

Commission Meeting Number 351

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

POLICE TRAINING COMMISSION

Minutes of Commission Meeting

April 5, 2023

**National Guard Training Center
100 Camp Drive, Sea Girt, NJ 08750**

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	Angelo Onofri
Sheriffs' Association of New Jersey	Robert A. Nolan
Police Academy Director's Association	Daniel Colucci Thomas DePaul
Commissioner-Department of Education	James Scaringelli
Commissioner-Department of Corrections	David Scott
Federal Bureau of Investigation	James Scartozzi
New Jersey Juvenile Detention Association	Jorge Sandoval
New Jersey State Parole Board	Absent
National Organization of Black Law Enforcement Executives	Absent

Citizen Member—Governor’s Appointment

James Polos

Citizen Member—Governor’s Appointment

Vacant

New Jersey League of Municipalities

Absent

New Jersey Jail Wardens Association

Oscar Aviles

New Jersey State Police

Captain Michael Tierney

Division of Criminal Justice Staff Present

Attorney General, Matthew Platkin

Deputy Attorney General Alessandra Baldini, Office of Public Integrity & Accountability

Deputy Attorney General Stephen Wenger, Chief, Office of Public Integrity & Accountability

Deputy Attorney General Joseph Walsh, Office of Public Integrity & Accountability

Academy Coordinator Pat Jones, Police Training Commission

Academy Coordinator Debbie Freeman, Police Training Commission

Academy Coordinator Forest Kairos, Police Training Commission

Analyst, Tykeria T. Lockhart, Police Training Commission

Academy Coordinator Unit Supervisor, Kathleen McSorley, Police Training Commission

Chief Investigator, James Byrd, Police Training Commission

Field Representative, John Janowiak

Field Representative, Dion Feltri, Police Training Commission

Field Representative, Kim Arroyo, Police Training Commission

Field Representative, Rae Coles, Police Training Commission

Field Representative, Daniel Brown, Police Training Commission

Curriculum Unit Supervisor, Tyeka Knight, Police Training Commission

Police Training Commission Meeting Minutes for April 5, 2023

Administrator John F. Cunningham called the 350th meeting of the Commission to order at 11:05 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.

Analyst 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 February 6, 2023 Commission meeting. Commissioner Colucci made a motion to accept the minutes. The motion was seconded by Commissioner Sharrock. The Commissioners voted to approve the motion.

Administrator Cunningham asked Chairperson Kevin Lyons to report on the business of the Appeals and Legislation Committee.

1. Commissioner Lyons reported the following appeals were received since the February 6, 2023 meeting:

Dylan Sands v. Monmouth County Police Academy

Recruit appeals their dismissal from Monmouth County Police Academy for exhibiting serious safety infractions while conducting range exercises.

Commissioner Lyons reported that Sands withdrew his appeal prior to the meeting. No action needed.

Nicholas Mossey v. Morris County Public Safety Training Academy

Recruit appeals their dismissal from Morris County Public Safety Training Academy for failing to report a police encounter in a timely manner in accordance with PTC rules.

On behalf of the Appeals and Legislation Committee, Commissioner Lyons moved and seconded a motion to carry this appeal to the June PTC meeting date. The motion was approved.

Commissioner Lyons reported that **Agenda Item 4** was **Consideration of Extensions of Training Time** for County Correctional Police Officers and Juvenile Detention Officers, and Youth Workers

- 4A Consideration of a Request for an Extension of Training Time for Two County Correctional Police Officers (Salem County Correctional Facility)
- 4B Consideration of a Request for an Extension of Training Time for Two Juvenile Detention Officers (Middlesex County Juvenile Detention Center)
- 4C Consideration of a Request for an Extension of Training Time for County Detective, Medina Carlos, Camden County Prosecutor's Office
- 4D Consideration of a Request for an Extension of Training Time for Seven Juvenile Detention Officers (Essex County Juvenile Detention Center)
- 4E Consideration of a Request for an Extension of Training Time for Two Juvenile Detention Officers (Ocean County Juvenile Services)
- 4F Consideration of a Request for an Extension of Training Time for County Correctional Police Officer, Michael Panday, Essex County Department of Corrections

On behalf of the Appeals and Legislative Committee, Commissioner Lyons moved and seconded a motion to combine Agenda Items 4A-4C and 4E-F as a consent agenda and approve the extension requests. He also requested that PTC send a letter to staff at Salem County Correctional Facility to advise that future extensions requests are required to provide more detailed information to be considered.

On behalf of the Appeals and Legislative Committee, Commissioner Lyons moved and seconded a motion to deny the extensions for Robinson and Carswell since the date of appointment is two years or more and approve Brison, Dannel, Jackson, and Watson with a letter to the agency requesting more information be provided for future extensions.

The Commissioners voted to approve the motion.

Commissioner Lyons concluded the Appeals and Legislation Committee Report

Administrator Cunningham asked Commissioner Sharrock to report on the business of the Standards Committee.

