

Commission Meeting Number 328

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

POLICE TRAINING COMMISSION

Minutes of Commission Meeting

April 3, 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	Kevin Lyons
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	Absent
Sheriffs' Association of New Jersey	Robert A. Nolan
Police Academy Director's Association	Daniel Colucci (Darryl Breckenridge)
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	Vacant
Citizen Member—Governor's Appointment	Vacant

New Jersey League of Municipalities

Samuel DeMaio

New Jersey Jail Wardens Association

Oscar Aviles

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 April 3, 2019`**

Administrator John F. Cunningham called the 328th 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 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 the Commissioners to consider the minutes of the February 4, 2019 Commission meeting. Commissioner James Sharrock made a motion to approve the minutes as written. Commissioner Pollio 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 February 4, 2019 PTC Meeting:

Rowan Mahgoub v. Bergen County Police Academy
Al-Mustafa Ingram v. New Jersey Department of Corrections Training Academy
William Marroquin v. Bergen County Police Academy
Niove Ramirez v. Morris County Police Academy

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

Al-Mustafa Ingram v. New Jersey Department of Corrections Training Academy
Rowan Mahgoub v. Bergen County Police Academy

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 Commissioner Carabelli reported that the following appeals were withdrawn by Petitioner at Office of Administrative Law or PTC

Horton v. Ocean County Police Academy

Cheeks v. New Jersey State Police Academy

Tyler Roller v. Cape May County Police Academy

Diamond Plowden-Kirkland v. New Jersey State Police Training Academy

Timothy Grottendick v. Essex County College Public Safety Academy

4. Commissioner Carabelli reported the following Initial Decisions were received from the Office of Administrative Law since the February 4, 2019 PTC Meeting:

Steven Cruz v. Morris County Public Safety Training Academy

The Initial Decision memorializes a Settlement Agreement between the trainee, the Academy, and the trainee's employer, Essex County Department of Public Safety. Under the settlement, in lieu of removal, Essex County agrees to allow the trainee to attend the next available Police Academy, subject to any military training and/or deployment of the trainee. The trainee agrees not to pursue re-enrollment in the Morris County College Public Safety Academy.

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

Justin Ortiz v. Essex County College Public Safety Academy

The Initial Decision memorializes a Settlement Agreement between the trainee and the Academy. Under the Settlement, the trainee's resignation is accepted and the trainee will not attempt to re-enroll in the Academy, the Academy is not pursuing the dismissal of the trainee, and the trainee shall withdraw his complaint.

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

Anipsel Anziani v. Passaic County Police Academy

The Initial Decision grants defendant's motion for summary decision finding that because trainee resigned from her employer, Passaic Police Department, the appeal from her dismissal of the Passaic County Police Academy is moot.

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

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

- 4A Consideration of a Request for an Extension of Training Time for Three County Corrections Officers (Burlington County Department of Corrections).
- 4B Consideration of a Request for an Extension of Training Time for County Corrections Officer, Steven Cruz (Essex County Corrections).
- 4C Consideration of a Request for County Corrections Officer, Marqweesha S. Guthrie (Passaic County Sheriff's Office).
- 4D Consideration of a Request for County Corrections Officer, Steven T. Alleman, (Union County Department of Corrections).
- 4E Consideration of a Request for an Extension of Training Time for Juvenile Detention Officer, Nadera Edwards (Burlington County Juvenile Detention Center).
- 4F Consideration of a Request for an Extension of Training Time for Police Officer, Justin M. Hickey (Maple Shade Township Police).

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

Commissioner Carabelli advised that the extension request for Agenda Item was moot since records show that the recruit graduated In February 2019.

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 **Request** from Daniel Colucci, President, New Jersey Police Academy Directors Association, to update the Basic Course for Police Officers. Commissioner Colucci spoke and advised that the Police Academy Directors Association is requesting to eliminate Performance Objectives 9.7 (a) Side Handle Baton and 9.7 (b) Grip Action Device. The Side Handle Baton and Grip Action Device are no longer utilized; therefore, teaching as a component of the basic course is no longer

necessary. The course will retain Instructional Unit 9.7 Baton Techniques. Commissioner Sharrock, on behalf of the Standards Committee made a motion to revise the Basic Course for Police Officers by deleting Performance Objectives 9.7 (a): Side Handle Baton and 9.7 (b): Grip Action Devise. The Commissioners voted to approve the motion.

