

Commission Meeting Number 353

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

POLICE TRAINING COMMISSION

Minutes of Commission Meeting

August 2, 2023

**Burlington County Emergency Service
Training Center
53 Academy Drive
Westampton, NJ 08060**

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
Commissioner-Department of Education	James Scaringelli
Commissioner-Department of Corrections	David Richards
Federal Bureau of Investigation	Elisabete Santos
New Jersey Juvenile Detention Association	Jorge Sandoval
New Jersey State Parole Board	Samuel Plumeri
National Organization of Black Law Enforcement Executives	Edward Steed

Citizen Member—Governor’s Appointment

Absent

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

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

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

Academy Coordinator Pat Jones, Police Training Commission

Academy Coordinator LaShante Murray, Police Training Commission

Academy Coordinator Forest Kairos, Police Training Commission

Academy Coordinator Allison Gosley, 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, Police Training Commission

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

Field Representative, Donald Robertella, Police Training Commission

Field Representative, Aaron Erven, Police Training Commission

Curriculum Unit Supervisor, Tyeka Knight, Police Training Commission

Police Training Commission Meeting Minutes for August 2, 2023

Administrator John F. Cunningham called the 353rd meeting of the Commission to order at 11:15 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 June 7, 2023 Commission meeting. Commissioner Onofri made a motion to accept the minutes. The motion was seconded by Commissioner Nolan. The Commissioners voted to approve the motion.

Allison Myers from the NJ Civil Service Commission (CSC) was present with other representatives from the CSC and gave a brief presentation about the department’s efforts to create workshops and job fairs for law enforcement applicants. Dr. Charlie Williams, Executive Director of Diversity Programs, also spoke about Legislative Bill 2766 and 2765 which involve the law enforcement mentoring program and free or low cost prep courses for law enforcement applicants. The CSC would like to work collaboratively with PTC and police academies throughout the state to develop the programs and make them available to the community. Administrator Cunningham thanked Myers and Williams for their time and advised that the Commission is looking forward to working together.

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 June 7, 2023 meeting:

Justin Raab v. Cape May County Police Academy

Recruit appeals his dismissal from Cape May County Police Academy on May 2, 2023 for dishonesty and repeated violations of rules/regulations.

Commissioner Lyons advised that this matter was postponed.

Antwain Auletta v. Juvenile Justice Commission Training Academy

Recruit appeals his dismissal from the Juvenile Justice Commission Training Academy on July 14, 2023 due to a positive drug test result.

Commissioner Lyons reported that the Appeals Committee needed more information on the circumstances before deciding on the appeal. He requested that PTC staff investigate further to see if the drug use was before or during the academy.

Commissioner Lyons reported that **Agenda Item 4** was **Consideration of Extensions of Training Time** for Sheriff's Officers Juvenile Detention Officers and Youth Workers

- 4A Consideration of a Request for an Extension of Training Time for Five Sheriff's Officers (Essex County Sheriff's Office)
- 4B Consideration of a Request for an Extension of Training Time for Two Juvenile Detention Officers (Middlesex County Department of Corrections and Youth Services)
- 4C Consideration of a Request for an Extension of Training Time for Juvenile Detention Officer, Nancy Bergeron (Morris County Juvenile Detention Center)
- 4D Consideration of a Request for an Extension of Training Time for County Correctional Police Officer, Luis M. Edwards (Salem County Correctional Facility)
- 4E Consideration of a Request for an Extension of Training Time for County Correctional Police Officer, Lamar-Rashad Cooper (Somerset County Jail)

On behalf of the Appeals and Legislative Committee, Commissioner Lyons moved and seconded a motion to deny Agenda Item 4A. Commissioner Lyons advised that the oldest extension was for a 2018 hire and the explanation given for the extension request was disrespectful and did not give enough information. The Commissioners approved the motion, with Commissioner Abbott abstaining.

Commissioner Lyons, on behalf of the Appeals and Legislative Committee, moved and seconded a motion to combine Agenda Items 4B-4E as consent agenda and approve the extension requests.

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 6A was a Consideration of a Waiver of Training Request** from Burlington County Bridge Commission, SLEOII to BCPO for B. Laudenslager, J. Parente, D. Lutcavage, S. Handy, J. Coveleski.

The Burlington County Bridge Commission has submitted five Waivers of Training for Special Law Enforcement Officers Class II (SLEO II) to Basic Course for Police Officer (BCPO). The individual officers previously received SLEO II Certifications from the Police Training Commission; however, when appointed to the title of police officer by the Burlington County Bridge Commission, they were not eligible for PTC Certification in the Basic Course for Police Officers. At the time of appointment to full time police officer, the Burlington County Bridge Commission Police Department did not fall under the Police Training Act. The amended Police Training Act, which will take effect on January 1, 2024 does include the Burlington Bridge Commission Police Department, therefore, all officers must be fully certified in order to be licensed.

