

Commission Meeting Number 323

State of New Jersey Department of Law and Public Safety  
Division of Criminal Justice

**POLICE TRAINING COMMISSION**

Minutes of Commission Meeting

June 6, 2018

Location: Richard J. Hughes Justice Complex, 4th Floor Conference Center

Commission Members Present

<u>Organization</u>	<u>Attendee(s)/Representative(s)</u>
Office of the Attorney General, State of New Jersey	John F. Cunningham
New Jersey State Policemen's Benevolent Association	Michael Pellegrino
New Jersey State Association of Chiefs of Police	James Abbott
New Jersey State Lodge, Fraternal Order of Police	James Sharrock (Ariel Cortez)
County Prosecutors' Association of New Jersey	Fredric Knapp
Sheriffs' Association of New Jersey	Robert Nolan
Police Academy Director's Association	Daniel Colucci (Rocco Miscia)
Commissioner-Department of Education	Carl Carabelli
Commissioner-Department of Corrections	Aaron Erven
Federal Bureau of Investigation	Jason DeMartino
New Jersey Juvenile Detention Association	Thomas Pollio
New Jersey State Parole Board	Samuel Plumeri
National Organization of Black Law Enforcement Executives	Jiles Ship

Division of Criminal Justice Staff Present

Deputy Attorney General Analisa Holmes, PTC Counsel

Deputy Attorney General Sarah Luciano, Prosecution Supervision and Training Bureau

Deputy Attorney General Emily Anderson, Prosecution Supervision and Training Bureau

Deputy Attorney General Joseph F. Walsh, Prosecution Supervision and Training Bureau

Academy Coordinator Pat Jones, Police Training Commission

Academy Coordinator Tykeria T. Lockhart, Police Training Commission

Field Representative Dion Feltri, Police Training Commission

Field Representative John Janowiak, Police Training Commission

**Police Training Commission  
Meeting Minutes for June 6, 2018**

Administrator John F. Cunningham called the 323<sup>rd</sup> meeting of the Commission to order at 1:00pm.

Administrator Cunningham led the Commissioners in the flag salute. Commissioner Cunningham asked for a moment of silence in remembrance of the Law Enforcement and Military personnel who have lost their lives in the line of duty.

Academy Coordinator Tykeria T. Lockhart announced that “notice of the Commission meeting has been publicized in accordance with the provisions of the Open Public Meetings Law by notification to the Secretary of State and five newspapers. The notifications included a copy of the meeting agenda.”

Administrator Cunningham advised the Commissioners that there were two letters in the agenda. Correspondence from the Association of Chiefs of Police of Essex County to Essex County College Board of Trustees regarding the position of the Association on the elimination of the Associate Director’s position. Administrator Cunningham advised this would be discussed later in the Standards meeting. He also advised the Commissioners that the second letter was from Colonel Patrick J. Callahan, New Jersey State Police, confirming designees with regard to his representatives on the Police Training Commission. Captain Phillip J. Buck and Lieutenant Thomas Bonham will be the new representatives for the New Jersey State Police.

Administrator Cunningham asked the Commissioners to consider the minutes of the April 4, 2018 Commission meeting. Commissioner Oscar Aviles made a motion to accept the minutes as written. Commissioner James Sharrock seconded the motion. The Commissioners voted to approve the motion.

**Administrator Cunningham asked Chairperson Carabelli to report on the business of the Appeals and Legislation Committee.**

1. Commissioner Carabelli reported the following appeals were received since the April 4, 2018 PTC Meeting:

*Terry Powell, Jr. v. Camden County College Police Academy*  
*Timothy Grottendick v. Essex County College Public Safety Academy*  
*Joseph Mazza v. Morris County Public Safety Training Academy*

2. Commissioner Carabelli reported the following appeals were forwarded to the Office of Administrative Law since the April 4, 2018 PTC Meeting:

*Joseph Mazza v. Morris County Public Safety Academy*

*Timothy Grottendick v. Essex County College Public Safety Academy*

3. Commissioner Carabelli reported the following Initial Decisions were received from the Office of Administrative Law since the April 4, 2018 PTC Meeting:

*Andrew Mastice v. Essex County College Public Safety Academy*

*Zeinab Arafa v. New Jersey Department of Corrections Academy*

*Christopher Reece v. Passaic County Police Academy*

*Caridad Rivero v. New Jersey State Police Training Academy*

*Mathew Hahn v. Monmouth County Police Academy*

*Nicholas Diaz v. New Jersey State Police Training Academy*

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, moved and seconded a motion to affirm and adopt all six Initial Decisions. Commissioners Freeman abstained from voting in Nicholas Diaz v. New Jersey State Police Training Academy.

