

Commission Meeting Number 329

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

POLICE TRAINING COMMISSION

Minutes of Commission Meeting

June 5, 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	Fredric Knapp
Sheriffs' Association of New Jersey	Robert A. Nolan
Police Academy Director's Association	Daniel Colucci (Thomas DePaul)
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	Absent
Citizen Member—Governor's Appointment	Vacant
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 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 June 5, 2019**

Administrator John F. Cunningham called the 328th meeting of the Commission to order at 12:17 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 April 3, 2019 Commission meeting. Commissioner James Sharrock made a motion to approve the minutes as written. Commissioner 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 April 3, 2019 PTC Meeting:

Tajai Ford v. John H. Stamler Police Academy

Commissioner Carabelli reported that this appeal was forwarded to the office of Administrative Law.

Richard Frascati v. Ocean County Police Academy

Commissioner Carabelli reported that this appeal was forwarded to the office of Administrative Law.

William Marroquin v. Bergen County Police Academy

Commissioner Carabelli moved and seconded a motion to reverse the dismissal. The motion carried.

2. Commissioner Carabelli reported that the following appeals were withdrawn by petitioner at Office of Administrative Law.

Niove A. Ramirez v. Hudson County Department of Corrections

Javia Tucker v. Mercer County Police Academy
Joseph Mazza v. Morris County Public Safety Training Academy
David Harrington v. John H. Stamler Police Academy

3. Commissioner Carabelli reported that the following appeal was a failure to appear:

Katrina Thompson v. Essex County College Public Safety Academy

Commissioner Carabelli moved and seconded a motion to uphold the dismissal. The motion carried.

4. Commissioner Carabelli reported the following Initial Decisions were received from the Office of Administrative Law since the April 3, 2019 PTC Meeting:

1) *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.

2) *Shaquita Cook v. Monmouth County Police Academy*

This Initial Settlement Decision accepts the settlement agreed to by the parties. Under the settlement agreement, in lieu of the recruit's mandatory dismissal for cause, from the Academy, her record will reflect that she did not pass due to administrative reasons. There will be no bar to her re-enrolling in the Academy should another law enforcement agency hire her and send her to the Academy. .

3) *Meagan Gundry v. John H. Stamler Police Academy*

In this consolidated appeal, the Office of Administrative Law found that the recruit failed to fully participate in twenty (20) sessions at the Academy. The ALJ concludes that the recruit was dismissed from the Academy for good cause, and that the Academy properly dismissed the recruit for failing to meet the universal PT standards.

4) *Hector E. Ojeda, Jr. v. Morris County Public Safety Training Academy*

In this consolidated appeal, the Office of Administrative Law accepted the settlement reached by the parties. Under the agreement, the recruit pled guilty to one charge of conduct unbecoming a public employee. The parties agree, in lieu of removal from the Morris County Public Training Academy ("Morris Academy"), to allow the recruit to attend the next available Police Academy other than Morris Academy. The recruit will be responsible for all expenses relating to the attendance at the next Academy. The recruit will be on an unpaid leave of absence until successful completion of the academy and will not seek back pay.

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 Eight County Corrections Officers (Salem County Correctional Facility).
- 4B Consideration of a Request for an Extension of Training Time for County Corrections Officer, Lyleiny Cordero (Somerset County Sheriff's Office).
- 4C Consideration of a Request for Two Juvenile Detention Officers, (Burlington County Juvenile Detention Center).
- 4D Consideration of a Request for Seven Juvenile Detention Officers, (Middlesex County Juvenile Detention Center).
- 4E Consideration of a Request for an Extension of Training Time for Juvenile Detention Officer, Richard J. Luthcke (Sussex County Juvenile Detention Center).

