

**MARYLAND POLICE TRAINING COMMISSION
TITLE 12 - SUBTITLE 04 - CHAPTER 01**

GENERAL REGULATIONS

The following copy of the Police Training Commission regulations incorporates the latest updates, including revision of Regulations .01 and .19 that became effective September 12, 2005.

As of this date, the Commission has proposed no other amendments to these regulations.

The most current copies of these regulations are available for review and printing at the MPCTC website at www.MDLE.net (Click on Police General Regulations).

This copy of the regulations is printed for the use of police agencies and other interested parties. The official text of these regulations is printed in COMAR 12.04.01.

Any proposed regulations that are not yet effective are not included in this copy. Please contact the Police and Correctional Training Commissions at (410) 875-3605, if there are any questions concerning these regulations or to inquire concerning any proposed amendments.

MARYLAND POLICE TRAINING COMMISSION

GENERAL REGULATIONS

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.01 Definitions.

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

B. Terms Defined.

(1) "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 police officer.

(2) Agency Head.

(a) "Agency head" means:

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

(ii) An agency head who is appointed, employed, or elected to manage, administer, or supervise a law enforcement unit.

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

(3) "Certification" means the legal authority under Article 41, Section 4-201, Annotated Code of Maryland, that authorizes an individual to serve as a police officer to exercise law enforcement powers enforcing the General Criminal Laws of Maryland.

(4) "Commission" means the Police Training Commission or an employee authorized to act in its behalf.

(5) Controlled Dangerous Substance.

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

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

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

(6) "Deputy Director" means the Deputy Director of the Police and Correctional Training Commissions (note: COMAR text reads "Commission") or a designee.

(7) "Derogatory information" means negative information developed from a background investigation or reported to a law enforcement unit that may adversely affect an individual's ability to perform the duties of a police officer.

(8) "Executive Director" means the Executive Director of the Police and Correctional Training Commissions (note: COMAR text reads "Commission"), or a designee.

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(9) "First-line administrator" means a police officer promoted to a position, designated by the agency, exercising first-line administrative powers under Article 41, Section 4-201, Annotated Code of Maryland.

(10) "First-line supervisor" means a police officer promoted to a position, designated by the agency, exercising first-line supervisory powers under Article 41, Section 4-201, Annotated Code of Maryland.

(11) Law enforcement unit.

(a) "Law enforcement unit" means a governmental police force, sheriff's department, security force, or a law enforcement agency of a State, county, or municipality, under Article 41, Section 4-201, Annotated Code of Maryland which by statute, ordinance, or common law has the authority to employ police officers to enforce the General Criminal Laws of Maryland.

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

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

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

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

(a) For medical or administrative reasons that prevent the officer from completing mandated training;

(b) For the purpose of suspending the training requirements mandated by the Commission; and

(c) Without affecting the officer's certification or eligibility for certification.

(15) Police officer.

(a) "Police officer" has the meaning stated in Article 41, Section 4-201, Annotated Code of Maryland.

(b) "Police officer" includes:

(i) An individual employed by a public police agency and authorized under Article 27, Section 594B, Annotated Code of Maryland to exercise police powers:

(ii) A deputy sheriff whose usual duties include the authority to enforce the General Criminal Laws of Maryland and who has the powers of a police officer under Article 27, Section 594B, Annotated Code of Maryland; and

(iii) A special police officer whose authority is established in Article 41, Section 4-901, Annotated Code of Maryland, and who is employed by a public law enforcement unit.

(16) Probationary period.

(a) "Probationary period" means a period of a maximum of 365 days under Article 41, Section 4-201, Annotated Code of Maryland:

(i) During which a police officer with a provisional certification, or a police supervisor or administrator promoted to a first-line supervisor or administrator position may perform their duties while obtaining the training specified in this chapter; and

(ii) Which ends the earlier of 365 days or upon completion of mandated training.

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

(17) "Provisional certification" means the probationary appointment of an individual as a police officer under Article 41, Section 4-201, Annotated Code of Maryland:

(a) Who has met all applicable selection standards specified in this chapter;

(b) To allow the individual to obtain applicable training prescribed by the Commission; and

(c) With the certification ending the earlier of:

(i) 365 days, or

(ii) Upon satisfactory completion of mandated entrance level training.

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

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

(b) Meets applicable Commission standards.

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

.02 Processing and Recording Employment Status.

A. Completion of the Application for Certification (AFC).

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

(2) The agency head is responsible for the completion and accuracy of information contained on 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 separate administrative or legal action.

B. Filing the AFC.

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

(2) The Commission shall issue a provisional certification or a regular certification for an individual after receipt of the properly completed AFC indicating the completion of applicable selection and training standards under this chapter.

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

C. Notification of Change of Employment or Certification Status.

(1) The law enforcement unit shall notify the Commission in writing whenever a police officer:

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

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

(c) Is promoted to first line supervisor;

(d) Is promoted to first line administrator; or

(e) Is transferred to non-police officer status for more than 30 days, when that status prevents the officer from meeting the Commission's training standards.

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

(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 the case of separation as a police officer, information on whether the officer was under criminal or administrative investigation, indictment, formal charges, suspension, or similar action at the time of the separation from employment or transfer to nonofficer status.

(4) Criminal Convictions.

(a) An agency head shall notify the Commission when an officer is convicted of a felony, or of a misdemeanor punishable by imprisonment for one year or more.

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

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

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

.03 Provisional Certification.

A. An applicant for a position as a police officer may receive a provisional certification after meeting applicable selection standards under Regulation .04 of this chapter.

B. An individual may not exercise the authority of a police officer to enforce the General Criminal Laws of Maryland unless the individual has been given a provisional or regular certification by the Commission. In addition, an individual may not carry a firearm unless the appropriate firearms training program under Regulation .09H of this chapter and COMAR 12.04.02 has been successfully completed.

C. An individual with a provisional certification may not serve as a police officer beyond the 365 day probationary period.

D. Provisional certification shall be valid until:

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

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

(3) The officer is fully certified;

(4) The officer's employment is terminated; or

(5) It has been recalled under Article 41, Section 4-201, Annotated Code of Maryland.

E. A new provisional certification under this regulation may be issued to an individual who was a formerly certified police officer who:

(1) Has not been employed as a police officer with a law enforcement unit for over three years; and

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

F. Probationary Period.

(1) After meeting selection standards specified in this chapter and receiving provisional certification, the Commission shall grant a probationary period of up to 365 days to a police officer to perform law enforcement duties while awaiting the opportunity to obtain the applicable training under this chapter.

(2) The probationary period begins on the day that an officer receives provisional certification from the Commission.

(3) The 365 day period is cumulative and may not be increased by multiple employments at different law enforcement units or periodic employment with the same law enforcement unit.

