

**CODE OF MARYLAND REGULATIONS
(COMAR)**

As Amended through August 8, 2011

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

Subtitle 04 POLICE TRAINING COMMISSION

Chapter 01 General Regulations

**Authority: Public Safety Article, §3-208(a); Correctional Services Article, §2-109;
Annotated Code of Maryland 12.04.01.01**

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

(6) Controlled Dangerous Substance.

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

(b) "Controlled dangerous substance" 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) "**Derogatory information**" means negative information developed during a background investigation or reported to a law enforcement agency that may adversely affect an individual's ability to perform the duties of a police officer.

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

(10) "**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.

(11) "**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.

(12) 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.

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

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

(15) 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.

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

(17) 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.

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

(19) "**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.

(20) "**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) Changes the police officer's legal name;

(c) Is promoted to first-line supervisor;

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

(e) 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 before a conviction on charges that, if convicted, would meet the conditions under §C(4)(a)(i) or (ii) of this regulation.
- (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 with a provisional certification may not exercise the authority of a police officer beyond the individual's probationary period.

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. 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 .19 of this chapter.

E. 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 a licensed, trained, and qualified medical doctor and receive a positive recommendation from the 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, the applicant shall be examined by a licensed, trained, and qualified mental health care professional and receive a positive recommendation from the mental health care professional 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.

F. 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.

G. Drug Screening.

(1) An applicant shall receive a drug screening to test for controlled dangerous substances, narcotic drugs, and marijuana as specified in Regulation .18 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 .18 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 .19 of this chapter.

H. 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.

I. 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.

J. An agency head may submit a request for a waiver of standards under this regulation according to the requirements under Regulation .16 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 .19 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 derogatory information obtained from the previous out-of-State law enforcement agency.
- (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) Derogatory Information.

(a) If derogatory 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 derogatory information.

B. Criminal Record Checks and Fingerprints.

(1) An agency hiring an applicant shall fingerprint an applicant and submit the fingerprints to the appropriate local, State, and national agencies for a search of criminal records.

(2) An agency head may conduct a criminal record check through the National Criminal Information Center (NCIC) files instead of a local fingerprint check.

(3) An agency hiring the applicant shall maintain records with the results of a record check and report the results on the AFC.

(4) If the results of the NCIC check or the local, State, or national fingerprint 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 agency head shall provide the Commission with available information concerning the conviction with the AFC.

(5) The Commission may refuse to certify an applicant based on derogatory information developed as part of the criminal record check.

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 .21 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 .16E 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. Recertification Within 3 Years of Separation.

(1) An applicant for recertification previously certified as a police officer in Maryland who has been separated from a law enforcement agency for less than 3 years:

(a) Is not required to meet the entrance-level training standards under Regulation .09 of this chapter for recertification as a police officer; and

(b) Shall meet the:

- (i) Selection standards under Regulation .08 of this chapter; and
- (ii) Training standards under §B(3) of this regulation.

(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 .09 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 Separation for More Than 3 Years and Not More Than 5 Years.

(1) The Commission may recertify an applicant previously certified as a police officer in Maryland who was separated from a law enforcement agency for more than 3 years and not more than 5 years, if the applicant meets:

- (a) Applicable selection standards under Regulation .08 of this chapter; and
 - (b) Training standards under §C(3) of this regulation.
- (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.
- (3) An applicant for recertification under §C of this regulation shall complete the following entrance-level training:
- (a) The portions of the program under Regulation .16E(7) of this chapter covering the Maryland criminal law, motor vehicle law, and juvenile law and procedures;
 - (b) Emergency medical care training program under Regulation .09 of this chapter;
 - (c) Entrance-level firearms training and qualification under COMAR 12.04.02; and
 - (d) Annual in-service training under Regulation .12 of this chapter.

D. Police Officer Recertification After Separation of More Than 5 Years.

(1) An applicant for recertification under this section separated from a law enforcement agency for more than 5 years may be recertified by the Commission after:

- (a) Meeting selection standards under Regulation .04 of this chapter; and
 - (b) Completing 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 .18 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) An investigation for prior use of controlled dangerous substances, narcotic drugs, and marijuana by the applicant as specified under Regulation .19 of this chapter; and
- (g) The physical and mental health examinations required under Regulation .04 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 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 copies of criminal records and any derogatory information discovered during the investigation to the Commission with the AFC.

