

Commission Meeting Number 327

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

POLICE TRAINING COMMISSION

Minutes of Commission Meeting

February 4, 2019

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
County Prosecutors' Association of New Jersey	Fredric Knapp
Sheriffs' Association of New Jersey	Absent
Police Academy Director's Association	Daniel Colucci
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, Jr.
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	Absent

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 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

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 February 4, 2019`**

Administrator John F. Cunningham called the 327th meeting of the Commission to order at 11:24 am.

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 announced it was the annual Reorganization Meeting and asked Commissioner Carl Carabelli to report on the Appeals and Legislative Committee election. Commissioner Carl Carabelli stated that he was nominated and re-elected as Chairperson of the Appeals and Legislative Committee.

Administrator Cunningham asked Commissioner James Sharrock to report on the Standards Committee election. Commissioner Sharrock was nominated and re-elected as Chairperson of the Standards Committee.

Administrator Cunningham, asked for nominations to elect a Vice-Chairperson. Commissioner Daniel Colucci nominated Commissioner James Sharrock and Commissioner Michael Pellegrino seconded the nomination. Hearing no other nominations, the Commissioners voted to approve the motion. Commissioner Sharrock abstained.

Administrator Cunningham asked the Commissioners to consider the minutes of the December 5, 2018 Commission meeting. Commissioner James Sharrock made a motion to approve the minutes as written. Commissioner Michael Pellegrino 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 December 5, 2018 PTC Meeting:

Javia Tucker v. Mercer County Police Academy

Tajh Lee v. New Jersey State Police Training Academy
Nianza Watkins v. New Jersey State Police Training Academy
Patrick McGee v. John H. Stamler Police Academy

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

Javia Tucker v. Mercer County Police Academy
Tajh Lee v. New Jersey State Police Training Academy
Patrick McGee v. John H. Stamler Police Academy

3. Commissioner Carabelli reported the following Initial Decisions were received from the Office of Administrative Law since the December 5, 2018 PTC Meeting:

Tyne Edwards v. Essex County College Public Safety Academy

The Initial Decision memorializes a Settlement Agreement between the trainee and the Academy. 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.

Lauren A. Shalabi v. Passaic County Police Academy

The Initial Decision memorializes a Settlement Agreement between the trainee and the Academy. Under the agreement, the trainee will be enrolled in an academy class at either the John H. Stamler Police Academy in Union County or the Bergen County Police Academy in or around July of 2019. The trainee's re-hire date with Jersey City will be in or around July of 2019.

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

4. 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 Three County Corrections Officers (Bergen County Sheriff's Office).

- 4B Consideration of a Request for an Extension of Training Time for Eight County Corrections Officers (Burlington County Department of Corrections).
- 4C Consideration of a Request for County Corrections Officer, Shantiquah N. Cobbs (Essex County Corrections).
- 4D Consideration of a Request for an Extension of Training Time for County Corrections Officer, Blanquery L. Tejada (Passaic County Sheriff's Office).
- 4E Consideration of a Request for an Extension of Training Time for County Corrections Officer, Victoria M. Nelson (Salem County Correctional Facility).
- 4F Consideration of a Request for an Extension of Training Time for Four Juvenile Detention Officers (Essex County Juvenile Detention Center).
- 4G Consideration of a Request for an Extension of Training Time for Two Juvenile Detention Officers (Sussex County Juvenile Detention Center).
- 4H Consideration of a Request for Reconsideration of Extension of Training Time Denials for Two County Corrections Officers from Warden Steven Ahrendt (Bergen County Department of Corrections)

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, moved and seconded a motion to combine Agenda Items 4A and 4H as a consent agenda and to approve 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 approve Agenda Items 4C contingent upon the officer completing the training course she is currently enrolled in. The Commissioners voted to approve the motion.

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, move and seconded a motion to combine Agenda Items 4B, 4D, 4E and 4G as a consent agenda and to approve 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 5A** was a Consideration of a Request from Director Karl Thomas, Juvenile Justice Training Academy, to update the Basic Course for Juvenile Corrections Officers to include the new title of Juvenile Correctional Police Officer and to update the Basic Course for Juvenile Correctional Police Officers performance objectives.

