criminal laws of Maryland.
- (3) Replacement of and costs for replacing a previously issued, current certification card is the responsibility of the law enforcement agency.
- (4) Unless determined to be inappropriate by the agency head due to operational assignment, such as covert operations, a police officer shall carry the certification card at all times while the police officer is on duty status.
- (5) A certification card issued by the Commission expires at midnight on the date printed on the card or upon termination of employment as a police officer.

E. Request for Training Information.

- (1) Before a police officer's certification expires, the Commission shall require the police officer's agency head to verify the police officer's training.
- (2) An agency head shall provide the Commission with the training records requested under §E(1) of this regulation before the Commission issues a new certification card for the police officer.

F. Return of Certification Card.

- (1) An agency head shall return a certification card issued under this chapter to the Commission within 30 working days of the date when a:
  - (a) Police officer separates from employment; or
  - (b) Police officer's certification is suspended, revoked, or recalled by the Commission under this chapter or Public Safety Article, §§3-212—3-213, Annotated Code of Maryland.
- (2) An agency head shall retain the certification card of a police officer on nonofficer status until the police officer returns to active duty or is separated from employment.

G. Multiple Certification.

- (1) An individual may be employed as a police officer by more than one law enforcement agency at the same time.
- (2) For each law enforcement agency at which an individual is employed as a police officer, the individual shall:
  - (a) Meet applicable Commission-required selection and training standards for certification;
  - (b) Be certified at each law enforcement agency; and
  - (c) Be issued a certification card by the Commission for each law enforcement agency.
- (3) An agency head hiring a currently certified police officer:
  - (a) May use some of the results of the background investigation performed by the initial employing law enforcement agency; and
  - (b) Shall perform new local, State, and national fingerprint checks and a new drug screening.
- (4) A police officer working as a police officer at multiple law enforcement agencies:
  - (a) Shall meet applicable Commission training standards as if employed at one law enforcement agency; and
  - (b) May meet Commission training requirements through training provided by one or more employing law enforcement agencies.
- (5) The police officer shall meet the Commission's firearms qualification and training requirements for the firearm authorized by each law enforcement agency employing the police officer.
- (6) The Commission shall notify each agency head employing the same police officer when the Commission issues multiple certifications for a police officer.

H. Waivers. An individual may be eligible for a waiver of certain entrance-level training requirements under Regulation .14E of this chapter if the individual:

- (1) Was employed within the last 5 years as a police officer in another state or for the federal government and completed a basic police officer entrance-level training program; or
- (2) Completed a basic police officer entrance-level training program within the last 2 years.

I. Temporary Certification.

- (1) The Commission shall issue a temporary certification to an individual:
  - (a) Previously certified as a police officer in Maryland;

- (b) Hired as a police officer by another law enforcement agency within 90 days of separation from employment with a law enforcement agency;
- (c) Separated from employment with the previous law enforcement agency; and
- (d) Who meets applicable:
  - (i) Selection standards under Regulation .08 of this chapter, except for completion of a national or State fingerprint check; and
  - (ii) Training standards under Regulation .07B(3) of this chapter.
- (2) A temporary certification shall expire upon:
  - (a) Certification as a police officer by the Commission;
  - (b) Separation of employment as a police officer;
  - (c) Discovery of a criminal conviction through the local, national, or State fingerprint check that disqualifies the police officer from certification; or
  - (d) Passage of 90 days after the appointment date of the individual as a police officer at the law enforcement agency.
- (3) If the Commission determines that the local, national, or State fingerprint check results have not been received by the law enforcement agency through no fault of the law enforcement agency, the Commission may issue a second temporary certification for an additional 90 days at the same law enforcement agency.

#### **12.04.01.07**

##### **.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) Hired by a second or successive law enforcement agency;
- (2) The Commission receives a completed AFC; and
- (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.

B. Police Officer Recertification — 3 Years or Less Since the Applicant Was Last Certified as a Police Officer.

- (1) The Commission may recertify an applicant previously certified as a police officer in Maryland if:
  - (a) It has been 3 years or less since the applicant was certified as a police officer:
    - (i) By the Commission; or
    - (ii) With a law enforcement agency in another state or the federal government; and
  - (b) The applicant meets the:
    - (i) Selection standards under Regulation .08 of this chapter;
    - (ii) In-service training requirements under §B(3) of this regulation; and
    - (iii) If the applicant was last certified as a police officer with a law enforcement agency in another state or the federal government, training requirements under Regulation .14E(7) of this chapter.
- (2) Temporary Certification. The Commission may grant temporary certification to an individual previously certified as a police officer if the individual meets all the requirements under Regulation .06I of this chapter.
- (3) In-service Training Requirements Before Police Officer Recertification.

(a) If an applicant under this section has met in-service training requirements for the previous or current calendar year, additional in-service training is not required for recertification under this section.

(b) If an applicant under this section has not met in-service training requirements for the previous or current calendar year, the applicant shall successfully complete in-service training required under Regulation .12 of this chapter before recertification.

(4) Firearms Training—Requirements Before Police Officer Recertification.

(a) An applicant for recertification under this section who has qualified with an authorized firearm at the hiring law enforcement agency in the last 3 calendar years shall complete Commission-approved annual firearms training and qualification before recertification as a police officer at the hiring law enforcement agency.

(b) If an applicant for recertification under this section has not qualified with an authorized firearm for 3 or more consecutive calendar years immediately preceding application for recertification at the hiring law enforcement agency, before being authorized to carry or use a firearm the applicant shall complete Commission-approved:

(i) Entrance-level firearms training and firearms qualification under COMAR 12.04.02.06; or

(ii) Firearms refresher training and firearms qualification under §B(4)(c) of this regulation.

(c) Firearms Refresher Training. Firearms refresher training shall:

(i) Be specific to the firearms the applicant is required to use or carry;

(ii) Be a minimum of 16 hours;

(iii) Provide a minimum of 2 hours of classroom review of the topics required under COMAR 12.04.02.06 or .09 that may be counted toward the current year's annual in-service requirement;

(iv) Require the applicant to obtain a minimum score of 70 percent on a written examination of the material covered in the firearms refresher training; and

(v) Require the applicant to meet firearm qualification standards on the appropriate day-fire and reduced light firearms qualification courses for each type of firearm established under COMAR 12.04.02.

C. Police Officer Recertification — After More Than 3 Years and Not More Than 5 Years Since the Applicant Was Last Certified as a Police Officer.

(1) The Commission may recertify an applicant previously certified as a police officer in Maryland if:

(a) It has been more than 3 years and not more than 5 years, since the applicant was certified as a police officer:

(i) By the Commission; or

(ii) With a law enforcement agency in another state or the federal government; and

(b) The applicant meets:

(i) Applicable selection standards under Regulation .08 of this chapter;

(ii) Training required under Regulation .14E(7) of this chapter; and

(iii) Annual in-service training under Regulation .12 of this chapter.