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 omissions or discrepancies by the previous law enforcement agency if the prior investigation was conducted 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 .21 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;
 - (f) Communications;
 - (g) Report writing and composition;
 - (h) Crime prevention;
 - (i) Crisis intervention;
 - (j) Protective strategies and tactics;
 - (k) Emergency vehicle operations;
 - (l) Prisoner processing and security;
 - (m) Courtroom preparation and testimony;
 - (n) Health and wellness; and
 - (o) Terrorism and weapons of mass destruction.
- (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 .16 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 for an exemption from a portion of the Commission-required entrance-level training upon meeting the requirements under Regulation .16E(7) of this chapter.

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 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 instructor is exempt from Commission certification under Regulation .15 of this chapter, only a Commission-certified instructor may provide police officer training required by the Commission for police officer certification.

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 .16E(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 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, NCIC to determine if there is derogatory 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 .16 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 .16 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) 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.

(4) 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.

(5) 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.

- (6) 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.

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 12.04.02.11.
- (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 12.04.02.13;
 - (c) Refresher firearms training under Regulation .07B(4)(c) of this chapter; or
 - (d) Firearms instructor training under COMAR 12.04.02.19.
- (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) Unless approved by the Deputy Director, or a designee, if a police officer is absent for more than 10 percent of an approved training of 18 hours or longer, the police officer may not receive credit toward required in-service training or firearms training and qualification for any portion of the Commission-approved training attended.

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 in-service training by December 31 of the previous calendar year, the agency head shall:

(a) Provide the in-service training missed in the previous year before July 1 of the following year; and

(b) Provide the 18 hours of in-service training required for the following calendar year by December 31 of the same 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 official nonofficer status, but has completed annual firearms qualification within 3 years, the officer shall qualify with each authorized firearm when the officer returns to active duty before the officer may carry or use the firearm and, if the officer's certification has lapsed, 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, the individual shall successfully complete a Commission-approved entrance-level firearms training program and qualification under COMAR 12.04.02, or a firearms refresher training course and firearms qualification under Regulation .07B(4)(c) of this chapter before being issued or using a firearm and, if certification has lapsed, being 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) An agency head shall submit a request for a waiver of training requirements according to provisions under Regulation .16 of this chapter.

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) Annually, the Commission shall audit a portion of the approved law enforcement training programs not conducted at an academy to ensure compliance with this chapter.

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 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 Institute 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 Certification Procedures for Instructors.

A. Certification Required.

- (1) Unless exempt under Regulation .15 of this chapter, only an instructor certified by the Commission may provide instruction in Commission-approved training if the police officer or law enforcement agency intends to apply the training received toward the Commission's requirements for police officer certification under this chapter.
- (2) Depending on the experience and qualifications of an applicant for instructor certification, the Commission may certify an instructor as:
 - (a) A provisional instructor; or
 - (b) An instructor.

B. Application for Instructor Certification.

- (1) An individual may apply to the Commission for certification as:
 - (a) A general instructor;
 - (b) A firearms instructor;
 - (c) A firearms line instructor;
 - (d) An emergency vehicle operations instructor;
 - (e) An emergency vehicle course safety officer; or
 - (f) A defensive tactics instructor; or
 - (g) An electronic control device instructor.
- (2) An individual applying for Commission instructor certification under this regulation shall complete, sign, and submit to the agency head or training director, or a designee, an instructor certification application indicating the type of instructor certification requested.
- (3) The agency head or training director shall sign the application and forward the application to the Commission.
- (4) The agency head or training director shall submit documentation to the Commission establishing that the applicant is competent to provide instruction in the areas for which instructor certification is being requested.
- (5) An applicant for instructor certification shall comply with Commission regulations.

C. Instructor Certification Renewal.

An applicant for renewal of instructor certification shall comply with the procedures and requirements provided under §B of this regulation.

D. Certification—Suspension or Revocation.

- (1) If the Commission has reason to believe that a Commission-certified instructor has not provided instruction, maintained records, or has otherwise violated Commission requirements, the Deputy Director shall notify the instructor's agency head or training director, in writing, of the allegations.
- (2) The Deputy Director shall set a hearing date and time at which the instructor may respond to the allegations.
- (3) After conducting a hearing and reviewing relevant information, the Deputy Director shall determine whether the allegation is supported by fact.
- (4) If the Deputy Director determines the allegation is supported by fact, the Deputy Director may temporarily suspend or permanently revoke the instructor's certification.
- (5) Regardless of whether the Deputy Director decides to suspend, revoke, or continue instructor certification, the Deputy Director shall provide written findings of fact to the instructor, the agency head, and the training director.
- (6) An instructor may appeal a decision of the Deputy Director to the Executive Director.

