

Commission Meeting Number 325

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

POLICE TRAINING COMMISSION

Minutes of Commission Meeting

October 3, 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 (Patrick Colligan)
New Jersey State Association of Chiefs of Police	James Abbott (Richard Buzby)
New Jersey State Lodge, Fraternal Order of Police	James Sharrock
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	Steven Tallard (Alternate)
National Organization of Black Law Enforcement Executives	Absent
Citizen Member—Governor's Appointment	Margaret Freeman
Citizen Member—Governor's Appointment	Vacant

New Jersey League of Municipalities

Bruce Cocuzza

New Jersey Jail Wardens Association

Absent

New Jersey State Police

Absent

Division of Criminal Justice Staff Present

Deputy Attorney General Analisa Holmes, PTC Counsel

Deputy Attorney General Robert Czepiel, Deputy Bureau Chief

Deputy Attorney General Jeffrey Barile, Deputy Chief, Prosecution Supervision and Training Bureau

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 August 2, 2018**

Administrator John F. Cunningham called the 325th meeting of the Commission to order at 12:18 pm.

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 asked the Commissioners to consider the minutes of the August 1, 2018 Commission meeting. Commissioner James Sharrock made a motion to approve the minutes as written. Commissioner Daniel Colucci 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 August 1, 2018 PTC Meeting:

Justin Ortiz v. Essex County College Public Safety Academy
Alexia Petrillo v. John H. Stamler Police Academy
Katrina Thompson v. Essex County College Public Safety Academy

2. Commissioner Carabelli reported that no appeals were referred to the Office of Administrative Law.

Justin Ortiz v. Essex County College Public Safety Academy
Alexia Petrillo v. John H. Stamler Police Academy
Katrina Thompson 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 June 6, 2018 PTC Meeting:

Danielle Spann v. Monmouth County Police Academy

The Initial Decision memorializes a Settlement Agreement between the trainee and the Academy. In the Settlement Agreement, the trainee withdraws her appeal. The parties have agreed that the records of the Academy shall reflect that the trainee did not complete the basic course for “administrative reasons.” The trainee waives any and all claims against the Academy. The settlement shall not act as a bar to the trainee seeking future law enforcement employment, nor attending the Monmouth County Police Academy.

Robkeerah Sampson v. New Jersey State Police Training Academy

The Initial Decision memorializes a Settlement Agreement between the trainee and the Academy. In the Settlement Agreement, the trainee withdraws her appeal, agrees that she will not continue to seek employment as a police officer with the Newark Police Department and waives any and all claims against the Academy. The trainee maintains the right to seek employment with Newark PD in the future from a new Civil Service list or as a “lateral transfer.” The trainee may seek employment with other police departments. The Academy agrees to amend the trainee’s dismissal for failure to meet the PT standard to a voluntary resignation in good standing.

Patricia Aybar-Rodriguez v. Monmouth County Police Academy

In the Initial Decision following a hearing, the OAL judge upheld the dismissal of the trainee from the Academy for firearms failure (failure to successfully complete the firearms qualification requirement), rejecting the trainee’s argument that she should have received additional remedial training. Furthermore, the judge affirmed the employing agency’s decision to terminate employment of the trainee.

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, moved and seconded a motion to affirm and adopt all three Initial Decisions.

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

Ercilia Riordan v. Monmouth County Police Academy

Martin McDonald v. N.J. Department of Corrections Training Academy

Alesha Bethea v. Mercer County Police

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

- 4A Consideration of a Request for an Extension of Training Time for Five County Corrections Officers (Bergen County Sheriff's Office)
- 4B Consideration of a Request for an Extension of Training Time for County Correction Officer, Nathaniel Heaton (Cumberland County Department of Corrections)
- 4C Consideration of a Request for an Extension of Training Time for Six County Corrections Officers (Middlesex County Adult Corrections)
- 4E Consideration of a Request for an Extension of Training Time for Five County Corrections Officers (Salem County Correctional Facility)

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, moved and seconded a motion to combine Agenda Items 4A, 4B, 4C, and 4E as a consent agenda and to grant the six-month extensions of training time requests. The Commissioners voted to approve the motion.

- 4D Consideration of a Request for an Extension of Training Time for Nine County Corrections Officers (Morris County Jail)
- 4H Consideration of a Request for an Extension of Training Time for Juvenile Detention Officer, Barbara Q. Lloyd (Essex County Juvenile Detention Center)

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, moved and seconded a motion to combine Agenda Items 4D and 4H as a consent agenda and to deny the extensions of training time requests. The Commissioners voted to approve the motion.