(2) The Commission may grant provisional certification under Regulation .03 of this chapter after the applicant has met selection standards under Regulation .08 of this chapter.

D. Police Officer Recertification — After More Than 5 Years Since the Applicant Was Last Certified as a Police Officer.

(1) The Commission may recertify an applicant previously certified as a police officer in Maryland if:

(a) It has been more than 5 years since the applicant was certified as a police officer:

(i) By the Commission; or

- (ii) With a law enforcement agency in another state or the federal government; and
- (b) The applicant:
  - (i) Meets selection standards under Regulation .04 of this chapter; and
  - (ii) Successfully completes entrance-level training requirements under Regulation .09 of this chapter.
- (2) The Commission may grant provisional certification under Regulation .03 of this chapter to an individual after meeting selection standards under Regulation .04 of this chapter.
- (3) An applicant granted provisional certification may not perform as a police officer beyond the 365-day probationary period until completion of the entrance-level training under Regulation .09 of this chapter.
- (4) An applicant shall complete the entrance-level firearms training and qualification under Regulation .09 of this chapter and COMAR 12.04.02 before being authorized to carry or being issued a firearm.

E. If a recertified police officer is appointed to a first-line supervisory or administrative level position and has not completed the respective approved first-line supervisor or administrator training program under Regulation .13 of this chapter, the police officer shall complete an approved first-line supervisor or administrator training program within 1 year of the date of appointment to the supervisory or administrative level.

#### **12.04.01.08**

##### **.08 Selection Standards for Recertification as a Police Officer.**

A. A police officer who has previously received a provisional certification or certification as a police officer may be recertified by the Commission after meeting applicable standards specified in this regulation.

##### **B. Requirements for Recertification.**

- (1) Information to be Obtained for a Recertification Applicant. An agency head, or a designee, shall obtain information for an applicant for recertification by performing:
  - (a) A fingerprint check at the local level or a check of the NCIC files;
  - (b) State and national fingerprint checks;
  - (c) A drug screening under Regulation .15 of this chapter;
  - (d) A check of the applicant's driving record, including verification that the applicant possesses a valid driving license;
  - (e) A check with the applicant's previous law enforcement agency to:
    - (i) Determine the reason for separation;
    - (ii) Assess past work performance; and
    - (iii) Ensure that the applicant's separation was in good standing;
  - (f) The physical and mental health examinations required under Regulation .04 of this chapter; and
  - (g) An investigation:
    - (i) For prior use and other activities related to controlled dangerous substances, narcotic drugs, and marijuana by the applicant as specified under Regulation .16 of this chapter; and
    - (ii) To determine that an applicant is eligible under federal and Maryland law to possess and use a handgun under Regulation .04D of this chapter.
- (2) Required Additional Information for Certain Applicants for Recertification. If an applicant for recertification has not been employed as a police officer by a law enforcement agency within the last 90 days or more before applying for recertification, in addition to the information

required under §B(1) of this regulation, the hiring agency head, or a designee, shall perform the following to obtain information related to the applicant for the period since the applicant was last employed as a police officer by a law enforcement agency:

- (a) A check with each of the applicant's employers during the period of absence from law enforcement duties;
- (b) A check with coworkers during the period of absence; and
- (c) Interviews of personal references and neighbors.

C. The hiring agency head shall maintain records as required under Regulation .02 of this chapter to verify that Commission-required selection standards have been met.

D. The hiring agency head shall:

- (1) Complete the AFC to verify that applicable Commission-required selection standards for reappointment have been met; and
- (2) Forward the AFC to the Commission with copies of any supplemental information discovered during the investigation or from any other source.

E. Review of Previous Background Investigations.

- (1) If a hiring agency head does not conduct a full background investigation, the agency head shall review the records of the background investigation of an applicant conducted by the previous law enforcement agency to ensure that a complete and accurate investigation was performed.
- (2) The hiring agency head is responsible for correcting omissions and discrepancies by the previous law enforcement agency in a prior investigation that was conducted in conjunction with an AFC submitted to the Commission by a law enforcement agency less than 5 years previously.
- (3) If records of a previous background investigation are not available, the hiring agency head shall conduct a full background investigation as required under Regulation .05 of this chapter.

#### **12.04.01.09**

#### **.09 Minimum Standards for Entrance-Level Training for Police Officers.**

A. General Requirements.

- (1) An 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 as a police officer.
- (2) A Commission-approved entrance-level training program is a minimum of 750 hours.
- (3) The Commission may not permit hours used to meet entrance-level firearms training and qualification requirements under COMAR 12.04.02 or field training requirements under Regulation .17 of this chapter as part of the 750 hour minimum under §A(2) of this regulation, regardless of whether the activity is conducted contemporaneously with or separate from the entrance-level training program.

B. The entrance-level program shall be approved by the Commission and include the subject areas and minimum hours specified in this regulation.

C. Commission-Required Subject Areas.

- (1) For the Commission to approve an entrance-level training program for police officers, the entrance-level training program shall include the following subject areas:

- (a) Organizational principles and law;
  - (b) Patrol;
  - (c) Traffic;
  - (d) Criminal investigation;
  - (e) Emergency medical care, which shall also provide training in lifesaving techniques, including cardiopulmonary resuscitation (CPR);
  - (f) Communications;
  - (g) Report writing and composition;
  - (h) Crime prevention;
  - (i) Crisis intervention;
  - (j) Protective strategies and tactics, including training in the proper level and use of force;
  - (k) Emergency vehicle operations;
  - (l) Prisoner processing and security;
  - (m) Courtroom preparation and testimony;
  - (n) Health and wellness;
  - (o) Terrorism and weapons of mass destruction;
  - (p) Sensitivity to cultural and gender diversity; and
  - (q) Individuals with physical, intellectual, developmental, and psychiatric disabilities.
- (2) Police officer firearms training and qualification:
- (a) May be included in police officer entrance-level training; and
  - (b) If police officer firearms training and qualification is included in police officer entrance-level training, shall be separately approved by the Commission according to the requirements under COMAR 12.04.02.

#### D. Commission-Required Performance Objectives.

- (1) Minimum Performance Objectives. For the Commission to approve an entrance-level training program for police officers, the entrance-level training program shall include activities to ensure that the applicant for police officer certification has met performance objectives that are:
- (a) Composed and sanctioned by the Commission; and
  - (b) Based on a Statewide job task analysis and that address those tasks considered essential for law enforcement officers in Maryland, regardless of law enforcement agency or assignment.
- (2) The Commission shall furnish a copy of the performance objectives upon request by a law enforcement agency, academy, or school.
- (3) The training director of a law enforcement agency, an academy, or a school responsible for police officer entrance-level training shall:
- (a) Cover the Commission performance objectives during entrance-level training exactly as written by the Commission; and
  - (b) Determine the sequence, content, and duration of training required to cover the Commission's performance objectives.