(4) If the officer transfers as a new employee from one law enforcement agency to another before successfully completing the required entrance-level training, the probationary period continues from the date of the first provisional appointment, minus any time not employed as a police officer for a law enforcement unit.

.04 Selections Standards for Provisional Certification.

A. Age. An applicant:

- (1) Shall be 21 years old or older at the time of certification; and
- (2) May attend an academy while younger than 21 years old, but may not perform law enforcement duties until the applicant is 21 years old and certified.

B. Citizenship. An applicant shall:

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

C. Education.

- (1) An applicant for the position of police officer shall possess a:
 - (a) High school diploma issued by a high school or recognized by the State Board of Education;
 - (b) General Education Development (GED) certificate or diploma:
 - (i) Issued by Maryland or another state, or
 - (ii) Recognized by the State Board of Education.
- (2) A college degree may be accepted in place of the high school diploma.
- (3) 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.
- (4) The copy of the appropriate diploma or other acceptable documentation shall be maintained by the agency.
- (5) If a GED test was taken outside Maryland or while in the military service, and no certificate or diploma has been issued by a state, the applicant shall submit a copy of the G.E.D. test scores to the Commission. The test results may be accepted by the Commission if they are consistent with requirements established by the State Board of Education.
- (6) The hiring agency shall indicate the appropriate information on the AFC.

D. Background and Criminal History Investigations.

- (1) A law enforcement unit shall perform a background investigation and criminal history investigation, including a fingerprint check, under Regulation .05 of this chapter.

(2) As part of the background investigation, the law enforcement unit shall investigate for prior use of controlled dangerous substances by an applicant as specified under Regulation .19 of this chapter.

E. Physical and Mental Health Examinations.

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

(a) The duties of a police officer as determined by the employing law enforcement unit; and

(b) Participation in the entrance level training program in which the officer is enrolled.

(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 police officer as determined by the law enforcement unit.

(3) Certification of Results.

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

(b) The employing agency shall maintain documentation that the applicant is physically and psychologically fit for the duties of a police officer.

F. Oral Interview.

(1) The agency head, or designated representative shall conduct an oral interview to assess the police officer's ability to communicate.

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

(3) The law enforcement 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 as specified in Regulation .18 of this chapter.

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

(3) If the test results show that the levels under Regulation .18 of this chapter are exceeded, the applicant may not be certified, unless the positive screen for a controlled dangerous substance was determined to be the result of a legitimate ingestion or exposure.

H. Driver's License and History.

(1) The applicant shall possess a valid driver's license.

(2) The hiring agency shall:

(a) Perform a check of the applicant's driving record and maintain a copy of the results; and

(b) Use the AFC to report the driver's license number, state of issue, and an indication that the record has been reviewed.

I. This regulation does not prohibit a law enforcement unit from establishing more restrictive standards.

J. A law enforcement unit may submit a request for waiver of this regulation under Regulation .16 of this chapter.

.05 Background and Criminal History Investigations.

A. Background Investigation.

(1) A law enforcement unit or authorized hiring agency shall perform a comprehensive background investigation to determine that the applicant:

(a) Is of good moral character and reputation;

(b) Is emotionally stable; and

(c) Displays the behavior necessary to perform the duties of a police officer.

(2) The background investigation includes:

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

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

(c) An examination of school records or interviews with school officials if the applicant attended school within the last five years;

(d) Interviews of:

(i) Personal references furnished by the applicant;

(ii) Neighbors at places of the applicant's residences within the past 5 years;

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

(iv) Coworkers within the last 5 years;

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

(3) The background investigation is to determine whether the applicant is a loyal United States citizen and appears to be mentally, physically, and emotionally fit to perform law enforcement duties.

(4) Interviews may be conducted:

(a) In person;

(b) By telephone;

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

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

(5) The background investigation includes interviews conducted in person. Generally, these interviews are most appropriate for those interviewed located within 50 miles of the law enforcement unit.

(6) Personal references and others residing outside the State may be contacted by correspondence or telephone. When the applicant has resided or been employed out-of-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) The law enforcement unit may conduct the background investigation or it may be performed by an individual, office, or agency authorized by the jurisdiction where the law enforcement unit is located.

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

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

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

(9) The employing law enforcement unit shall maintain a record of the background investigation and report its results on the AFC.

(10) If derogatory information is developed, the law enforcement unit shall submit details with the AFC. The Commission may refuse to certify the applicant based upon derogatory information.

B. Criminal Record Checks and Fingerprints.

(1) The law enforcement unit shall fingerprint the applicant and submit these records to the appropriate local, State, and national agencies for a search of criminal justice files.

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

(3) The law enforcement unit shall maintain records indicating the results of a record check and report the results on the AFC.

(4) If the results of the NCIC check or the local, State, or national fingerprint check reveal that an applicant has been convicted of a felony, or a misdemeanor for which a sentence of imprisonment for 1 year or more could have been imposed, the law enforcement unit shall provide the Commission with available information concerning the conviction, with the AFC form.

(5) The Commission may reject the certification of the applicant after it has reviewed the facts.

.06 Police Officer Certification.

A. Certification Requirements.

(1) Initial Certification. The Commission shall certify an individual as a police officer who:

(a) Meets all selection standards under Regulation .04 of this chapter;

(b) Completes the applicable training under Regulation .09 of this chapter; and

(c) Completes a field training program under Regulation .21 of this chapter.

(2) Recertification. The Commission shall recertify an individual formerly certified as a police officer in Maryland who meets:

(a) Applicable training standards under Regulation .07 of this chapter; and

(b) Selection standards under Regulation .08 of this chapter.

B. The Commission shall certify an individual who meets the Commission's selection and training standards as a police officer for an initial period of up to 3 years. The initial certification period is determined by the officer's month of birth based on a schedule established by the Commission.

C. Renewal of Certification.

(1) The Commission will automatically renew the certification of a police officer, without application, on or before the automatic expiration of the certification if the police officer:

(a) Remains employed with the law enforcement unit;

(b) Continues to meet the Commission's standards, and

(c) Has not had the certification suspended, revoked, or recalled by the Commission.

(2) Once the initial period of certification is established, subsequent renewal of a police officer's certification shall be based on a 3-year cycle beginning with the expiration of the initial period of certification under §B of this regulation.

(3) The agency head of a police officer whose certification is scheduled to expire due to failure to meet the Commission's training standards shall be notified by the Commission at least 30 days before the expiration of the certification.

(4) An agency head is responsible for ensuring that an officer whose certification is scheduled to expire is notified within a reasonable amount of time of the pending expiration of the certification.

(5) An agency head shall remove from law enforcement duties a police officer whose certification has expired.

D. Certification Card.

(1) The Commission shall issue a certification card to an eligible police officer indicating that the officer is certified by the Commission. The certification card is to contain information and be in a form as determined by the Commission.