Commissioner Carabelli, on behalf of the Appeals and Legislation Committee, moved and seconded a motion to combine Agenda Items 4A- 4E as a consent agenda and to approve the 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** a Consideration of curriculum updates to the BCPO and BCI courses. Commissioner Sharrock made a motion to table the matter since no information was provided to the Commission to review. Commissioner seconded the motion and the matter was tabled.
2. Commissioner Sharrock indicated that **Agenda Item 5B** was a Consideration of Waiver Curricula for Special Law Enforcement Class III Officers. Administrator Cunningham spoke and advised that Commission staff, in consultation with subject matter experts, have completed a side-by-side analysis of the Basic Course for Police Officer with the Basic Course for Investigators, Basic Course for Correctional Police Officers, Basic Course for Parole Officers, Basic Course for County Corrections Officers, and the Basic

Course for Juvenile Correctional Police Officers. Following the analysis, course requirements were developed. The course material will bring the officer to the level of training required for appointment, as a SLEO III officer. In addition, staff reviewed the existing waiver requirements for Out of State and Federal Officers, finding them to be up to date, and in line with the training needed to issue a Police Training Commission certification upon course completion.

Commissioner Sharrock on behalf of the Standards Committee, made a motion to approve the waiver curricula as presented. The commissioners approved the motion.

Commissioner Sharrock on behalf of the Standards Committee, made a motion to require any officer retired three years or more to attend the Basic Course for Police Officers (BCPO) with the exception of the physical training (PT) and defensive tactics (DT) components to be eligible for a SLEO III waiver. These individuals would receive a waiver for PT and DT of the BCPO. The commissioners approved the motion.

Commissioner Sharrock on behalf of the Standards Committee, made a motion to allow for the early appointment enrollment of SLEO III waiver candidates into an academy for training purposes only before October 1, 2019. The commissioners approved the motion.

3. Commissioner Sharrock indicated that **Agenda Item 6A** was a Consideration of a **Request** from Captain Terrence Kenny, Maywood Police Department, to appeal the Waiver Denial for Andrew J. Mulligan.

Captain Terrence Kenny, Lieutenant Mark Gillies and Officer Andrew Mulligan were present to answer questions and provide additional information. After a brief discussion, Commissioner Sharrock made a motion to go into an executive session. Commissioner Colucci seconded the motion and the commissioners entered executive session. After the executive session ended, Commissioner Sharrock, on behalf of the Standards Committee, moved and seconded a motion to approve the waiver. Commissioner Colucci opposed the motion and Commissioner Knapp abstained. The motion carried and the waiver was approved.

Commissioner Sharrock indicated that **Agenda Item 6B** was the Commission's Request to discuss and review the Morristown and Erie Railroad Enrichment Waivers process. The Commission is aware that the Morristown Erie Railroad does not have a police force; therefore, individuals would not be permitted by rule to attend a police academy. The agency violated the intent and spirit of the PTC rules, regulations and that of the Police Training Act. Enrollment requests from the Morristown & Erie Railroad will no longer be accepted or granted. It was also determined that the Bergen County Law & Public Safety Institute violated the process by allowing individuals to enroll for enrichment purposes only.

Commissioner Colucci made a motion to discuss placing future sanctions on Bergen County Law & Public Safety Institute at the August 7, 2019 PTC meeting. Commissioner Sharrock seconded the motion.

Commissioner Sharrock indicated that **Agenda Item 7A** was a Consideration of a **Request** from Director Aaron Erven, N.J. Department of Corrections Training Academy, to revoke the PTC Instructor Certification for Instructor, Artemio Rivera.

Director Aaron Erven, N.J. Department of Corrections Training Academy, is requesting revocation of Instructor Artemio Rivera's PTC Certification, in accordance with N.J.S.A. 13:1-4.5(c). Specifically, Instructor Rivera drew pictures of male genitalia on ballots, which were cast for PTC Merit Award candidates. In addition, Instructor Rivera made inappropriate comments to male staff members in reference to sexual orientation. Instructor Rivera's conduct is in violation of the N.J.A.C. 13:1-4.5(c) 5: "The Instructor has at any time engaged in misconduct or other inappropriate behavior that reflects adversely on the law enforcement profession, the Commission, or the school at which the instructor teaches".

