

MARYLAND CORRECTIONAL TRAINING COMMISSION

TITLE 12 - SUBTITLE 10 - CHAPTER 01

General Regulations

This copy of the Correctional Training Commission General Regulations includes all regulations that became effective through May 23, 2005. The most recent amendments changed the definitions of two types of Juvenile Services positions to make them more generic and relevant to the actual Department of Juvenile Services classifications.

At this time, no other amendments to this chapter are under consideration.

This copy of the regulations is printed for the use of correctional agencies and other interested parties. Text of the most current regulations are available for review and printing from the PCTC website at www.MDLE.net. The official text of these regulations is printed in COMAR 12.10.01.

Please contact the Police and Correctional Training Commissions at (410) 875-3408 if there are any questions concerning these regulations.

MARYLAND CORRECTIONAL TRAINING COMMISSION GENERAL REGULATIONS

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.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 entrance-level and other mandated training programs.

(2) "Addictions counselor" means a mandated employee, a Department of Juvenile Services employee, or an employee of a correctional unit:

(a) Designated by the individual's employer as an addictions counselor;

(b) Performing duties similar to duties of an addictions counselor; or

(c) With the primary duty to provide alcohol or substance abuse drug treatment or counseling services for:

(i) Individuals under the care of a correctional unit; or

(ii) Juveniles under the care of the Department of Juvenile Justice.

(3) Agency Head.

(a) "Agency head" means a warden, a correctional administrator, a sheriff, an individual with an equivalent position, or a designee appointed, employed, or elected to manage, administer, or supervise a correctional unit.

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

(c) "Agency head" includes the Secretary of Juvenile or the Secretary's designee.

(4) "Application for certification (AFC)" means an application for certification form that is an official record verifying that an applicant has met the applicable selection standards for a mandated position.

(5) "Certification" means conferring the legal authority upon an individual to act as prescribed in this chapter after complying with applicable selection and training standards specified in this chapter.

(6) "Classification counselor" means a member of a correctional unit classified or designated as, or whose duties are generally described as or equivalent to, a classification counselor or correctional case management specialist.

(7) "Commission" means the Correctional Training Commission or an officer and employee authorized to act in its behalf.

(8) "Correctional officer" means a member of a correctional unit classified or designated as, or whose duties are generally described as or equivalent to, a correctional officer.

(9) Correctional Unit.

(a) "Correctional unit" means a government agency under Correctional Services Article §8-201, Annotated Code of Maryland, which has responsibility for the investigation, care, custody, or supervision of inmates, parolees, probationers, or juveniles.

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

(c) "Correctional unit" includes those facilities set forth in Article 83C, §2-117, Annotated Code of Maryland, and other facilities designated by the Secretary of Juvenile Justice.

(10) Department of Juvenile Services Employee.

(a) "Department of Juvenile Services employee" means a youth supervisor, juvenile counselor, direct care worker, or other employee of the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders who are committed, detained, awaiting placement, adjudicated delinquent, or are otherwise under the supervision of the Department of Juvenile Services.

(b) "Department of Juvenile Services employee" includes an employee of any nonprofit or for-profit entity under contract with the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders as described in § B(10)(a) of this regulation.

(11) "Deputy Director" means the Deputy Director of the Police and Correctional Training Commissions.

(12) "Derogatory information" means negative information developed from a background investigation or reported by a correctional unit to the Commission that may adversely predict or affect the ability of an individual to perform the duties of a mandated position.

(13) "Executive Director" means the Executive Director of the Police and Correctional Training Commissions.

(14) "Felony conviction" means an offense classified as such under the law of Maryland, another state, or the United States, including the District of Columbia.

(15) "First-line administrator" means an individual employed by a correctional unit who is promoted to a position, designated by the agency, exercising first-line administrative authority under Correctional Services Article §8-201, Annotated Code of Maryland.

(16) "First-line supervisor" means an individual employed by a correctional unit who is promoted to a position, designated by the agency, exercising first-line supervisory authority under Correctional Services Article §8-201, Annotated Code of Maryland.

(17) "Institutional support staff" means an individual employed by a correctional unit who performs one or more of the duties of a correctional officer under Correctional Services Article §8-201, Annotated Code of Maryland, but whose primary duties are other than that of a correctional officer, classification counselor, parole and probation agent, or monitor.

(18) "Juvenile counselor" means an individual employed by the Department of Juvenile Services or a correctional unit whose duties generally include the investigation, supervision, management, or coordination of services for juveniles who are under the supervision of the Department of Juvenile Services.

(19) "Juvenile Services support staff" means an individual employed by the Department of Juvenile Services or a correctional unit who performs one or more of the duties of a Department of Juvenile Services employee under Correctional Services Article, §8-201, Annotated Code of Maryland, but whose primary duties are other than those of a juvenile counselor or youth supervisor.

(20) "Mandated employee" means an individual required to comply with this chapter.

(21) Mandated Position.

(a) "Mandated position" means a job classification required to comply with this chapter.

(b) "Mandated position" includes a correctional officer, classification counselor, institutional support staff member, parole and probation agent, monitor, juvenile counselor, youth supervisor, and Juvenile Services support staff.

(22) Misdemeanor Conviction.

(a) "Misdemeanor conviction" includes an offense classified as such by Maryland, another state, or the United States, including the District of Columbia.

(b) "Misdemeanor conviction" does not include a violation of a federal or state Motor Vehicle Code except for:

(i) Vehicular operation resulting in the death of an individual, such as auto manslaughter;

(ii) Unauthorized use or theft of a motor vehicle;

(iii) Driving while intoxicated, under the influence of drugs or alcohol, or both; or

(iv) Operating a motor vehicle without a license or while a license is suspended or revoked.

(23) "Monitor" means a member of a correctional unit classified or designated as, or whose duties are generally described as or equivalent to, a Parole and Probation Drinking Driver Monitor.

(24) "Moral turpitude" means an offense involving perjury or lying under oath, the taking or converting another's property to one's own use after the property was entrusted to the applicant, bribery, or a similar offense involving a breach of trust or responsibility.

(25) "Non-officer status" means a situation in which a mandated employee with a provisional appointment or permanent certification is temporarily relieved of duties related to the care, custody, and control of inmates for medical, disciplinary, or other administrative reasons, but who continues to be employed by a correctional unit in a mandated position.

(26) "Offense involving violence" means an offense where the applicant was convicted of a crime involving the application of force or physical violence, the attempt to commit such a crime, or any assault.

(27) "Parole and probation agent" means a member of a correctional unit who is classified or designated as, or whose duties are generally described as or equivalent to, a parole and probation agent.

(28) "Probationary period" means a period of time of up to 365 cumulative days during which a mandated employee with a provisional appointment or an individual promoted to a first-line supervisor or first-line administrator position is authorized to perform the duties of the mandated position before meeting the training requirements for permanent appointment or certification.

(29) "Provisional appointment" means a probationary appointment to a mandated position under Correctional Services Article §8-209, Annotated Code of Maryland.

(30) "Youth supervisor" means an individual employed by the Department of Juvenile Services or a correctional unit whose duties generally include the custody, control, or supervision of juveniles at a detention center or residential facility.

.02 Processing and Reporting Employment Status.

A. Completion of the Application for Certification.

(1) A correctional unit shall complete an AFC for a correctional officer, classification counselor, institutional support staff, monitor, parole and probation agent, or Department of Juvenile Services employee hired by a correctional unit to apply for provisional or permanent appointment.

(2) The agency head is responsible for the completion and accuracy of information contained in the AFC and its submission to the Commission.

(3) The agency head shall sign the AFC to certify that selection standards have been met. In addition, the AFC shall include the date and phone number of the agency head.

(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 administrative or legal action.

(5) The correctional unit is responsible for ensuring that the Commission receives the required information on the AFC regarding meeting applicable selection regulations specified in this chapter.

B. Filing of the AFC Form.

(1) The correctional unit shall forward the AFC to the Commission when there has been compliance with applicable selection standards under Regulations .04 or .08 of this chapter.

(2) An individual shall receive a provisional appointment or regular certification after receipt of a properly completed AFC indicating the completion of applicable selection and training standards under this chapter.

(3) An individual may not legally exercise the duties of a mandated position until the individual has met selection and training standards of the Commission.

C. Notification of Change in Employment or Certification Status.

(1) The correctional unit shall notify the Commission in writing when a mandated employee:

(a) Is separated from employment in a mandated position through death, retirement, dismissal, or resignation;

(b) Is transferred to a different type of mandated position within the correctional unit;

(c) Changes a legal name;

- (d) Is promoted to a first-line supervisor;
- (e) Is promoted to a first line administrator; or
- (f) Is transferred to non-officer status for more than 30 days.