1. Commissioner Sharrock indicated that **Agenda Item 5A** was an **Update** to the Basic Course for Juvenile Detention Officers (BCJDO)

The Juvenile Justice Training Academy has requested an update to the Basic Course for Juvenile Detention Officers. Academy Director Sea Haar is requesting the addition of an introduction to physical conditioning. The addition would be basic physical exercise as a component of Functional Area 6, Health. The exercise sessions would introduce the recruits to the importance of physical conditioning, as well as, the need for proper diet to maintain a healthy life style. The addition to the course would not include a mandatory physical conditioning assessment. The requested changes are listed below:

- Functional Area 6.0 6.3 Health (currently)
Change to: 6.3 Health/ Introduction to Physical Conditioning
- Change Page 45 Instructional Unit 6.3 Title Health (Currently)
Change to: Health/ Introduction to Physical Conditioning

Commissioner Sharrock, on behalf of the Standards Committee, moved and seconded a motion to approve the course as written. The Commissioners voted to approve the motion.

2. Commissioner Sharrock indicated that **Agenda Item 5B** was an **Update** to Functional Area 8: Emergency Medical Care

James Byrd, Chief Investigator, PTC Field Unit, conducted a review of Functional Area 8, Emergency Medical Care (EMC), inclusive of academy visits, and instructor interviews. The review was initiated to gather information, and offer consistency to the current functional area. Chief Byrd made several recommendations, once implemented, will bring all academies on line with a consistent method of first responder training. In addition, the program will now include a certification that is recognized by the State of New Jersey; certifications were not recognized at the time of initial approval for the program in February of 2012. The recommendations include a mandated minimum instruction of forty-four hours, which is industry standard. The recruits would also receive a certification for successful completion from the program affiliate. I have attached Chief Byrd's recommendations

After a discussion, the Commissioners voted and passed a motion to table this item until the June 7, 2023 meeting to give the Police Academy Directors Association (PADA) more time to discuss the matter and make a recommendation.

3. Commissioner Sharrock indicated that **Agenda Item 6A was an Update** to the Police Training Commission Trainee Manual.

An updated PTC Trainee Manual was provided to the Commissioners for review. The manual has undergone several revisions over the past several years, however, a thorough review of each section has not been undertaken since 2009. The attached manual represents a review of each section of the manual, the additions/deletions offer a more comprehensive set of expectations for the Basic Course Trainee. We looked at each section, evaluating the terminology, updating sections to be in line with technological advances, which have taken place over the past few years. In addition, the proposed manual clearly defines the reporting responsibilities of the recruit.

Commissioner Sharrock, on behalf of the Standards Committee, moved and seconded a motion to adopt the updated manual as written. The Commissioners approved the motion.

4. Commissioner Sharrock indicated that **Agenda Item 6B was Request** to implement a Universal Instructor Sign-in Sheet.

A Universal Instructor Sign in Sheet was provided to the Commissioners for review. Currently, academies utilize a variety of different methods to verify the instructors delivering instruction to the academy trainees. The use of a standard sign in sheet will make it much more efficient to identify the instructor on duty, as well as, create a universal record of those giving instruction.

Commissioner Sharrock, on behalf of the Standards Committee, moved and seconded a motion to adopt the form as written. The Commissioners approved the motion.

5. Commissioner Sharrock indicated that **Agenda Item 6B was a Request** for Waiver of Training for James Latrella, Saddle Brook Police Department (Enrichment to BCPO).

The PTC received a waiver request: Enrichment to Basic Course for Police Officers, from the Saddle Brook Police Department. The request is in reference to James Latrella, who attended the Basic Course for Police Officer at the Essex County Police Academy for enrichment purposes only. At the time of his attendance, James Latrella was a member of the Amtrak Police Department. James Latrella did successfully complete the Basic Course Police Officers on March 12, 2021. If this request is approved James Latrella will need to complete Functional Area 15, Agency Training.

Commissioner Sharrock recused himself from this agenda item. Commissioner Colucci, on behalf of the Standards Committee, moved and seconded a motion to give the officer credit for his BCPO training and require him to complete Functional area 15. The Commissioners approved the motion.

6. Commissioner Sharrock indicated that **Agenda Item 7A was a Suspension** of PTC Instructor, Manuel Gonzalez, Essex County Police Academy

On January 10, 2023, a verbal report was received from Anthony Perillo, Director, Essex County Police Academy, concerning a negligent discharge at their Firearms Range. It was reported that a recruit discharged their agency issued firearm in the area designated for the proper cleaning of weapons. The discharge caused a plastic water bottle to fragment, resulting in a minor injury to the hand of another recruit. The injured recruit was treated by EMS. Following the incident, a notification was sent to State Range Master, Sergeant Christopher Wenger, NJDCJ, who conducted interviews of all involved, he then prepared a report in reference to the discharge. The report was reviewed Administrator Cunningham, who noted several safety concerns.