2. Commissioner Sharrock indicated that **Agenda Item 5B** was a verbal briefing by Deputy Attorney General Robert Czepiel, Bureau Chief, Prosecutor's Supervision & Training Bureau on changes to the BCI and BCPO curriculum. DAG Czepiel advised that the proposed changes would include adding the CLEAR training into the BCPO and BCI courses so that recruits graduate already having CLEAR training components already completed which will meet their training requirement for two years. He also stated that there will be some new Attorney General directives coming up in January 2020 that will require additional training in bias crimes, transgender and LBGTQ components. DAG Czepiel advised that he will submit a cover letter to the commission detailing and highlighting the proposed changes prior to the next PTC meeting for consideration
3. Commissioner Sharrock indicated that **Agenda Item 6A** was a Consideration of a Request from Chief Sean M. McKenna, to appeal the Waiver Denial for retired Prosecutors Investigator, Craig W. Kraemer.

On December 7, 2018, Chief McKenna submitted a waiver request from BCPO to SLEO III on behalf of Craig W. Kraemer. Upon review of the waiver, it was determined that Craig W. Kraemer retired from the Gloucester County Prosecutors Office on September 30, 2018. Prior to his employment with the Gloucester County Prosecutor, Investigator Kraemer served with the West Deptford Township Police Department for 3 years in the capacity of a patrol officer. Investigator Kraemer served with West Deptford Township until his appointment to the prosecutor's office in February of 2001.

Craig W. Kraemer attended and graduated from the Gloucester County Police Academy on December 22, 1995 with a certification in the Basic Course for Police Officer. Following his appointment to the position of investigator with the Gloucester County Prosecutors Office, Craig W. Kraemer attended the Modified Course for Investigators at the Division of Criminal Justice Academy receiving certification in the Basic Course for Investigators on December 31, 2002. In accordance with the provisions of N.J.S.A. 40A: 14-146.1. Staff determined that Craig W. Kraemer was not eligible for a Waiver of Training, at the time of his retirement Craig W. Kraemer was an investigator with the Gloucester County Prosecutors Office and not a member of a municipal police force, county police force, or the N.J. State Police.

After discussion, Commissioner Sharrock moved and seconded a motion to approve the waiver request requiring Kraemer to return to an academy, enroll in a BCPO and complete certain courses as prescribed by Administrator Cunningham. Commissioner Colucci opposed the motion. The motion was approved.

4. Commissioner Sharrock indicated that **Agenda Item 6B** was a Consideration of a Waiver of Training Request from Chief Dan Maye, of the Bogota Police Department for Kenneth R. O'Donnell.

On January 18, 2019, Chief Dan Maye, Bogota Police Department, submitted a waiver request from Enrichment (BCPO) to BCPO, on behalf of Kenneth R. O'Donnell.

Officer O'Donnell 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 O'Donnell may have been a Special Agent with the Morristown and Erie Railway. Officer O'Donnell 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.

Chief Maye and Sgt. Liriano from the Bogota Police Department were present to answer any questions. Commissioner Sharrock moved and seconded a motion to approve the request. The Commissioners approved the motion.

5. Commissioner Sharrock indicated that **Agenda Item 6C** was the Commission's request to have Director Damian Pope, Bergen County Law and Public Safety Institute appear to provide additional information in reference to the Morristown and Erie Railroad Enrichment recruits.

The Police Training Commission approved a motion at the February 4, 2019 meeting, requiring Director Damian Pope, Bergen County Public Safety Academy, to appear before the Commission on April 3, 2019. The Commission is requesting additional information in reference to the Morristown and Erie Railroad Enrichment Recruits. In addition, Director Pope was required to supply a complete list (attached) of the recruits who attended the Enrichment BCPO from January 1, 2015 through December 31, 2018, and their status.