(2) The correctional unit shall report a change in official employment status under this section within 30 days of the change in a format prescribed by, or on a form supplied by, the Commission.

(3) The written notification includes:

- (a) The individual's name and Social Security number;
- (b) The date of the action;
- (c) A statement indicating the change in status; and

(d) In a case of separation from employment, information on whether the individual was under criminal or administrative investigation, indictment, formal charges, suspension, or similar action at the time of the termination of employment or transfer to non-officer status.

(4) Criminal Convictions.

(a) An agency head shall notify the Commission when a mandated employee is convicted of a felony or of a misdemeanor punishable by imprisonment for 1 year or more.

(b) This notification also pertains to an individual separated from employment before the conviction, if known, and the relevant facts related to the conviction.

(c) The correctional unit shall submit this information to the Commission within 10 days of the conviction, on a form or in a format approved by the Commission.

(d) An agency head also shall inform the Commission whenever a mandated employee has been suspended from duty and placed in non-officer status because the individual has been charged with a felony or misdemeanor.

(5) Notification under this section is to be completed regardless of criminal or administrative plea negotiation.

.03 Provisional Appointment.

A. An applicant shall receive a provisional appointment to a mandated position after meeting the applicable selection standards in Regulation .04 of this chapter and forwarding of the completed AFC.

B. An applicant may not be used by a correctional unit in a mandated position unless the applicant has met the selection standards under this regulation. In addition, an individual may not carry a firearm unless the appropriate firearms training program under Regulation .09 of this chapter and COMAR 12.10.04 has been completed.

C. An individual may not be used to perform the duties of a mandated position under a provisional appointment beyond the 365-day probationary period.

D. A mandated employee with a provisional appointment who changes from a classification of correctional officer, classification counselor, institutional support staff, parole and probation agent, monitor, juvenile counselor, youth supervisor, or Juvenile Services support staff position to another of these classifications shall receive a new 365-day provisional appointment to provide the opportunity to obtain applicable training under Regulation .09 of this chapter for the new classification.

E. A provisional appointment is valid until:

(1) 365 cumulative days have elapsed from the initial date of the provisional appointment;

(2) It is determined that the applicable selection standards have not been met;

(3) The individual has been certified; or

(4) The individual's employment is terminated.

F. A new provisional appointment to a mandated position under this regulation may be made for a formerly certified mandated employee who:

(1) Has not been in a correctional mandated position for over 3 years; and

(2) Meets the appropriate selection standards under Regulation .04 of this chapter.

G. Probationary Period.

(1) After an individual has met the applicable selection standards specified in this chapter and received a provisional appointment, the Commission shall grant a probationary period of up to 365 days to the mandated employee to allow completion of the entrance level training under Regulation .09 of this chapter.

(2) The probationary period begins on the first day that the individual receives a provisional appointment.

(3) The 365-day period is cumulative and may not be lengthened by multiple employments by different correctional units or periodic employment with the same unit.

(4) If an individual transfers as a new employee from one correctional unit to another before successfully completing the required entrance-level training, the probationary period continues from the date of the first provisional appointment, less any time the individual is not employed in a mandated position by a correctional unit.

(5) The probationary period under this chapter does not relate to or restrict a probationary period that may be imposed by the hiring agency.

.04 Selection Standards for Appointment to a Mandated Position and Documentation Requirements.

A. Age. An applicant shall be 18 years old or older:

- (1) On the date of provisional appointment; and
- (2) To enroll at an academy for entrance-level training for a mandated position.

B. Residency Requirements.

(1) An applicant shall:

- (a) Be a United States citizen or a resident alien; and
- (b) Submit proof of citizenship or resident alien status to the hiring agency for examination and retention.

(2) If the applicant is a resident alien, a copy of the identification card or other official documentation issued by the Immigration and Naturalization Service of the United States Department of Justice shall be submitted with the AFC to the Commission.

C. Educational Requirements.

(1) Correctional Officer, Monitor, or Youth Supervisor.

(a) An applicant for the position of correctional officer, monitor, or youth supervisor shall possess a:

- (i) High school diploma issued by a high school or recognized by the State Board of Education; or
- (ii) General Education Development (GED) certificate or diploma issued by another state or recognized by the State Board of Education.

(b) A college degree may be accepted in place of the high school diploma.

(c) In the absence of a copy of a diploma, a certified transcript indicating that an applicant successfully completed the requirements for graduation from a high school or college may be accepted.

(d) A copy of an appropriate diploma or other acceptable documentation shall be maintained by the agency.

(e) If the individual took a GED test outside Maryland or while in the military service, and no certificate or diploma was issued by a state, the applicant shall submit a copy of the GED test scores to the Commission. The test results may be accepted by the Commission if they are consistent with the requirements established by the State Board of Education.

(f) The hiring agency shall indicate the appropriate information on the AFC form.

(2) Classification Counselor or Parole and Probation Agent.

(a) An applicant for the position of classification counselor or parole and probation agent shall possess a baccalaureate degree from an accredited college or university recognized by the Maryland Higher Education Commission.

(b) The hiring agency shall indicate the appropriate information on the AFC submitted to the Commission.

(c) A copy of the applicant's baccalaureate degree or certified transcript shall be maintained by the correctional unit.

(3) Institutional Support Staff. The correctional unit shall determine the educational requirements for a mandated position that is an institutional support staff position.

(4) Juvenile Counselor. An applicant for the position of juvenile counselor shall possess one of the following:

(a) A baccalaureate degree from an accredited college or university; or

(b) An associate of arts degree from an accredited college or university and a minimum of 2 years of experience providing direct service to delinquent, emotionally disturbed, socially maladjusted, victimized, or exceptional children.

(5) Juvenile Services Support Staff. The Department of Juvenile Services shall determine the educational requirements for a juvenile Services support staff position.

D. Background and Criminal History Investigation. A correctional unit shall perform a background investigation and criminal history investigation, including a fingerprint check, under Regulation .05 of this chapter.

E. Physical and Mental Health Examinations.

(1) Physical Examinations.

(a) A licensed physician shall perform a physical examination to determine that the applicant is physically fit for:

(i) The duties of a mandated position as determined by a correctional unit; and

(ii) Participation in the entrance level training program in which the applicant is enrolled.

(b) An applicant enrolled in the full entrance level correctional training program under Regulation .09 of this chapter shall have a physical examination performed by a licensed physician to determine whether the applicant is physically fit to participate in the training program.

(2) Mental Health Examination. A licensed mental health care professional shall perform an examination to determine whether the candidate is emotionally and mentally fit for the duties of a mandated position as determined by a correctional unit.

(3) Certification of Examination Results.

(a) The physician or mental health care professional certifying the results of the examinations shall be identified on the AFC by name and address with the date of each examination indicated.

(b) Documentation that the applicant is physically and psychologically fit for the duties of the mandated position shall be maintained by the employing unit.

F. Oral Interview.

(1) The agency head or designated representative shall conduct an interview to determine the applicant's ability to communicate.

(2) The AFC shall include the identity of the primary interviewer and the date of the interview.

(3) The correctional unit shall maintain a record of the interview.

G. Drug Screening.

(1) An applicant shall receive a drug screening to test for controlled dangerous substances under Regulation .18 of this chapter.

(2) The hiring agency shall maintain a record of the results and report them to the Commission on the AFC.

(3) If the test results exceed the levels specified under Regulation .18 of this chapter, the applicant may not receive an appointment.

H. This regulation does not prohibit a correctional unit from establishing standards which are more restrictive.

I. A request for a waiver of the minimum standards specified in this regulation shall be submitted under Regulation .16 of this chapter.

.05 Background and Criminal History Investigations.

A. Background Investigation.

(1) A correctional unit or authorized hiring agency 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 suitable behavior necessary to perform the duties of the mandated position.

(2) The background investigation includes:

(a) A check of military records, when applicable, including obtaining a complete copy of discharge documents;

(b) A report from a credit agency regarding the applicant's current and past credit history;

(c) Examination of school records or interviews with school officials if an applicant attended a school within the last 5 years;

(d) Interviews of:

(i) Personal references furnished by the applicant;

(ii) Neighbors of the applicant within the last 5 years;

(iii) Current and past employers within the last 5 years; and

(iv) Coworkers within the past 5 years; and

(e) An investigation for prior use of controlled dangerous substances by the applicant as specified in Regulation .19 of this chapter.

(3) The background investigation is to determine whether the applicant meets the minimum selection standards of the Commission and appears to be mentally, physically, and emotionally fit to perform correctional duties.

(4) Interviews may be conducted:

(a) In person;

(b) By telephone;

(c) By completion of an agency form or questionnaire by either the interviewer or individual interviewed; or

(d) By other methods designed to elicit useful information from a person to predict future job performance.

(5) The background investigation should include interviews conducted in person. Generally, these interviews are most appropriate when those interviewed are within 50 miles of the correctional unit.