#### E. Successful Completion of Commission-Approved Entrance-Level Training.

- (1) The training director of an academy shall conduct testing to verify that an applicant for certification as a police officer has learned or can perform each of the Commission's performance objectives.
- (2) One or more objectives may be addressed by relevant single or multiple demonstrations or questions.
- (3) An applicant for certification as a police officer shall achieve a minimum overall score of 70 percent in each subject area in §C of this regulation. The training director, or a designee, shall maintain accurate records of tests and testing procedures.

(4) At the conclusion of entrance-level training, the training director shall verify in writing to the Commission that an applicant has met the requirements under this regulation.

(5) Transfer of Academy Training.

(a) Credit for training received may be transferred from one academy to another at the discretion of the academy receiving the credit for training.

(b) The training director of the academy submitting notification in writing to the Commission that the applicant has met the requirements under this regulation is responsible for verifying completion of all Commission training objectives for that applicant.

(6) An applicant absent for more than 5 percent of entrance-level training is not considered to have successfully completed the entrance-level training unless the training director and the Deputy Director determine that sufficient work has been completed.

(7) An applicant shall meet the minimum qualification standard for certification in an emergency medical care program that has been approved by the Commission.

(8) A training director for an academy may require an applicant to meet entrance-level training requirements, standards, and objectives that exceed Commission minimum requirements, standards, and objectives.

F. Failure to Complete Entrance-Level Training.

(1) The training director shall notify the applicant's law enforcement agency if the applicant does not complete the entrance-level training.

(2) If an applicant does not meet the requirements for Commission-approved entrance-level training, the Commission may not certify the applicant as a police officer.

G. Waiver of Commission Entrance-Level Training Requirements.

(1) A law enforcement agency that serves a unique function in law enforcement may be granted an exemption from a portion of this regulation.

(2) An agency head shall submit a request for an exemption and the appropriate documentation according to the requirements under Regulation .14 of this chapter.

(3) An applicant for certification by the Commission as a police officer who has completed entrance-level training in another state or for the federal government may be eligible to receive a waiver from a portion of the Commission-required entrance-level training upon:

(a) Meeting the requirements under Regulation .14E(7) of this chapter; and

(b) Meeting other requirements approved by the Commission.

H. Entrance-Level Firearms Training.

(1) A police officer who is required to use or carry a firearm shall successfully meet Commission-required performance objectives and standards of the entrance-level firearms training and qualification under COMAR 12.04.02 before using or carrying a firearm as part of the police officer's duties.

(2) The entrance-level firearms training and qualification may be completed concurrently with or as a separate activity from an entrance-level training program.

I. Standards for an Applicant's Admission to an Academy Providing Entrance-Level Training.

(1) In addition to Commission requirements, an applicant attending entrance-level training shall meet the qualification standards set by the law enforcement academy conducting the entrance-level training.

(2) For an individual to attend a law enforcement academy, the law enforcement agency shall:

(a) Obtain a physical examination by a licensed medical doctor to determine whether the applicant is physically fit to participate in the academy training; and

(b) Perform a check of the National Crime Information Center (NCIC) files before the applicant is admitted to the program.

(3) The hiring agency head shall:

(a) Provide an applicant with a copy of the selection standards under Regulation .04 of this chapter; and

(b) Require the applicant to acknowledge in writing that completion of the entrance-level training is not a guarantee of certification as a police officer.

#### **12.04.01.10**

#### **.10 Commission Requirements for an Academy or School Providing Commission-Required Police Officer Training.**

##### **A. Training Environment.**

(1) An academy offering police officer training required by the Commission for police officer certification shall be approved by the Commission before providing the training.

(2) In order for the Commission to approve an academy offering police officer training required by the Commission for police officer certification, the academy shall:

(a) Provide an atmosphere that supports learning;

(b) Have proper lighting, ventilation, and acoustics; and

(c) Meet applicable local, State, and federal health and safety requirements.

(3) If practical, the academy shall provide:

(a) At least 25 square feet of classroom space for each candidate;

(b) Locker space for each individual attending;

(c) Appropriate desk space, work tables, and seating to support classroom and other related learning activities;

(d) Storage for learning and training material; and

(e) Instructional and training equipment and material to support the training provided.

B. Unless an individual is exempt from Commission certification under COMAR 12.04.06 or 12.10.06, only an individual certified as an instructor by the Commission or the Correctional Training Commission may provide police officer training required by the Commission.

##### **C. Entrance-Level Training Procedures.**

(1) An applicant attending police officer entrance-level training required for certification as a police officer shall be excused from routine duties at the hiring law enforcement agency and receive regular salary while attending police officer entrance-level training.

(2) Personal Conduct While Attending Police Officer Entrance-Level Training.

(a) The training director of the academy providing the approved police officer entrance-level training is responsible for the personal conduct of each applicant attending that academy.

(b) The training director, or a designee, shall function as the commanding officer for the class.

(c) The training director shall provide each applicant attending the police officer entrance-level training with a copy of the rules or regulations governing the applicant's daily activities and behavior while attending the academy.

(d) The disciplinary regulations of the host academy apply to each applicant attending the academy.

(e) The training director shall notify the applicant's agency head if there has been an incident that requires disciplinary action taken against the agency head's applicant.

(f) If an applicant's progress in academic or skill areas indicates the applicant will fail the entrance-level training, the training director shall notify the applicant's agency head to permit the applicant to be withdrawn from the training.

(3) The training director of the academy and the agency head sending an applicant to the academy or school may negotiate arrangements related to reimbursement for costs associated with the applicant attending the academy.

(4) Authority of Academy Regulations.

(a) The Commission recognizes the necessity and authority of an academy to establish rules and regulations of conduct.

(b) The training director of a Commission-approved academy may establish rules and regulations that exceed Commission requirements under this regulation.

(c) A written academy rule or regulation or lawful verbal direction or order issued by an authorized representative of the academy has the same authority as a Commission requirement or standard.

#### D. Academy Certification — Classifications.

(1) The Commission may certify an academy meeting the applicable Commission standards as a class I or class II academy.

(2) An academy certified by the Commission as a class I academy may provide Commission-approved police officer entrance-level training.

(3) An academy certified by the Commission as a class II academy may provide only specified portions of Commission-approved police officer entrance-level training required under Regulation .14E(7) of this chapter.

(4) A class I or class II academy may also offer any other Commission-approved police officer training authorized under this chapter.

(5) Upon request, the Commission shall furnish a list of approved academies and the respective classifications.

E. The academy may include a firearms program which meets the minimum standards under COMAR 12.04.02.

#### F. Academy Certification—Lapse or Revocation.

(1) Commission certification of an academy shall lapse if the academy does not conduct Commission-approved entrance-level training for a period of 2 years.