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

Commissioner Sharrock indicated that **Agenda Item 7B** was a Consideration of a **Request** from Director Aaron Erven, N.J. Department of Corrections Training Academy, to revoke the PTC Instructor Certification for Instructor, Ernest Farley.

Director Aaron Erven, N.J. Department of Corrections Training Academy, is requesting revocation of Instructor Ernest Farley's PTC Certification, in accordance with N.J.S.A. 13:1-4.5(c). Specifically, Instructor Farley sent two emails to the Department of Corrections Office of Information Technology, which were insulting, inappropriate, and unprofessional. Instructor Farley referred to the staff at OIT as, "Incompetent, bottom feeders, morons and uneducated". Instructor Farley's conduct is in violation of the N.J.A.C. 13:1-4.5(c) 5: "The Instructor has at any time engaged in misconduct or other inappropriate behavior that reflects adversely on the law enforcement profession, the Commission, or the school at which the instructor teaches".

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

Commissioner Sharrock indicated that **Agenda Item 7C** was a Consideration of a **Request** from Director Eric Mason, John H. Stamler Police Academy, to revoke the PTC Instructor Certification for Instructor, Kenneth Gerhart.

Director Eric Mason, John H. Stamler Police Academy, is requesting revocation of Instructor Kenneth Gerhart's PTC Certification, in accordance with N.J.S.A. 13:1-4.5(c). Specifically, Instructor Gerhart made inappropriate and unprofessional comments to a recruit at the John H. Stamler Police Academy. A police recruit at the Stamler Academy, suffered a catastrophic fire at her residence, during which several family pets were lost. Instructor Gerhart, who had knowledge of the event, stated, "If I knew all I had to do was set my house on fire to

new gear, I would". In addition, Instructor Gerhart stated, "The recruit would not be present at graduation because she was going away for arson". Instructor Gerhart's conduct is in violation of the N.J.A.C. 13:1-4.5(c) 5: "The Instructor has at any time engaged in misconduct or other inappropriate behavior that reflects adversely on the law enforcement profession, the Commission, or the school at which the instructor teaches".

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

Commissioner Sharrock indicated that **Agenda Item 7C** was a Consideration of a **Request** from Atlantic County Public Safety Director, Michael Fedorko, to revoke the PTC Instructor Certification for Instructor, Sidney Terrell.

Atlantic County Public Safety Director, Michael Fedorko, is requesting revocation of Instructor Sidney Terrell's PTC Certification, in accordance with N.J.S.A. 13:1-4.5(c). Specifically, Instructor Terrell admitted to kicking a recruit in the lower left leg, following a Physical Conditioning Session. Instructor Terrell is in violation of the PTC Instructor Code of Conduct, section 3.4: "Instructors shall refrain from physical contact with recruits/trainees unless such contact is necessary to ensure the safety of a recruit/trainee, to provide emergency first-aid, or for a legitimate instructional purpose, such as teaching a curriculum based skill, demonstrating correct technique, or correcting improper performance of a required skill. Physical contact for non-training purposes is strictly prohibited. Whenever possible, both male and female instructors should be present to provide physical contact instruction to classes that include both male and female recruits/trainees".

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

LEOTEF Chairperson Daniel Colucci reported that Quarterly expense reports for the 1st quarter of 2019 have been 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 except Bergen County have received their SFY 2018 LEOTEF Funds (30th distribution).

Administrator Cunningham announced **Agenda Item 9A** was the PTC's Computer System Update. Administrator Cunningham reported that staff has a "Go Live" date scheduled for August 8, 2019 for PTC administrative staff only. He announced that Tykeria T. Lockhart will

fill the role as Acadis Administrator and that he would be backfilling her current role. He reported that the Acadis presentation at the last PADA meeting was well received by the academy director and their staff and the ultimate goal is to roll the system out to all law enforcement agencies in New Jersey.

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, August 7, 2019.

Administrator Cunningham asked for a motion to adjourn the meeting at 12:54 pm. Commissioner Sharrock made a motion to adjourn the meeting. Commissioner Nolan seconded the motion. The Commissioners voted to approve the motion.