(6) Interviews with personal references and others not residing in Maryland may be contacted by correspondence or telephone. When the applicant has resided or been employed in another state, the background investigation may be performed by an appropriate law enforcement unit or a legitimate private background investigation agency in that area.

(7) Investigations By Other Agencies.

(a) A correctional unit may conduct the background investigation or the investigation may be performed by a personnel office authorized by the jurisdiction.

(b) A Maryland State Police installation or other local police agency may assist in the investigation when the correctional unit is unable to complete the background investigation without assistance.

(c) Other local law enforcement agencies may be contacted for assistance in obtaining information from areas too distant to be easily contacted by the hiring correctional unit.

(8) Investigations By Private Agencies.

(a) A private agency, organization, firm or individual specializing in background investigations of applicants may be used to perform part or all of the background investigation.

(b) The investigation shall comply with the requirements of this regulation.

(c) A copy of the investigation shall be maintained by the employing correctional unit and its results reported on the AFC.

(9) Derogatory Information. If derogatory information is discovered during the investigation, the correctional unit shall submit details with the AFC. The Commission may reject the provisional or permanent appointment of an applicant based upon this information.

B. Criminal Record Checks and Fingerprints.

(1) The correctional unit or hiring agency shall fingerprint the applicant and submit these records to the appropriate local, State, and national agency for a search of criminal record files.

(2) A search may be performed through the National Criminal Information Center (NCIC) files instead of a local fingerprint check.

(3) The correctional unit shall maintain the results of these record checks and report the results on the AFC.

(4) Record of Criminal Conviction.

(a) If the results of the National Criminal Information Center check or the local, State, or national fingerprint check reveal that an applicant for a mandated position has been convicted of a felony, or a misdemeanor for which a sentence of imprisonment for 1 year or more may be imposed, the correctional unit shall provide the Commission with available information concerning the conviction with the AFC.

(b) The Commission may reject the appointment of the applicant after it has reviewed the facts.

(c) The Commission shall disqualify an applicant for a uniformed correctional officer position from certification for conviction of an offense under Regulation .17 of this chapter.

.06 Certification of a Mandated Employee.

A. Mandated Employee Certification Requirements. The Commission shall certify an individual for permanent appointment to a mandated position after the individual:

- (1) Meets selection standards under Regulation .04 of this chapter;
- (2) Successfully completes the training requirements for that position under Regulation .09 of this chapter;
- (3) Successfully completes the field training program under Regulation .22 of this chapter.

B. Mandated Employee Period of Certification

- (1) The Commission shall determine the period of certification for a mandated employee.
- (2) A mandated employee's certification is valid for the period determined by the Commission or until the employee:
 - (a) Is separated from employment;
 - (b) Does not meet the Commission's standards for that mandated position;
 - (c) Is transferred from a mandated position to a non-mandated position at the same correctional unit; or
 - (d) Is transferred from one mandated position to another mandated position with different selection or training requirements that the individual has not met.

C. Mandated Employee Certification - Renewal.

- (1) The Commission shall establish a schedule for renewing mandated employee certification.
- (2) The Commission shall renew a mandated employee's certification if individual meets the Commission's annual training requirements under Regulation .12 of this chapter.
- (3) If a mandated employee is not eligible for certification renewal under §C(2) of this regulation, at least 30 days before the end of the current certification, the Commission shall:
 - (a) Notify the mandated employee's agency head of the date that the current mandated employee's certification will end; and
 - (b) Request the agency head to supply information that may affect the mandated employee's eligibility for certification renewal.

(4) If notified under the provisions of §C(3)(a) of this regulation, the agency head shall notify the affected mandated employee of the date the certification ends before the date the employee's certification ends.

D. Mandated Employee Certification - Lapse.

(1) A mandated employee's certification shall lapse as of the date recorded on the certification card if it has not been renewed under §C of this regulation.

(2) An agency head may not permit a mandated employee to perform the duties of a mandated position if the mandated employee's certification has lapsed.

(3) If the mandated employee's certification has lapsed because the mandated employee did not meet the Commission's annual training standards, the mandated employee may request a hearing before the Commission to show that the mandated employee was not at fault and:

(a) Employer did not provide the mandated employee with the required training; or

(b) Mandated employee's duty assignment prevented the individual from attending or completing the required training.

(4) If a hearing is requested under §D(3) of this regulation, the Commission shall conduct the hearing according to procedures under State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(5) If a hearing is conducted and the Commission determines that the mandated employee was not at fault because the condition under §D(3)(a) or (b) exists, the:

(a) Commission shall extend certification to provide the opportunity for the mandated employee and the employer to meet the Commission's training requirements;

(b) Agency head shall continue to employ the mandated employee at the employee's established pay rate, regardless of the duties assigned, pending completion of required training; and

(c) Commission may order the employer to pay all reasonable hearing costs.

E. Mandated Employee Recertification. The Commission shall recertify an individual formerly certified as a mandated employee in Maryland after the individual meets the applicable selection and training standards under Regulation .07 of this chapter.

F. Certification Card.

(1) The Commission shall issue a certification card to an individual who has met the Commission's certification requirements for a mandated position.

(2) The Commission shall determine the format and contents of the certification card.

(3) The certification card indicates that the individual is authorized to perform the duties of the mandated position.

(4) The mandated employee's agency head:

(a) Is responsible for the cost of replacing an issued, current certification card; and

(a) May require a mandated employee to reimburse the agency for the cost of replacement.

(5) A mandated employee shall, to the extent possible, possess a valid certification card while the mandated employee is on duty.

(6) A certification card issued by the Commission:

(a) Lapses at midnight on the date printed on the card;

(b) Remains the property of the Commission; and

(c) Shall be returned, by an agency head, to the Commission when an individual is no longer employed as a mandated employee.

(7) An agency head shall return a mandated employee's certification card, removed from the individual under §F(6)(c) of this regulation, to the Commission, within 30 working days of the date the individual is no longer employed as a mandated employee.

(8) An agency head shall retain the certification card of a mandated employee on non-officer status until the individual:

(a) Returns to active duty; or

(b) Is no longer employed in a mandated position.

G. Department of Juvenile Services Contractor Employee Selection, Training Standards, and Certification Requirements.

(1) An employee of a non-profit or for-profit organization (contractor) under contract with the Department of Juvenile Services performing duties equivalent to those performed by a Department of Juvenile Services employee in a mandated position shall meet the same selection and training standards and certification requirements as the Department of Juvenile Services mandated employee.

(2) If the contractor under §G(1) of this regulation changes or the Department of Juvenile Services assumes responsibility for the services previously provided by a contractor, mandated employee certification for a contractual employee shall continue under a new contractor or the Department of Juvenile Services if the employee:

(a) Continues employment under the new contractor or the Department of Juvenile Services without a break in service that exceeds 30 days;

(b) Continues to perform the same duties and responsibilities of the mandated position for which the employee is certified;

(b) Under the new employer, continues to perform duties at a facility formerly under the authority of the previous contractor; and

(d) Continues to meet Commission training and certification requirements for the mandated position.

.07 Reappointment Standards.

A. An individual is eligible to be recertified in a mandated position when:

(1) The individual is hired by a second or successive correctional unit within 3 years of termination from the previous correctional unit;

(2) A completed AFC is received by the Commission; and

(3) The applicant has met the:

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

(b) Appropriate training standards under Section D of this regulation for the mandated position specified on the AFC.

B. An individual who has not previously received a permanent appointment may be given a provisional appointment after meeting the selection standards under Regulation .08 of this chapter.

C. Reappointment Within 3 Years of Separation.

(1) An individual formerly certified by the Commission who has been separated from a correctional unit for 3 years or less, and who receives a provisional appointment at a new or the same correctional unit may be recertified and is not required to meet the entrance level training standards of the Commission.

(2) An applicant shall meet the selection standards under Regulation .08 of this chapter and the training standards in this section before recertification.

(3) Training Requirements for Recertification.

(a) In-Service Training.

(i) If the in-service training requirements for the current or previous calendar year have been met, additional in-service training is not required.

(ii) If in-service training requirements for the current or previous calendar year have not been met, the individual shall successfully complete in-service training before recertification.

(b) Firearms Training.

(i) The applicant shall requalify with each firearm that the individual is authorized to use before the individual is permitted to carry the firearm on duty.

(ii) This requalification is required regardless of firearms qualification completed at a previous correctional unit.

D. Reappointment After 3 Years of Separation.

(1) An individual who has not been employed at a correctional unit in a mandated position for more than 3 years and who receives an appointment at the same or a new correctional unit may be recertified after:

(a) Meeting the selection standards under Regulation .08 of this chapter; and

(b) Successfully completing:

(i) Full entrance level training under Regulation .09 of this chapter for the mandated position; and

(ii) The entrance level firearms course under COMAR 12.10.04.