12.04.01.15

.15 Instructor Certification Standards.

A. Provisional Instructor Certification.

- (1) The provisional instructor certification:
 - (a) Is for an instructor with limited experience as an instructor;
 - (b) Is valid for a maximum of 1 year and requires exceptional circumstances for the Commission to renew;
 - (c) Does not authorize a provisional instructor to:
 - (i) Instruct Commission-required firearms training;
 - (ii) Conduct annual firearms qualification;
 - (iii) Instruct or conduct emergency vehicle operations training;
 - (iv) Instruct or conduct defensive tactics training in police entrance-level training; or
 - (v) Instruct or conduct electronic control device training.
- (2) Commission requirements for provisional instructor certification include:
 - (a) A high school diploma, or a GED certificate or diploma recognized by the State Board of Education; and
 - (b) Compliance with Commission regulations.

B. Instructor Certification.

- (1) Commission instructor certification:
 - (a) Is for an instructor with extensive training and experience in a particular subject area;
 - (b) Is valid for up to 4 years and may be renewed; and
 - (c) Does not authorize an instructor to:
 - (i) Instruct Commission-required firearms training;
 - (ii) Conduct annual firearms qualification;
 - (iii) Instruct or conduct emergency vehicle operations training;
 - (iv) Instruct or conduct defensive tactics training in police officer entrance-level training;
- or

- (v) Instruct or conduct electronic control device training.
- (2) Commission requirements for instructor certification include:
 - (a) A high school diploma, or GED certificate or diploma recognized by the State Board of Education;
 - (b) A minimum of 2 years of experience in the public safety community;
 - (c) Completion of the approved instructor training program under §C of this regulation;and
 - (d) At least two evaluations of the individual's teaching performance under §D of this regulation, during the period of certification as a provisional instructor.

C. Instructor Training Program.

- (1) An academy, school, or law enforcement agency may conduct instructor training and use that training to meet Commission requirements under this regulation if:
 - (a) The training is submitted to and approved by the Commission under this regulation;
 - (b) Instructors providing the training are certified by the Commission; and
 - (c) The instructor training:
 - (i) Is comparable to the instructor training conducted by the Commission; and
 - (ii) At a minimum contains subject matter identified in this section.
- (2) The Commission requires that instructor training under this regulation includes:
 - (a) An introduction to:
 - (i) The basic concepts of learning and teaching,
 - (ii) The role of training in the criminal justice profession, and
 - (iii) Classroom management techniques;
 - (b) Effective speech techniques;
 - (c) Preparation and use of audiovisual training aids;
 - (d) Development of training objectives;
 - (e) Development of lesson plans; and
 - (f) Laboratory experience in presentation of mock classroom lesson plans.
- (3) A training director or agency head shall submit proposed instructor training for approval a minimum of 20 working days before the start of the training.

D. Instructor Evaluation.

- (1) The Commission requires that an evaluation of an applicant for instructor certification be:
 - (a) Conducted by a certified instructor or Commission-approved subject matter expert in the area that the applicant is applying for instructor certification;
 - (b) A minimum of 1 hour; and
 - (c) Recorded on a form approved by the Commission.
- (2) A Commission-approved academy, school, or law enforcement agency that has a formalized method for conducting Commission-required evaluations of Commission-approved provisional instructor training may be exempt from the requirements of this section.
- (3) The Commission may consider an unsatisfactory evaluation or commentary by a Commission-certified instructor grounds to deny instructor certification.

E. Exceptions to Instructor Certification.

- (1) An instructor providing Commission-approved training of 3 hours or less is exempt from the Commission's instructor certification requirements for that specific training.
- (2) The Deputy Director may determine that the following are exempt from Commission instructor certification requirements:
 - (a) A member of the Bar, medical profession, or other similar profession currently licensed or certified by the State or a nationally recognized organization when providing instruction in the area in which the individual is currently licensed or certified;
 - (b) A community college, 4-year college, or university faculty member providing instruction in the area in which the faculty member is currently employed;
 - (c) A currently certified emergency medical care or advanced first aid instructor; or
 - (d) Other exemptions considered appropriate by the Deputy Director.