On July 7, 2023, a meeting was held with Lieutenant Timothy Ryan, Officer in Charge, Burlington County Bridge Commission Police Department, to discuss the impending licensing program. Lieutenant Ryan supplied a roster of 21 officers, currently employed by the Bridge Commission. Upon review of PTC Training Records, we identified five officers requiring training waivers, the remainder of the agency members have PTC Certification in the Basic Course for Police Officers. In addition, it was verified that all of the current agency members are compliant with all Attorney General Training Directives, inclusive of Use of Force, ICAT, and ABLE. Based on the training information provided, and the fact that the officers have been continually employed as regular police officers for an extended period of time, Administrator Cunningham is recommending to the full Commission the waivers be approved as standard SLEO II to BCPO waivers, requiring the officer to complete the following course work to receive PTC Certification in the BCPO:

- Agency Training for Police Officers as specified in the Basic Course for Police Officers performance objectives. This is separate and distinct from your agency's field training officer program. This includes Developmental Disabilities Awareness Training for New Jersey Emergency Responders (Performance Objective 15.1.23A), and Heroin-Opiate Investigation & Prosecution Training (15.1.23B), which must be completed on line via the NJ Learn System.
- Qualification with the agency authorized firearm according to the Semi-Annual Firearm Qualification and Requalification Manual for New Jersey Law Enforcement.
- Instructional Unit 1.1 History and Development of Law Enforcement

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- Instructional Unit 1.2 Role and Authority of Law Enforcement Officer
- Instructional Unit 1.3 Morals and Ethics
- Instructional Unit 1.6 Career Influences
- Instructional Unit 1.7 Identification of Techniques for Dealing with Stress
- Instructional Unit 1.8 The Off-Duty Law Enforcement Officer
- Instructional Unit 1.9 Suicide Awareness and Prevention for the Law Enforcement Officer
- Instructional Unit 2.5 New Jersey Correctional System, and the Juvenile Justice Commission
- Instructional Unit 3.5 Cultural Diversity
- Instructional Unit 3.7 Community Referrals
- Instructional Unit 3.8 Juveniles
- Instructional Unit 3.9 Handling Individuals with Special Needs
- Instructional Unit 3.10 Gang Awareness
- Instructional Unit 3.11 Problem Solving
- Instructional Unit 3.12 Racially Influenced Policing
- Instructional Unit 3.16 Drug Addiction Strategies When Dealing with Substance Abuse Disorders
- Instructional Unit 3.17 Interactions with Underage Individuals, Use of Intoxicants and Implicit Bias
- Instructional Unit 5.9 Eyewitness Identification
- Instructional Unit 5.11 Asset Forfeiture
- Instructional Unit 6.3 9-1-1 Emergency Response System
- Instructional Unit 9.6 Unarmed Defense

- Instructional Unit 10.25 Rapid Response to an Active Shooter in a School
- Instructional Unit 10.26 Role of the New Jersey Office of Homeland Security and Preparedness, and the Joint Terrorism Task 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 Material Awareness
- Instructional Unit 10.32 Weapons of Mass Destruction Awareness
- Instructional Unit 10.33 Officer Safety
- Instructional Unit 12.5 Preparing Crime Scene Notes

Lt. Ryan was present to provide additional information and answer any questions the Commissioners had.

Commissioner Sharrock, on behalf of the Standards Committee, moved and seconded a motion to waive the PT assessment for the five officers, noting that they will be required to take defensive tactics and approve the waivers. The Commissioners voted to approve the motion.

2. Commissioner Sharrock indicated that **Agenda Item 6B was a Request for Approval** of PTC Forms.

The Commission was given four newly created PTC Compliance and Audit Forms for review and consideration. The newly created forms will be utilized by the Field Investigative Unit for auditing and compliance purposes. The forms will be completed by the PTC Field Investigators, and then copies will be shared with the academy directors. The completed reports will assist the academy directors with staff evaluations, as well as, add a better understanding of Commission expectations. Below is a list of the newly created forms:

- PTC 50 - Corrective Action Plan
- PTC 51 - Standards Compliance Report
- PTC 52 - Audit Report
- PTC 53 - Instructor Evaluation

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

3. Commissioner Sharrock indicated that **Agenda Item 6C was a Report** regarding the PTC Certification of Phillip J. Marino, Pine Hill Police Department.

On June 29, 2023, the Camden County Superior Court entered an order permanently barring Phillip Marino, Pine Hill Police Department, from ever holding a law enforcement position in the State of New Jersey. In addition, the court ordered that Mr. Phillips return his Police Training Commission Police Certification to the office of the Commission.