(2) Possession of the certification card indicates the authority to enforce the general criminal laws of Maryland.

(3) The cost for replacement of a previously issued, current certification card is the responsibility of the law enforcement unit.

(4) A police officer shall carry the certification card at all times while the police officer is on duty status.

(5) A certification card issued by the Commission expires at midnight on the date printed on the card or upon termination of employment as a police officer.

E. Request for Certification Information.

(1) Before certification expires, the Commission shall require verification of the training records.

(2) An agency head shall comply with a request for information and return the necessary information to the Commission before the issuance of a certification card.

F. Return of the Certification Card.

(1) An agency head shall return a certification card issued under this chapter to the Commission within 30 working days when a:

(a) Police officer is separated from employment; or

(b) Police officer's certification is suspended, revoked, or recalled by the Commission under this chapter or Article 41, Section 4-201, Annotated Code of Maryland.

(2) The law enforcement unit shall retain the certification card of an officer on non-officer status until the officer is returned to active duty or terminated from employment.

G. Multiple Certification.

(1) An individual may be employed by more than one law enforcement unit at the same time.

(2) For each law enforcement unit at which an individual is employed, the individual shall:

(a) Meet applicable selection and training standards for certification;

(b) Be certified at each law enforcement unit; and

(c) Be issued a certification card for each law enforcement unit.

(3) A law enforcement unit hiring a currently certified police officer may share some of the results of the background investigation performed by the initial employing law enforcement unit. However, the second or successive law enforcement unit shall perform new local, State, and national fingerprint checks and a new drug screening.

(4) The officer shall meet the applicable training standards as if employed at one law enforcement unit. The required training may be provided by one unit or both.

(5) The officer shall meet the firearms qualification and training requirements for the firearm authorized by each law enforcement unit.

(6) The Commission shall notify employing law enforcement units when it issues multiple certification for a police officer.

H. An individual may be eligible for a waiver of certain entrance-level training requirements under Regulation .16C of this chapter if the individual:

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

(2) Completed a basic police officer entrance-level training program within the last 2 years.

I. Temporary certification.

(1) The Commission shall issue a temporary certification to an individual:

(a) Previously certified as a police officer in Maryland;

(b) Hired as a police officer by another law enforcement unit within 90 days of separation from employment with a law enforcement unit;

(c) Separated in good standing from employment with the previous law enforcement unit; and

(d) Who meets the following applicable:

(i) Selection standards under Regulation .08 of this chapter, except for completion of a national or State fingerprint check; and

(ii) Training standards under Regulation .07C(3) of this chapter.

(2) The temporary certification shall expire upon:

(a) Full certification by the Commission;

(b) Termination of employment;

(c) Discovery of a criminal conviction through the national or the State fingerprint check that disqualifies an individual from certification; or

(d) Passage of 90 days of the appointment date of the individual by the law enforcement unit.

(3) If it is determined by the Commission that the national or the State fingerprint check results have not been received by the law enforcement unit through no fault of the unit, a second temporary certification may be issued by the Commission for an individual for an additional 90 days at the same law enforcement unit.

.07 Police Officer Recertification.

A. The Commission shall recertify a police officer when:

(1) Hired by a second or successive law enforcement unit;

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

(3) The applicant meets applicable:

(a) Selection standards under Regulation .08 of this chapter, and

(b) Training standards under this regulation; and

(4) The application for recertification is approved by the Commission under applicable provisions of this chapter.

B. An applicant for certification under this regulation who was not previously certified may be provisionally certified after meeting applicable selection standards under Regulation .08 of this chapter.

C. Recertification Within 3 Years of Separation.

(1) An individual previously certified as a police officer in Maryland separated in good standing from a law enforcement unit for less than 3 years is not required to meet the entrance-level training standards of the Commission for recertification as a police officer.

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

(3) Temporary Certification. A previously certified applicant separated in good standing from a law enforcement unit, meeting all of the selection standards under Regulation .08 of this chapter, except for the national or the State fingerprint check, employed by another law enforcement unit within 90 days of separation may receive a temporary certification as specified under Regulation .06H of this chapter.

(4) In- Service Training Requirements Before Police Officer Recertification.

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

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

(5) Firearms Training - Requirements Before Police Officer Recertification.

(a) Regardless of firearms qualifications completed at a previous law enforcement unit, an applicant for recertification at a new law enforcement unit shall complete the appropriate firearms training and qualification under this section for each firearm authorized by the new law enforcement unit before the individual is authorized to carry the firearm.

(b) An applicant for recertification who has qualified with a firearm in the last 3 calendar years shall complete a Commission approved annual firearms training program before recertification as a police officer.

(c) If an applicant for recertification has not qualified with an authorized firearm for 3 or more consecutive calendar years immediately preceding application for recertification, before being authorized to carry or use a firearm the applicant shall complete a Commission-approved:

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

(ii) Firearms refresher training course and firearms qualification under §C(5)(d) of this regulation.

(d) Firearms Refresher Training Course. A firearms refresher training course shall:

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

(ii) Be a minimum of 16 hours;

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

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

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

D. Police officer Recertification after Separation for More than 3 Years and Not More than 5 Years.

(1) An applicant previously certified as a police officer in Maryland separated in good standing from a law enforcement unit for more than 3 years and not more than 5 years, may be recertified as a police officer by a law enforcement unit after meeting applicable selection and training standards.

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

(3) An applicant for recertification under §D of this regulation shall complete the following entrance-level training:

(a) The portions of the program under Regulation .16C of this chapter covering the Maryland Criminal Code, Motor Vehicle Code, and Juvenile Law and Procedures;

(b) Emergency medical care training program under Regulation .09 of this chapter;

(c) Entrance-level firearms training and qualification under COMAR 12.04.02; and

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

E. Police Officer Recertification After Separation of More than 5 Years.

(1) An individual separated in good standing from a law enforcement unit for more than 5 years may be recertified after meeting selection and training standards under this section.

(2) The Commission shall grant provisional certification under Regulation .03 of this chapter to an individual after meeting selection standards under Regulation .04 of this chapter.

(3) An individual granted provisional certification may not perform as a police officer beyond the 365-day probationary period until completion of the entrance-level training under Regulation .09 of this chapter.

(4) An individual shall complete the entrance level firearms training program and qualification under Regulation .09 of this chapter and COMAR 12.04.02 before being authorized to carry or being issued a firearm.

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

.08 Selection Standards for Recertification.