- 4F Consideration of a Request for an Extension of Training Time for County Corrections Officer, Maggie R. Jernick (Sussex County Sheriff's Office)
- 4G Consideration of a Request for an Extension of Training Time for Juvenile Detention Officers, Nadera Edwards and Meara E. Silberstein (Burlington County Juvenile Detention Center)
- 4I Consideration of a Request for an Extension of Training Time for Youth Worker, Willard Brown III (Juvenile Justice Commission)

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, moved and seconded a motion to combine Agenda Items 4F, 4G, and 4I as a consent agenda and to grant the six-month extensions of training time requests. 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 Richard Molinari of the Union City Police Department to appeal the Waiver Denial for Enrico Gnassi.

On July 20, 2018, Chief Molinari submitted a waiver request from BCPO to SLEO III on behalf of his agency. Upon review of the waiver, it was determined that Enrico Gnassi retired from the Hoboken Police Department on March 1, 2011. Enrico Gnassi attended and graduated from the Bergen County Police Academy on December 30, 1985 with a certification in the Basic Course for Police Officer.

On March 11, 2011, Enrico Gnassi accepted a position with the Stevens Institute of Technology Police Department as a campus police officer. Officer Gnassi remains employed with the Stevens Institute Police Department.

In accordance with the provisions of N.J.S.A. 40A: 14-146.10g, staff determined that Enrico Gnassi was not eligible for a Waiver of Training. Enrico Gnassi was appointed as SLEO III with the Union City Police on July 20, 2018, 7 years after retirement from the Hoboken Police Department.

Enrico Gnassi was available at the meeting to provide further details about his training and to answer any questions. No one from Union City Police Department was present.

Commissioner Sharrock on behalf of the Standards Committee moved and seconded a motion to deny the waiver request. Commissioner Sharrock noted that the Commission does not have the statutory authority to waive the state statute. The motion carried and the waiver request for Enrico Gnassi was denied.

2. Commissioner Sharrock indicated that **Agenda Item 6B** was Consideration of a Request from Chief John Mioduszewski of the Holmdel Township Police Department to appeal the Waiver Denial for Charles Hancock.

On August 9, 2018, Chief Mioduszewski submitted a waiver request from SLEO II (MBCI) to SLEO III on behalf of his agency. Upon review of the waiver, it was determined that Charles Hancock retired from the Essex County Prosecutors Office on February 1, 2014. Prior to his employment with the Essex County Prosecutor, Investigator Hancock served with the Montclair Police Department for 11 years as a patrol officer. Investigator Hancock served with the Montclair Police until his appointment as a prosecutor's investigator in 1999. Charles Hancock attended and graduated from the Essex County Police Academy on December 1, 1988 with a certification in the Basic Course for Police Officer.

Following his appointment to the position of investigator with the Essex County Prosecutors Office, Charles Hancock attended the Modified Course for Investigators at the Division of Criminal Justice Academy receiving certification in the Basic Course for Investigators on December 31, 2000. In addition, Charles Hancock received a waiver of training for BCI TO SLED II upon his appointment as a SLEO II with the Holmdel Police Department on August 18, 2015. Charles Hancock completed the required SLEO II waiver training at the Monmouth County Police Academy on May 12, 2016.

In accordance with the provisions of N.J.S.A. 40A: 14-146.10g, staff determined that Charles Hancock was not eligible for a Waiver of Training. At the time of his retirement Charles Hancock was an investigator with the Essex County Prosecutors Office and not a member of a municipal or county police force. Further, Charles Hancock was retired more than 3 years at time of appointment as a SLEO III.

Captain Frank Alloco was available at the meeting to provide further details regarding the waiver request and answer any questions or concerns.

Commissioner Sharrock on behalf of the Standards Committee, moved and seconded a motion to deny the waiver request. Commissioner Sharrock noted that the Standards Committee recommended the waiver denial as it violates state statute. The motion carried and the waiver request for Charles Hancock was denied.

3. Commissioner Sharrock indicated that **Agenda Item 6C** was Consideration of a Request from Chief Mark DiCarlo of the Morris Township Police Department to appeal the Waiver Denial for Jose Gonzalez, Jr.

On August 21, 2018, Chief DiCarlo submitted a waiver request from BCI to SLED III on behalf of his agency. Upon review of the waiver, it was determined that Jose L. Gonzalez Jr. retired from the Essex County Prosecutors Office on February 1, 2015. Prior to his employment with the Essex County Prosecutor, Investigator Gonzalez served with the Newark Police Department for 13 years as a patrol officer. Investigator Gonzalez served with the Newark Police until his appointment as a prosecutor's investigator in December of 2006.

Jose L. Gonzalez Jr. attended and graduated from the Newark Police Academy on October 29, 1993 with a certification in the Basic Course for Police Officer. Following his appointment to the position of investigator with the Essex County Prosecutors Office, Jose L. Gonzalez Jr. 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: 14-146.1, staff determined that Jose L. Gonzalez Jr. was not eligible for a Waiver of Training. At the time of his retirement Jose L. Gonzalez Jr. was an investigator with the Essex County Prosecutors Office and not a member of a municipal or county police force. Further, Jose L. Gonzalez Jr. was retired more than 3 years at time of appointment as a SLEO III.