(2) The Commission may revoke the certification of an approved academy if the academy:

(a) Discontinues presenting Commission-approved entrance-level training;

(b) Offers Commission-required training without Commission-approved instructors;

(c) Training director does not successfully complete the training director orientation program under §H of this regulation; or

(d) Violates a provision of this regulation.

#### G. Academy Audit.

(1) An approved entrance-level training program is subject to review and audit by the Commission.

(2) The Commission shall audit each Commission-approved academy at least every 2 years to ensure compliance with Commission requirements.

H. Training Director Orientation. An individual appointed as a training director of a Commission-approved academy, within 3 months of appointment, shall successfully complete a training director orientation program designed and approved by the Commission.

**12.04.01.11**

**.11 Voluntary Attendance at an Entrance-Level Training Program.**

A. An individual who is not employed as a police officer by a law enforcement agency may attend Commission-approved entrance-level training on a voluntary basis if the individual requesting to attend:

- (1) Receives approval by the training director of the Commission-approved academy; and
- (2) Meets the selection standards under §B of this regulation.

**B. Selection Standards — Voluntary Entrance-Level Training.**

(1) An individual approved by the training director to attend police officer entrance-level training on a voluntary basis shall:

- (a) Meet entrance standards for the academy providing the training;
- (b) Provide documentation from a licensed medical professional that the individual has received a medical examination and is physically fit to participate in the academy police officer entrance-level training; and
- (c) Provide documentation supporting that the individual is currently 21 or will be 21 years old at the completion of the police officer entrance-level training.

(2) The training director accepting an individual volunteering to attend police officer entrance-level training shall:

- (a) Ensure a criminal record check is performed on the individual through, at a minimum, the National Crime Information Center (NCIC) to determine if there is supplemental information that conflicts with the requirements of the academy or Commission;
- (b) Provide the individual with a copy of the selection standards specified in Regulation .04 of this chapter; and
- (c) Have the individual acknowledge in writing that completion of the police officer entrance-level training is not a guarantee of certification by the Commission as a police officer.

C. If an individual under the provisions of this regulation successfully completes Commission-approved police officer entrance-level training provided by a Commission-approved academy and is subsequently hired by a law enforcement agency to fill a position as a police officer within 2 years of the completion of the training, the agency head may request a waiver of training under Regulation .14 of this chapter.

**D. Mandated Personnel.**

(1) Under Public Safety Article, §3-215(d), Annotated Code of Maryland, an individual employed as a police officer by a law enforcement agency is entitled to a leave of absence with pay to attend entrance-level training.

(2) An employee of a law enforcement agency who is required to meet the requirements of this chapter may not voluntarily enroll in an academy to attend Commission-approved police officer entrance-level training.

E. An individual, training director, or law enforcement agency head seeking a waiver of this regulation may apply to the Commission for that waiver according to provisions under Regulation .14 of this chapter.

**12.04.01.12**

**.12 Police Officer Annual In-Service Training and Qualification.**

**A. Police Officer Annual In-Service Training Requirements.**

- (1) An agency head shall ensure 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.
- (2) The Commission shall only accept successful completion of Commission-approved training toward a police officer's annual in-service training requirements.
- (3) For annual in-service training, the Commission may approve independent electronic instruction through which information on an identified topic is provided to a police officer through the officer's interaction with an electronic medium, and without the immediate supervision or assistance of an individual identified as the training instructor.
- (4) Commission-approved police officer in-service training may be conducted according to Commission requirements by the police officer's law enforcement agency, another law enforcement agency, school, academy, or organization.
- (5) The Commission does not require a Commission-certified police officer to meet the in-service training requirement under this regulation during the same calendar year the police officer successfully completes Commission-approved police officer entrance-level training.
- (6) The Commission may apply training received by a police officer successfully completing Commission-approved supervisor, administrator, or instructor training toward the police officer's annual in-service requirement in the same calendar year that the police officer successfully completed the Commission-approved supervisor, administrator, or instructor training.
- (7) 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:
  - (a) The criminal laws concerning rape, sexual offenses, the sexual abuse and exploitation of children, and related evidentiary procedures;
  - (b) The contact with and treatment of victims of crimes and delinquent acts;
  - (c) The notices, services, support, and rights available to victims and victim's representatives under Maryland law; and
  - (d) The notification of victims of identity fraud and related crimes of their rights under federal law.
- (8) No later than December 31, 2013, a police officer required to complete annual in-service training under this regulation shall 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.
- (9) 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 shall successfully complete a Commission-approved training program on lifesaving techniques, including cardiopulmonary resuscitation (CPR).

**B. Annual Police Officer Firearms Training and Qualification Requirements.**

- (1) Each Commission-certified police officer shall qualify annually with each firearm the law enforcement agency authorizes the police officer to use or carry on-duty or off-duty on each of a Commission-approved:
  - (a) Day-fire course of fire; and
  - (b) Reduced light course of fire.

(2) Annual firearms training and qualification shall be conducted according to provisions under COMAR 12.04.02.

(3) Annual firearms training and qualification is not required in the same year that a Commission-certified police officer successfully completes Commission-approved police officer:

(a) Entrance-level firearms training and qualification;

(b) Conversion training under COMAR 12.04.02;

(c) Refresher firearms training under Regulation .07B(4)(c) of this chapter; or

(d) Firearms instructor training under COMAR 12.04.06.

(4) Before being authorized to carry or use a firearm, a police officer who has not qualified with an authorized firearm for 3 or more consecutive calendar years shall complete a Commission-approved:

(a) Entrance-level firearms training program and firearms qualification under COMAR 12.04.02; or

(b) Firearms refresher training course and firearms qualification under Regulation .07B(4) of this chapter.

#### C. Police Officer Annual In-Service Program and Firearms Training and Qualification Approval.

(1) The Commission shall:

(a) Determine the format for submitting training programs for approval; and

(b) Assign a program number to approved programs.

(2) A request for the Commission to approve training shall include:

(a) The topics to be studied;

(b) The time allocated to each topic;

(c) A brief explanation of why the topic is included, in terms of current job needs; and

(d) Identification of each instructor teaching a topic and the number of hours that the instructor is scheduled to teach.

(3) Except as provided under §C(4) of this regulation, the Commission may approve a police officer annual in-service program or annual firearms training and qualification program for a period of 3 years.

(4) The training director of a law enforcement agency, academy, or school shall resubmit a training program under this regulation to the Commission for subsequent approval when:

(a) A significant change is made in the format or content of the approved program; or

(b) 3 years have elapsed since the initial program approval, regardless of whether any changes have been made to the original approved program.

#### D. Curriculum, Attendance, and Testing for Police Officer Annual In-Service Training and Firearms Training and Qualification.

(1) The agency head shall report a police officer's successful completion of Commission-approved in-service training or firearms training and qualification to the Commission on or before January 31 of the year immediately following the training.

(2) The agency head shall report the information in a format determined by the Commission.

(3) Testing.