4. Commissioner Carabelli reported the following appeals were withdrawn since February 2018 PTC Meeting:

*Jordan Ruiz v. New Jersey State Police Training Academy*

*Meghan Scully v. New Jersey Department of Corrections Academy*

5. Consideration of **Extensions of Training Time** for County Corrections Officers and Juvenile Detention Officers.

Consideration of a Request for an Extension of Training Time for Two County Corrections Officers (Bergen County Sheriff's Office)

Consideration of a Request for an Extension of Training Time for Sixteen County Corrections Officers (Burlington County Department of Corrections)

Consideration of a Request for an Extension of Training Time for County Corrections Officer, Valaida M. Hall (Passaic County Sheriff's Office)

Consideration of a Request for an Extension of Training Time for County Detective, Nicole Gibbs (Morris County Prosecutor's Office)

Consideration of a Request for an Extension of Training Time for Juvenile Detention Officer, Casie N. Laricks (Bergen County Juvenile Detention)

Center)

Consideration of a Request for an Extension of Training Time for Juvenile Detention Officer, Brianna Salerno (Morris County Juvenile Detention Center)

Consideration of a Request for an Extension of Training Time for Police Officer, Sean P. Aitken (Glassboro Police Department)

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, moved and seconded a motion to combine Agenda Items 4A, 4C, 4D, 4E, 4F and 4G as a consent agenda and to grant the six-month extensions of training time requests with the exception of Talitha G. Fryar from Burlington County Department of Corrections. Commissioner Carabelli reported that the committee denied the request for Talitha G. Fryar due to it being her third extension and she was hired in July, 2016. The Commissioners voted to approve the motion.

### **Commissioner Carabelli concluded the Appeals and Legislation Committee Report**

**Administrator Cunningham asked Chairman James Sharrock to report on the business of the Standards Committee.**

1. Commissioner Sharrock indicated that **Agenda Item 6A** was a consideration of a Request from Chief Joseph J. Greco of the Readington Township Police Department to appeal the waiver denial for Brian J. Gilmurray.

On March 15, 2018 Chief Greco submitted a waiver request from BCPO to SLEO III on behalf of Brian J. Gilmurray. Upon review of the waiver it was determined that Brian J. Gilmurray retired from the Middlesex County Prosecutors Office on January 1, 2014. Prior to his employment with the Middlesex County Prosecutor, Investigator Gilmurray served with the Franklin Township Police Department for 20 years in the capacity of a patrol officer, and later a detective. Investigator Gilmurray served with Franklin Township until his appointment to the prosecutor's office in 2008.

Brian Gilmurray attended and graduated from the Somerset County Police Academy on May 2, 1989 with a certification in the Basic Course for Police Officer. Following his appointment to the position of investigator with the Middlesex County Prosecutors Office, Brian Gilmurray attended the Modified Course for Investigators at the Division of Criminal Justice Academy receiving certification in the Basic Course for Investigators on December 31, 2008.

In accordance with the provisions of N.J.S.A. 40A: 14-146.10g, staff determined that Brian J. Gilmurray was not eligible for a Waiver of Training, at the time of his retirement Brian J. Gilmurray was an investigator with the Middlesex County Prosecutors Office and not a member of a municipal police force, county police force, or the N.J. State Police.

Chief Grecco, Lt. Scott Crater, and Officer Brian Gilmurray were available at the meeting to provide further details regarding the waiver request and answer any questions or concerns.

After a lengthy discussion in the Standards Committee Meeting a vote was taken and it was split down the middle. The matter became open for discussion in the full committee meeting with no recommendation being made. After lengthier discussion, Commissioner Abbott moved a motion to grant the waiver based on the fact that Gilmurray be required to enroll in a BCPO course and complete portions of the course approved by the Commission in addition to the required Basic Course for School Resource Officers. **The Commission determined that the approval of this waiver would not set a precedent for future cases.** Commissioner Sharrock seconded the motion. The motion carried without any abstentions.