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

B. Requirements for Recertification.

(1) If an applicant is seeking recertification, the agency shall perform the following updates:

(a) Fingerprint checks at the local level or a check of the NCIC files;

(b) State and national fingerprint checks;

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

(d) A check of the driving record, including verification that the applicant possesses a valid driving license;

(e) A check with the law enforcement unit the applicant is leaving to:

(i) Determine the reason for separation,

(ii) Assess past work performance, and

(iii) Ensure that the applicant's separation was in good standing;
and

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

(2) If an applicant has not been employed as a police officer by a law enforcement unit within the last 90 days, the hiring agency shall conduct a modified background investigation to cover the period of absence. This investigation includes the following updates:

(a) Items identified in Section B(1) of this regulation;

(b) A check with each employer of the applicant during the period of absence from law enforcement;

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

(d) Interviews of personal references and neighbors.

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

D. The hiring agency or a law enforcement unit shall complete the AFC to verify that applicable selection standards for reappointment have been met, and forward copies of criminal records and derogatory information discovered during the investigation to the Commission with the AFC form.

E. Review of Previous Background Investigations.

(1) If a hiring agency does not conduct a full background investigation, it shall review the records of the background investigation of an applicant conducted by the previous law enforcement unit to ensure that a complete and accurate investigation was performed.

(2) The hiring agency is responsible for omissions or discrepancies by the previous agency if the prior investigation was conducted less than 5 years previously.

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

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

A. General Requirements.

(1) A police officer shall attend an entrance-level training program approved by the Commission and successfully complete the program before certification.

(2) With the exception of firearms training and field training, the program is a minimum of 600 hours.

(3) The program shall include field training which occurs before certification.

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

C. Mandated Subject Areas. The entrance level training program includes the following subject areas:

- (1) Administrative duties;
- (2) Constitutional and statutory law;
- (3) Patrol;
- (4) Traffic;
- (5) Criminal investigation;
- (6) Emergency medical care;
- (7) Communications;
- (8) Report writing and composition;
- (9) Community relations;
- (10) Crisis intervention;
- (11) Protective strategies and tactics;
- (12) Emergency vehicle operations; and
- (13) Prisoner processing and security.

D. Performance Objectives.

(1) Minimum performance objectives are composed and sanctioned by the Commission. These objectives are based on a statewide job task analysis and address those tasks deemed essential for law enforcement officers in Maryland, regardless of employer or assignment. The Commission shall furnish a copy of the performance objectives upon request.

(2) The performance objectives in this regulation are to be covered during training exactly as written.

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

(4) The mandated firearms entrance-level training program under COMAR 12.04.02 may be included as part of the entrance level training program.

E. Successful Completion of an Approved Entrance-Level Training Program.

(1) An academy shall conduct testing which determines whether a trainee has learned or can perform each one of the performance objectives under this regulation. One or more objectives may be addressed by relevant single or multiple demonstrations or questions.

(2) A trainee shall achieve a minimal overall score of 70 percent in each subject area under Section B of this regulation. An academy shall maintain accurate records of tests and testing procedures.

(3) At the conclusion of a training program, the academy director shall verify in writing to the Commission that each trainee has met the requirements under this regulation.

(4) Transfer of Academy Training.

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

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

(5) A trainee absent for more than 5 percent of the program may not receive a diploma unless the program director and the Deputy Director determine that sufficient work has been completed.

(6) A trainee shall meet the minimum qualification standard for certification in an emergency medical care program that has been approved by the Commission.

(7) A trainee shall meet an obligation or requirement established by an academy, even if it exceeds those established by the Commission.

F. Failure To Complete Entrance-Level Training.

(1) The academy director shall notify the trainee's agency whenever an individual fails to complete the program.

(2) Failure to achieve the minimum requirements under this regulation is sufficient grounds to withhold the diploma for law enforcement training.

G. Curriculum Changes.

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

(2) The unit shall submit a request for an exemption and the appropriate documentation for Commission staff review under Regulation .16 of this chapter.

(3) An entrance-level training program may use a curriculum that includes more topics and covers more hours than the mandated minimum standards curriculum.

H. Entrance-Level Firearms Training.

(1) A police officer who is authorized use of a firearm shall successfully meet the performance objectives and standards of the entrance-level firearms training program under COMAR 12.04.02 before being issued or permitted to carry the firearm.

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

I. An individual who has completed certified entrance-level training in another state or for the federal government may be eligible for an exemption from a portion of the mandated entrance level training program upon meeting the requirements under Regulation .16C of this chapter.

J. Selection Standards for Academy Admission.

(1) An applicant for attendance at an entrance-level training program is required to meet 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 the academy training program.

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

(4) The applicant shall be provided a copy of the selection standards in Regulation .04 of this chapter and acknowledge in writing that completion of the training program is not a guarantee of certification as a police officer.

.10 Approval of Academies and Schools Providing Mandated Training.

A. An atmosphere conducive to learning shall be provided by an entrance-level academy. The area shall be suitably lighted and ventilated and have acoustic qualities which are conducive to a proper learning atmosphere.

B. An academy shall meet applicable health, safety, and fire safety laws and regulations.

C. If practical, an academy shall provide:

(1) At least 25 square feet of classroom space per student;

(2) Adequate locker space for each student;

(3) Sufficient desks, tables, and chairs for each student to provide an adequate writing surface and place for learning materials; and

(4) Classroom furnishings and teaching equipment to provide flexible arrangements for individual and group instruction in the topic areas covered in the program.

D. An instructor conducting training in an entrance-level training program shall be certified by the Commission, unless the individual is exempt from instructor certification requirements under Regulation .15F of this chapter.

E. Approved Entrance-level Training Procedures.

(1) Approved entrance-level training shall be conducted according to the procedures in Section E.(2)-(5) of this regulation.

(2) An officer shall be excused from routine departmental or agency duties and receive regular salary while attending mandated training.

(3) Personal Conduct.

(a) The personal conduct of the officer while attending an approved school is the responsibility of the academy director.

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

(c) A trainee shall receive a copy of the academy's regulations that govern the trainee's daily actions and deportment.

(d) The disciplinary regulations of the host police academy apply to each student attending that program.

(e) The academy director shall notify the trainee's department or agency head if there has been a breach of conduct that requires disciplinary action.

(f) If a trainee's progress in either academic or skill areas indicates the trainee will fail the program, the academy director shall notify the trainee's department or agency head. The failing trainee may be withdrawn from the program at any time before graduation.

(4) Cost arrangements may be made between the administrator of an approved school and the individual, department, or agency sponsoring an individual attending the program.

(5) Authority of Academy Regulations.

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

(b) Rules and regulations set by the training academy may exceed the requirements under this regulation.

(c) A rule or regulation established by the host academy in writing or expressed verbally receives the same respect as a Commission regulation.

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

F. Academy Certification Classifications.

(1) An academy meeting the standards under this regulation is certified as either a Class I or a Class II Academy.

(2) A Class I Academy is certified to conduct approved entrance level, instructor, supervisor, and administrator training.

(3) A Class II Academy is certified to conduct instructor, supervisor, and administrator training, and portions of the entrance-level training program under Regulation .16C of this chapter, but not a full entrance level program.