(a) A training director of a Commission-approved academy or school shall ensure that each police officer attending Commission-approved training is tested to determine successful completion.

(b) An alternate method of recording successful completion of the training may be used if approved by the Commission.

(c) A police officer shall obtain a minimum score of 70 percent on a test for the respective training before the Commission may apply the training toward the police officer's training requirements under this regulation.

(4) The Commission requires that Commission-approved in-service training and firearms training and qualification have a method of evaluation.

(5) If a police officer is absent for more than 10 percent of the time required for a Commission-approved annual in-service training program, including electronic control device and firearms training and qualification, the police officer may not receive credit toward the annual in-service training requirements of this chapter for any portion of the program, unless the Deputy Director approves the police officer to receive full or partial credit.

#### E. Attendance at Training Hosted by Other Agencies.

(1) An agency head may send a police officer to Commission-approved in-service training or firearms training and qualification hosted by another agency without prior Commission approval.

(2) The agency head sending the police officer to training hosted by another agency shall ensure that the training has an approval number assigned by the Commission.

(3) The agency head sending the police officer to training hosted by another agency is responsible for submission of training scores to the Commission.

#### F. Failure to Complete Required Training.

(1) Except for §F(2) of this regulation, if a police officer does not receive the entire 18 hours of in-service training by December 31 in a calendar year, the agency head shall add the number of hours missed in that calendar year to the 18 hours required in the following calendar year.

(2) If an officer is scheduled for certification renewal on July 1 of any year but did not receive the entire 18 hours of annual in-service training by December 31 of the previous calendar year, the agency head shall provide the officer:

(a) Before the July 1 date on which the officer is scheduled for certification renewal, the hours of annual in-service training missed for the calendar year immediately before July 1 date; and

(b) Before December 31 of the year during which the officer's certification renewal is scheduled, the 18 hours of annual in-service training required to be completed by the officer for that year.

(3) If a police officer does not successfully complete annual firearms training and qualification with an authorized firearm before December 31 of a calendar year, the agency head may not permit the police officer to use or carry the firearm until the police officer successfully meets Commission requirements for firearms training and qualification with that firearm.

(4) If a police officer is scheduled for certification renewal, the police officer shall successfully complete Commission requirements for firearms training and qualification for the firearm before July 1 in the following year.

#### (5) Nonofficer Status.

(a) In-service Training. If a police officer fails to complete annual in-service training because the officer was on official nonofficer status, the officer shall complete the required annual in-service training in the year in which the officer returns to active duty.

#### (b) Firearms Training.

(i) If a police officer fails to complete annual firearms qualification because the officer was on approved nonofficer status, but has completed annual firearms qualification within 3 years of returning to active duty from nonofficer status, before the officer may use or carry an authorized firearm, the officer shall qualify with the authorized firearm when the officer returns to active duty. Additionally if the officer's certification has lapsed, the officer shall meet the requirements of this chapter be recertified by the Commission.

(ii) If a police officer returning to active duty as a police officer has not qualified with an authorized firearm within 3 consecutive calendar years immediately preceding return, before the officer may use or carry an authorized firearm the officer shall successfully complete a Commission-approved entrance-level firearms training program and qualification for the firearm under COMAR 12.04.02, or a firearms refresher training course and firearms qualification for the authorized firearm under COMAR 12.04.02 or a firearms refresher training program and qualification under Regulation .07B(4)(c) of this chapter. Additionally, if certification has lapsed, the officer shall meet the requirements of this chapter to be recertified by the Commission.

(6) Except for a police officer reported on nonofficer status, if an agency head does not provide required training in 2 consecutive years or displays a pattern of not providing the required training over several years, the Executive Director, or a designee, shall report the matter to the Commission for action the Commission deems appropriate.

(7) If an agency head does not provide documentation of missed training in a timely manner, certification renewal may be delayed.

#### G. Waivers.

(1) The Commission may grant a waiver of annual in-service training or firearms training and qualification requested by an agency head, if the agency head submits proof that the police officer successfully completed comparable training in the same year.

(2) A request for a waiver of training requirements under this regulation shall be submitted, in accordance with Regulation .14 of this chapter by the agency head.

#### H. Audit Requirements.

(1) Commission-approved annual in-service training and firearms training and qualification is subject to review and audit by the Commission.

(2) Each law enforcement agency, academy, and school providing Commission-approved annual in-service training or firearms training and qualification shall maintain documentation, including:

- (a) Curriculum;
- (b) Listing of instructors;
- (c) Attendance;
- (d) Test and examination scores; and
- (e) Other information required by this regulation.

(3) An agency head shall maintain records of training provided to a police officer at other agencies, schools, or academies until audited by the Commission.

(4) To verify compliance with Commission requirements, the Commission shall annually audit a portion of the the following Commission-approved annual in-service programs:

- (a) Law enforcement training;
- (b) Electronic control device training;
- (c) Firearms training; and
- (d) Firearms qualification.

#### 12.04.01.13

#### **.13 Minimum Standards — Police Officer First-Line Supervisor and Administrator Training.**

##### A. General Requirements.

(1) A police officer promoted to a first-line, or higher, supervisor position, shall successfully complete Commission-approved supervisor training within 1 year of the promotion, unless the

police officer successfully completed Commission-approved supervisor training within the 2 years preceding the promotion.

(2) A police officer promoted to a first-line, or higher, administrator position is required to successfully complete Commission-approved administrator training within 1 year of the promotion, unless the police officer successfully completed Commission-approved administrator training within the 2 years preceding the promotion.

(3) Once a police officer successfully completes Commission-approved supervisor training, the Commission does not require the police officer to complete additional supervisor training for subsequent promotions to another supervisor position that does not include duties of an administrative position.

(4) A police officer promoted directly to a first-line administrator position from a rank below the first-line supervisor position shall complete both Commission-approved supervisor and administrator training within 1 year of the promotion, unless the police officer has successfully completed Commission-approved supervisor or administrator training, or both, within the 2 years preceding the promotion.

#### B. Police Officer Supervisor and Administrator Training Minimum Requirements.

(1) The Commission requires that:

(a) Only Commission-approved or certified instructors provide the police officer supervisor or administrator training;

(b) A police officer shall obtain a 70 percent overall test score to successfully complete the training;

(c) The training shall be a minimum of 35 hours in duration;

(d) Unless determined otherwise by the agency head and the Commission, a police officer required to attend Commission-approved supervisor or administrator training may not miss more than 10 percent of the total training time;

(e) The Commission's training objectives for police officer supervisor or administrator are to be covered in the training as written by the Commission; and

(f) The agency head submit the proposed police officer supervisor or administrator training to the Commission for approval at least 20 working days before the start of the proposed training.

(2) The agency head shall submit rosters, required reports, and grades to the Commission upon completion of the training.

(3) Upon request, the Commission shall furnish the Commission's minimum course outline and training objectives for police officer supervisor or administrator training to the agency head.