Sgt. Pope from Bergen County Police Academy and Captain Love from Bergen County Prosecutor's Office were present to answer questions from Commissioners. Sgt. Pope advised the Commission that all of the events that transpired with the Morristown and Erie Railroad academy attendees occurred prior to him becoming academy director. He also advised that once he learned about the events, he looked into the matter and made sure that no other attendees from this agency were allowed to enroll at the academy. The Commission considers the actions surrounding the enrollment of Morristown & Erie Railroad candidates to be borderline criminal. The Commissioners reviewed the document previously provided by Sgt. Pope detailing the names of attendees from Morristown and Erie Railroad from 2015-2018. The Commissioners

agreed that this matter will be placed on the June agenda to discuss whether or not any attendees who are not hired by a certain date will be required to return to the academy.

6. Commissioner Sharrock indicated that **Agenda Item 6D** was the Consideration of a **Request** from Damian Pope, Director, Bergen County Law and Public Safety Institute, to update the Bergen County Law and Public Safety Institute Trainee Rules and Regulations Manual.

On March 1, 2019, Damian Pope, Director, Bergen County Public Safety Academy, submitted an updated version of the Bergen County Police Academy Rules and Regulations. The rules have been amended to include a procedure for requesting an accommodation to the Personal Appearance Standard, page # 10, section 8.9. The accommodation request will be submitted in writing to the Academy Director, approval will be on a case-by-case basis.

Captain Love from the Bergen County Prosecutor's Office was present to provide additional information and answer any questions. He explained that a recruit's request for a religious garb accommodation is what prompted the academy to change the manual to include a procedure for such requests.

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

7. Commissioner Sharrock indicated that **Agenda Item 6E** was a Consideration of a Request from Chief Richard Buzby, President, NJ State Association of Chiefs of Police, to reconsider a rule change in reference to N.J.A.C. 13:1-8.4(b).

On February 4, 2019, the Police Training Commission denied a motion for a rule change submitted Chief Richard Buzby, President N.J.A.C.O.P., in reference to N.J.A.C. 13:1-8.4(b), which currently sets SLEO II waiver ability at 3 years from the date of Police Training Commission Certification. Chief Buzby requested this matter be placed on the agenda for reconsideration at the April 3, 2019 meeting.

Commissioner Sharrock on behalf of the Standards committee made a motion to deny the request for re-consideration to extend the waiver eligibility to four years for Class II Special Law Enforcement Officers. Five commissioners voted in favor of the motion and nine opposed the motion. The motion did not carry. Chief Buzby presented a new motion to extend the waiver eligibility for Class Two Special Law Enforcement Officers to four years and require the officer to provide documentation showing that he/she worked for at least 400 hours per year in each of the three years after graduation from a SLEOII academy. Commissioner Aaron Erven seconded the motion. Nine commissioners voted in favor of the motion and five opposed. The motion was approved.

Deputy Attorney General advised that PTC legal counsel would have to work with PTC administrative staff to incorporate the requested change into the administrative rule change process and stated that it could take eight to twelve months for the change to be implemented.

8. Commissioner Sharrock indicated that **Agenda Item 6F** was a Review of a complaint filed by John Saccenti, CDI concerning the Humane Law Enforcement Waiver Course held at Mercer County Police Academy.

PTC Field Representative, John Janowiak reported that he looked into the matter and the only deficiency found was that the Academy failed to test the students in the class on the subject matter. This issue was later corrected when the Academy administered a test on March 22, 2019. All of the other details of the complaint were not sustained.

9. Commissioner Sharrock indicated that **Agenda Item 6G** was a Report of a Request from Director Darryl Breckenridge, Monmouth County Police Academy, to utilize the Monmouth County Fire Academy as a satellite location.

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 all police academies have returned their contracts for SFY 2018 LEOTEF Funds (30th distribution). Twelve contracts have been signed and funds disbursed. Three contract packets are still being reviewed by the Office of Attorney General for signature prior to fund disbursement.

Supplemental academy requests for LEOTEF purchases also have been reviewed and approved.

Administrator Cunningham announced **Agenda Item 9A** was the PTC's Computer System Update. Administrator Cunningham reported that staff is still working in the Acadis test site, Site 4, and has weekly meetings with the project manager. The system is projected to go live for PTC staff on July 15, 2019.

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, June 5, 2019.

Administrator Cunningham asked for a motion to adjourn the meeting at 1:02 pm. Commissioner Sharrock made a motion to adjourn the meeting. Commissioner Nolan seconded the motion. The Commissioners voted to approve the motion.