(2) A new provisional appointment under Regulation .03 of this chapter may be granted to enable an individual to complete the required training.

.08 Selection Standards for Reappointment.

A. An individual who has previously received a provisional or permanent appointment by the Commission shall meet the applicable selection standards under this regulation before being used in a mandated position.

B. The hiring correctional unit shall perform the following updates for an applicant seeking reappointment :

(1) Fingerprint checks at the local level or a check of the National Criminal Information Center files;

(2) State and national fingerprint checks;

(3) A drug screening under Regulation .18 of this chapter;

(4) A check of the applicant's previous correctional unit to:

(a) Determine the reason for separation;

(b) Ensure that the applicant left in good standing; and

(c) To assess past work performance; and

(5) An investigation for the prior use of controlled dangerous substances by an applicant as specified in Regulation .19 of this chapter.

C. In a subsequent appointment when an applicant has not been an employee of a correctional unit for 90 days or more, the correctional unit shall conduct a modified background investigation to cover the period of absence. This investigation includes the following updates:

(1) The items identified in Section B of this regulation;

(2) A check with employers of the applicant during the period of absence;

(3) A check with coworkers during the period of absence; and

(4) Interviews of personal references and neighbors.

D. The correctional unit shall complete an AFC to verify that applicable selection standards have been met. Information on criminal history and derogatory information discovered during the background investigation shall be forwarded with the AFC.

E. Review of Previous Background Investigations.

(1) The hiring correctional unit shall review the background investigation conducted by the previous agency to ensure that a complete and accurate investigation was performed.

(2) The hiring agency is responsible for an omission or discrepancy by the previous agency for a prior investigation conducted less than 5 years previously.

(3) If records of a previous background investigation are not available, the hiring agency shall conduct a full background investigation.

.09 Entrance Level Training.

A. An applicant for permanent appointment to a mandated position shall successfully complete the applicable entrance-level training program before certification.

B. General Requirements.

(1) The entrance-level training program shall:

(a) Be approved by the Commission; and

(b) Include the mandated subject areas and minimum training hours under this regulation for that mandated position.

(2) Firearms training may take place in conjunction with entrance-level training, but hours dedicated to firearms training may not be used to accumulate the minimum number of hours required for entrance-level training under §C(2) of this regulation.

C. Correctional Officer and Classification Counselor.

(1) A correctional officer or classification counselor shall successfully complete the entrance-level training program under this section.

(2) With the exception of firearms training hours, the entrance-level training program is a minimum of 160 hours.

(3) The entrance-level program includes the following mandated subject areas:

(a) Administrative procedures;

(b) Introduction to corrections;

(c) Supervision, interpersonal relations, and treatment of inmates;

(d) Security, custody, and control; and

(e) Discipline.

D. Institutional Support Staff.

(1) An individual appointed to an institutional support staff position shall successfully complete the entrance-level training program specified in Section C of this regulation or the program specified in this section.

(2) The entrance level training program is a minimum of 88 hours and includes these mandated subject areas:

- (a) Administrative procedures;
- (b) Introduction to corrections;
- (c) Supervision, interpersonal relations, and treatment of inmates;
- (d) Security, custody, and control; and
- (e) Discipline.

E. Parole and Probation Agent.

(1) A parole and probation agent shall successfully complete the entrance-level training program under this section.

(2) The program is a minimum of 204 hours and includes these mandated subject areas:

- (a) Program orientation and evaluation;
- (b) Introduction to corrections;
- (c) Supervision tasks;
- (d) Investigation tasks; and
- (e) Enforcement tasks.

F. Drinking Driver Monitor.

(1) Parole and probation drinking driver monitors shall successfully complete the entrance-level training program under this section.

(2) The entrance-level program is a minimum of 90 hours and includes these mandated subject areas:

- (a) Program orientation and evaluation;
- (b) Introduction to corrections;
- (c) Administrative tasks;
- (d) Monitoring tasks; and
- (e) Enforcement tasks.

G. Youth Supervisor.

(1) A youth supervisor shall successfully complete the entrance-level training program under §G(2) of this regulation.

(2) The entrance-level training program is a minimum of 160 hours and includes the following mandated subject areas:

- (a) Juvenile Services in the criminal justice system;
- (b) Human growth and development;
- (c) Laws and regulations;
- (d) Assessment;
- (e) Custody and control;
- (f) Transportation;
- (g) Integrated case management;
- (h) Documentation;
- (i) Safety and security; and
- (j) First aid.

H. Juvenile Counselor

(1) A juvenile counselor shall successfully complete the entrance-level training program under §H(2) of this regulation.

(2) Entrance-level training program is a minimum of 160 hours and includes the following mandated subject areas:

- (a) Juvenile Services in the criminal justice system;
- (b) Human growth and development;
- (c) Laws and regulations;
- (d) Assessment;
- (e) Integrated case management;

- (f) Counseling;
- (g) Documentation;
- (h) Safety and security; and
- (i) First aid.

I. Juvenile Services Support Staff.

(1) An individual employed for a Juvenile Services support staff position shall successfully complete the entrance-level training program specified under §I(2) of this regulation.

(2) The entrance-level training program is a minimum of 80 hours and includes the following mandated subject areas:

- (a) Juvenile Services in the criminal justice system;
- (b) Human growth and development;
- (c) Laws and regulations;
- (d) Documentation;
- (e) Safety and security; and
- (f) First aid.

J. Performance Objectives and Curriculum Information.

(1) Upon request, the Commission shall furnish a copy of an expanded outline and course description, or a copy of the performance objectives for a training program.

(2) The performance objectives or an expanded outline and course description is to be covered exactly as specified in the document under § J(1) of this regulation.

(3) The sequence, content, and duration of training to cover the performance objectives shall be determined by the academy providing the training.

(4) The firearms entrance-level training program under COMAR 12.10.04 may be included as part of the entrance level training program.

K. Requirements for Successful Completion of an Approved Entrance-Level Training Program.

- (1) A trainee shall achieve a score of 75 percent in each test.

(2) A trainee shall successfully complete each written training objective of the entrance-level training program. The academy director shall ensure that successful completion is achieved before certification is granted.

(3) A trainee absent for more than 10 percent of the program may not be certified unless the academy director determines that sufficient work has been completed by the trainee.

(4) A trainee shall meet an obligation or requirement established by an academy even if it exceeds those established by the Commission in this chapter.

L. Failure to Complete Training.

(1) A trainee's failure to meet the minimum requirements under this regulation is sufficient grounds for the academy to withhold the diploma awarded for completion of the entrance-level training program.

(2) The academy director shall notify the trainee's agency head when a trainee fails to complete the program.

(3) An agency head may request in writing that the Deputy Director permit a trainee who has not completed a program to attend one additional training program.

M. Alternate Training Requirements.

(1) State, county, and municipal personnel shall complete the training described in this section within 1 year of employment if they are:

(a) Classified, designated, or have duties generally described as or equivalent to a correctional officer, classification counselor, correctional specialist, or work release representative; and

(b) A public employee or under private contract to operate a community adult rehabilitation center, prerelease unit, work release unit, or other community residential program for offenders.

(2) The personnel described in this section shall complete:

(a) The mandated entrance-level training program under Section C of this regulation;
or

(b) The mandated entrance-level training program in Section D of this regulation for institutional support staff and a 100-hour training program developed by the employee's agency and approved by the Commission.

(3) The 100-hour training program includes:

(a) Tours of and orientation to the correctional unit and selected community resource agencies;

(b) An orientation to the unit's mission, policies and procedures, staffing, and resident population;

(c) Training in the unit's security, control, emergency, and fire control procedures; and

(d) Completion of a first aid and safety program certified by the American Red Cross.

(4) The 100-hour program may include:

(a) Formal agency classroom training;

(b) On-the-job training;

(c) Formalized reading assignments; and

(d) Attendance at other modules of an academy training program.

(5) A correctional unit shall maintain training records indicating each employee's successful completion of the training requirements.

(6) The correctional unit shall forward to the Commission documentation of the training and maintain detailed records for audit by the Commission.

N. Standards for Academy Admission.

(1) An applicant for attendance at an entrance-level training program shall meet the qualification standards set by the academy.

(2) A physical examination by a licensed physician shall be obtained to determine whether the applicant is physically fit to participate in an academy training program. Documentation of this fitness shall be submitted to the academy in a format determined by that academy.

(3) A correctional unit shall perform a check of the NCIC files before the applicant is admitted to the program.

(4) The academy director shall provide the applicant a copy of the selection standards in Regulation .04 of this chapter.

(5) The applicant shall acknowledge in writing that completion of the training program is not a guarantee of certification in a mandated position.