On November 21, 2018, Karl Thomas, Director, Juvenile Justice Training Academy, submitted a request to update the Basic Course for Juvenile Correction Officers to include the new title of Juvenile Correctional Police Officer, pursuant to P.L. 2017, c.293. In addition, the Juvenile Justice Commission has requested to make the following updates to the Basic Course for Juvenile Correctional Police Officers:

- (1.) Remove Performance Objective 5.6.12, "The trainee will identify the requirements and departmental policy for cross gender searches of inmates," this object is covered thoroughly in Performance Objective 9.6.10. As a result of the deletion of 5.6.12, 5.6.13 will be renumbered to 5.6.12.
- (2.) Performance Objective 6.6.11, the term inmate will be replaced with the term resident. "The trainee will identify the requirements for the search of a resident confined to a state facility".
- (3.) Functional Area 12, add Performance Objective 12.1.26, "The trainee will identify the safe handling of shotguns and handguns while operating weapons storage mechanisms in Commission authorized vehicles, and Commission authorized storage areas". This objective is currently covered in Performance Objective 8.1.1 (~, however, the devices are site specific, additional training is required.

Commissioner Sharrock on behalf of the Standards Committee moved and seconded a motion to approve the request. The Commission approved the motion.

2. Commissioner Sharrock indicated that **Agenda Item 6A** was a Consideration of a Request from Acting Chief Gregory Borlan, to appeal the Waiver Denial for SLEO III, Lewis DeMeo.

On January 14, 2018, Acting Chief Borlan submitted a waiver request from BCPO to SLEO III on behalf of his agency. Upon review of the waiver, it was determined that Lewis DeMeo retired from the Somerset County Prosecutors Office on January 1, 2018. Prior to his employment with the Somerset County Prosecutor, Investigator DeMeo served with the Maplewood Police Department for 10 years as a patrol officer. Investigator DeMeo served with the Maplewood Police Department until his appointment as investigator in June of 1999. Lewis DeMeo attended and graduated from the Essex County Police Academy on

December 19, 1990 with a certification in the Basic Course for Police Officer. Following his appointment to the position of investigator with the Somerset County Prosecutors Office, Lewis DeMeo attended the Modified Course for Investigators at the Division of Criminal Justice Academy receiving certification in the Basic Course for Investigators on December 31, 2001. In accordance with the provisions of N.J.S.A. 40A: 14-146.10g, staff determined that Lewis DeMeo was not eligible for a Waiver of Training. At the time of his retirement Lewis DeMeo was an investigator with the Somerset County Prosecutors Office and not a member of a municipal or county police force.

Commissioner Sharrock on behalf of the Standards Committee moved and seconded a motion to approve the request with the stipulation that the officer has to return to the academy for additional training. Commissioner Colucci voted to deny the request. Commissioners Abbott and DeMartino voted to approve the motion. The motion carried and was approved.

3. Commissioner Sharrock indicated that **Agenda Item 6B** Consideration of a Request from Chief John Zimmerman of the Kenilworth Police Department to appeal the Waiver Denial for SLEO III, Richard Pinto, Sr.

On October 25, 2018, Chief Zimmerman submitted a waiver request from Campus Police (BCPO) to SLEO III on behalf of his agency. Upon review of the waiver, it was determined that Richard Pinto Sr. retired from the Rutgers University Police Department on February 1, 2017.

Prior to his employment with the Rutgers Police Department, Officer Pinto served with the LJNDNJ Police Department for 15 years.

Commissioner Sharrock moved and seconded a motion to deny the request noting that the waiver is not allowed in the statute as it currently stands. Commissioner Colucci seconded the motion and the waiver request was denied.

4. Commissioner Sharrock indicated that **Agenda Item 6C** was a Consideration of a Waiver of Training Request from Chief Robert Flannelly of the Rochelle Park Police Department for Joseph M. Buono.

On January 22, 2019, Chief Robert Flannelly, Rochelle lark Police, submitted a waiver request from Enrichment (BCPO) to BCPO, on behalf of Joseph M. Buono. Officer Buono attended and graduated from the Basic Course for Police Officers at the Bergen County Police Academy. The course was conducted from July 21, 2017 through December 12, 2017. At the time of his attendance, Officer Buono was a Special Agent with the Morristown and Erie Railway. Officer Buono 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 the waiver request, Officer Buono will need to complete FA -15, Agency Training.

Lt. Dean Pinto and Chief Robert Flannelly from Rochelle Park Police Department were present to provide additional information and answer questions.