F. Waiver of Commission-Required Instructor Training for Instructor Certification.

- (1) An individual, training director, or agency head may submit a written request for a waiver of instructor certification to the Deputy Director for an individual who has not completed the Commission-required instructor training.
- (2) Individuals eligible for a waiver include:
 - (a) A training director of a class I or II academy;
 - (b) A subject matter expert with significant training and experience in the subject area to be taught; or
 - (c) An individual certified or licensed as an instructor by another organization to teach, certify, or license others in a specific subject area.
- (3) For the Commission to consider an individual for exemption under this regulation, the individual shall:
 - (a) Be previously or currently Commission-certified as a provisional instructor;
 - (b) Demonstrate the knowledge, skill, and ability to develop and conduct training, through the review of objectives, lesson plans, and repeated performance; and
 - (c) Have received at least four Commission-acceptable instructor evaluations in the last year by a staff member of the Police and Correctional Training Commissions or a certified instructor designated by the Deputy Director.
- (4) An individual, training director, or law enforcement agency requesting a waiver under this regulation shall submit the following to the Commission:
 - (a) An application for certification as an instructor;
 - (b) A request for waiver of the instructor training program;
 - (c) Instructor evaluation as described under §F(3)(c) of this regulation; and
 - (d) Other information necessary for the Commission to assess the request.

12.04.01.16

.16 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 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;

(2) The COMAR citation for the standard for which the waiver is requested;

(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 for a waiver of an in-service training standard shall, in addition to the information under §B of this regulation, provide:

(a) A copy of the lesson plan or course outline;

(b) A written description of the course;

(c) The number of hours of the course the individual completed; and

(d) Other information supporting the petition.

(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 for a waiver of firearms training and qualification requirements if an 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.

(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 received; 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 exempted from portions of the entrance-level training standards under Regulation .09 of this chapter.

(2) An agency head petitioning the Deputy Director for a waiver of an entrance-level training standard required under Regulation .09 of this chapter shall provide the Deputy Director with:

(a) A copy of the lesson plan or course outline;

(b) A written description of the course;

(c) The number of hours of the course the individual completed; and

(d) Other information supporting the petition.

(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 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; and
- (c) If the law enforcement agency authorizes the individual to carry or use a firearm, entrance-level firearms training and qualification under COMAR 12.04.02.
- (8) An agency head may request the Commission to review a decision by the Deputy Director to deny a waiver of an entrance-level training requirement.

12.04.01.17

.17 Minimum Standards for Emergency Vehicle Operations Instructors.

A. An individual who provides instruction in Commission-approved emergency vehicle operations training shall be certified by the Commission according to this regulation.

B. Provisional Emergency Vehicle Operations Instructor Certification.

(1) The Commission's provisional emergency vehicle operations instructor certification:

- (a) Is for an individual with limited driver training experience;
- (b) Is valid for 1 year, but may be renewed by the Commission under exceptional circumstances; and
- (c) Does not authorize a provisional emergency vehicle operations instructor to teach:
 - (i) Topics other than emergency vehicle operations;
 - (ii) The classroom portion of emergency vehicle operations, special maneuvers, and emergency vehicle skills without a Commission-certified emergency vehicle operations instructor present; or
 - (iii) The practical skills portion of emergency vehicle operations, special maneuvers, and emergency vehicle skills without a Commission-certified emergency vehicle operations instructor or a Commission-certified emergency vehicle course safety officer present.
- (2) The Commission's requirements for a provisional emergency vehicle operations instructor certification include:
 - (a) A high school diploma, or a GED certificate or diploma recognized by the State Board of Education;
 - (b) 2 or more years of experience in an occupation that required operation of an emergency vehicle;
 - (c) Compliance with Commission regulations; and
 - (d) Successful completion of a Commission-approved emergency vehicle operations instructor's course within 5 years of the date of the original application for Commission provisional emergency vehicle operations instructor certification.