(4) If an agency head changes previously approved training, the training director shall submit the new training in writing to the Commission for approval at least 20 working days before the start of the new training.

#### C. Waivers.

(1) The Commission may waive requirements for successful completion of the Commission-required supervisor or administrator training under this regulation if an agency head provides the Commission with documentation that establishes that the police officer successfully completed parallel Commission-approved supervisor or administrator training.

(2) The Commission has determined that the following programs are generally acceptable substitutes for the Commission-required supervisor or administrator training if the police officer successfully completed the training within 2 years preceding or 1 year following the promotion:

(a) The Northwestern University School of Police Staff and Command program;

(b) The Southern Police Institute Administrative Officer Course;

(c) The FBI National Academy; and

(d) Other equivalent training approved by the Deputy Director.

(3) The agency head shall submit a request for a waiver of Commission police officer supervisor or administrator training requirements to the Deputy Director for approval.

**D. Failure to Complete Commission-Required Supervisor or Administrator Training.** If a police officer does not successfully complete either Commission-approved supervisor or administrator training by the first anniversary date of a promotion to either a first-line supervisor or first-line administrator position, the police officer's agency head shall:

(1) Relieve the police officer of the respective first-line supervisory or first-line administrative duties related to the position; and

(2) Inform the Commission in writing within 30 days of the action that the law enforcement agency has taken to relieve the police officer of supervisory or administrative duties.

#### **12.04.01.14**

#### **.14 Waiver of a Selection or Training Standard.**

##### **A. General Requirements for Waivers.**

(1) Except for the requirements under §E of this regulation, an agency head requesting a waiver of a Commission selection or training standard based on an individual's unique circumstances shall petition the Commission for a waiver of the standard.

(2) An agency head petitioning the Commission for a waiver of a selection or training standard shall:

(a) Submit the petition in writing in a format determined by the Commission; and

(b) Direct the petition to the Executive Director so it is received at least 30 days before the Commission's next scheduled meeting during which the Commission considers the petition.

(3) An agency head shall include, at a minimum, the information required under §B, C, or D of this regulation according to the type of standard for which the agency head is petitioning the Commission for a waiver.

(4) Processing a Petition for a Waiver.

(a) Upon receipt of a petition for a waiver under §B, C, or D of this regulation, the Executive Director shall:

(i) Review the petition to ensure that it contains all information required under this regulation; and

(ii) Ensure that the petition is received 30 days before the next scheduled Commission meeting during which the Commission considers the petition.

(b) If the petition does not meet the requirements under this regulation, the Executive Director shall return the petition to the submitting agency head indicating the deficiencies of the petition.

(c) If the petition meets the requirements under this regulation, the Executive Director shall present the petition to the Commission at the next scheduled meeting.

**B. Waiver of a Selection Standard.** An agency head petitioning the Commission on behalf of an individual for a waiver of a police officer selection standard under this chapter shall, at a minimum, include the following as part of the petition under this regulation:

(1) A completed application for certification (AFC) for the individual;

(2) The COMAR citation for the standard for which the waiver is requested on behalf of the individual;

(3) Detailed information concerning the individual's ability to perform the duties of a police officer; and

(4) Other information at the direction of the Executive Director.

C. Waiver of an In-service Training Standard.

(1) An agency head petitioning the Commission on behalf of an individual for a waiver of an annual in-service training standard shall provide the following information that the agency head believes is justification for the Commission to waive the training standard:

- (a) The COMAR citation for the standard for which the waiver is requested;
- (b) A copy of the lesson plan or course outline that the individual successfully completed;
- (c) A written description of the course that the individual successfully completed;
- (d) The number of hours of the course the individual completed; and
- (e) Other information supporting the petition or that is requested by the Executive Director.

(2) An agency head may petition the Commission for a waiver of an in-service training requirement because an individual successfully completed any of the following during the calendar year for which in-service training is required:

- (a) Federal Bureau of Investigation National Academy;
- (b) 3-month Southern Police Institute Program;
- (c) 9-month Northwestern University Traffic Institute Program; or
- (d) Other equivalent training program.

D. Waiver of Firearms Training.

(1) An agency head may petition the Commission on behalf of an individual for a waiver of firearms training and qualification requirements if the individual completed firearms training and qualification that meets or exceeds requirements of COMAR 12.04.02 during the calendar year in which firearms training and qualification are required to be completed by the individual.

(2) An agency head shall include in the petition for a waiver of firearms training and qualification:

- (a) Information required under §C(2) of this regulation as it relates to the firearms training and qualification completed by the individual; and
- (b) The date or dates the individual completed the firearms training and qualification.

E. Waiver of an Entrance-Level Training Standard.

(1) An individual who completed entrance-level training in another state or through the federal government may be granted a waiver from completing portions of the entrance-level training standards under Regulation .09 of this chapter if the entrance-level training completed in another state or through the federal government was comparable to the standards under Regulation .09 of this chapter.

(2) An agency head petitioning the Deputy Director on behalf of an individual for a waiver of an entrance-level training standard required under Regulation .09 of this chapter shall provide the Deputy Director with the following information that the agency head believes is the basis for requesting the waiver:

- (a) A copy of the lesson plan or course outline for the course that the individual successfully completed;
- (b) A written description of the course that the individual successfully completed;
- (c) The number of hours of the course the individual successfully completed; and
- (d) Other information supporting the petition or that is requested by the Deputy Director.

(3) The Deputy Director may grant a waiver of an entrance-level training standard if the individual:

- (a) Both:
  - (i) Worked for a law enforcement agency within the last 5 years before applying; and

- (ii) Successfully completed police officer entrance-level training that meets or exceeds the requirements under Regulation .09 of this chapter; or
- (b) Did not work for a law enforcement agency before applying, but within 2 years before applying completed police officer entrance-level training that meets or exceeds the requirements under Regulation .09 of this chapter.
- (4) The Deputy Director shall review the information contained in the request under §E of this regulation to determine if the:
  - (a) Individual meets the eligibility requirements under §E of this regulation; and
  - (b) Police officer entrance-level training that the individual completed meets or exceeds requirements under Regulation .09 of this chapter.
- (5) The Deputy Director shall notify the agency head of the decision.
- (6) If the Deputy Director grants the waiver, the Deputy Director shall notify the agency head that the individual shall meet the following requirements before certification:
  - (a) Selection standards under Regulation .04 of this chapter; and
  - (b) The training requirements under §E(7) of this regulation.
- (7) If the Deputy Director grants a waiver of full entrance-level training, the individual shall successfully complete the following:
  - (a) Portions of entrance-level training at a class I or II Commission-certified police academy relating to the:
    - (i) Maryland Criminal Code,
    - (ii) Maryland Motor Vehicle Code, and
    - (iii) Maryland Juvenile Law and Procedures;
  - (b) Emergency medical care under Regulation .09 of this chapter;
  - (c) A Driving Under the Influence Detection and Standardized Field Sobriety Test course approved by the Commission; and
  - (d) If the law enforcement agency authorizes the individual to carry or use a firearm:
    - (i) Entrance-level firearms training and qualification for the firearm under COMAR 12.04.02; or
    - (ii) If the Deputy Director determines that the individual previously completed training that is equivalent to the entrance-level firearms training required under COMAR 12.04.02 for the agency-approved firearm, the individual shall be required to complete annual firearms classroom instruction and training and qualification required by COMAR 12.04.02 for the agency-approved firearm.
- (8) An agency head may petition the Commission to review a decision by the Deputy Director to deny a waiver of an entrance-level training requirement.