Administrator Cunningham addressed the matter with Director Perillo, and instructed him to complete a thorough review of the incident. On March 3, 2023, Administrator Cunningham received a detailed report from Director Perillo in reference to the incident of January 10, 2023, and range safety concerns at the Essex County Police Academy. The report addressed newly purchased equipment that will enhance range safety, inclusive of barrel blocks/safety sticks. The Director also addressed the factors which contributed to the negligent discharge. On the date of the incident, the recruit who discharged the firearm, had a malfunction occur during live fire exercises. The recruit attempted to clear the weapon, however, the procedure followed by the recruit; did not remedy the malfunction, Instructor Manuel Gonzalez then directed the recruit to holster their weapon. Instructor Manuel Gonzalez was responsible for that section of the line; therefore, he was also responsible for appropriate safety protocols during the live fire exercise.

It is noted that Instructor Gonzalez never inspected the malfunctioning firearm, therefore, he failed to make an attempt to render the weapon safe. It is the responsibility of the range instructor to ensure that all firearms are rendered safe prior to allowing the recruits to exit the range, and clean their firearms. Although recruits are trained to remedy common malfunctions, the range instructor must act when necessary. Based on the information gathered during the course of the investigation, it is noted that Instructor Gonzalez violated Sections; 2.1, and 2.4, of the Police Training Commission Standards of Conduct for Instructors; Section 2.1- Instructors shall ensure the safety of recruits/trainees under their immediate control and supervision. Instructors must be constantly alert for evidence that a recruit/trainee may be experiencing a medical, physical, psychological or emotional problem that effects health and/or performance. When necessary, instructors shall intervene and take immediate action to mitigate the problem, including, if appropriate, notification to emergency medical services. Section 2.4-Instructors shall ensure that training for recruits/trainees is only conducted in safe facilities (indoors and outdoors) at locations which have been approved by the Police Training Commission. Instructors shall ensure that equipment used during training is safe, and in proper working condition. In addition, Instructor Gonzalez received certification as Range Instructor, only after successfully completing the Police Training Commission Firearms Instructor course on April 30, 2007. The Firearms Instructors Course dedicates Unit 1.4 to the safe handling of firearms, inclusive of proper inspections.

After a lengthy discussion, Commissioner Colucci made a motion to suspend all PTC Instructor certifications for Instructor Manuel Gonzalez. Commissioner Lyons seconded the motion. Commissioner Aviles opposed the motion. The motion carried.

At 11:31am, Commissioner Sharrock made a motion to go into executive session and the motion was approved. At 12:46pm, the Commissioners ended executive session. Commissioner Sharrock made a motion to assign Supervising Field Investigator, John Janowiak, to the Essex County Police Academy to assume administrative oversight. In addition, PTC would need to conduct an investigation into the ongoing issues at Essex County Police Academy and report same to the Commission at a future meeting. Furthermore, a letter would be sent to Director Anthony Perillo from PTC Counsel, DAG Stephen Wenger to explain the actions taken by the Commission. Commissioner Lyons seconded the motion and the motion passed.

Commissioner Sharrock concluded the Standards Committee report

Administrator Cunningham reported that **Agenda Item 8A was a Report** of the Law Enforcement Officers Training and Equipment Fund (LEOTEF).

Commissioner Colucci reported that quarterly expense reports for the 1st and 2nd Quarter of State Fiscal Year 2023 are being reviewed and processed. Technical assistance in preparing quarterly expense reports has been provided. Supplemental academy requests for LEOTEF purchases have been reviewed and approved. Application/award packages for SFY 2023 LEOTEF Funds (34th distribution) are being reviewed as they are submitted. Fourteen out of sixteen packages have been executed. Two packages are with legal for final review. The 3rd quarter of the 2023 State Fiscal year ends on 3/31. Quarterly reporting for the 3rd quarter is due by 4/15.

Administrator Cunningham reported that **Agenda Item 10A was Good and Welfare**

Administrator Cunningham mentioned that he will be reviewing the process of recruit psychological testing being conducted online via Microsoft TEAMS, when it should be conducted in-person. Administrator will look into the matter further and report back to the full Commission. Commissioner Polos noted that it is critical to have such testing done in-person.

Commissioner Polos inquired about possible changing the Alternate Route Policy to include individuals who have advanced school or technical school training in place of a college degree.

Commissioner Lyons reported that he has been approached by officers in corrections who wish to be allowed to do the Alternate Route GAP program. Commissioner Aviles advised that he will discuss with his executive board.

PTC Counsel, DAG, Stephen Wenger explained the rule making process to the Commission and advised that public comment for the current licensing rules expires on June 16th.

Administrator Cunningham asked for a motion to adjourn the meeting at 1:05pm
Commissioner Nolan voted to approve the motion. Commissioner Colucci seconded the motion and the meeting was adjourned.

Administrator Cunningham announced the next meeting is Wednesday, June 7th, 2023