

Commission Meeting Number 326

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

POLICE TRAINING COMMISSION

Minutes of Commission Meeting

December 5, 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	Kevin Lyons
New Jersey State Association of Chiefs of Police	James Abbott
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	Jiles Ship
Citizen Member—Governor's Appointment	Absent
Citizen Member—Governor's Appointment	Vacant
New Jersey League of Municipalities	Samuel A. DeMaio

New Jersey Jail Wardens Association

Michael Tolerico (Alternate)

New Jersey State Police

Domingo De Los Santos (Alternate)

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

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 December 5, 2018**

Administrator John F. Cunningham called the 326th meeting of the Commission to order at 12:35 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 October 3, 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.

Deputy Attorney General Analisa Holmes spoke and announced that she will be retiring effective December 31, 2018 after twenty-five years of state service. She thanked the Commission for their service and announced that Deputy Attorney General Robert Czepiel would be the new Bureau Chief for the Division of Criminal Justice-Prosecutor’s Supervision and Training Bureau and would also be serving as the new PTC Counsel upon her retirement. She also announced that Deputy Attorney Joseph Walsh was promoted to Special Assistant to the Attorney General. Both DAG Holmes and DAG Walsh were presented with certificates from the Commission and thanks for their service.

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 October 3, 2018 PTC Meeting:

Luis Mejias v. New Jersey State Police Academy
Marlene Nieves v. New Jersey State Police Academy
Nianza Watkins v. New Jersey State Police Academy
David Harrington v. John Stamler Police Academy
Terrell Chambers v. New Jersey State Police Academy
Ashley Manna v. Passaic County Police Academy
Anipsel Anziani v. Passaic County Police Academy

2. Commissioner Carabelli reported that the following appeals were referred to the Office of Administrative Law.

Terrell Chambers v. New Jersey State Police Academy
Anipsel Anziani v. Passaic County Police Academy

3. Commissioner Carabelli reported that the following appeals was withdrawn by Petitioner at Office of Administrative Law or PTC

Jaelyn Fricano v. Monmouth County Police Academy

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

Nicholas Economides 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 his appeal. The parties have agreed that the records of the Academy shall reflect that the trainee voluntarily withdrew from the basic course because of a shoulder injury. 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.

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

5. Commissioner Carabelli reported that there were seven **Academy Re-certifications**.

3A Commissioner Carabelli reported that **Agenda Item 3A was a Consideration of a Request** from Essex County Public Safety Academy for Academy Certification. Commissioner Carabelli moved and seconded a motion to approve the initial certification from January 1, 2019 through December 31, 2021 with the exception of the tactical training center which does not have a valid fire certification.

3B Commissioner Carabelli reported that **Agenda Item 3B was a Consideration of a Request** from Ocean County Police Academy for Academy Re-Certification. Carabelli moved and seconded a motion to approve the re-certification from January 1, 2019 through December 31, 2021.

3C Commissioner Carabelli reported that **Agenda Item 3C was a Consideration of a Request** from the Juvenile Justice Training Academy for Academy Re-Certification.

Carabelli moved and seconded a motion to approve the re-certification from January 1, 2019 through December 31, 2021 with the exception of Building 54 as it does not currently have a valid fire certification.

3D Commissioner Carabelli reported that **Agenda Item 3D was a Consideration of a Request** from the new Jersey Department of Corrections for Academy Re-Certification. Carabelli moved and seconded a motion to approve the re-certification from January 1, 2019 through December 31, 2021. Commissioner Erven abstained.

3E Commissioner Carabelli reported that **Agenda Item 3E was a Consideration of a Request** from the Mercer County Police Academy for Academy Re-Certification. Carabelli moved and seconded a motion to approve the re-certification from January 1, 2019 through December 31, 2021.

3F Commissioner Carabelli reported that **Agenda Item 3F was a Consideration of a Request** from the Division of Criminal Justice Academy for Academy Re-Certification. Carabelli moved and seconded a motion to approve the re-certification from January 1, 2019 through December 31, 2021 with the exception of Building 54 as it does not currently have a valid fire certification.

6. 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 Two County Corrections Officers (Bergen County Sheriff's Office)
- 4B Consideration of a Request for an Extension of Training Time for Three County Correction Officers, (Burlington County Department of Corrections)
- 4C Consideration of a Request for an Extension of Training Time for Nine County Corrections Officers (Morris County Jail)
- 4D Consideration of a Request for an Extension of Training Time for County Corrections Officer, Richard Jones (Union County Department of Corrections).
- 4E Consideration of a Request for an Extension of Training Time for Juvenile Detention Officer, Brianna E. Salerno (Morris County Juvenile Detention Center).