**Amendment: Commissioners Colucci, DeMartino and Erven voted no.**

2. Commissioner Sharrock indicated that **Agenda Item 6B** from Director Alfaro Ortiz, Jr., of the Essex County Department of Corrections to appeal the Waiver Denials for Domenick V. Pomponio, Maria Theodoridis, Terry Douglas, and Vincent Conti.

Essex County Department of Corrections Director, Alfaro Ortiz, is appealing a staff decision to deny Waivers of Training for Secured Facilities Investigators Dominick Pomponio, Maria Tsakiridis, Terry Douglas, and Vincent Conti. Individuals appointed to the title of Investigator Secured Facilities must complete the Basic Course for Investigators.

On May 1, 2018, Director Ortiz submitted a waiver of training on behalf of the above referenced investigators requesting credit for Physical Conditioning, Defensive Tactics and Firearms. Director Ortiz submitted this request based on the investigators having completed the Basic Course for County Correction Officers;

Dominick Pomponio: BCCO, Essex County Police Academy, May 23, 1997

Maria Tsakiridis: BCCO, Essex County Police Academy, July 15, 2007

Terry Douglas: BCCO, Essex County Police Academy, May 29, 1998

Vincent Conti: BCCO, Essex County Police Academy. March 16, 2011

Upon review of N.J.A.C. 13:1-8.4, Waivers, there is no credit for completion of the BCCO to BCI. In addition, the Waiver Appendix does not allow for partial credit from BCCO to BCI, therefore, the waivers were denied. In addition, at the August 2, 2017 meeting of the full Commission it was affirmed that County Investigators in the title of Investigator Secured Facilities must complete the BCI.

Director Ortiz and Lt. James Troisi of the Essex County Department of Corrections were available at the meeting to provide further details regarding the waiver requests and answer any questions or concerns.

Commissioner Sharrock moved and seconded a motion to grant the waivers with the requirement that the officers be waived from participating in physical training and defensive tactics training but required to participate in and complete firearms

qualifications or submit a challenge. It was also noted and agreed upon by Director Ortiz that this would be a one-time request from Essex County Department of Corrections for these four individuals. It is understood that this department would not request any waivers for the BCI training in the future. The Commissioners voted on the motion and the motion was approved.

3. Commissioner Sharrock indicated that Agenda Item 6C was a consideration of a request from Robert Nolan, Cape May County Sheriff, to enroll Sheriff's Investigator, Michael P. Siderio in the Basic Course for Investigators.

On May 1, 2018 Administrator Cunningham received a letter from Cape May County Sheriff Robert Nolan requesting to enroll Sheriff's Investigator Michael P. Siderio in the Basic Course for Investigators. Sheriff Nolan explains in his letter that Investigator Siderio will be assigned exclusively to the Internal Affairs Unit at the Sheriff's Office, and will be conducting investigations related to his assignment. In addition, Sheriff Nolan details that the Basic Course for Investigators will better prepare Investigator Siderio for his investigative responsibilities.

The standard course for Sheriff's Officers and Sheriff's Investigators is the Police Training Commission Basic Course for Police Officers.

Executive Undersheriff John Maher and Sheriff Nolan were available at the meeting to provide further details regarding the waiver requests and answer any questions or concerns.

DAG Robert Czepiel was also present representing the Division of Criminal Justice Training Academy. He spoke to the Commission and stated that the DCJ academy is already at capacity for their BCI courses and allowing Sheriff's Investigators to attend the BCI course would pose problems for their academy. His concern is that this would start of influx of applications from various Sheriff's departments if the waiver was approved. He requested that the Commission vote that Siderio be required to attend the BCPO course which is the current level of mandated training for Sheriff's Investigators by the PTC.

The Standards Committee moved and seconded a motion to deny the request. Eight Commissioners voted to approve the motion. Commissioners Ship and Polio voted to deny the motion. Commissioners Knapp and Nolan abstained. The motion was approved and a recommendation was made for the department to send Siderio to the BCPO training then to the MBCI course.

4. Commissioner Sharrock reported that Agenda Item 6D was a report of a request from Atlantic County Police Academy Director Sidney Terrell to conduct the Basic Firearms Course for Prosecutors. Administrator Cunningham approved the request on behalf of the Commission.

5. Commissioner Sharrock reported that Agenda Item 6E was a Report of a Request from the Essex County College Police Academy Director Rocco L. Miscia to Extend the 90-day

Medical Examination Limit for recruits Guiel Diaz, Joseph McChesney, and Thomas Melendez. Administrator Cunningham approved the requests on behalf of the Commission.