O. Entrance-Level Firearms Training.

(1) A mandated employee authorized to use a firearm shall successfully complete the entrance level firearms training program under COMAR 12.10.04 before being issued or permitted to carry a firearm.

(2) A firearms program may be taken as part of an entrance-level training program or taken separately.

.10 Academies and Schools Providing Mandated Training.

A. Academy Certification.

(1) The Commission may certify a college, school, correctional unit or other training facility as an academy to conduct all or a portion of an approved training program required by the Commission for a mandated position.

(2) The Commission may approve the following:

(a) Temporary certification, which is approval by the Commission for a school or other organization or agency to conduct a specifically approved training program for a limited time or a limited purpose;

(b) Provisional certification, which is initial or preliminary approval by the Commission to conduct approved training programs before receiving full certification or in anticipation of meeting all requirements for full certification; or

(c) Full certification, which is permanent approval by the Commission for an academy to conduct approved training programs subject to continuing compliance with Commission standards.

(3) The Commission may set additional conditions for approval for academy certification.

(4) A certified academy may offer entrance-level, annual in-service, firearms, or other approved training programs as approved by the Commission.

B. General Requirements. A school or other training facility seeking certification as an academy shall submit a request to the Commission reflecting compliance with the following standards:

(1) The standards, instructors and curricula of the school or training facility shall meet the minimum requirements established by the Commission;

(2) An atmosphere conducive to learning shall be provided, including suitable lighting, ventilation, and acoustic qualities conducive to a proper learning atmosphere;

(3) Applicable health, safety, and fire safety laws and regulations shall be maintained;

(4) A physical structure shall be available which provides:

(a) If practical, at least 25 square feet of classroom space for each trainee;

(b) If practical, adequate locker space for each trainee;

(c) A sufficient number of desks, tables, and chairs for each trainee to provide an adequate writing surface and place for learning materials; and

(d) Classroom furnishings and teaching equipment to provide flexible arrangements for individual and group instruction in the subject areas covered in a training program;

(5) An academy shall have available and identify access to space for skills training and conducting practical exercises when these topics are a part of an approved training program ; and

(6) An instructor conducting training in an approved training program for a mandated position shall be certified by the Commission , unless the individual is exempt from instructor certification requirements under Regulation .15F of this chapter.

C. Certification as an academy does not excuse an academy or a training provider from meeting the requirement for Commission approval of a training program as specified under Regulations .09 and .12 of this chapter.

D. Other Requirements Regarding Trainees.

(1) While attending mandated training, a trainee employed by a correctional unit shall be excused from routine duties and receive a regular salary.

(2) Personal Conduct.

(a) The personal conduct of a trainee while attending mandated training is the responsibility of the academy director.

(b) The academy director or designee shall function as the commanding official or supervisor for the trainee.

(c) The academy director shall provide a trainee a copy of the academy's rules and regulations governing the trainee's daily conduct and deportment .

(d) The disciplinary rules or regulations of the host academy apply to each trainee attending training at that facility .

(e) When a trainee is employed by a correctional unit, the academy director shall notify the trainee's employer if:

(i) There is a breach of conduct that requires disciplinary action; or

(ii) A trainee's progress in either academic or skill areas indicates the trainee is failing the training program.

(f) A failing trainee may be withdrawn from a training program at any time before completion.

(3) Cost arrangements may be made between the academy director or administrator and the person responsible for paying for the training, including the trainee's employer, a sponsor, or the trainee.

(4) An individual who is not employed in a mandated position may be enrolled in an entrance-level program conducted by a certified academy if the individual meets the selection standards specified under Regulation .11 of this chapter.

E. Authority of Academy.

(1) The Commission recognizes the necessity and the authority of the training academy to establish rules and regulations of conduct. Rules and regulations set by a training academy may exceed the requirements under this regulation.

(2) A rule or regulation established by a host academy in writing or expressed verbally has the same authority as a Commission regulation.

(3) An academy's requirements for conduct and successful completion may exceed those specified by the Commission.

F. Academy Certification Lapse or Revocation.

(1) Certification Lapse.

(a) Academy certification shall automatically lapse if a certified academy fails to sponsor or conduct an approved training program for two years or more.

(b) An academy may reapply for recertification if it can demonstrate the need to conduct training for a mandated position.

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

(a) Discontinues presenting approved training programs;

(b) Conducts a mandated training program without using instructors who have been certified or approved by the Commission;

(c) Demonstrates a pattern of deficiencies identified by audits or fails to correct identified deficiencies following an audit;

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

(e) Violates a provision of this regulation.

G. Academy Audit.

(1) All approved training programs offered by an academy are subject to review and audit by the Commission.

(2) A certified or approved academy shall be audited at least every 2 years to ensure that is in compliance with minimum requirements specified by the Commission in this chapter.

(3) The academy is responsible for correcting any deficiency noted during an audit within the time specified in the Commission's audit report.

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

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

A. An individual may attend an approved entrance-level training program on a voluntary basis with the approval of an academy director.

B. Selection Standards for Admission to Voluntary Training.

(1) An individual shall meet the qualification standards set by the academy conducting the training program.

(2) The academy shall complete a check of the National Criminal Information Center files.

(3) An individual or a sponsoring agency shall obtain a physical examination by a licensed physician to determine whether the individual is physically fit to participate in the academy training program. Documentation of this fitness shall be submitted to the academy in a format determined by that academy.

(4) An individual may not be admitted unless the individual is 18 years old or older.

(5) The academy shall provide an individual with a copy of the selection standards in Regulation .04 of this chapter and have the individual acknowledge in writing that the completion of the training program is not a guarantee of certification in a mandated position.

C. If an individual successfully completes an approved entrance-level training program and is subsequently appointed to a correctional unit within 2 years of completion of the training, the agency head may request a waiver of entrance-level training under Regulation .16 of this chapter.

D. Mandated Employees.

(1) Under Correctional Services Article, §8-201, Annotated Code of Maryland, an individual employed by a correctional unit in a mandated position is entitled to a leave of absence with pay to attend an entrance-level training program.

(2) An employee of a correctional unit who is required to comply with this chapter may not be enrolled in an entrance-level training program on a voluntary basis.

E. A sponsoring agency requesting an exemption from this regulation shall do so under Regulation .16 of this chapter.

.12 Annual In-Service and Firearms Training.

A. Annual In-service Training.

(1) A correctional unit or agency responsible for training a mandated employee shall ensure that a mandated employee at or below the rank of a first-line supervisor, as defined by the correctional unit, completes a minimum of 18 hours of approved annual in-service training by December 31 of each calendar year.

(2) The Commission shall approve an annual in-service training program before the Commission credits that training toward the employee's annual in-service training requirement under §A(1) of this regulation.

(3) The individual's correctional unit or agency, or another agency, school, academy, or organization approved by the Commission may conduct Commission-approved annual in-service training.

(4) A mandated employee need not meet the annual in-service training requirement under §A(1) of this regulation if the individual successfully completes an approved entrance-level training program during the same calendar year.

(5) When the correctional unit or agency submits the required training information to the Commission, the Commission shall credit the successful completion of an approved supervisor, administrator or instructor training program toward the annual in-service training under §A(1) of this regulation.

(6) An individual who receives a waiver of entrance level training under Regulation .16C of this chapter shall successfully complete required annual in-service training during the first full calendar year of employment and during each successive calendar year.

B. Annual Firearms Qualification.

(1) An agency head shall require that a mandated employee, authorized to carry or use a firearm, qualifies each calendar year with the approved firearm under the provisions of COMAR 12.10.04.

(2) A mandated employee to meet the annual firearms qualification requirement under §B(1) of this regulation if the mandated employee successfully completes an approved entrance-level firearms or firearms instructor program in the same calendar year.

C. Annual In-Service Program Approval Process.

(1) A correctional unit or an agency planning to conduct training that is used to meet annual in-service requirements agency shall submit the training program to the Commission for approval in a format determined by the Commission.

(2) program is not approved until a program approval number is assigned by the Commission.

(3) A request for approval of an annual in-service training program includes:

(a) The topics to be studied;

(b) The time allocated to each topic; and

(c) A brief explanation of why, in terms of current job needs, the topics are included in the curriculum.

(4) A correctional unit or an agency planning to conduct an annual in-service training program shall submit the request for program approval to the Commission at least 20 working days before the program is scheduled to start to allow time for review.

(5) The Commission may approve a program if submitted after its presentation, but only under exceptional circumstances.

(6) Only instructors approved by the Commission shall teach approved programs unless a waiver is granted under Section G of this regulation.

(7) The Commission shall approve an annual in-service training program for a maximum of 3 years or until significant changes are made in format or content, whichever occurs first.

(8) After 3 years or if during the period of approval significant changes are made, the correctional unit or agency responsible for the program shall resubmit the program for approval.