C. Emergency Vehicle Course Safety Officer Certification.

(1) The Commission's emergency vehicle course safety officer certification:

- (a) Is for an individual with extensive training and experience in emergency vehicle operations;
- (b) Is valid for up to 4 years and may be renewed;

- (c) Authorizes an emergency vehicle course safety officer to conduct the practical skills exercise portion of emergency vehicle operations training; and
- (d) Does not authorize an emergency vehicle course safety officer to teach:
 - (i) Topics other than emergency vehicle operations; or
 - (ii) The classroom portion of emergency vehicle operations training without a Commission-certified emergency vehicle operations instructor present.
- (2) Initial Commission requirements for emergency vehicle course safety officer certification include:
 - (a) A high school diploma, or a GED certificate or diploma recognized by the State Board of Education;
 - (b) 3 years or more of experience in an occupation that required the operation of an emergency vehicle;
 - (c) Previous Commission certification as a provisional emergency vehicle operations instructor;
 - (d) Compliance with Commission regulations;
 - (e) Evaluation of the applicant's performance as an emergency vehicle course safety officer under §F of this regulation; and
 - (f) That the applicant performed a minimum of 40 hours of emergency vehicle operations practical skills exercises as a Commission-certified provisional emergency vehicle operations instructor.

D. Emergency Vehicle Operations Instructor Certification.

- (1) The Commission's emergency vehicle operations instructor certification:
 - (a) Is for an individual with extensive training and experience in the area of emergency vehicle operations;
 - (b) Is valid for up to 4 years and may be renewed;
 - (c) Authorizes an emergency vehicle operations instructor to teach Commission-approved emergency vehicle operations training for both the classroom and practical skills exercises portions of the training;
 - (d) Does not authorize an emergency vehicle operations instructor to teach topics other than emergency vehicle operations.
- (2) Initial Commission requirements for emergency vehicle operations instructor certification include:
 - (a) A high school diploma, or a GED certificate or diploma recognized by the State Board of Education;
 - (b) 3 years or more in an occupation that required the operation of an emergency vehicle;
 - (c) Successful completion of a Commission-approved instructor course meeting the standards under Regulation .15 of this chapter;
 - (d) Previous Commission certification as a provisional emergency vehicle operations instructor;
 - (e) Compliance with Commission regulations;
 - (f) Evaluation of the applicant's teaching performance under §F of this regulation;
 - (g) Performing at least 16 hours of emergency vehicle operations classroom instruction; and
 - (h) Performing at least 40 hours of emergency vehicle operations practical skills exercises training.

E. Emergency Vehicle Operations Course Safety Officer or Emergency Vehicle Operations Instructor Certification Renewal.

(1) An applicant for recertification as an emergency vehicle operations course safety officer shall:

(a) Complete a minimum of 20 hours of emergency vehicle practical skills exercises instruction; and

(b) Be evaluated a minimum of two times while the applicant is conducting emergency vehicle operations practical skills exercises.

(2) An applicant seeking recertification as an emergency vehicle operations instructor shall:

(a) Complete a minimum of 20 hours of combined emergency vehicle operations classroom and practical skills exercises instruction; and

(b) Be evaluated a minimum of one time each while the applicant is conducting emergency vehicle operations:

(i) Practical skills exercises; and

(ii) Classroom instruction.

F. Evaluation Procedures.

(1) Initial Certification—Emergency Vehicle Operations Course Safety Officer or Emergency Vehicle Operations Instructor.

(a) A Commission-certified emergency vehicle operations instructor shall conduct instructor performance evaluation required by this chapter.

(b) Each evaluation shall be at least 1 hour in length.

(c) The Commission may refuse to certify an applicant receiving an unsatisfactory performance evaluation score.

(d) An applicant seeking certification as an emergency vehicle operations course safety officer shall be evaluated a minimum of two times while the applicant is conducting emergency vehicle operations practical skills exercises training.

(e) An applicant seeking certification as an emergency vehicle operations instructor shall be evaluated a minimum of two times each while conducting emergency vehicle operations:

(i) Practical skills exercises training; and

(ii) Emergency vehicle operations classroom instruction.

(2) Certification Renewal—Emergency Vehicle Operations Course Safety Officer or Emergency Vehicle Operations Instructor.

(a) A Commission-certified emergency vehicle operations instructor shall conduct performance evaluations of applicants for renewal of emergency vehicle operations course safety officer or emergency vehicle operations instructor during the applicant's current period of certification.

(b) Each performance evaluation shall be at least 1 hour in length.

(c) The Commission may refuse to recertify an applicant receiving an unsatisfactory performance evaluation score.