(4) A listing of certified Class I and II Academies may be furnished by the Commission upon request.

(5) In-service and firearms programs may be conducted by an academy, agency, school, or other organization approved by the Commission.

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

H. Academy Certification Lapse or Revocation.

(1) Academy certification automatically lapses if an approved academy fails to sponsor or conduct an approved program for two years. The academy may reapply if the need to conduct training can be demonstrated.

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

(a) Discontinues presenting an approved program;

(b) Offers a mandated program without Commission approved instructors;

(c) Training director does not successfully complete the training

director orientation program under §J of this regulation: or

(d)Violates a provision of this regulation.

I. Academy Audit.

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

(2) An approved police academy shall be audited at least every 2 years to ensure that it meets the minimum requirements specified in this chapter by the Commission.

J. Training Director Orientation. An individual appointed as a training director of a Commission-approved police 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 or the agency head sponsoring the academy.

B. Selection Standards for Admission to Voluntary Training.

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

(2) The academy shall complete a check of the NCIC 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.

(4) An individual may not be admitted unless the individual will be near 21 years old, or older, upon graduation from the program.

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

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

D. Mandated Personnel.

(1) Under Article 41, Section 4-201, Annotated Code of Maryland, an individual employed as a police officer by a law enforcement unit is entitled to a leave of absence with pay to attend an entrance-level training program.

(2) An employee of a law enforcement unit who is mandated to meet the requirements of this chapter may not be enrolled in an entrance-level training program on a voluntary basis.

E. A request for an exemption from a provision of this regulation shall be completed under in Regulation .16 of this chapter.

.12 Annual In-Service Training and Firearms Qualification.

A. Annual In-Service Training Requirements.

(1) A law enforcement unit shall ensure that a certified police officer at or below the rank of first-line supervisor, as defined by the agency, completes a minimum of 18 hours of approved in-service training each calendar year.

(2) In-service training shall be approved by the Commission before it may be credited to the minimum training mandate under this regulation.

(3) Approved in-service training may be conducted by the police officer's law enforcement unit or another law enforcement unit, school, academy, or organization approved by the Commission.

(4) In-service training is not required for a certified police officer during the calendar year in which an entrance-level training program was completed. This includes completion of the portions of the entrance level program under Regulation .16 of this chapter.

(5) Training in an approved supervisor, administrator or instructor program may be used to satisfy the in-service mandate in the same calendar year that the program is completed.

(6) Beginning in the year 2004 and every third year thereafter, in-service training shall contain at least 1 hour of training addressing the care and handling of a victim of rape and other sex offenses, including sexual abuse of children.

B. Annual Firearms Qualification Requirements.

(1) A police officer shall qualify annually with each firearm authorized by the law enforcement unit for on-duty or off-duty use.

(2) Annual firearms qualification shall be conducted under COMAR 12.04.02.

(3) Annual firearms qualification is not required in the same year that an approved entrance-level firearms or firearms instructor program is completed.

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

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

(b) Firearms refresher training course and firearms qualification under Regulation .07C(5) of this chapter.

C. In-Service Program Approval Requirements.

(1)The Commission shall:

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

(b) Assign a program number to approved programs.

(2) The proposed in-service training curriculum shall include:

(a) The topics to be studied;

(b) The time allocated to each topic; and

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

(3) An in-service program approval is effective for a maximum of 3 years, unless significant changes are made in format or content during that period.

(4) The law enforcement unit or training agency shall resubmit an in-service program for approval when:

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

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

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

(1) The agency head or designee shall report the successful completion of an approved in-service training program by police employees to the Commission on or before January 31 of the year immediately following the training.

(2) The training information shall be reported in a format determined by the Commission.

(3) Testing.

(a) A training agency shall administer a test and a trainee shall achieve a minimum score of 70 percent to receive credit.

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

(4) An approved in-service training program shall have a method of evaluation.

(5) Unless approved by the deputy director or a designee, if a police

officer is absent for more than 10 percent of an approved training program of 18 hours or longer, the police officer may not receive credit toward required in-service training for any portion of the approved training program attended.

E. Attendance At Programs Hosted by Other Agencies.

(1) A law enforcement unit may send an individual to an approved in-service program hosted by another agency without prior Commission approval.

(2) The law enforcement unit shall ensure that the training program has an approval number assigned by the Commission.

(3) The law enforcement unit is responsible for submission of training scores to the Commission.

F. Failure to Complete Required Training.

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

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

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

(a) Provide the 18 hours of in-service training required for the following calendar year by December 31 of the same year.

(3) If a police officer does not successfully qualify with an authorized firearm before December 31 of a calendar year, the law enforcement unit shall remove the firearm until the officer successfully qualifies with that firearm. If the officer is scheduled for certification renewal, the officer shall qualify with the firearm before July 1 in the following year.

(4) Nonofficer status.

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

(b) Firearms Training.

(i) If a police officer fails to complete annual firearms qualification because the officer was on official nonofficer status, but has completed annual firearms qualification within 3 years, the officer shall qualify with each authorized firearm when the officer returns to active duty before the officer may carry or use the firearm and, if the officer's certification has lapsed, be recertified by the Commission.

(ii) If a police officer returning to active duty as a police officer has not qualified with an authorized firearm within 3 consecutive calendar years immediately preceding return, the individual shall successfully complete a Commission-approved entrance-level firearms training program and qualification under COMAR 12.04.02, or a firearms refresher training course and firearms qualification under Regulation .07C(5) of this chapter before being issued or using a firearm and, if certification has lapsed, being recertified by the Commission.

(5) Except for an officer reported on nonofficer status, if a law enforcement unit fails to provide required training in 2 consecutive years or displays a pattern of not providing the required training over several years, the executive director or designee shall report the matter to the Commission for action the Commission deems appropriate.

(6) Failure to provide documentation of missed training on a timely basis may delay the renewal of certification.

G. Waivers.

(1) A request for waiver of annual in-service or firearms training may be granted upon the submission of proof that an individual successfully completed comparable training in the same year.

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

H. Audit Requirements.

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

(2) Each law enforcement unit, academy, and school providing in-service training shall maintain documentation of the training, including:

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

(3) A law enforcement unit shall maintain records of training provided to a mandated employee at other agencies, schools, or academies until audited by the Commission.

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

.13 Minimum Standards for the Training of First-Line Supervisory and Administrative Police Personnel.

A. General Requirements.

(1) A first-line supervisor or first-line administrator shall successfully complete an approved supervisor or administrator program of at least 35 hours within 1 year of the effective date of the respective promotion.

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

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

(4) Completion of an additional supervisor training program is not required for promotion to another supervisor position that does not include administrative duties.

(5) An officer 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 the program shall achieve a minimum score of 70 percent on an examination.

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

(4) Rosters, required reports, and participant grades shall be submitted to the Commission by the training agency upon completion of the program.