D. Curriculum, Attendance, and Testing for In-Service Training Programs.

(1) The correctional unit or agency responsible for training a mandated employee shall report a mandated employee's successful completion of an approved annual in-service training program to the Commission on or before January 31 of the year immediately following the training.

(2) The correctional unit or agency submitting the annual in-service training information shall provide the information in a format determined by the Commission.

(3) Testing.

(a) A correctional unit or an agency responsible for training a mandated employee shall test each mandated employee in an approved annual in-service training program and the mandated employee shall achieve a minimum test score of 70 percent to receive credit for annual in-service training.

(b) If requested by a correctional unit or agency, the Commission may approve a method for reporting a mandated employee's training information other than that originally specified under §D(2) of this regulation.

(4) The Commission shall require that an approved annual in-service training program has a method of evaluation.

(5) If a mandated employee is absent for more than 10 percent of an approved annual in-service training program of 18 hours or longer, the Commission may not credit the mandated employee with receiving required annual in-service training for any portion of the approved annual in-service training program attended, unless approved by the Deputy Director, or a designee.

E. Attendance at Programs Hosted by Other Agencies.

(1) A correctional unit or agency responsible for training a mandated employee may send the individual to a Commission approved annual in-service program hosted by another agency approved by the Commission to conduct training without prior Commission approval.

(2) The correctional unit or agency sending the mandated employee to another agency for annual in-service training shall ensure that the training program has been assigned an approval number by the Commission.

(3) The correctional unit or agency sending a mandated employee to another agency for annual in-service training shall submit the mandated employee's training information to the Commission

F. Failure to Complete Required Training.

(1) Annual In-service Training.

(a) If a mandated employee does not complete the mandated 18 hours of annual in-service training by December 31 of a calendar year, the correctional unit or agency shall provide the mandated employee the number of hours of annual in-service training missed in the following calendar year by adding the missed annual in-service training hours to the new calendar year's required 18 hours of annual in-service training.

(b) If a mandated employee is scheduled for certification renewal on July 1 of any year, but does not receive any portion of the mandated 18 hours of annual in-service training by December 31 of the previous calendar year, the correctional unit or agency shall:

(i) Provide the annual in-service training missed in the previous year before July 1 of the following year to permit the mandated employee to be recertified; and

(ii) Provide an additional 18 hours of annual in-service training by December 31 of the same year.

(2) Firearms.

(a) If a mandated employee does not successfully complete annual firearms qualification before December 31 of a calendar year, the agency head shall remove the mandated employee's authority to use or carry a firearm until the individual successfully qualifies with the approved firearm.

(b) If a mandated employee has not qualified with the approved firearm for three or more consecutive calendar years, the mandated employee shall complete an approved entrance level firearms training program under COMAR 12.10.04 before being authorized to carry or use a firearm.

(3) Except for a mandated employee on nonofficer status, if a correctional unit or agency does not provide required training in two consecutive years or displays a repetitive pattern of not providing the required training, the Commission shall initiate appropriate action.

(4) Nonofficer status.

(a) Annual In-service Training. If a mandated employee does not receive annual in-service training because the individual is on nonofficer status, the correctional unit or agency shall provide the mandated with the required annual in-service training in the calendar year in which the individual returns to active duty.

(b) Annual Firearms Qualification.

(i) If a mandated employee does not complete annual firearms qualification requirements because the individual is on nonofficer status, the mandated employee shall qualify with each approved firearm in the calendar year that the individual returns to active duty before that mandated employee may be authorized to carry or use a firearm.

(ii) If a mandated employee returning from nonofficer status has not qualified with a firearm during the previous three calendar years, the mandated employee shall complete an entrance-level firearms training program under COMAR 12.10.04 in the calendar year the individual returns from nonofficer status before the mandated employee may be authorized to carry or use a firearm.

(iii) If the mandated employee's certification has lapsed, the individual shall meet requirements for certification renewal under Regulation .06 of this chapter.

G. Waivers.

(1) The Deputy Director may grant a request for a waiver of annual in-service training or annual firearms qualification if the correctional unit or agency provides information demonstrating that an individual successfully completed comparable training in the same calendar year.

(2) A request for a waiver shall be processed under Regulation .16 of this chapter.

F. Audit Requirements.

(1) Approved annual in-service training and annual firearms qualification information is subject to audit and inspection by the Commission.

(2) An organization approved to provide annual in-service training shall maintain documentation, to include:

(a) Curriculum;

(b) Listing of instructors;

(c) Attendance;

(c) Test and qualification scores; and

(e) Other information required by this regulation.

(3) A correctional unit or agency shall maintain records of annual in-service training and firearms qualification provided a mandated employee by other agencies, schools, or academies until audited by the Commission.

(4) Annually, the Commission shall audit a portion of approved correctional training programs not conducted by the mandated employee's correctional unit or agency for compliance with Commission requirements.

.13 Minimum Standards for the Training of First-Line Correctional Supervisors and Administrators.

A. General Requirements.

(1) A first-line correctional supervisor or first-line administrator shall successfully complete an approved 35-hour supervisor program or a 49-hour administrator program within 1 year of the effective date of the respective promotion.

(2) An individual promoted to a position of first-line supervisor or above shall complete an approved 35-hour supervisor training program within 1 year following the promotion, unless an approved supervisor training program was completed within the 2 years preceding the promotion.

(3) An individual promoted to a position of first-line administrator or above shall complete an approved 49-hour administrator training program within 1 year of the promotion, unless an approved administrator training program was completed within the 2 years preceding the promotion.

(4) Completion of an approved supervisor training program is not required for promotion to another supervisor position which does not include administrator duties.

(5) An individual promoted directly to a first-line administrator position from a rank below the first-line supervisor level shall complete both a supervisor and an administrator training program within 1 year of the promotion.

B. Program Requirements For Approval.

(1) The curriculum shall be taught by instructors approved by the Commission.

(2) A participant in a program shall achieve a minimum score of 70 percent on an examination.

(3) A participant absent for more than 10 percent of a program may not be certified unless the program director and the Commission training coordinator determine that sufficient work had been completed.

(4) Submission to the Commission of rosters, required reports, and participant grades upon completion of a program to the Commission is the responsibility of the training agency.

(5) A course outline and training objectives shall be furnished by the Commission upon request.

(6) Training objectives are to be covered as they are written for each program.

(7) A program shall be submitted for approval at least 20 working days before the program start to allow time for review. If an agency wishes to deviate from an approved outline, it shall submit a new outline to the Commission for approval at least 20 working days before the start of the program.

C. Waivers.

(1) The requirements for successful completion of a supervisor or administrator training program may be waived when a correctional unit submits proof of successful completion of a parallel curriculum taught by a correctional training agency recognized by the Commission.

(2) The program shall cover the Commission's training objectives as written and be submitted to the Commission under this regulation.

D. Failure To Complete Mandated Training. If an individual has not successfully completed an approved supervisor or administrator training program by the first year anniversary date of promotion to a first-line supervisor or first-line administrator position, the agency head shall:

(1) Relieve the individual of all supervisory or administrative duties related to the position; and

(2) Inform the Commission in writing within 30 days of this action.

.14 Certification Procedures for All Instructors.

A. Application for Initial Certification.

(1) An applicant wishing to instruct in a program approved by the Commission may apply for certification as a general instructor or a firearms instructor.

(2) A separate completed instructor certification application shall be submitted for each type of certification requested.

(3) An applicant shall complete the appropriate sections of the application and sign it in the designated area.

(4) Each application shall be signed by the agency head or designated director of training before being forwarded to the Commission.

(5) Correctional instructor certification includes:

(a) General instructor certification; and

(b) Firearms instructor certification.

(6) The Commission may certify an individual to teach in those topic areas in which competency is demonstrated. The determination of competency is the responsibility of the academy or agency conducting the training.

(7) An applicant shall comply with Commission regulations.

B. Certification Renewal.

(1) The applicant shall sign and complete the appropriate application for certification renewal and comply with Commission regulations.

(2) The agency head or designated training director shall sign the certification renewal and submit it to the Commission.

C. Revocation of Certification.

(1) If the Commission staff believes that an instructor has falsified a Commission report form or roster, or has otherwise misused the position of certified instructor, the Deputy Director shall notify, in writing, the agency head and the instructor of the allegation.

(2) A hearing date and time shall be set for the instructor to report to the Deputy Director to answer the allegation.

(3) After reviewing relevant information, the Deputy Director shall determine whether the allegation is supported by fact.

(4) If the allegation is supported by fact, the Deputy Director may temporarily suspend or permanently revoke the instructor certification.

(5) The Deputy Director shall provide written findings of fact to the instructor and agency head.

(6) The decision of the Deputy Director may be appealed to the Executive Director.

.15 General Instructor Certification Standards.