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

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

- 4F Consideration of a Request for Reconsideration of Extension of Training Time Denials for Nine County Corrections from Warden Chris Klein (Morris County Jail).

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, moved and seconded a motion to approve the reconsideration request to cover the time for Officers May, Brady and Woltman for two months to allow them to enroll in the basic class being held at Morris County Public Safety Academy. The Commission approved the motion and also honored the approval given by the PTC staff.

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 **Requests** from Daniel Colucci, President, Academy Directors Association; Darryl Breckenridge, Director, Monmouth County Police Academy, and Michael A. Fedorko, Atlantic County Department of Public Safety to comingle SLEO II trainees with BCPO trainees.

Administrator Cunningham received several letters requesting to relax the PTC Directive concerning the prohibition on co-mingling SLEO II and BCPO Trainees. I received the requests from the below listed individuals on behalf of their organization or academy:
Daniel Colucci, President, Academy Directors Association
Darryl Breckenridge, Director, Monmouth County Police Academy
Michael A. Fedorko, Director, Atlantic County Department of Public Safety
All of the above individuals are requesting that SLEO II Trainees be allowed to comingle with BCPO Trainees, thus, having both the SLEO II and BCPO candidates receive the same course of instruction. The Commission, citing concerns of improper certification by some PTC Academies, discontinued the practice of co-mingling. The main concern became the issuing of BCPO Certifications to candidates who did not possess appointments as full time officers. It became apparent that academies were having SLEO II candidates, erroneously complete BCPO, PTC 3 Cards, therefore, circumventing established PTC Rules and Regulations. The Commission, over the past year has discussed this matter informally, should the Commissioners

agree to allow the co-mingling it is imperative that strict policy and procedures are established. In addition, individuals who attend co-mingled classes will receive a SLEO II Certification; therefore, requiring submission of a Waiver Request by appointing agencies should they wish to receive training credit from SLEO II to BCPO. Further, many SLEO II Officers work limited hours during their 3 year waiver eligibility period, gaining little to no experience, making a waiver course imperative.

Daniel Colucci and Darryl Breckenridge were present to answer questions and provide information. After a lengthy discussion about the current SLEO II program, Commissioner Sharrock on behalf of the Standards Committee moved a motion to approve the request. Effective January 1, 2019, Atlantic, Morris and Monmouth County Police Academies are allowed to comingle SLEOII and BCPO classes as one year pilot program with the understanding that SLEO II recruits will only receive SLEO II certifications upon course completion. The PBA and FOP will also form a second committee to evaluate SLEOII practices. Commissioner Lyons seconded the motion. The Commissioners approved the motion. Commissioner Colucci abstained.

2. Commissioner Sharrock indicated that **Agenda Item 6B** was Consideration of a **Request** from Chief Dean Ackermann of the Glen Rock Police Department to appeal the Waiver Denials for ACO/ACI Kristen A. Gunderson, Kimberly Nagle and Carol A. Tyler. Glen Rock Police Chief, Dean Ackermann, is appealing a staff decision to deny Waivers of Training for ACO/ACI Kristen A. Gunderson, Kimberly Nagle, and Carol A. Tyler.

On July 23, 2018, Chief Ackermann submitted waiver requests from ACO/ACI to HLEO 2018 on behalf of his agency. Chief Ackermann requested that ACO/ACI Gunderson, Kimberly Nagel, and Carol Nagel receive training credit for completion of the Department of Health Animal Control Officer Course and the Animal Cruelty Investigators Course completed by the three candidates. On October 3, 2018, the Commission entered into a lengthy discussion in reference to potential Training Waivers for individuals who completed the PTC HLEO 2011 Course, DOH Animal Control Officer Course, and the DOH Animal Cruelty Investigator Course. The Commissioners determined that training credit, in accordance with N.J.A.C. 13:1-8.4, may be granted when the individual has received training, which is "substantially equivalent" to the required training. Upon review of the HLEO 2011, ACO, and ACI Courses, it is noted that the courses are not "substantially equivalent" to the HLEO 2018 Basic Course, approved by the Commission on June 6, 2018.