(5) Upon request, the Commission shall furnish the course outline and training objectives.

(6) The training agency shall cover the training objectives as they are written.

(7) The training agency shall submit a program for approval at least 20 working days before the program start to allow time to review it. If an agency wishes to deviate from a previously approved outline, it shall submit a new written 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 the supervisor training program may be waived upon submission of proof by a law enforcement

unit of successful completion of a parallel curriculum taught by a recognized police training agency.

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

(3) The following programs are generally acceptable substitutes for the mandated supervisor or administrator training programs if completed within 2 years preceding or 1 year following the promotion:

(a) The 9 month Northwestern Institute program;

(b) The 3 month Southern Police Institute program; and

(c) The F.B.I. National Academy.

(4) The law enforcement unit shall submit a request for waiver of training under Regulation .16 of this chapter.

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

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

(2) Inform the Commission in writing within 30 days of the action that the law enforcement unit has taken to relieve the individual of these duties.

.14 Certification Procedures for Instructors.

A. Application for Initial Certification.

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

(2) An individual shall submit a separate completed instructor certification application 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) The application shall be signed by the agency head or director of training and forwarded to the Commission.

(5) The three types of police instructor certification are:

(a) General instructor;

(b) Firearms instructor; and

(c) Emergency vehicle operations instructor.

(6) An individual is certified to teach only those topic areas in which competency can be demonstrated. The determination of competency is the responsibility of the academy or agency in which the training is being conducted.

(7) An applicant shall be in compliance with Commission regulations.

B. Certification Renewal.

(1) The appropriate certification application shall be:

(a) Completed and signed by the applicant; and

(b) Signed by the agency head or director of training and submitted to the Commission.

(2) The applicant shall be in compliance with Commission regulations.

C. Certification Revocation.

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

(2) The Deputy Director shall set a hearing date and time set to permit the instructor 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 the written findings of fact to the instructor and the agency head.

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

A. An individual shall possess one of the instructor certifications under this regulation to teach in an approved police training program, unless the individual is exempted from instructor certification requirements under Section F of this regulation.

B. Provisional Instructor Certification.

(1) The Provisional Instructor certification:

(a) Is designed for the individual who has little or no previous teaching experience;

(b) Is valid for a maximum of 1 year and may be renewed under exceptional circumstances;

(c) Does not authorize an individual to:

(i) Teach mandated firearms training;

(ii) Conduct annual firearms qualifications; or

(iii) Teach or conduct emergency vehicle operations training.

(2) Provisional instructor certification requirements 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) Instructor certification:

(a) Is designed for an individual who has extensive training and experience in a particular subject area;

(b) Is valid for up to 4 years and may be renewed;

(c) Does not authorize an individual to:

(i) Teach mandated firearms training,

(ii) Conduct annual firearms qualifications, or

(iii) Teach or conduct emergency vehicle operations training; and

(d) May be obtained by the individual whenever the requirements of this section are completed.

(2) Instructor certification requirements include:

(a) A high school diploma, or GED certificate or diploma recognized by the State Board of Education;

(b) A minimum of 2 years of experience in the public safety community;

(c) Completion of the approved instructor training program under Section D of this regulation; and

(d) At least two evaluations of the 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 program after meeting the following requirements:

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

(b) Instructors who teach the program shall be certified by the Commission; and

(c) The curriculum used in the program shall:

(i) Be comparable to the program conducted by the Commission, and

(ii) Contain the subject matter identified in this section.

(2) An instructor program submitted for approval includes:

(a) An introduction to:

(i) The basic concepts of learning and teaching,

(ii) The role of training in the criminal justice profession, and

(iii) Classroom management techniques;

(b) Effective speech techniques;

(c) Preparation and use of audiovisual training aids;

(d) Development of training objectives;

(e) Development of lesson plans; and

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

(3) A training agency shall submit an instructor training program for approval a minimum of 20 working days before the start of the training.

E. Instructor Evaluation.

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

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

(3) An agency which has 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) An instructor teaching an approved training program for 3 hours or less is exempt from the instructor certification requirements.

(2) With the approval of the Deputy Director, the following may be exempt from the instructor certification requirements:

(a) A member of the Bar, medical profession, or other similar profession currently licensed or certified by the State or a nationally recognized 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.

(3) An academy director or agency head may submit a written request for an exemption 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) Individuals eligible for a waiver include:

(a) A director of a class I or II 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) For consideration, the individual shall have:

(a) Been certified as a provisional instructor;

(b) Demonstrated the knowledge, skill, and ability to develop curriculum and produce and conduct training programs, through the review of objectives, lesson plans, and 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) An individual seeking a waiver shall submit an application for certification as a general instructor, a request for waiver of the instructor training program, and relevant information needed to assess the request, including at least four evaluations.

.16 Waiver of a Selection or Training Standard.

A. General Requirements for Waivers.

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

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

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

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

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

(4) Processing a Petition for a Waiver.

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

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

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

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

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

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

(1) A completed application for certification;

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

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

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

C. Waiver of an In-service Training Standard.

(1) An agency head petitioning the Commission for a waiver of an in-service training standard shall, in addition to the information under §B of this regulation, provide:

- (a) A copy of the lesson plan or course outline;
- (b) A written description of the course;
- (c) The number of hours of the course the individual completed; and
- (d) Other information supporting the petition.

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

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

D. Waiver of Firearms Training.

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

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

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

E. Waiver of an Entrance-Level Training Standard.

(1) An individual who completed entrance-level training in another state or through the federal government may be exempted from portions of the entrance-level training standards under Regulation .09 of this chapter.

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

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

- (b) A written description of the course;
- (c) The number of hours of the course the individual completed; and
- (d) Other information supporting the petition.

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

(a) Both:

(i) Worked for a law enforcement unit within the last 5 years before applying; and

(ii) Successfully completed a police officer entrance-level training program that meets or exceeds the requirements under Regulation .09 of this chapter; or

(b) Did not work for a law enforcement unit before applying, but within 2 years before applying completed a police officer entrance-level training program that meets or exceeds the requirements under Regulation .09 of this chapter.

(4) The Deputy Director shall review the information contained in the request under §E of this regulation to determine if the:

(a) Individual meets the eligibility requirements under §E of this regulation; and

(b) Police officer entrance-level training that the individual completed meets or exceeds requirements under Regulation .09 of this chapter.

(5) The Deputy Director shall notify the agency head of the decision.

(6) If the Deputy Director grants the waiver, the Deputy Director shall notify the agency head that the individual shall meet the following requirements before certification:

(a) Selection standards under Regulation .04 of this chapter; and

(b) The training requirements under §E(7) of this regulation.