A. An individual shall possess an instructor certification specified in this regulation to teach in an approved correctional training program.

B. Provisional Instructor Certification.

(1) The provisional instructor certification:

- (a) Is designed for an individual who has little or no teaching experience;
- (b) Is valid for 1 year and may be renewed; and
- (c) Does not authorize an individual to teach mandated firearms training or conduct annual firearms qualifications.

(2) 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.

C. Instructor Certification.

(1) The Instructor certification:

- (a) Is designed for an individual who has extensive training and experience in a particular subject matter;
- (b) Is valid for up to 4 years and may be renewed;
- (c) Does not authorize an individual to teach mandated firearms training or conduct annual firearms qualifications; and
- (d) May be obtained by an individual when the requirements of this section are met.

(2) Requirements for instructor certification include:

- (a) At least a high school diploma, or GED certificate or diploma recognized by the State Board of Education;
- (b) A minimum of 2 years of experience within the public safety community;
- (c) Completion of the approved instructor training program under Section D of this regulation; and

(d) At least two evaluations of an individual's teaching performance under Section E of this regulation during the period of certification as a provisional instructor.

D. Instructor Training Program.

(1) An academy, school, or agency may conduct an instructor training program after meeting the following requirements:

(a) The program shall be approved by the Commission;

(b) An instructor utilized to teach the program shall be certified by the Commission;
and

(c) The curriculum used in the program is comparable to the program conducted by the Commission and contains the subject matter identified in Section (D)(2) of this regulation.

(2) An instructor program submitted for approval includes:

(a) Introduction to the basic concepts of learning and teaching;

(b) Introduction to the role of training in the criminal justice profession;

(c) Introduction to classroom management techniques;

(d) Effective speech techniques;

(e) Preparation and use of audiovisual training aids;

(f) Development of training objectives;

(g) Development of lesson plans; and

(h) Laboratory experience in presentation of mock classroom lesson plans.

(3) An instructor training program shall be submitted for approval at least 20 working days before the start of the training.

E. Instructor Evaluation.

(1) An evaluation shall be completed by a fully certified instructor or a designated subject matter expert in their area of expertise on a form provided by the Commission.

(2) Each period of evaluation is a minimum of 1 hour.

(3) An agency with a formalized program to evaluate provisional instructors that has been approved by the Deputy Director may be exempted from the requirements of this section.

(4) An unsatisfactory performance evaluation score or commentary may be grounds for denial of certification.

F. Exceptions to Certification Process.

(1) With approval of the Deputy Director, the following may be exempted from the instructor certification process:

(a) A member of the Bar, medical profession, or other similar profession currently licensed or certified by the State or a nationally recognized certifying body when teaching in the area in which the individual is certified;

(b) A community college, 4-year college, or university faculty member teaching in the area in which the faculty member is currently employed;

(c) A certified emergency medical care or advanced first-aid instructor; and

(d) Other exemptions approved by the Deputy Director.

(2) An academy director or agency head shall submit a written request for a waiver to the Deputy Director.

G. Waiver of Instructor Training.

(1) A written request for instructor certification may be submitted to the Deputy Director by an individual who has not completed the prescribed instructor training program.

(2) An individual eligible for a waiver includes:

(a) A director of an entrance-level training academy;

(b) A subject matter expert with significant training and experience in the subject area; and

(c) An individual certified or licensed as an instructor by another organization to teach, certify or license others in a specific subject area.

(3) To be considered for a waiver, the individual shall have:

(a) Been certified as a provisional instructor;

(b) Demonstrated the knowledge, skill, and ability to conduct training programs through repeated performance; and

(c) Been evaluated at least four times 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) The individual shall submit an application for certification as a general instructor, a request for a waiver of the instructor training program, and relevant information needed to assess the request, including at least four evaluations.

.16 Procedures for Requesting a Waiver.

A. Selection Standards.

(1) A written request for a waiver of selection standards shall be made to the Commission by the correctional unit and signed by the agency head.

(2) A completed AFC shall be submitted with information supporting the waiver request.

B. Training Standards.

(1) A written request for a waiver of training standards shall be made to the Commission by the correctional unit, academy, or training agency and signed by an agency head or director of training.

(2) The waiver request includes course content or outlines, course descriptions, hours completed, and other information supporting the request. Additional documentation may be requested by the Commission.

C. Entrance-Level Training Waiver.

(1) An individual who has received entrance-level training in Maryland or another state, or through the federal government, may be exempted from completing entrance-level training if the individual:

(a) Was employed in the same type of mandated position in a correctional unit within the last 3 years; and

(b) Completed an entrance-level training program determined by the Commission to be comparable to the entrance-level training program under Regulation .09 of this chapter.

(2) A written request for a waiver of entrance-level training shall be made to the Commission by a correctional unit and signed by the agency head or director of training.

(3) The correctional unit shall submit information supporting the waiver request, including documentation of the correctional entrance-level training program completed, to the Commission which shall determine if the training meets the minimum requirements of the Maryland entrance-level training program.

(4) If an applicant is granted a waiver, the applicant shall meet the following requirements to obtain permanent certification:

(a) Certification in first aid and safety;

(b) Certification in cardiopulmonary resuscitation (CPR); and

(c) Completion of the entrance-level firearms training under COMAR 12.10.04, if applicable.

.17 Disqualifying Criminal Convictions for Uniformed Correctional Officers.

A. An applicant for appointment as a uniformed correctional officer shall be disqualified if the applicant has:

(1) A felony conviction for:

- (a) Aggravated assault,
- (b) Murder or manslaughter,
- (c) Robbery,
- (d) Arson,
- (e) Kidnapping,
- (f) A handgun or weapon-related violation,
- (g) A first, second, or third degree sexual offense, or
- (h) Two or more felonies not arising from the same incident;

(2) A conviction for an offense that resulted in incarceration when less than 10 years have elapsed since the applicant was released from incarceration or terminated from parole or probation, whichever last occurred;

(3) A misdemeanor conviction that resulted in incarceration when less than 5 years have elapsed since the applicant was released from incarceration or terminated from parole or probation, whichever has last occurred; or

(4) Three or more misdemeanor convictions, except convictions for minor traffic violations, arising out of separate occurrences if at least one misdemeanor was for an offense involving violence or moral turpitude and a term of imprisonment was served for any one offense.

B. This regulation does not require a correctional unit to employ a correctional officer with a criminal record or prevent the unit from setting higher criminal history standards than specified in this regulation.

C. The Commission may reject the appointment of an individual with a criminal record not covered by this regulation.

.18 Drug Screening Procedures.

A. Urine Sample Collection.

(1) To ensure the reliability and integrity of the testing process, the employing correctional unit shall verify that the urine sample collection process complies with this section.

(2) The unit taking a urine sample shall verify the identification of the applicant by examining a driver's license or other acceptable form of photographic identification.

(3) A urine sample shall be obtained from an applicant in a manner that reasonably prevents substitution, alteration, or other tampering with the sample.

(4) Fifty milliliters is the minimum quantity of urine collected as a sample.

(5) A urine sample is to be collected in a factory-sealed container, covered immediately upon collection, and refrigerated as soon as practicable.

(6) A collection container containing a urine sample shall be sealed by tamper-proof tape which extends over and around the container cover in the manner of evidence tape. The tape shall be labeled with the:

(a) Name of the applicant giving the sample;

(b) Date the sample was given; and

(c) Name of the individual who received the sample.

(7) An applicant shall provide written consent at the time of giving of the sample for:

(a) Collection and analysis of the sample; and

(b) Disclosure of the results of the analysis to the employing agency and the Commission.

(8) A sample shall be secured, maintained, and transferred in a manner that preserves the chain of custody.

B. Positive Urine Sample Results.

(1) A urine sample screened positive is considered indicative of the applicant's recent use of a controlled dangerous substance under §C(2) of this regulation.

(2) A positive screen for a controlled dangerous substance conclusively establishes that the applicant is not of good moral character under Regulation .04 or .07 of this chapter and may not be employed or certified in a mandated position.

C. Urine Sample Analysis. To ensure the reliability and integrity of the testing process, an employing agency shall verify that the urine sample analysis screening process meets the following minimum requirements:

(1) A urine sample shall be screened by an enzyme immunoassay, radio immunoassay testing method, or other equally scientifically rigorous screening method;

(2) The immunoassay screen used shall test for the presence of the following controlled dangerous substances or classes of controlled dangerous substances or their metabolites at the following minimum levels:

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

(3) A sample which meets or exceeds the minimum nanograms per milliliter under §C(2) of this regulation is considered as having screened positive for the presence of a controlled dangerous substance;

(4) A urine sample screened positive by an immunoassay or an equally scientifically rigorous screening method for the controlled dangerous substances or their metabolites under §C(2) of this regulation shall be confirmed and verified by gas chromatography, mass spectrometry, or other equally scientifically rigorous testing method, with each substance isolated being specified by name;

(5) Unless verified under §C(4) of this regulation, a urine sample screened positive by an immunoassay or equally scientifically rigorous screening method is considered inconclusive;

(6) Qualified laboratory personnel using valid scientific methods and procedures shall analyze a urine sample under Health-General Article, §17-214.1, Annotated Code of Maryland.