6. Commissioner Sharrock reported that Agenda Item 6F was a **Report** of a Request from Gloucester County Police Academy for a training accommodation for Recruit Donald Farnelli. Administrator Cunningham approved the request on behalf of the Commission.

7. Commissioner Sharrock reported that Agenda Item 6G was a **Report** of a Request from Ocean County Police Academy for Certification of the Beach Haven Municipal Building as a Satellite Training Facility. Administrator Cunningham approved the request on behalf of the Commission.

8. Commissioner Sharrock reported that Agenda Item 7A was a **Report** of a Request from Essex County College Police Academy Director Rocco L. Miscia to suspend Instructor Hakim Sims. Administrator Cunningham approved the request on behalf of the Commission.

9. Commissioner Sharrock reported that Agenda Item 7B was a **Report** of a Request from Passaic County Police Academy Director, Robert A. Lyons, to suspend Instructor Thomas Bolen. Administrator Cunningham approved the request on behalf of the Commission.

### **EMERGENT MATTER**

Administrator Cunningham advised the Commission that an urgent matter had been placed on the agenda in reference to staffing issues at Essex County College Public Safety Academy. He reported that on June 1, 2018, Essex County College laid off the Associate Director of the academy, Paul Costello. This reduced the academy's full-time staff to just one person, Director Rocco Miscia. Essex County College Public Safety Academy is the second largest academy in the state by volume.

On May 15, 2018, Administrator Cunningham, DAG Joseph Walsh, and Field Representative John Janowiak, Associate Director Paul Costello and Director Rocco Miscia met with the college's attorney, Syrion Jack to discuss a plan. The college was to develop a plan and submit to Administrator Cunningham for review. On May 30, 2018, Administrator Cunningham received a plan from the College President. The plan included a "leader of the day" type management style to accommodate for coverage when Director Miscia would be absent from the academy. Administrator Cunningham found the plan to be inadequate to efficiently run the academy properly. The Dean was advised that they would be in jeopardy of losing their certification and the matter would be discussed on at the next Commission meeting.

Two attorneys, Syrion Jack and Joy Toliver, along with Dean Viera appeared to give more information and answer questions. They ultimately advised that the College's Public Safety Police Chief and his Assistant Chief were informed they would be needed to oversee the academy and they agreed. Attorney Joy Toliver advised that the college's board of trustees will be meeting again on June 19<sup>th</sup> and will develop a plan and submit to Administrator Cunningham on June 20<sup>th</sup>.



**Amendment: The attorneys representing Essex County College requested that Director Miscia be recused during the open public meeting. Director Miscia was not present during the public session of the PTC meeting.**

Commissioner Colucci made a motion to limit the academy to only being allowed to run one BCPO course of 112 recruits and a Firearms Instructors Course going forward until December when the academy is due for re-certification. Classes currently in progress are allowed to continue. The submission of the plan from the College will determine if the restriction can be lifted, or if the academy will face potential suspension of their certification. Sharrock seconded the motion.

**Commissioner Sharrock concluded the Standards Committee report.**

Administrator Cunningham announced **Agenda Item 8A** was a Status Report of the Law Enforcement Officers Training and Equipment Fund (LEOTEF).

Quarterly expense reports for the 1<sup>st</sup> quarter of 2018 are being reviewed and processed. Technical assistance in preparing quarterly expense reports has been provided. Supplemental academy requests for LEOTEF purchases also have been reviewed and approved. All police academies have received their SFY 2017 LEOTEF funds (29<sup>th</sup> distribution).

Administrator Cunningham reported on the status of the new PTC computer system. PTC staff continues to have regular discussions with vendor. These discussions have allowed for additional functionality in the system. Administrator Cunningham also announced that going forward the meeting agenda will be sent via email through a myNewJersey portal. He advised the Commissioners that there is a sign-up sheet available that will be passed around so that everyone can provide their contact information to establish their portal accounts.

Administrator Cunningham asked if there were any comments from the public. There were no comments from the public.

Administrator Cunningham asked for a motion to adjourn the meeting at 2:40 p.m. Commissioner Sharrock made a motion to adjourn the meeting. Commissioner Colucci seconded the motion. The Commissioners voted to approve the motion.