(7) If the Deputy Director grants a waiver of full entrance-level training, the individual shall complete the following:

(a) Portions of an entrance-level training program at a class I or II Commission-certified police academy relating to the:

(i) Maryland Criminal Code,

(ii) Maryland Motor Vehicle Code, and

(iii) Maryland Juvenile Law and Procedures;

(b) Emergency medical care under Regulation .09 of this chapter; and

(c) If the law enforcement unit authorizes the individual to carry or use a firearm, an entrance-level firearms training program and qualification under COMAR 12.02.02.

(8) An agency head may request the Commission to review a decision by the Deputy Director to deny a waiver of an entrance-level training requirement.

.17 Minimum Standards for Emergency Vehicle Operations Instructors.

A. An individual who provides instruction in a mandated emergency vehicle training program shall possess one of the instructor certifications specified in this regulation.

B. Provisional Emergency Vehicle Operations Instructor Certification.

(1) The provisional emergency vehicle operations instructor certification:

(a) Is designed for an individual with little or no teaching experience;

(b) Is valid for 1 year and may be renewed;

(c) Does not authorize an individual to teach:

(i) Subjects in areas other than emergency vehicle operations, and

(ii) The classroom portion of emergency vehicle operations, special maneuvers, and emergency vehicle skills without an emergency vehicle operations instructor present.

(2) Provisional emergency vehicle operations instructor certification requirements include:

(a) A high school diploma, or a GED certificate or diploma recognized by the State Board of Education;

(b) 2 or more years experience in an occupation requiring operation of an emergency vehicle;

(c) Compliance with Commission regulations; and

(d) Successful completion of an emergency vehicle operations instructor's course within 5 years before the date of the original application for provisional operations instructor certification.

C. Course Safety Officer Certification.

(1) The course safety officer certification:

(a) Is designed for an individual with extensive training and experience in emergency vehicle operations;

(b) Is valid for up to 4 years and may be renewed;

(c) Authorizes an individual to conduct emergency vehicle operation courses; and

(d) Does not authorize an individual to teach emergency vehicle operations in a classroom;

(2) The requirements for course safety officer certification include:

(a) A high school diploma, or GED certificate or diploma recognized by the State Board of Education;

(b) 3 years of experience in an occupation requiring operation of an emergency vehicle;

(c) Successful completion of an emergency vehicle operations instructor's course within 5 years of the date of the original application for emergency vehicle operations instructor certification;

(d) Previous certification as a provisional emergency vehicle operations instructor;

(e) Compliance with Commission regulations;

(f) Evaluation of the applicant's teaching performance under Section E of this regulation; and

(g) Conducting a minimum of 8 hours of emergency vehicle operations course work as a provisional vehicle operations instructor.

D. Emergency Vehicle Operations Instructor Certification.

(1) The emergency vehicle operations instructor certification:

(a) Is designed for an individual with extensive training and experience in the area of emergency vehicles operations;

(b) Is valid for up to 4 years and may be renewed; and

(c) Authorizes an individual to teach mandated emergency vehicle operations training but no other general subject unless certified as a general instructor;

(2) Requirements for Emergency Vehicle Operations Instructor Certification include:

(a) A high school diploma, or GED certificate or diploma recognized by the State Board of Education;

(b) 3 years in an occupation requiring the operation of an emergency vehicle;

(c) Successful completion of an approved instructor course meeting the standards under Regulation .14 of this chapter;

(d) Successful completion of an emergency vehicle operations instructor course approved by the Commission;

(e) Previous certification as a provisional emergency vehicle operations instructor;

(f) Compliance with Commission regulations;

(g) Evaluation of the individual's teaching performance under Section E of this regulation;

(h) Performing at least 4 hours of classroom teaching; and

(i) Performing at least 8 hours of emergency vehicle operations practical course training work.

E. Evaluation Procedures.

(1) An evaluation of an applicant for course safety officer or emergency vehicle operations instructor shall have been performed by a certified emergency vehicle operations instructor during the applicant's period of certification as a provisional emergency vehicle operations instructor.

(2) Each period of evaluation shall be at least 1 hour in length.

(3) An unsatisfactory performance evaluation score or commentary may be grounds for rejection of the application.

(4) An agency with a formalized program to evaluate provisional instructors approved by the Deputy Director is exempt from the requirements of this section.

(5) An applicant seeking certification only as a course safety officer shall be evaluated a minimum of two times while the applicant is conducting a emergency vehicle operations practical course.

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

(a) An emergency vehicle operation practical course; and

(b) Classroom instruction.

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

.18 Drug Screening Procedures.

A. Urine Sample Collection.

(1) In order to ensure the reliability and integrity of the testing process, the employing agency shall verify that the urine sample collection process includes the minimum requirements specified in §A(2) - (8) of this regulation.

(2) The agency taking a urine sample shall verify the identification of the applicant by viewing a driver's license or other acceptable means 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 which shall be 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 band 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 the:

(a) Collection of the sample;

(b) Analysis of the sample; and

(c) Disclosure of the analysis results 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 recent use by the applicant of a controlled dangerous substance under §C(2) of this regulation.

(2) An applicant's 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 as a police officer as a result of this application.

(3) A decision to deny certification shall include a determination as to whether the positive screen for controlled dangerous substances was a result of legitimate ingestion or exposure.

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 another equally scientifically rigorous screening method;

(2) The immunoassay screen used shall test, at a minimum, 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 being screened positive for the presence of a controlled dangerous substance;

(4) A urine sample screened positive by an immunoassay method 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 method or equally scientifically rigorous screening method is considered inconclusive.

(6) A urine sample analysis shall be conducted in accordance with Health-General Article, §17-214.1, Annotated Code of Maryland, by qualified laboratory personnel using valid scientific methods and procedures.

.19 Substance Abuse By Applicants For Certification.

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

B. General.

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

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

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

(1) Been convicted or otherwise found guilty of selling, manufacturing, or distributing a controlled dangerous substance, narcotic drug, or marijuana;

(2) Ever illegally sold, produced, cultivated, distributed, or transported a controlled dangerous substance, narcotic drug, or marijuana;

(3) Illegally used a controlled dangerous substance, narcotic drug, or marijuana for any purpose within the 3 years prior to application for certification;

(4) Ever illegally used a controlled dangerous substance, narcotic drug, or marijuana for other than experimentation as specified under §D of this regulation; or

(5) Ever illegally used a controlled dangerous substance, narcotic drug, or marijuana while employed to enforce federal, State, or local law by any government entity for the purposes of enforcing federal, State, or local law by any government entity.

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

(1) Ever used:

(a) Heroin;

(b) Phencyclidine (PCP); or

(c) Lysergic acid diethylamide (LSD); or

(2) Other than heroin, PCP, LSD, or marijuana, used any controlled dangerous substance or narcotic drug, or any combination of controlled dangerous substances or narcotic drug that exceeds:

(a) A total of five times; or

(b) One time since becoming 21 years old; or

(3) Used marijuana:

(a) More than 20 times; or

(b) Five times since becoming 21 years old.