Chief Mark DiCarlo and Officer Jose Gonzalez, Jr., were available at the meeting to provide further details regarding the waiver request and answer and questions or concerns.

Commissioner Abbott made a motion to grant the waiver and consider it under the same terms that the Gilmurray waiver was considered in the June, 2018 meeting without precedence. Commissioner Sharrock seconded the motion. Commissioners Erven and Colucci voted against the motion.

The motion was approved and the waiver was granted.

4. Commissioner Sharrock indicated that **Agenda Item 6D** was Consideration of a Waiver Request from Chief Kevin Flaherty, of the Secaucus Police Department, for Police Officer Frederick P. Kowal III.

Officer Kowal attended and graduated from the Basic Course for Police Officers at the Bergen County Police Academy. The course was conducted from January 20, 2017 through June 15, 2017. At the time of his attendance, Officer Kowal was a Special Agent with the Morristown and Erie Railway. Officer Kowal did not receive PTC Certification, as he attended for enrichment purposes only. The Morristown and Erie Railway is not covered under the Police Training Act, therefore, their officers are not required to attend a Police Training Commission Certified Course for Police Officers.

Upon researching this matter, it was determined that officers similarly circumstanced received PTC Certification through the Alternate Route Process. The officers attended for enrichment purposes, and once appointed as police officers, they were required to complete FA-15, Agency Training. The academy would then submit the required verification; PTC Staff issued the certification.

It was noted that should the Commission approve the waiver request, Officer Kowal would need to complete FA-15, Agency Training.

Commissioner Colucci made a motion approve the waiver request. Commissioner Abbott seconded the motion. The motion carried and the waiver request was approved.

5. Commissioner Sharrock indicated that **Agenda Item 6E** was Consideration of a Waiver Request from Lieutenant Juan Barrera, of the Guttenberg Police Department, for Police Officer Anthony Cosma.

On September 13, 2018, Lieutenant Barrera, Guttenberg Police, submitted a waiver request from Enrichment (BCPO) to BCPO, on behalf of Anthony M. Cosma. Officer Cosma attended and graduated from the Basic Course for Police Officers at the Bergen County Police Academy. The course was conducted from January 19, 2018 through June 14, 2018. At the time of his attendance, Officer Cosma was a Special Agent with the Morristown and Erie Railway. Officer Cosma did not receive PTC Certification, as he attended for enrichment purposes only. The Morristown and Erie Railway is not covered under the Police Training Act, therefore, their officers are not required to attend a Police Training Commission Certified Course for Police Officers.

Upon researching this matter, it was determined that officers similarly circumstanced received PTC Certification through the Alternate Route Process. The officers attended for enrichment purposes, and once appointed as police officers, they were required to complete FA-15, Agency Training. The academy would then submit the required verification; PTC Staff issued the certification.

It was noted that should the Commission approve the waiver request, Officer Cosma would need to complete FA-15, Agency Training.

Commissioner Colucci made a motion approve the waiver request. Commissioner Abbott seconded the motion. The motion carried and the waiver request was approved.

6. Commissioner Sharrock indicated that **Agenda Item 6F** was Consideration of a Waiver Request from Sheriff Michael Saudino, Bergen County Sheriff's Office for Officer Rafael A. Rivera.

On September 9, 2018, Sheriff Michael Saudino, Bergen County, submitted a waiver request from Enrichment (BCPO) to BCPO, on behalf of Rafael A. Rivera. Investigator Rivera attended and graduated from the Basic Course for Police Officers at the Bergen County Police Academy. The course was conducted from January 22, 2016 through June 16, 2016. At the time of his attendance, Investigator Rivera was a Special Agent with the Morristown and Erie Railway. Investigator Rivera did not receive PTC Certification, as he attended for enrichment purposes only. The Morristown and Erie Railway is not covered under the Police Training Act, therefore, their officers are not required to attend a Police Training Commission Certified Course for Police Officers. Upon researching this matter, it was determined that officers similarly circumstanced received PTC Certification through the Alternate Route Process. The officers attended for enrichment purposes, and once appointed as police officers, they were required to complete FA-15, Agency Training. The academy would then submit the required verification; PTC Staff issued the certification.

It was noted that should the Commission approve the waiver request, Investigator Rivera will need to complete FA-15, Agency Training.

Commissioner Colucci made a motion approve the waiver request. Commissioner Abbott seconded the motion. The motion carried and the waiver request was approved.

7. Commissioner Sharrock indicated that **Agenda Item 6G** was Consideration of a Waiver Request from Chief Robert Anzilotti, Bergen County Prosecutor's Office for Investigator Anthony J. Cilento.