G. An applicant may apply for certification as an emergency vehicle operations course safety officer or an emergency vehicle operations instructor whenever the requirements of those certifications can be met.

12.04.01.18

.18 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) Ensure that the urine sample is screened by an enzyme immunoassay, radioimmunoassay testing method, or another equally scientifically rigorous screening method;

(b) Ensure that the screening method includes, at a minimum, testing for the presence of the following controlled dangerous substances, narcotic drugs, or marijuana, or classes of controlled dangerous substances, or their metabolites, at the minimum levels measured in nanograms per milliliter specified for each controlled dangerous substance, narcotic drug, or marijuana:

(i) Amphetamines—1,000;

(ii) Barbiturates—300;

(iii) Cannabis or cannabinoids—50;

(iv) Opiates—300;

(v) Cocaine or cocaine metabolite—300;

(vi) Phencyclidine—25; and

(vii) Benzodiazepines—300;

(c) Ensure a positive screening of a urine sample under §C(2)(b) of this regulation is confirmed for each substance identified using gas chromatography, mass spectrometry, or other equally scientifically rigorous testing method; and

(d) Conduct urine sample analysis according to provisions under Health-General Article, §17-214, Annotated Code of Maryland.

(3) The Commission considers a urine sample analyzed according to §C(2) of this regulation that shows the presence of a controlled dangerous substance, narcotic drug, or marijuana in an amount that meets or exceeds the nanograms per milliliter specified to be a positive screen and requires confirmation according to §C(2)(c) of this regulation.

(4) Unless confirmed according to §C(2)(c) of this regulation, the Commission considers a urine sample screened positive using the method under §C(2)(a) alone inconclusive.

12.04.01.19

.19 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.

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 3 years before application for certification;

(4) Ever illegally used a controlled dangerous substance, narcotic drug, or marijuana 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, narcotic drug, or marijuana 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; or

(3) Used marijuana:

(a) More than 20 times; or

(b) Five times 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's current or prior use of 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, or 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, narcotic drug, or marijuana may petition the Commission based on articulated unique circumstances of the individual's use of a controlled dangerous substance, narcotic drug, or marijuana 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, narcotic drug, or marijuana used;
- (b) Indicate the number of times the illegal controlled dangerous substance, narcotic drug, or marijuana 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, narcotic drug, or marijuana 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, narcotic drug, or marijuana was obtained;
 - (v) How the illegal controlled dangerous substance, narcotic drug, or marijuana 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 and Correctional Training Commissions.
- (3) The Executive Director shall submit a petition received under §G(2) of this regulation to the Police Training Commission at the next scheduled meeting following receipt if 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 Commission for the purpose of challenging a law enforcement agency's determination that the individual used a controlled dangerous substance, narcotic drug, or marijuana contrary to the standards established by this regulation.
- (2) The Commission's consideration of a petition under §G of this regulation is not a hearing.

12.04.01.20

.20 Minimum Standards for Defensive Tactics Instructors.

A. An individual instructing defensive tactics training as part of an entrance level training program established under Regulation .09 of this chapter, shall possess one of the instructor certifications and conduct training as specified under this regulation.

B. Provisional Certification of Defensive Tactics Instructor.

- (1) A provisional certification for a defensive tactics instructor is for an instructor with limited experience as an instructor.
- (2) Provisional certification:
 - (a) Requires a minimum of 2 cumulative years of criminal justice related defensive tactics skills experience that:
 - (i) Is determined acceptable by the Deputy Director; and
 - (ii) Takes place during the 5 consecutive years immediately preceding application;
 - (b) Requires compliance with all other applicable Commission regulations; and
 - (c) Is valid for 1 year and may be renewed at anytime for one additional 1-year period.
- (3) While under the direct supervision of a certified defensive tactics instructor, a provisional defensive tactics instructor may:
 - (a) Provide classroom instruction;
 - (b) Assist with practical defensive tactics skills training; and
 - (c) Assist in skill assessment.