F. A petition for a waiver on behalf of an individual may not again be submitted under this regulation within two years after the date on which the Commission has:

- (1) Denied the petition for the waiver on behalf of the individual; or
- (2) Upheld the decision of the Deputy Director to deny the petition for a waiver.

#### **12.04.01.15**

#### **.15 Drug Screening Procedures.**

##### **A. Urine Sample Collection.**

- (1) A law enforcement agency conducting drug screening shall ensure that the process used by the law enforcement agency includes the minimum requirements under this regulation.
- (2) A law enforcement agency conducting drug screening shall:
  - (a) Verify the identity of the individual providing the sample by examining a driver's license or other acceptable means of photographic identification;

- (b) Obtain the urine sample in a manner that reasonably prevents substitution, alteration, or tampering;
- (c) Ensure that a minimum of 50 milliliters of urine is collected from the individual providing the sample;
- (d) Ensure that:
  - (i) A urine sample is collected using a proper container that has been sealed by the manufacturer;
  - (ii) Once the seal is broken by the individual supplying the urine sample and the urine sample is deposited in the container, the container is sealed by the individual supplying the urine sample;
  - (iii) The container is sealed using tamper-proof tape that extends over and around the container cover;
- (e) Once the container is sealed and accepted from the individual supplying the sample, ensure the sample is labeled with the:
  - (i) Name of the individual supplying the sample;
  - (ii) Date the sample was given; and
  - (iii) Name of the individual who received the sample;
- (f) Ensure that before the individual provides a urine sample, the individual provides written consent for the:
  - (i) Collection of the sample;
  - (ii) Analysis of the sample; and
  - (iii) Disclosure of the analysis results to the employing law enforcement agency and the Commission; and
- (g) Secure, maintain, and transport the sample in a manner that preserves the chain of custody.

#### B. Positive Urine Sample Results.

- (1) A urine sample screened positive under §C(2) of this regulation is considered evidence of recent use of a controlled dangerous substance, narcotic drug, or marijuana.
- (2) A positive screen for a controlled dangerous substance, narcotic drug, or marijuana conclusively establishes that the individual providing the sample is not of good moral character established under Regulation .04 or .07 of this chapter and may not be employed or certified by the Commission as a police officer.
- (3) The agency head shall ensure that a positive screen for controlled dangerous substances, narcotic drugs, or marijuana was not a result of legal use.

#### C. Urine Sample Analysis.

- (1) To ensure the reliability and integrity of the testing process, the employing law enforcement agency conducting drug screening shall ensure that the process used by the law enforcement agency to analyze the sample includes the minimum requirements under this section.
- (2) A law enforcement agency conducting drug screening and analyzing a urine sample shall:
  - (a) Conduct urine sample analysis according to provisions under Health-General Article, §17-214, Annotated Code of Maryland;
  - (b) Ensure that the urine sample is screened by an enzyme immunoassay, radioimmunoassay testing method, or another equally scientifically rigorous screening method; and
  - (c) At a minimum, ensure that the screening method includes testing for the presence of the controlled dangerous substances, narcotic drugs, or marijuana, or classes of controlled dangerous substances, or their metabolites listed in §C(3) of this regulation.
- (3) A positive screen is indicated if the test result meets or exceeds an amount at the following levels measured in nanograms per milliliter specified for each controlled dangerous substance, narcotic drug, or marijuana, or classes of controlled dangerous substances, or their metabolites as follows:

- (a) Amphetamines — 1,000;
- (b) Barbiturates — 300;
- (c) Cannabis or cannabinoids — 50;
- (d) Opiates — 300;
- (e) Cocaine or cocaine metabolite — 300;
- (f) Phencyclidine — 25; and
- (g) Benzodiazepines — 300.

(4) Confirmation of a Positive Screen Required.

(a) A positive screen of a urine sample for each substance identified under §C(3) of this regulation shall be confirmed using gas chromatography, mass spectrometry, or other equally scientifically rigorous testing method.

(b) A urine sample resulting in a positive screen using the method under §C(2)(b) of this regulation alone is inconclusive, unless the positive screen result is confirmed according to §C(4)(a) of this regulation.

**12.04.01.16**

**.16 Prior Substance Abuse by Applicants for Certification.**

A. Scope. This regulation applies to an individual applying to the Commission for certification or recertification as a police officer.

B. General.

(1) An individual involved in prior or current illegal use, sale, manufacture, or distribution of a controlled dangerous substance, narcotic drug, or marijuana as the terms are defined under Regulation .01 of this chapter and as specified in this regulation has demonstrated character traits, judgment, behavior, or activity which adversely predict or affect the ability of the individual to perform the duties of a police officer.

(2) A law enforcement agency may set more restrictive standards than those specified in this regulation.

(3) For the purpose of this regulation, marijuana is considered to be separate from a controlled dangerous substance defined under Regulation .01B of this chapter.

C. Prohibitions — Initial Certification. An individual is ineligible for initial certification as a police officer in Maryland if the individual has:

- (1) Been convicted or otherwise found guilty of selling, manufacturing, or distributing a controlled dangerous substance, narcotic drug, or marijuana;
- (2) Ever illegally sold, produced, cultivated, distributed, or transported a controlled dangerous substance, narcotic drug, or marijuana;
- (3) Illegally used a controlled dangerous substance, narcotic drug, or marijuana for any purpose within the 36 months before application for certification;
- (4) *Ever illegally used a controlled dangerous substance, or narcotic drug for other than experimentation as specified under §D of this regulation; or*
- (5) Ever illegally used a controlled dangerous substance, narcotic drug, or marijuana while employed to enforce federal, State, or local law by any government entity.

D. *Presumption of Experimentation. The illegal use of a controlled dangerous substance, or narcotic drug is not experimentation if the applicant:*

- (1) Ever used:
  - (a) Heroin;

- (b) Phencyclidine (PCP); or
- (c) Lysergic acid diethylamide (LSD); or
- (2) Other than heroin, PCP, LSD, or marijuana, used any controlled dangerous substance or narcotic drug, or any combination of controlled dangerous substances or narcotic drug that exceeds:
  - (a) A total of five times; or
  - (b) One time since becoming 21 years old.