4. Commissioner Sharrock indicated that **Agenda Item 6D was a Report** of a Satellite Approval for Hudson County Public Safety Training Center (Kane Stadium).

Director Miller submitted an application to the Police Training Commission (PTC), in which he requested certification of Kane Stadium, 100 Dorigo Lane, Secaucus, N.J., as a satellite training facility. The application was reviewed by PTC Academy Coordinator Forest Kairos, and found to be in order. The proposed satellite facility was inspected by PTC Field Investigator, James Erven on July 17, 2023, and found to be compliant with PTC requirements. Field Investigator Erven recommended approval of the application. In accordance with applicable provisions of the PTC Rules (N.J.A.C. 13:1-2.2), and in his capacity as the designated Chair of the Commission, Administrator Cunningham approved, on behalf of the Commission, the application to certify Kane Stadium as a satellite training facility.

5. Commissioner Sharrock indicated that **Agenda Item 7A was a Report** of a Suspension of PTC Instructor and Rangemaster, John Fresne, Gloucester County Police Academy.

On July 6, 2023, a verbal report was received from Forest Kairos, PTC Academy Coordinator, Gloucester Academy, that the Gloucester County Police Academy utilized an uncertified Firearms Instructor during Basic Police Course, GLO-NBCP-6006. The information was forwarded to Dan Brown, PTC Field investigator, for appropriate fact finding and investigation. On July 20, 2023, Administrator Cunningham reviewed the investigative findings, submitted by Investigator Brown. The report detailed that John Fresne, Range Master, Gloucester County Police Academy, utilized an uncertified Firearms Instructor, Andy Tally. Mr. Tally had been previously certified as a PTC instructor; however, his certification was not renewed by the Camden County Police Academy, expiring on December 31, 2022. Mr. Tally was utilized on April 28, 2023, for 8.25 hours. In addition, it was learned that Range Master Fresne did not verify the Instructor Certification of John Tally by checking the ACADIS instructor Roster. Investigator Brown also noted that this is the third documented instance of Range Master Fresne utilizing an uncertified instructor. The previous two incidents occurred in 2019, verbal counseling, and 2021, written notification from Administrator Cunningham. Based

on the investigative findings, and the fact that this is the third occurrence, Administrator Cunningham recommended that the PTC Range Master Certification of John Fresne be suspended for a period of six months, July 1, 2023 through December 31, 2023. During the course of the investigation, the PTC Instructor Certifications of John Fresne were placed inactive. The investigative report and all related documents were provided for the Commission's review and consideration.

After a lengthy discussion, Commissioner Sharrock, on behalf of the Standards Committee moved and seconded a motion to suspend Fresne's Rangemaster certification for a period of six (6) months. At the end of six (6) months, the police academy can request that the certification be reviewed and apply for renewal. The Commissioners voted to approve the motion.

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).

1. Commissioner Colucci reported that quarterly expense reports for the 4th quarter of State Fiscal Year 2023 (4/1/23 – 6/30/23) were being reviewed and processed as they are submitted. Technical assistance in preparing quarterly expense reports has been provided. Supplemental academy requests for LEOTEF purchases have been reviewed and approved. The 4th quarter of State Fiscal Year 2023 ended on June 30, 2023. Quarterly reporting for the 4th quarter should be submitted by July 14, 2023.

Administrator Cunningham reported that **Agenda Item 9A** was Title 13: Licensing Regulations

1. Deputy Attorney General, Stephen Wenger gave a status report and indicated that both entities have now signed the proposed licensing regulations and it would be sent to the PTC Commissioners today (August 2, 2023) for review. The Commission will hold a special meeting on August 9, 2023 to review the proposed responses to the bill. Currently, the Commission is reserving the social media portion of the rules so that the other aspects of the rules can move forward without delay. He noted that social media rules are not needed immediately and can hopefully be done at the beginning of the year. Staff is also in the process of developing training for law enforcement agencies based on the current rules and these training seminars will roll out statewide in the fall.

Commissioner Lyons thanked the PTC for their work and also noted that he believes that the Commissioners should have received the ruled before the Attorney General's and Governor's Office since the Commission is the final rule making body. Going forward, Commissioner Lyons believes that the complete body of commissioners should submit proposed rules first.

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

Administrator Cunningham introduced newly hired PTC staff member, Rocco Manfre to the Commission and noted that PTC now has a staff of twenty-eight employees. Administrator Cunningham thanked the Commissioners for the part they played in helping get new employees on board.

Administrator Cunningham asked for a motion to adjourn the meeting at 11:58am. Commissioner Sharrock voted to approve the motion. Commissioner Nolan seconded the motion and the meeting was adjourned.

Administrator Cunningham announced the next meeting is Wednesday, October 4, 2023