The following differences were noted:

HLEO 2011, ACO/ACI

Use of Force - 1 Hour

Arrest, Search, and Seizure - 1 Hour

Defensive Tactics — 3 Hours

Physical Conditioning — 0 Sessions

HLEO 2018

Use of Force -16 Hours

Arrest, Search, and Seizure- 16 Hours

Defensive Tactics - 40 Hours

Physical Conditioning- Minimum 15 Sessions

In addition to the Physical Conditioning Sessions, the candidate must pass the Physical Conditioning Assessment in accordance with PTC Standards. The course was also updated to include changes made to the Animal Cruelty Statue, N.J.A.C. Title 4. The Humane Law Enforcement Course 2018 was developed in accordance with the legislative intent of P.L. 2017, Chapter 331, which was to professionalize, and properly train Humane Law Enforcement Officers in the State of New Jersey. The Commission has an obligation to ensure that all law enforcement officers in New Jersey are trained to highest standard, HLEO 2018 accomplishes this objective. Further, the safety of those enforcing the law, and the public they protect, must be of paramount concern, this is realized through proper training.

Detective Forest Lyons, Ridgewood Police Department, Carol A. Tyler, Glen Rock ACO/ACI, Chief Christopher Minchin. Ho-Ho-Kus Police Department, and Chief Dean Ackerman, Glen Rock Police Department were all available to answer questions and provide additional information. After a lengthy discussion about the training and certification of the current ACO/ACIs, Commissioner made a motion to deny the waiver request based on the fact that the individuals do not hold substantially equivalent training to the mandated training for the HLEO 2018 course. Commissioner Colucci seconded the motion. Commissioner Abbott abstained. The motion carried.

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 John T. Stranahan, Sr. of the Penns Grove Police Department to appeal the waiver denial for SLEO II John J Nero.

Penns Grove Police Chief, John T. Stranahan, is appealing a staff decision to deny a Waiver of Training for SLEO II, John J. Nero. On October 22, 2018, Chief Stranahan submitted a waiver request from SLED II to BCPO on behalf of his agency. John J. Nero attended and graduated from the Cape May County Police Academy on June 27, 2015 with a certification in the Basic Course for Special Law Enforcement Officer Class II. Upon review of the waiver request, it was noted that John J. Nero was appointed to the position of Police Officer; effective October 16, 2018; eligibility for a Waiver of Training had expired on June 27, 2018. In accordance with the provisions of N.J.A.C. 13:1-8.4(b), staff determined that John J. Nero was not eligible for a Waiver of Training, at the time of his appointment to the title of Police Officer, John J. Nero had

exhausted his three years of waiver eligibility.

Lieutenant Patrick Riley, Penns Grove Police Department, was available to provide additional information and answer questions.

Commissioner Colucci made a motion to deny the waiver request based on the fact that the officer's waiver eligibility expired on June 27, 2018. Commissioner DeMartino seconded the motion. The motion was approved and the waiver was denied.

4. Commissioner Sharrock indicated that **Agenda Item 6D** was Consideration of a Request from Chief R. Mattson, Borough of Woodstown Police Department to extend the Alternate Route Certification eligibility for Kevin P. O'Hara.

Chief Ray Mattson, Woodstown Police Department, has requested an extension of Alternate Route certification eligibility for Kevin P. O'Hara, who was appointed to the position of police officer by the Borough of Woodstown on November 1, 2011. Prior to his appointment, Kevin P. O'Hara attended the Basic Course for Police Officers (BCPO) as an Alternate Route trainee at the Gloucester County Police Academy in PTC Class # 3254, which was conducted from March 1, 2010, through July 15, 2010. Even though an Alternate Route trainee completes the BCPO at a police academy, PTC certification is not granted until the individual is appointed to the position of police officer, and successfully completes the agency training portion of the curriculum. In the instance of Kevin P. O'Hara, there is no record of such training; therefore, he has not received final certification for successful completion of the BCPO.

The matter now before the Commission is the request from Chief Mattson that eligibility to complete agency training and receive certification in the BCPO be extended for Kevin P. O'Hara, who has served for the past 7 years as a police officer with the Woodstown Police Department. In accordance with PTC policy, an Alternate Route trainee must be appointed as a police officer within three years from the date of graduation, and then complete Agency Training to receive final BCPO certification. Although Kevin P. O'Hara was appointed within the three year period, he has not yet completed his training and finalized his PTC certification. Based upon the totality of the circumstances, including the fact that revisions have been made to the BCPO curriculum since 2010, PTC staff recommends that if an extension of Alternate Route eligibility is granted for Kevin P. O'Hara, it be conditioned upon successful completion of the following elements of the 2018 BCPO:

- Instructional Unit 1.9 - Suicide Awareness and Prevention for the Law Enforcement Officer
- Instructional Unit 3.12 - Racially Influenced Policing
- Functional Area 4 - Law
- Functional Area 5 - Arrest, Search, Seizure, Evidence, Use of Force
- Instructional Unit 10.27 - Domestic Terrorism
- Instructional Unit 10.28 - International Terrorism
- Instructional Unit 10.29 - Identifying Fraudulent or Altered Documents
- Instructional Unit 10.30 - Incident Command System
- Instructional Unit 10.31 - First Responder Hazardous Materials Awareness

- Instructional Unit 10.32 - Weapons of Mass Destruction Awareness
- Instructional Unit 10.33 - Officer Safety
- Functional Area 15 - Agency Training

Commissioner Colucci made a motion to grant the request with the provision that the officer complete the mandated training as listed above. Commissioner DeMartino seconded the motion. The motion was approved and the extension granted.

5. Commissioner Sharrock indicated that **Agenda Item 6E** was Consideration of a Request from Daniel Colucci, President, Police Academy Directors Association to review the Alternate Route regulations as it pertains to Essex County College Police Academy.

Administrator Cunningham was in receipt of correspondence from Daniel Colucci, President, Police Academy Directors Association, concerning the Alternate Route List recently generated by the Essex County College Police Academy. The Police Academy Director's Association has called to my attention the Alternate Route Rules, which became effective February 2017; "alternate route test results are not transferrable to another academy" (page # 5, Written Test). As you are aware, Essex County College Police Academy will no longer be a PTC Certified School, effective January 1, 2019. The Police Academy Director's Association is requesting clarification as to the transferability of the ECCPA Alternate Route List to the Essex County Police Academy.

Commissioner Rocco Miscia excused himself from all discussion and deliberations related to this agenda item. Director Anthony Perillo and Lt. James Byrd from Essex County Public Safety Academy were present. During discussion it was determined that the list can not be transferred. However, due to extenuating circumstances, the Commission agreed and approved that if the Essex County Police Academy submitted a request to Administrator Cunningham to have the list transferred; staff would be authorized to approve the transfer of the list.

6. Commissioner Sharrock indicated that **Agenda Item 6F** was a **Report** of a Request Director Robert Lyons, Passaic County Police Academy to utilize Hawthorne Police Department Range as a satellite facility.

Administrator Cunningham approved the request on behalf of the Commission.

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).

LEOTEF Chairperson Daniel Colucci reported that technical assistance in preparing quarterly expense reports has been provided. Supplemental academy requests for LEOTEF purchases also have been reviewed and approved. Quarterly expense reports for the 3rd quarter of 2018 have been received from all academies except Mercer and John Stamler.

Fourteen of the fifteen police academies submitted applications for SFY 2018 LEOTEF Funds (30th distribution). Applications submitted for the SFY 2018 LEOTEF fund were reviewed and processed according to Attorney General standard operating procedures. Application revisions are needed from three academies. The Division of Criminal Justice Training Academy has yet to submit an application.

Pursuant to N.J.A.C. 13:1A-5.2, the needs for training equipment and instructional resources as well as consumables and equipment” for the provision of basic training for recruits at Commission approved schools was assessed. A review of the responses submitted by the fourteen police academies indicated a large amount of LEOTEF funding was needed and going to be spent on consumable supplies and equipment. Award packages to include contracts and conditions have been sent to the 6 academies with approved budgets.

The Essex County College Public Safety Academy submitted its 3rd quarter financial report and an ending balance of \$59,185.42 was remaining as of September 30, 2018.

Administrator Cunningham announced **Agenda Item 8B** was a **Request** from Anthony Perillo, Essex County Public Safety Academy, to discuss the return of LEOTEF funds. Upon review of grant regulations, it was determined that any unused funds must be returned to the LEOTEF account. This information was conveyed to the academy staff, Anthony Perillo and Lt. Byrd who were present.

Administrator Cunningham announced **Agenda Item 9A** was the PTC’s Computer System Update. Administrator Cunningham reported that staff has started working in the Acadis test site and is in the process of cleaning data in the current system to migrate over to the Acadis system. When the system is live, it will allow for police academies and agencies to access the system via a portal to send requests and information to PTC electronically. Overall, the system is still in the building process but making great progress.

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

Administrator Cunningham announced the next meeting is Monday, February 4, 2019.

Administrator Cunningham asked for a motion to adjourn the meeting at 1:20 p.m. Commissioner Sharrock made a motion to adjourn the meeting. Commissioner Colucci seconded the motion. The Commissioners voted to approve the motion.

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