C. Defensive Tactics Instructor Certification.

- (1) Commission defensive tactics instructor certification:
 - (a) Is for an instructor with extensive training and experience in the area of defensive tactics;

- (b) Is valid for up to 4 years and may be renewed at any time; and
- (c) Authorizes an instructor to independently instruct all aspects of defensive tactics training in an entrance-level training program.
- (2) A defensive tactics instructor certification requires:
 - (a) A minimum of 2 cumulative years of criminal justice related defensive tactics skills experience that:
 - (i) Is determined acceptable by the Deputy Director; and
 - (ii) Takes place during the 5 consecutive years immediately preceding application;
 - (b) Successful completion of an approved general instructor course as specified under Regulation .15 of this chapter;
 - (c) Successful completion of an approved defensive tactics instructor's course within 2 years of the date of the original application for defensive tactics instructor certification;
 - (d) A minimum of 12 hours of defensive tactics instruction under the direction of a certified defensive tactics instructor that includes:
 - (i) 4 hours of classroom instruction in the concepts and principles of defensive tactics; and
 - (ii) 8 hours of defensive tactics practical skill instruction;
 - (e) At least two satisfactory evaluations during the period of provisional certification as a defensive tactics instructor by a certified defensive tactics instructor, as specified in §E of this regulation; and
 - (f) Current provisional certification as a defensive tactics instructor or a waiver granted under §F of this regulation.

D. Defensive Tactics Instructor Course.

- (1) A defensive tactics instructor course shall:
 - (a) Be approved by the Commission;
 - (b) Be a minimum of 35 hours in length; and
 - (c) Include the following topics:
 - (i) Balance, awareness, and self-control;
 - (ii) Impact weapons;
 - (iii) Weapon retention;
 - (iv) Disarming;
 - (v) Vital points of the human anatomy;
 - (vi) Control holds;
 - (vii) Take-downs;
 - (viii) Handcuffing and searching;
 - (ix) Escorting and transporting of detainees;
 - (x) Use of force continuum;
 - (xi) Multiple adversaries; and
 - (xii) Ground level defenses.
- (2) Successful completion of the course requires:
 - (a) A minimum score of 70 percent on a written examination; and
 - (b) Satisfactory demonstration of all practical skill elements required in the course.
- (3) The Deputy Director may approve a:
 - (a) Defensive tactics instructor course which meets the standards under this regulation; or
 - (b) Combination of defensive tactics courses that:

- (i) As determined by the Deputy Director, satisfactorily address the topics specified under §D(1) of this regulation; and
- (ii) Equals a minimum of 35 hours.

E. Evaluation Procedures.

- (1) An evaluation of an applicant for certification as a defensive tactics instructor shall be:
 - (a) At a minimum, conducted twice during a current period of provisional certification as a defensive tactics instructor;
 - (b) Performed by a certified defensive tactics instructor; and
 - (c) Documented on a form approved or provided by the Commission.
- (2) Each evaluation shall be at least 1 hour in length.
- (3) An unsatisfactory performance evaluation score or commentary may be grounds for the Commission to deny defensive tactics instructor certification.

F. Waiver.

- (1) The Deputy Director may waive the defensive tactics instructor course requirement and approve certification for a defensive tactics instructor, if the applicant has:
 - (a) A minimum of 2 cumulative years of criminal justice related defensive tactics skills experience that:
 - (i) Is determined acceptable by the Deputy Director; and
 - (ii) Takes place during the 5 consecutive years immediately preceding application;
 - (b) Conducted at least 4 hours of classroom instruction in the concepts and principles of defensive tactics;
 - (c) Conducted at least 8 hours of defensive tactics practical skills training instruction;
 - (d) Successfully completed an approved general instructor course as specified under Regulation .15 of this chapter;
 - (e) Successfully completed the equivalent of a defensive tactics instructor course as specified under §D of this regulation; and
 - (f) Produced supporting evidence, such as copies of certifications or course curriculums, to document the applicant's extensive knowledge and abilities in the skill areas specified in §D(1) of this regulation.
- (2) The Deputy Director may limit the subject matter that may be taught in an entrance level program by an individual receiving defensive tactics instructor certification based on a waiver under this section.

12.04.01.21

.21 Field Training.

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

B. Field training:

- (1) Shall include activities designed to familiarize the individual with the duties of the police officer position, as defined and administered by the law enforcement agency;

- (2) May be conducted in conjunction with an entrance-level training program or a separate training activity provided by a law enforcement agency;
- (3) Shall be a minimum of 80 hours in duration; and
- (4) Shall be monitored by a certified police officer, the agency head, or designee.

C. Documenting Field Training.

An agency head, or a designee, shall:

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