E. Prohibitions - Recertification.

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

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

(1) If any part of the background investigation indicates an applicant's current or prior use of a controlled dangerous substance, narcotic drug, or marijuana, the law enforcement unit shall investigate to determine if the use falls under the prohibitions specified in this regulation.

(2) The law enforcement unit shall verify the veracity of the applicant's statements, responses to questions, or any other information provided by the applicant related to the use of a controlled dangerous substance, narcotic drug, or marijuana using a truth verification device.

(3) If the law enforcement unit determines the use is prohibited by this regulation, the applicant is ineligible for certification by the Commission as a police officer.

(4) If the law enforcement unit determines the individual is currently using a controlled dangerous substance, narcotic drug, or marijuana in violation of State or federal law, the individual is ineligible for certification by the Commission as a police officer.

(5) If an individual becomes certified by the Commission as a police officer, the law enforcement unit employing the individual shall document and maintain information used to establish the individual's substance abuse history required by this regulation. These records are subject to audit.

G. Petition for Special Consideration.

(1) An agency head submitting an application for certification for an individual with a history of illegal use of a controlled dangerous substance, narcotic drug, or marijuana may petition the Commission based on articulated unique circumstances of the individual's use of a controlled dangerous substance, narcotic drug, or marijuana for a final determination as to the use being experimentation as specified under §D of this regulation.

(2) The agency head, or a designee, submitting a petition under §G(1) of this regulation shall:

(a) Specify the illegal controlled dangerous substance, narcotic drug, or marijuana used;

(b) Indicate the number of times the illegal controlled dangerous substance, narcotic drug, or marijuana was used;

(c) Provide the individual's age at the time of each use;

(d) Indicate how the information concerning the use of the illegal controlled dangerous substance, narcotic drug, or marijuana came to be known by the agency;

(e) Provide information concerning the agency's attempt to verify the information; and

(f) Identify the specific factors that the agency head believes the Commission should consider when making a determination as to experimentation that, at a minimum, include information concerning:

(i) Length of time used;

(ii) The motivation for the use;

(iii) The time that has passed since the last use;

(iv) How the illegal controlled dangerous substance, narcotic drug, or marijuana was obtained;

(v) How the illegal controlled dangerous substance, narcotic drug, or marijuana was ingested;

(vi) Why the individual stopped the use;

(vii) The individual's ability to perform as a police officer; and

(viii) Any other information that supports the unique circumstances that the agency head wants the Commission to consider; and

(g) Submit the petition to the Executive Director of the Police and Correctional Training Commissions.

(3) The Executive Director shall submit a petition received under §G(2) of this regulation to the Police Training Commission at the next scheduled meeting following receipt if the petition:

(a) Provides the information required by this regulation; and

(b) Is received at least 30 days before the next scheduled Commission meeting.

H. Hearing Not Required.

(1) An individual applying for certification has no right to appear before the Commission for the purpose of challenging a law enforcement 's determination that the individual used a controlled dangerous substance, narcotic drug, or marijuana contrary to the standards established by this regulation.

(2) The Commission's consideration of a petition under §G of this regulation is not a hearing.

.20 Minimum Standards for Defensive Tactics Instructors

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

B. Provisional Certification of Defensive Tactics Instructor.

(1) A provisional certification for a defensive tactics instructor is designed 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) Takes place during the 5 consecutive years immediately preceding application;

(b) Requires compliance with all other applicable Commission regulations; and

(c) Is valid for 1 year and may be renewed at anytime for one additional 1-year period.

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

(a) Provide classroom instruction,

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

(c) Assist in skill assessment;

C. Defensive Tactics Instructor Certification.

(1) 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 training in an entrance level training program.

(2) A defensive tactics instructor certification requires:

(a) A minimum of 2 cumulative years of criminal justice related defensive tactics skills experience that:

(i) Is determined as 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 training 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 §E of this regulation; and

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

D. Defensive Tactics Instructor Course.

(1) A defensive tactics instructor course shall:

(a) Be approved by the Commission;

(b) Be a minimum of 35 hours in length; and

(c) Include the following topics:

(i) Balance, awareness, and self-control;

(ii) Impact weapons;

(iii) Weapon retention;

(iv) Disarming;

(v) Vital points of the human anatomy;

(vi) Control holds;

(vii) Take-downs;

(viii) Handcuffing and searching;

(ix) Escorting and transporting of detainees;

- (x) Use of force continuum;
- (xi) Multiple adversaries; and
- (xii) Ground level defenses.

(2) Successful completion of the course requires:

(a) A minimum score of 70 percent on a written examination;
and

(b) Satisfactory demonstration of all practical skill elements required in the course.

(3) The Deputy Director may approve a:

(a) Defensive tactics instructor course which meets the standards of this regulation; or

(b) Combination of defensive tactics courses that:

(i) As determined by the Deputy Director, satisfactorily addresses the topics specified under §D(1) of regulation; and

(ii) Equals a minimum of 35 hours.

E. Evaluation Procedures.

(1) An evaluation of an applicant for certification as a defensive tactics instructor shall be:

(a) At a minimum, conducted twice during a current period of provisional certification as a defensive tactics instructor; and

(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.

F. Waiver.

(1) The Deputy Director may waive the defensive tactics instructor course requirement and approve certification for a defensive tactics instructor, if the applicant has:

(a) A minimum of 2 cumulative years of criminal justice related defensive tactics skills experience that:

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

(ii) Takes place during the 5 consecutive immediately preceding application;

(b) Conducted at least 4 hours of classroom instruction in the concepts and principles of defensive tactics;

(c) Conducted at least 8 hours of defensive tactics practical skills training instruction;

(d) Successfully completed an approved general instructor course as specified under Regulation .15 of this chapter;

(e) Successfully completed the equivalent of a defensive tactics instructor course as specified under §D of this regulation; and

(f) Produced supporting evidence such as copies of certifications or course curriculums, to document the applicant's extensive knowledge and abilities in the skill areas specified in §D(1) of this regulation.

(2) The Deputy Director may limit the subject matter that may be taught in an entrance level program by an individual receiving defensive tactics instructor certification based on a waiver under this section.

.21 Field Training.

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

B. The field training program:

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

(2) May be conducted in conjunction with an entrance level training program or a separate training activity provided by a law enforcement organization;

(3) Shall be a minimum of 80 hours in duration; and

(4) Shall be monitored by a certified police officer, the agency head, or a designee.

C. Documenting Field Training.

(1) The agency head or designee shall complete and submit a written statement to the Commission certifying that the individual successfully completed the field training specified under §B of this regulation.

(2) The statement shall be dated and signed by the agency head or designee.

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Francis Manear 5/2/05