E. Prohibitions — Recertification. If an individual is currently certified, or was previously certified, as a police officer in Maryland the individual is ineligible for recertification if the individual illegally used, ingested, possessed, sold, produced, cultivated, distributed, or transported a controlled dangerous substance, narcotic drug, or marijuana on or after the date of the individual's initial certification as a police officer in Maryland.

F. Indication of Use of a Controlled Dangerous Substance, Narcotic Drug, or Marijuana.

- (1) If any part of the background investigation indicates an applicant currently or previously used a controlled dangerous substance, narcotic drug, or marijuana, the law enforcement agency shall investigate to determine if the use falls under the prohibitions specified in this regulation.
- (2) The law enforcement agency shall verify the veracity of the applicant's statements, responses to questions, and any other information provided by the applicant related to the use of a controlled dangerous substance, narcotic drug, or marijuana using a truth verification device.
- (3) If the law enforcement agency determines the use is prohibited by this regulation, the applicant is ineligible for certification by the Commission as a police officer.
- (4) If the law enforcement agency determines the individual is currently using a controlled dangerous substance, narcotic drug, or marijuana in violation of State or federal law, the individual is ineligible for certification by the Commission as a police officer.
- (5) If an individual becomes certified by the Commission as a police officer, the law enforcement agency employing the individual shall document and maintain information used to establish the individual's substance abuse history required by this regulation. These records are subject to audit.

G. Petition for Special Consideration.

- (1) An agency head submitting an application for certification for an individual with a history of illegal use of a controlled dangerous substance or narcotic drug may petition the Commission based on articulated unique circumstances of the individual's use of a controlled dangerous substance or narcotic drug for a final determination as to the use being experimentation as specified under §D of this regulation.
- (2) The agency head, or a designee, submitting a petition under §G(1) of this regulation shall:
  - (a) Specify the illegal controlled dangerous substance or narcotic drug used;
  - (b) Indicate the number of times the illegal controlled dangerous substance or narcotic drug was used;
  - (c) Provide the individual's age at the time of each use;
  - (d) Indicate how the information concerning the use of the illegal controlled dangerous substance or narcotic drug came to be known by the agency;
  - (e) Provide information concerning the agency's attempt to verify the information;
  - (f) Identify the specific factors that the agency head believes the Commission should consider when making a determination as to experimentation that, at a minimum, include information concerning:
    - (i) Length of time used;

- (ii) The motivation for the use;
- (iii) The time that has passed since the last use;
- (iv) How the illegal controlled dangerous substance or narcotic drug was obtained;
- (v) How the illegal controlled dangerous substance or narcotic drug was ingested;
- (vi) Why the individual stopped the use;
- (vii) The individual's ability to perform as a police officer; and
- (viii) Any other information that supports the unique circumstances that the agency head wants the Commission to consider; and
- (g) Submit the petition to the Executive Director of the Police Training and Standards Commission.
- (3) The Executive Director shall submit a petition received under §G(2) of this regulation to the Police Training and Standards Commission at the next scheduled meeting following receipt of the petition:
  - (a) Provides the information required by this regulation; and
  - (b) Is received at least 30 days before the next scheduled Commission meeting.

#### H. Hearing Not Required.

- (1) An individual applying for certification has no right to appear before the Police Training and Standards Commission for the purpose of challenging a law enforcement agency's determination that the individual used a controlled dangerous substance or narcotic drug contrary to the standards established by this regulation.
- (2) The Police Training and Standards Commission's consideration of a petition under §G of this regulation is not a hearing.

### **12.04.01.17**

#### **.17 Field Training.**

##### 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), Annotated Code of Maryland, the individual may be certified or recertified 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 Circumstance 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>
(a) Full Entrance-Level Training — For an individual required to complete a full course of entrance-level training	240	After successfully completing the entrance-level training
(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	240	After successfully completing the training requirements of Regulation .14E(7) of this chapter
(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	160	After successfully completing the training requirements of Regulation .14E(7) of this chapter
(d) Waiver of Training Standard under Regulation 14A of this chapter, based on individual's unique circumstances	80	After successfully completing training requirements prescribed by the Commission for the individual as a condition of granting the waiver
(e) Temporary Certification and Recertification — For an individual for whom an application is submitted for:		
(i) Temporary certification under Regulation .06I of this chapter;	80	Upon receiving temporary certification under Regulations .06I and .07B(2) of this chapter
(ii) Recertification under Regulation .07B of this chapter;	80	Upon receiving provisional certification under Regulation .03 of this chapter
(iii) Recertification under Regulation .07C of this chapter.	80	After successfully completing the training requirements of Regulation .14E(7) of this chapter

(f) <b>Certification with Multiple Agencies</b> – For an individual for who police officer certification is requested by a second law enforcement agency, and also for each additional law enforcement agency.	80	After completing the training requirement for certification with the second and each additional law enforcement agency
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**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 4 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 3 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, the content, or the 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 3 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 5 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 3 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 2 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.

**I. Audit.**

- (1) A Commission-approved field training officer course and Commission-approved field training are 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.

**12.04.01.18**

**.18 Minimum Standards — Police Officer Motorcycle Training.**

A. A police officer who is authorized by the police officer's employing law enforcement agency to operate a law enforcement agency motorcycle on January 1, 2014, is not required to complete motorcycle training established under this regulation for as long as the authorization in effect on January 1, 2014, continuously remains in effect.

B. Except under §A of this regulation, before a police officer is authorized to operate a law enforcement agency motorcycle, the police officer shall successfully complete police officer motorcycle training approved by the Commission.

C. For police officer motorcycle training to be approved by the Commission, the police officer motorcycle training shall, at a minimum, include the following subjects:

- (1) Capabilities of a motorcycle;
- (2) Factors contributing to motorcycle accidents;
- (3) Accident avoidance maneuvers;
- (4) Fundamentals of handling and riding a motorcycle;
- (5) Emergency and nonemergency motorcycle operation and handling techniques;
- (6) Motorcycle braking techniques;
- (7) Impact of adverse weather conditions on operation and handling of a motorcycle;
- (8) Daylight and reduced-lighting motorcycle operation and handling;
- (9) Operating and handling a motorcycle in confined areas; and
- (10) Officer survival related to motorcycle traffic stops and violator contact.

D. Police officer motorcycle training shall include activities to ensure that the police officer meets performance objectives, approved by the Commission, that are based on:

- (1) Evaluations of investigations of law enforcement agency motorcycle accidents that occurred within the previous 5 years; and
- (2) Recommendations developed by a Statewide panel.

E. The Statewide panel under §D of this regulation shall:

- (1) Be composed of one supervisory law enforcement agency motorcycle operator from each Maryland law enforcement agency that uses a motorcycle for law enforcement purposes;
- (2) Annually designate a chairman from panel membership; and
- (3) Make recommendations to the Commission concerning police officer motorcycle operator training.