5. Commissioner Sharrock indicated that **Agenda Item 6D** was a Consideration of a Waiver Request from Chief Mark D. Roddy, Hanover Township Police Department for Matthew S. Gallagher.

On December 18, 2018, Chief Mark D. Roddy, Township of Hanover Police Department, submitted a waiver request from Enrichment (BCPO) to BCPO, on behalf of Matthew S. Gallagher. Officer Gallagher 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 Gallagher may have been a Special Agent with the Morristown and Erie Railway. Officer Gallagher 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 the waiver request, Officer Gallagher will need to complete FA-15, Agency Training.

Captain David White from Hanover Police Department was present to answer questions and provide additional information.

Commissioner Sharrock on behalf of the Standards Committee voted to combine Agenda Items 6C and 6D as a consent agenda and approve the waiver requests. Commissioner Knapp abstained from Agenda Item 6D and Commissioner Colucci opposed the motions. The waiver requests were approved.

6. Commissioner Sharrock indicated that **Agenda Item 6E** was Consideration of a Request Daniel Colucci, President, Police Academy Directors Association to amend the Alternate Route Policy.

On November 19, 2018, Administrator Cunningham correspondence from Dan Colucci, President, Police Academy Directors Association of New Jersey, requesting an

amendment to the PTC Alternate Route Policy. Director Colucci is requesting that the current Alternate Route Policy be amended to allow for up to 50% of a Basic Course for Police Officers to be made up of Alternate Route Candidates. The current Alternate Route Policy has the maximum number of Alternate Route Candidates capped at 16, 8 of which must be veterans.

Commissioner Sharrock made a motion to relax the rule and to raise the cap for Alternate Route candidates to twenty. Commissioner Abbott seconded the motion. Commissioner Colucci abstained. The motion was approved.

7. Commissioner Sharrock indicated that **Agenda Item 6F** was a Consideration of a Request from Chief Richard Buzby, President, NJ State Association of Chiefs of Police, requesting an amendment to N.J.A.C. 13:1-8.4(b).

On November 30, 2018, Administrator Cunningham received correspondence from Chief Richard Buzby, President, N.J. State Association of Chiefs of Police, requesting an amendment to N.J.A.C. 13:1-8.4(b), which currently sets SLEO II waiver eligibility at three years from the completion of the Basic Course for Special Law Enforcement Officer II. The N.J. State Association of Chiefs of Police is requesting that the rule be amended to extend waiver eligibility to four years.

Commissioner Sharrock, on behalf of the Standards Committee, moved and seconded a motion to deny the request. Commissioner Abbott opposed the motion. The motion was approved and the request was denied.

8. Commissioner Sharrock indicated that **Agenda Item 6G** was a Report of a Request from Lori Apicelli, Interim Director, Essex County College Public Safety Academy to transfer the Alternate Route List to the new entity, Essex County Public Safety Academy.

Administrator Cunningham approved the request on behalf of the Commission.

9. Commissioner Sharrock indicated that **Agenda Item 6H** was a Report of a Request from Director Darryl Breckenridge, Monmouth County Police Academy, to utilize the Monmouth County Sheriff's Public Safety Center as a satellite location.

Administrator Cunningham approved the request on behalf of the Commission.

10. Commissioner Sharrock indicated that **Agenda Item 6I** was a Report of a Request from Director Eric Mason, John H. Stamler Police Academy, to extend the ninety day medical examination limit for Union County Police Officer, Sean L. Robinson.

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 quarterly expense reports for the 4th 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 received their contracts for SFY 2018 LEOTEF Funds (30th distribution). Thirteen contracts have been returned and reviewed. Contract packets were sent to the Office of Attorney General for signature prior to fund disbursement.

Administrator Cunningham announced **Agenda Item 8B** was his request to discuss the un-returned LEOTEF funds from Essex County College Public Safety Academy.

The Commission abided by the rules of the LEOTEF grant and reinforced that the funds must be returned.

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, Site 4, and has made great progress in the last three months. The staff is now reviewing the waiver process and how it will work in the new system.

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 Wednesday, April 3, 2019.

Administrator Cunningham asked for a motion to adjourn the meeting at 11:58 a.m. Commissioner Sharrock made a motion to adjourn the meeting. Commissioner Colucci seconded the motion. The Commissioners voted to approve the motion.