.19 Prior Substance Abuse by Applicants For Certification.

A. Scope. This regulation:

(1) Except as provided under §A(2) of this regulation, applies only to an individual applying to the Commission for provisional or permanent appointment, or for reappointment in a mandated position;

(2) Does not apply to

(a) An individual already employed in a correctional unit and certified by the Commission as a mandated employee; or

(b) Except as provided under §B(2)(b) of this regulation, an addictions counselor.

B. General Policy.

(1) An applicant involved in illegal prior or current use, sale, manufacture, or distribution of a controlled dangerous substance, as specified in this regulation, has by this conduct manifested character traits, judgment, behavior, or activity which may be considered unacceptable by the Commission for certification in a mandated position.

(2) The Commission may not approve an appointment or certify an individual in a mandated position if:

(a) There is indication that the individual illegally abused a controlled dangerous substance in excess of the maximum prior use criteria or for circumstances specified in this regulation; or

(b) The individual was found guilty or convicted of a misdemeanor or felony for the sale, manufacture, or distribution of a controlled dangerous substance.

(3) A correctional unit may set more restrictive standards than those specified in this regulation.

C. Maximum Prior Use Criteria.

(1) Amphetamines. Drugs in this class may have a legitimate medical use. If used illegally, the allowable limits for this use by an applicant are:

(a) Four lifetime ingestions, including intravenous use; and

(b) 3 years from the last illegal use to the date of application for a mandated position.

(2) Barbiturates. Drugs in this class may have a legitimate medical use. If used illegally, the allowable limits for this use by an applicant are:

(a) Two lifetime ingestions, including intravenous use; and

(b) 3 years from the last illegal use to the date of application for a mandated position.

(3) Opiates. Some drugs such as morphine and codeine in this class have a legitimate medical use, while others, such as opium and heroin have no medical use. If used illegally, the allowable limits for this use by an applicant are:

(a) Two lifetime ingestions, including intravenous use; and

(b) 3 years from the last illegal use to the date of application for a mandated position.

(4) Cannabis or Cannabinoids. These substances currently have no legal medical use in Maryland. The allowable limits of prior use by an individual are as follows:

(a) 20 lifetime ingestions and 3 years from the last use to the date of application for a mandated position; or

(b) No limit on the number of lifetime ingestions and 10 years from the last use to the date of application for a mandated position.

(5) Cocaine or Cocaine Metabolite. These substances may have only limited topical medical use. The limits of prior use by an individual are:

(a) Four lifetime ingestions, including intravenous use; and

(b) 3 years from the last use to the date of application for a mandated position.

(6) Hallucinogens (including PCP, LSD, and Mescaline and their derivatives). These drugs have no medical use. There is no allowance for prior use of these substances and an applicant who has used these drugs may not be certified by the Commission.

(7) Benzodiazepines. These substances have a legitimate medical use. The allowable limits of illegal prior use by an individual are:

(a) Four lifetime ingestions; and

(b) 3 years from the last illegal use to the date of application for a mandated position.

(8) Inhalants (including solvents, glue, paint, aerosols and amylnitrites). These substances have no medical use. The allowable limits of use by an individual are:

(a) Four lifetime ingestions; and

(b) 3 years from the last use to the date of application for a mandated position.

D. Indication of Use.

(1) If a background investigation, lie detector test, interview, drug screening, or other process indicates prior or current use of a controlled dangerous substance by an applicant, as specified in this regulation, the correctional unit shall investigate to determine if the use was legitimate.

(2) If there is indication that current or prior use of a controlled dangerous substance is or was legitimate, the correctional unit shall obtain proper medical documentation for this use by a licensed physician or other authorized medical provider.

(3) If there is no legitimate medical reason for use of a controlled dangerous substance and its use exceeds the maximum standards specified in this regulation, the applicant may not be certified by the Commission.

(4) The correctional unit shall evaluate an applicant's use of a prescribed controlled dangerous substance specified in this regulation to determine whether the applicant is currently abusing the substance and is medically fit to perform the duties of a mandated position.

(5) If there is an indication of continued use of a controlled dangerous substance by an applicant or if it is determined that an applicant is currently abusing or is dependent on a prescribed controlled dangerous substance, the applicant may not be certified by the Commission.

(6) If an applicant is using or has used a controlled dangerous substance which was legally obtained for valid medical reasons and there is no indication of abuse or dependence by the applicant, the correctional unit may employ the applicant and seek certification.

(7) Records and documentation of an applicant's prior or current abuse, dependence on, or legitimate medical use of a controlled dangerous substance as specified in this regulation shall be maintained by a correctional unit and be subject to audit by the Commission.

E. Requesting a Waiver.

(1) A correctional unit may request a waiver under Regulation .16 of this chapter of any provisions of this regulation.

(2) A waiver request shall be considered by the Commission on an individual basis at a regularly scheduled meeting.

.20 Defensive Tactics Instructors – Standards and Certification.

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

B. Provisional Certification for Defensive Tactics Instructor

(1) Provisional certification for a defensive tactics instructor is for an individual with little or no teaching experience.

(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) Occurred 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 any time for an additional 1 year period.

(3) While under the direct supervision of a certified defensive tactics instructor, a provisionally certified defensive tactics instructor may:

(a) Provide classroom instruction;

(b) Assist with defensive tactics practical skills training; and

(c) Assist in skills assessment.

C. Defensive Tactics Instructor Certification

(1) A defensive tactics instructor certification:

(a) Is designed for an individual 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 individual to independently instruct all aspects of defensive tactics :

(2) A defensive tactics instructor certification requires:

(a) A minimum of 2 cumulative years of criminal justice related defensive tactics 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 skills 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 under §D of this regulation; and

(f) Current provisional certification as a defensive tactics instructor or a waiver as specified in §E of this regulation.

D. 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 certification as a provisional 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 denial of certification.

E. 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 experience that:

(i) Is determined acceptable by the Deputy Director; and

(ii) Occurred during the 5 consecutive years immediately preceding application;

(b) Conducted at least 4 hours of classroom instruction on 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 a defensive tactics instructor course as specified under Regulation .21 of this chapter; and

(f) Produced supporting evidence, such as copies of certifications, and course curricula to document the applicant's extensive knowledge and abilities in the skill areas specified in Regulation .21A(1) of this chapter.

(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 §E of this regulation.

.21 Defensive Tactics Instructor Course.

A Defensive tactics instructor course shall:

- (1) Be approved by the Commission;
- (2) Be a minimum of 35 hours; and
- (3) Include the following topics:
 - (a) Balance, awareness, and self-control;
 - (b) Impact weapons;
 - (c) Weapon retention;
 - (d) Disarming;
 - (e) Vital points of the human anatomy;
 - (f) Control holds;
 - (g) Take-downs;
 - (h) Handcuffing and searching;
 - (i) Escorting and transporting of detainees;
 - (j) Use of force continuum;
 - (k) Multiple adversaries; and
 - (l) Ground level defenses.

B. Successful completion of the course requires:

- (1) A minimum score of 70 percent on a written examination; and
- (2) Satisfactory demonstration of all practical skill elements required in the course.

C. The Deputy Director may approve a:

(1) Defensive tactics instructor course which meets the standards under this regulation; or

(2) Combination of defensive tactics courses that:

(a) As determined by the Deputy Director, satisfactorily addresses the topics specified under §A(3) of this regulation; and

(b) Equals a minimum of 35 hours.

.22 Field Training.

A. A trainee shall complete a field training program before the Commission certifies the individual in a mandated position.

B. A correctional unit's field training program for a mandated position:

(1) Shall be designed by the correctional unit and include activities to familiarize the trainee with the:

(a) Duties of the mandated position; and

(b) Policies, procedures, and practices of the correctional unit;

(2) May be conducted in conjunction with, or separately from, entrance level training;

(3) Shall be a minimum of 80 hours;

(4) May not be used to meet the minimum entrance-level training hourly requirement; and

(5) Shall be managed by a certified mandated employee, the agency head, or a designee.

C. Documenting Field Training.

(1) The agency head or designee shall submit a written statement to the Commission documenting a trainee's successful completion of the field training program under §B of this regulation.

(2) The agency head or designee shall date and sign the written statement.

(3) Upon receipt of the notice from a correctional unit documenting a trainee's completion of field training, the Commission shall process the trainee for certification under Regulation .06 of this chapter.