On September 7, 2018, Chief Robert Anzilotti, Bergen County Prosecutors Office, submitted a waiver request from Enrichment (BCPO) to BCI, on behalf of Anthony J. Cilento. Investigator Cilento attended and graduated from the Basic Course for Police Officers at the Bergen County Police Academy. The course was conducted from January 22, 2016 through June 16, 2016. At the time of his attendance, Investigator Cilento was a Special Agent with the Morristown and Erie Railway. Investigator Cilento did not receive PTC Certification, as he attended for enrichment purposes only. The Morristown and Erie Railway is not covered under the Police Training Act, therefore, their officers are not required to attend a Police Training Commission Certified Course for Police Officers. Upon researching this matter, it was determined that officers similarly circumstanced received PTC Certification through the Alternate Route Process. The officers attended for enrichment purposes, and once appointed as police officers, they were required to complete FA-15, Agency Training. The academy would then submit the required verification; PTC Staff issued the certification. Should the Commission approve a waiver for Investigator Cilento, as an Alternate Route to BCI, he would need to complete the following portions of the Basic Course for Investigators:

- Agency Training for Investigators as specified in the applicable Basic Course for Investigators curriculum performance objectives.
- Qualification with the agency authorized firearm according to the Semi-Annual Firearm Qualification and Requalification Manual for New Jersey Law Enforcement.
- Additional BCI courses consistent with Alternate Route to BCI waiver category.

Commissioner Colucci made a motion approve the waiver request. Commissioner Abbott seconded the motion. The motion carried and the waiver request was approved.

8. Commissioner Sharrock indicated that **Agenda Item 6H** was Consideration of a Waiver Request from Chief Thomas M. Shine, Old Tappan Police Department for Officer Theodore E. Cebulski.

On September 4, 2018, Chief Thomas M. Shine, Old Tappan Police Department, submitted a waiver request from Enrichment (BCPO) to BCPO, on behalf of Theodore E. Cebulski Officer Cebulski attended and graduated from the Basic Course for Police Officers at the Bergen County

Police Academy. The course was conducted from July 22, 2016 through December 15, 2016. At the time of his attendance, Officer Cebulski was a Special Agent with the Morristown and Erie Railway. Officer Cebulski did not receive PTC Certification, as he attended for enrichment purposes only. The Morristown and Erie Railway is not covered under the Police Training Act, therefore, their officers are not required to attend a Police Training Commission Certified Course for Police Officers. In researching this matter, it was determined that officers similarly circumstanced received PTC Certification through the Alternate Route Process. The officers attended for enrichment purposes, and once appointed as police officers, they were required to complete FA-15, Agency Training. The academy would then submit the required verification; PTC Staff issued the certification.

It was noted that should the Commission approve the waiver request, Officer Cebulski would need to complete FA-15, Agency Training.

Commissioner Colucci made a motion approve the waiver request. Commissioner Abbott seconded the motion. The motion carried and the waiver request was approved.

At this time, the Commission agreed that no more waiver requests for former employees of the Erie & Morristown Railroad would be approved in the future.

9. Commissioner Sharrock indicated that **Agenda Item 6I** Consideration of a Request from Chief Robert Anzilotti of the Bergen County Prosecutor's Office to appeal the Waiver Denials for Roni Wildoner and Nicola Onnembo.

Bergen County Prosecutors Office Chief, Robert Anzilotti, is appealing a staff decision to deny a Waiver of Training for Sergeant Roni Wildoner, Bergen County Sheriff's Department.

On July 26, 2018, Chief Anzilotti submitted a waiver request from BCSCO/HLEO I to HLEO 2018, on behalf of his agency. Upon review of the waiver, it was determined that Sergeant Wildoner did not meet the waiver criteria as established by the Commission on June 6, 2018. PTC Staff has Commission approval to grant waivers to individuals who have completed the BCPO or the BCI. . Sergeant Roni Wildoner attended and graduated from the New Jersey Department of Corrections Academy on May 10, 2001 with PTC certification in the Basic Course for State Correction Officer. In addition, Sergeant Wildoner holds a PTC Certification in the HLEO I Course issued by the Bergen County Police Academy on June 25, 2011. Sergeant Wildoner was employed as a correction officer with the New Jersey Department of Corrections from May 12, 2001 until her appointment as a correction officer with the Bergen County Sheriff's Office on May 1, 2006, Sergeant Wildoner has continued to meet the required annual in service training requirements.

Based on a curriculum review of the basic courses that Sergeant Wildoner has completed, and in accordance with N.J.A.C. 13:1-8.4, Sergeant Wildoner would be eligible to receive substantial training credit.

It was noted that should the Commission find in favor of the appellant in this matter, Sergeant